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AB-281 Planning and zoning: housing: postentitlement phase permits. (2023-2024)

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Assembly Bill No. 281

CHAPTER 735

An act to add Section 65913.3.1 to the Government Code, relating to planning and zoning.

[Approved by Governor October 11, 2023. Filed with Secretary of State October 11, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 281, Grayson. Planning and zoning: housing: postentitlement phase permits.

Existing law, which is part of the Planning and Zoning Law, requires a local agency to compile a list of information needed to approve or deny a postentitlement phase permit, to post an example of a complete, approved application and an example of a complete set of postentitlement phase permits for at least 5 types of housing development projects in the jurisdiction, as specified, and to make those items available to all applicants for these permits no later than January 1, 2024. Existing law establishes time limits for completing reviews regarding whether an application for a postentitlement phase permit is complete and compliant and whether to approve or deny an application, as specified, and makes any failure to meet these time limits a violation of specified law. Existing law defines various terms for these purposes, including "local agency" to mean a city, county, or city and county, and "postentitlement phase permit," among other things, to exclude a permit required and issued by a special district.

This bill would require a special district that receives an application from a housing development project for service from a special district or an application from a housing development project for a postentitlement phase permit, as specified, to provide written notice to the applicant of next steps in the review process, including, but not limited to, any additional information that may be required to begin to review the application for service or approval. The bill would require the special district to provide this notice within 30 business days of receipt of the application for a housing development with 25 units or fewer, and within 60 business days for a housing development with 26 units or more. The bill would define various terms for these purposes. By imposing additional duties on special districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65913.3.1 is added to the Government Code, to read:

65913.3.1. (a) This section applies to both of the following:

(1) An application from a housing development project for service from a special district.

(2) An application from a housing development project for a postentitlement phase permit that a local agency deemed complete pursuant to subdivision (b) of Section 65913.3 that requires separate approval from a special district.

(b) A special district that receives an application pursuant to subdivision (a) shall provide written notice to the applicant, pursuant to the timelines specified in subdivision (c), of next steps in the review process, including, but not limited to, any additional information that may be required to begin to review the application for service or approval.

(c) (1) For a housing development with 25 units or fewer, a special district shall provide the written notice required by subdivision (b) within 30 business days of receipt of the application.

(2) For a housing development with 26 units or more, a special district shall provide the written notice required by subdivision (b) within 60 business days of receipt of the application.

(d) (1) After receiving notice that an application requires additional information pursuant to subdivision (b), an applicant may provide the requested information directly to the special district.

(2) A special district that receives additional information pursuant to paragraph (1) shall respond to the applicant with a notice that contains the information or next steps required by subdivision (b) in the applicable time period described by subdivision (c).

(3) A special district shall continue to review each submission by an applicant to determine additional relevant information and provide written notice of the next steps or additional information required in the applicable time periods described in subdivision (c) of each submission by the applicant.

(e) This section does not limit the amount of comments, feedback, revisions, or requests for additional information a special district may provide to an applicant or to a local agency.

(f) This section does not require the special district to approve the application or serve the housing development project within a specified time period.

(g) For purposes of this section, the following definitions apply:

(1) "Housing development project" has the same meaning as defined in paragraph (3) of subdivision (b) of Section 65905.5.

(2) "Local agency" means any city, county, or city and county.

(3) "Postentitlement phase permit" has the same meaning as defined in Section 65913.3.

(4) "Special district" has the same meaning as defined in Section 56036.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.