



LORI D. WILSON
Assemblywoman, District 11

FACT SHEET

AB 1621: Post Entitlement Phase Permits. Housing Accountability Act

SUMMARY

AB 1621 amends existing law (Gov't Code §65913.3) governing the process for state and local agencies (agencies) to review applications and act on post entitlement permits for housing development projects.

AB 1621 would close gaps and improve existing law regarding the timelines for agencies to act on post entitlement permits ("shot clock") and establish remedies for housing project applicants in situation in which an agency violates the applicable shot clock when considering post entitlement permit applications.

BACKGROUND

In 2022, the Legislature enacted AB 2234 (Rivas), adding Section 65913.3 to the Government Code. This law introduced new requirements for agencies reviewing "post-entitlement permits" for housing projects. It established a structured process for determining application completeness and implemented a shot clock for agency action on complete applications.

AB 2234 defines a "post entitlement permit" as "all nondiscretionary permits and reviews that are required or issued by the agency after the entitlement process has been completed to begin construction...including" building permits, permits for off-site construction, permits for demolition, and permits for grading or excavation.

AB 2234 excludes from its definition of post entitlement permit "discretionary and ministerial planning permits, entitlements, and other permits and reviews that are covered under" the Permit Streamlining Act.

AB 2234 also provided that the shot clock for post entitlement permits shall not apply if the agency

makes certain findings, supported by substantial evidence, that a permit might have an adverse health or safety impact.

PROBLEM

Delays in post-entitlement permits not only slow down housing production but also drive-up costs, making homes less affordable for Californians. For every month of delay, housing projects face rising material, labor, and financing costs, which are ultimately passed on to homebuyers.

Additionally, delays create uncertainty for businesses and workers who rely on housing development for job opportunities. California's housing shortage is already a key factor in high cost-of-living concerns and workforce shortages, particularly in high-demand regions where workers cannot afford to live near their jobs.

Despite the improvements brought by AB 2234 to the post-entitlement permit process, housing approval and construction in California remain too slow. The California Assembly Select Committee on Permitting Reform's Final Report highlights that, despite state-level reforms, permitting failures significantly contribute to the housing crisis by increasing project timeframes, risks, and costs. The report calls for further measures to reduce uncertainty in post-entitlement permits.

Among the problems with the existing permit process identified both in the Report and by other stakeholders are:

- Lack of an adequate remedy for housing projects when agencies violate the applicable shot clock.
- No effective limit on the number of plan check resubmittals or revisions demanded by agencies;
- Site inspections resulting in demands for the applicant to deviate from already approved plans.



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SOLUTIONS

AB 1621 addresses these problems by closing loopholes in existing law and providing effective remedies for housing project applicants when agencies fail to comply with the rules of the road for post entitlement permits that are necessary for approved housing units to become built housing units. AB 1621 strengthens the integrity and efficiency of California's housing approval process, ensuring that housing projects can be built on time and at predictable costs.

Specifically, AB 1621 would:

- Prohibit inspectors from requiring the project to make changes in the field that would deviate from the building plans the agency already approved;
- Limit the number of plan check/specification resubmittal demands made by the agency to the applicant for a building permit;
- Provide that if a local agency violates the shot clock applicable to acting on a complete application, the applicant may seek a writ of mandate in court to compel the local agency to approve the permit.
- Eliminate the ability of agencies to extend the shot clock indefinitely by requiring an outside entity to review the application.

CONTACT

Name: Laura Edwards

Phone: 916-319-2011

Email: laura.edwards@asm.ca.gov

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