

Date of Hearing: April 30, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 1294 (Haney) – As Amended April 22, 2025

SUBJECT: Planning and zoning: housing development: standardized application form

SUMMARY: Requires the Department of Housing and Community Development (HCD) to create a standardized housing entitlement application that all local governments must accept. Specifically, **this bill**:

- 1) Requires an application for a housing entitlement to be deemed complete once a developer pays any permit processing fees and provides the following information to the city or county where approval is being sought:
 - a) A description of the proposed housing development
 - b) A list of approvals requested by the applicant.
 - c) A statement of the state laws or local programs that the applicant believes entitle the project to special processing requirements, modified development standards, or modified project approval criteria. Failure to list any state law or local program shall not affect the project's eligibility for the state law or local program.
 - d) Proof that the applicant owns the property on which the housing development project will be located or a signed statement from the property owner authorizing submission of the application.
 - e) Identification of whether the proposed project is located within any of the following (if applicable):
 - i) 1,000 feet of a military installation;
 - ii) Beneath a low-level flight path or within special use airspace, as specified.
 - iii) An urbanized area, as specified.
 - f) All of the following information required to submit a preliminary application under SB 330 (Skinner), Chapter 654, Statutes of 2019 pursuant to GOV 65941.1:
 - i) Site location details, including parcel numbers, legal description, and site address (if applicable);
 - ii) Existing uses on the site and any major physical alterations to the property;
 - iii) A site plan with building locations, elevations showing design, color, and materials, and massing, height, and approximate square footage;
 - iv) The proposed land uses by number of units and square footage for residential and nonresidential development, per the applicable zoning ordinance;

- v) The proposed number of parking spaces;
- vi) Any proposed point sources of air or water pollutants;
- vii) Any species of special concern known to occur on the property;
- viii) Whether any portion of the property is located within:
 - (1) A very high fire hazard severity zone;
 - (2) Wetlands;
 - (3) A hazardous waste site;
 - (4) A special flood hazard area;
 - (5) A delineated earthquake fault zone; or
 - (6) A stream or other resource subject to a streambed alteration agreement.
- ix) Any known historic or cultural resources on the site;
- x) The number of proposed below-market-rate units and their affordability levels;
- xi) The number of bonus units and any incentives, concessions, waivers, or parking reductions requested under Density Bonus Law;
- xii) Whether approvals under the Subdivision Map Act are requested (e.g., parcel map, tentative map, condominium map);
- xiii) The applicant's contact information and, if applicable, property owner consent;
- xiv) For projects in the coastal zone, identification of any:
 - (1) Wetlands;
 - (2) Environmentally sensitive habitat areas;
 - (3) Tsunami run-up zones; or
 - (4) Public access uses.
- xv) The number of existing residential units to be demolished and their occupancy status;
- xvi) A site map showing streams or other resources subject to a streambed alteration agreement, and an aerial site photograph of environmental site features subject to public agency regulation; and
- xvii) The location of any recorded public easements, such as storm drains, water lines, and other public rights of way.

- g) A survey of the property stamped and signed by a licensed surveyor or a licensed civil engineer, if the project consists of five or more units.
 - h) Proposed floor plans. A sample single floor plan may be submitted to satisfy this requirement if the unit plans and layouts on each floor of the building are substantially similar.
 - i) Proposed architectural section drawing.
 - j) A proposed roof plan.
 - k) A proposed preliminary landscaping plan.
 - l) A completed environmental questionnaire, as specified, that provides sufficient information about the property and proposed project to allow the city or county to make a determination. Including, but not limited to, a rough estimate of required grading and the amount of soil export. This provision does not prohibit an applicant from voluntarily submitting additional information related to compliance with the California Environmental Quality Act (CEQA).
 - m) If the project involves a subdivision, lot merger, lot line adjustment, certificate of compliance, or other permit under the Subdivision Map Act or a related local ordinance, the application must include the information required by the city or county's compiled application list, as specified, unless requesting such information is otherwise prohibited. However, geotechnical studies may still be required under this provision.
 - n) Photographs of the project site and surrounding area.
 - o) Signed affidavits stating that the applicant will comply with fair housing laws, nondiscrimination laws, and similar provisions of federal, state, and local law, if required by the city or county.
 - p) A letter from an arborist identifying the number, species, size, and condition of all trees on the property, if the city or county has an ordinance regulating the removal of trees of a certain size, species, or condition.
 - q) Any requirement listed in 3) a), below, if imposed by a city or county that meets both of the following:
 - i) The local program makes the project eligible for one of the following:
 - (1) Ministerial review where the project would otherwise be subject to discretionary review.
 - (2) Expedited processing timelines that are shorter than what would otherwise be required under state law.
 - ii) The local program is voluntary.
- 2) Prohibits a city or county from requiring any of the following as a condition of determining that an application for a housing entitlement is complete:

- a) Any requirement for preapplication submissions, approvals, reviews, meetings, consultations, public outreach, notices, or any other preapplication requirements, or any application submittal appointment, except as provided in 1) a) above.
 - b) Any approval or determination by any official, body, department, or subdepartment of the city, county, or city and county.
 - c) Any expert studies or plans, including, but not limited to, traffic studies, trip generation studies, transportation demand management plans, geotechnical studies, arborist reports, noise studies, air quality impact studies, stormwater management plans, or a phase I environmental assessment, as specified, except as provided by m) and p) in 1) above.
 - d) Any information solely required for the purpose of reviewing an application for, or issuing a permit for, a postentitlement phase permit, as specified, including, but not limited to, structural plans, mechanical plans, electrical plans, plumbing plans, fire and life safety plans, accessibility requirement compliance plans, or any other construction plans or drawings.
 - e) A listing or depiction of the city's or county's development standards.
 - f) Any requirement that limits the architects, engineers, or other consultants or professionals that the applicant may use to prepare the application or any part of the application, except as required by state law.
 - g) Any requirement that the proposed project be consistent with the city's or county's development standards, or that the applicant demonstrate such consistency.
- 3) Requires, no later than July 1, 2026, HCD to adopt a standardized application form that applicants for housing entitlements may use for the purpose of satisfying the requirements for submittal of an application under 1) above and may review, adopt, amend, and repeal standards, forms, and definitions to implement this bill. Exempts the adoption, amendments, or repeal of any rule, policy, or standard of general application by HCD in implementing the provisions of this bill from the Administrative Procedure Act, as specified.
- 4) Requires city or county to post the standardized housing entitlement application developed by HCD and a copy of their own application or template, as specified, on their internet websites.
- 5) Requires, on or after October 1, 2026, cities and counties to accept the standardized application for housing entitlement developed by HCD, without requiring the submission of any other forms except as otherwise provided by this bill, as specified.
- 6) Prohibits a city or county from imposing a penalty or an additional fee, processing requirement, or submittal requirement as a consequence of an applicant using the standardized application form adopted by HCD pursuant to this bill.
- 7) Allows a city or county to determine the number of copies of application documents that must be submitted, the size of architectural and engineering documents submitted, and the format that the documents must be submitted, provided that the requirements are consistent

with the city's or county's application requirements for applications that are not for housing entitlements, that do not impose additional fees or penalties pursuant to 7) above, and otherwise complies with state and federal law.

- 8) Allows a city or county to require the applicant to submit less information than is required 1) and 2) above for the submission of a complete application for a housing entitlement.
- 9) Allows a city or county to develop its own application forms and templates for different scopes of housing entitlement if those forms and templates meet the following criteria:
 - a) The forms and templates solely request the information required in 1) and 2) above or less information than is required in 1) and 2) above.
 - b) The forms and templates do not include any of the information prohibited by 3) above.
- 10) Provides that the bill does not relieve the city or county from complying with CEQA.
- 11) Defines a "housing development project" as a project that includes:
 - a) Residential units, which includes a single dwelling unit.
 - b) Mixed-use developments where residential use meets one of the following thresholds:
 - i) At least two-thirds of the new or converted square footage is residential;
 - ii) At least 50% of the new or converted square footage is designate for residential use and the project includes at least 500 net new residential units, with no portion designated for hotels or other transient lodging, except a portion of the project may be designated as a residential hotel, as specified.
 - iii) At least 50% of the net new or converted square footage is designated residential use and the project includes at least 500 net new residential units, involves demolition or conversion of at least 100,000 square feet of nonresidential use, demolishes at least 50% of the existing nonresidential uses, and does not include transient lodging, except a portion of the project may be designated as a residential hotel, as specified.
 - c) Transitional or supportive housing.
 - d) Farmworker housing.
 - e) Projects with or without discretionary approvals.
 - f) Projects requesting a density bonus or other housing incentives under state or local laws, as specified.
- 12) Defines a "housing entitlement" as any approval, permit, or entitlement required by a city or county for a housing project, including prerequisites to the issuance of a building permit or a request for a density bonus, incentives, concessions, waivers or reductions of development standards, or parking reductions, as specified.

- 13) Prohibits an agency from requiring application items other than those specified in 1) through 13) above, and requires agencies to prove that any additional information they request is actually permitted.
- 14) Contains a number of findings and declarations, including that the state is facing housing a crisis of availability and affordability due to a severe shortage of housing. Therefore, addressing the housing crisis and the severe shortage of housing is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, the bill applies to all cities including charter cities.
- 15) Provides that if the Commission on State Mandates determines that this bill contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made, as specified.

EXISTING LAW:

- 1) Establishes the Housing Crisis Act for urbanized and affected jurisdictions and the Housing Accountability Act, which: Establishes a preliminary application process that allows developers to lock in, aka “vest” objective zoning, design, and subdivision standards in place at the time of the submission date, as long as the developer submits a “complete application” within 180 days. [Government Code (GOV) § 65941.1, 65589.5]
- 2) Establishes the California Environmental Quality Act (CEQA), which is intended to inform government decision-makers and the public about the potential environmental effects of proposed developments. [Public Resources Code (PRC) § 21000 - 21189.91]
- 3) Requires the Governor’s Office of Office of Land Use and Climate Innovation (formerly the Office of Planning and Research) and the Natural Resources Agency to periodically update CEQA Guidelines. Once these Guidelines are adopted, they become part of the California Code of Regulations. (PRC § 21083)
- 4) Establishes the Permit Streamlining Act (PSA), with the following provisions:
 - a) Requires a local government to determine whether or not a housing application is “complete” within 30 days of submission and resubmittal. (GOV §65943).
 - b) Requires the following approval timelines once the project is done with the CEQA process:
 - i) 60 days if the project is exempt.
 - ii) 90 days if a Mitigated Negative Declaration (MND) or Negative Declaration (ND) was adopted.
 - iii) 180 days if the project requires a full Environmental Impact Report (EIR). (GOV § 65950)
- 5) Establishes the Subdivision Map Act, which establishes the framework through which local governments regulate the division of land, including the requirement that tentative maps are approved within 50 days after CEQA clearance. (GOV § 66410-66413.5)

FISCAL EFFECT: This bill is keyed fiscal and contains a state mandated local program.

COMMENTS:

- 1) **Bill Summary.** This bill requires HCD develop a template for a complete entitlement application for housing developments that all cities and counties must accept. The bill provides that an application for a housing project entitlement is deemed complete once a developer pays the permit processing fee and provides all of the information in the HCD application to a local government. The application requires the prospective home builder to include site information, architectural drawings, environmental conditions, and materials required to process subdivision, if necessary. It prohibits local governments from requiring preapplication meetings, the upfront preparation of structural or mechanical drawings that are not required until the permitting stage, or extensive environmental studies as a precondition to filing an application. It also allows cities to request less information than what is included in the universal application template, but not more.

The bill is sponsored by Abundant Housing LA.

- 2) **Author's Statement.** According to the author, "Home builders must navigate a maze of different application requirements across jurisdictions. Some places require expensive reports, pre-application meetings, and engineering-level drawings before even accepting an application to build. This patchwork process slows housing production and adds costs when we should be accelerating it and making it cheaper to build.

"AB 1294 requires HCD to create a Universal Application for Home Building that all local governments must accept. By eliminating redundant requirements and simplifying the application process, this bill will make the housing approvals process faster, more predictable, and less costly. This bill does not take away local control, it simply standardizes the first step in the permitting process. AB 1294 will set clear expectations for what is required in an application to build housing, reduce administrative burdens, and help projects move forward efficiently. If we are serious about solving California's housing crisis, we must make it easier to say 'yes' to housing. AB 1294 will do just that."

- 3) **Planning for Housing.** Planning for and entitling new housing is mainly a local responsibility. The California Constitution allows cities and counties to "make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws." It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public – including land use authority. Cities and counties enforce this land use authority through zoning regulations, such as the allowable density and height for a project, parking requirements, and setbacks. Cities and counties also enforce this land use authority through their control of the entitlement process, which is the process by which the city or county grants permission for a proposed housing development to be built.
- 4) **The Permit Streamlining Act.** The PSA requires public agencies to act fairly and promptly on applications for development proposals. Under the PSA, public agencies have 30 days to determine whether applications for development projects are complete and request additional information; failure to act results in an application being "deemed complete." The PSA applies to the discretionary approval phase of a development review process; this is the phase

where the agency, in its discretion, decides whether it approves of the concept outlined in the development proposal.

- 5) **Administrative Procedures.** The Administrative Procedure Act (APA) establishes standard provisions that apply to rulemaking proceedings as well as the adjudicative procedures related to administrative hearings. Similar to other laws with broad application, such as the Fair Political Practices Act or the Ralph M. Brown Act (Brown Act), the APA is structured in a way that it can be applied to a wide universe of public entities, officials, or actions. The APA applies broadly to state agencies unless a statute specifically exempts an agency or action from the APA.
- 6) **Rulemaking Actions Under the APA.** The Office of Administrative Law (OAL) administers the rulemaking provisions of the APA and reviews rulemaking proceedings prepared by state agencies. The APA establishes procedures that all agencies must follow when developing regulations that implement or make clear statutory provisions. While the specific scope of an agency's authority to implement a particular statute is typically embedded in that statute, the APA establishes uniform procedures that agencies must comply with when adopting regulations. This includes, but is not limited to, the following requirements for rulemaking agencies proposing to add, amend or repeal regulations:
 - a) Requirements for rulemaking agencies to prepare an initial statement of reasons (ISOR) explaining the specific purpose and necessity of each section of the regulation.
 - b) Requirements for rulemaking agencies to prepare an estimate of the economic impact of the proposed regulations.
 - c) Requirements for rulemaking agencies to hold an initial 45-day comment period on the initial draft of the regulations and subsequent 15-day comment periods on any proposed changes to the initial regulations that occur during the rulemaking period.
 - d) Requirements for rulemaking agencies to hold a public hearing if requested by interested parties.
 - e) Requirements for rulemaking agencies to prepare written responses to written comments received during the 45-day or any subsequent 15-day comment period as well as any oral comments received at a public hearing.
 - f) Requirements to prepare a final statement of reasons (FSOR) recognizing changes made throughout the rulemaking process and deviations from the ISOR.
 - g) Requirements to complete the rulemaking and submit the rulemaking record to OAL for review and approval within one year.

OAL reviews rulemaking proceedings to ensure compliance with the APA, such as whether the agency has sufficiently demonstrated that specific provisions of the regulations are necessary to implement the statute, whether the agency has complied with the timelines and disclosure requirements of the APA, and whether the agency responded to all germane comments submitted to the agency regarding the rulemaking proceeding.

- 7) **Hearings Under the APA.** The APA additionally establishes standards for informal and formal hearings conducted either directly by state agencies and commissions or by the OAH on their behalf. The statute provides a standard process and code of procedures that govern hearings and ensure the rights of parties to the hearing are protected. The statute governs hearing procedures for more than 1,500 state and local agencies. The statute is written broadly enough to be applicable to and govern the array of state administrative hearings on a variety of subjects. For example, APA hearing requirements apply to hearings related to appeals of penalties issued for violations of environmental regulations, actions to suspend or revoke a medical license, actions related to financial audits of local education agencies, administrative fines assessed by the Department of Corrections, and many more.

The adjudicative procedures embedded in the APA include requirements for the conduct of informal and formal administrative hearings.

- 8) **Policy Consideration.** This bill exempts the establishment of a standardized housing application by HCD from the APA. The APA provides a framework where stakeholders across the state can comment and participate in the rulemaking process. The Committee may wish to consider the impact of the APA in establishing a new requirement on local agencies.
- 9) **Previous Legislation.** SB 330 (Skinner), Chapter 654, Statutes of 2019, established a pathway for housing developments to gain vesting rights if they file a preliminary application and then subsequently file a complete application within 180 days.

- 10) **Arguments in Support.** Abundant Housing LA, the bill sponsor, writes in support, “Currently, developers must navigate a patchwork of different application requirements across cities and counties, which adds unnecessary delays, costs, and uncertainty to housing projects. Some jurisdictions require expensive studies, engineering-level drawings, or multiple pre-application meetings, all before a project can even be considered. These delays can add months or even years to project timelines and tens of thousands of dollars in additional costs; expenses that ultimately get passed down to renters and homebuyers. The wide variety of requirements can discourage housing development, exacerbate our housing shortage, and make it harder for Californians to find affordable places to live.

“AB 1294 addresses these challenges by creating a single, universal application for home building that all local governments must accept. By setting clear standards for a complete application, eliminating redundant pre-application steps, and ensuring that housing projects are not unfairly delayed or rejected, this bill will make the housing approval process more predictable, efficient, and cost-effective. Standardizing the application process can reduce unnecessary delays, lower costs, and ultimately help get shovels in the ground faster. These changes would create a meaningful reform.”

- 11) **Arguments in Opposition.** The League of Cities has an opposed unless amended provision the March 17, 2025 version of the bill and writes, “AB 1294 (Haney) directs the Department of Housing and Community Development (HCD) to adopt a standardized application form that all cities and counties would be required to use. Although the form will be used statewide by every single housing developer in every single city and county, the bill exempts HCD from public review and comment when developing it. The development of the form must be subject to the Administrative Procedure Act to ensure public comment, review, clear language, and legal validity...

“For the last few years, Cal Cities has persistently pursued solutions to the housing supply and affordability crisis that is gripping many regions of the state. These solutions include streamlining the housing approval process, creating a new state and local financial partnership to fund affordable housing and infrastructure projects, and consolidating important housing program grant applications. Some of these efforts have fallen short and require additional action from the Legislature and Governor.”

12) **Double Referral.** This bill is double-referred to the Assembly Housing and Community Development Committee, where it passed on a 12-0 vote on April 9, 2024.

REGISTERED SUPPORT / OPPOSITION:

Support

Abundant Housing LA
California Building Industry Association (CBIA)
California Business Properties Association
California Community Builders
California Housing Consortium
California Yimby
Circulate San Diego
Fieldstead and Company, INC.
Habitat for Humanity California
Housing Action Coalition
Housing California
Institute for Responsive Government Action
Monterey Bay Economic Partnership
Redlands Yimby
Spur
The Two Hundred

Opposition

League of California Cities (Unless Amended)

Analysis Prepared by: Linda Rios / L. GOV. / (916) 319-3958