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**AB-253 California Residential Private Permitting Review Act: residential building permits. (2025-2026)**

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**Assembly Bill No. 253**

**CHAPTER 487**

An act to amend Sections 17951 and 17960.1 of, and to add and repeal Section 17960.3 of, the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

[ Approved by Governor October 10, 2025. Filed with Secretary of State October 10, 2025. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 253, Ward. California Residential Private Permitting Review Act: residential building permits.

Existing law, the State Housing Law, establishes statewide construction and occupancy standards for buildings used for human habitation. Existing law authorizes a county's or city's governing body to prescribe fees for permits, certificates, or other forms or documents required or authorized under the State Housing Law.

This bill, the California Residential Private Permitting Review Act, would require a county or city to prepare a residential building permit fee schedule and post the schedule on the county's or city's internet website, if the county or city prescribes residential building permit fees.

Existing law requires a county's or city's building department to enforce the State Housing Law and the California Building Standards Code, and other rules and regulations promulgated pursuant to the State Housing Law pertaining to standards for buildings used for human habitation. Existing law requires a county or city, upon the applicant's request, to contract with or employ temporarily a private entity or person to check the plans and specifications submitted with an application for a residential building permit to comply with the State Housing Law or local ordinances adopted pursuant to the State Housing Law, when the building department takes more than 30 days, as specified, to complete the plan check.

This bill would remove the above-described requirement for a county or city to contract with or employ temporarily a private entity or person to check the plans when the building department takes more than 30 days to complete the plan check. Until January 1, 2036, the bill would instead, upon an application for a residential building permit being deemed complete, as provided, require the city or county to provide the applicant with an estimated timeframe in which the city or county will determine if the completed application is compliant with permit standards. The bill would authorize an applicant to retain a private professional provider, as defined, to perform the plan check, if the estimated timeframe exceeds 30 business days or the city or county has not determined the completed application is compliant within 30 days of the application being deemed complete. The bill would require an applicant who retains a private professional provider to notify the city or county of their intent to retain the private professional provider within a prescribed timeframe. If a private professional provider performs the plan-checking function, the bill would impose additional requirements, including, among other things, requiring the private professional provider to prepare a specified affidavit, under penalty of perjury, and the applicant to submit to the city or county a specified report of the plan check. The bill would require the city or county, within 10 business days of receiving the report, to consider the report and, based on the report, either issue the residential building permit or notify the applicant that the plans and specifications do not comply, as specified. If the city or county notifies the applicant that the plans and specifications do not comply, the bill would authorize the applicant to

resubmit corrected plans and specifications to the city or county, as specified. By expanding the crime of perjury and imposing new duties on local agencies, the bill would impose a state-mandated local program.

Existing law requires a local agency to determine whether an application for a postentitlement phase permit, as defined, is complete and provide written notice of this determination to the applicant not later than 15 business days after the local agency received the application. If a local agency finds that a complete application is noncompliant, existing law requires the local agency to provide the applicant with a list of items that are noncompliant and a description of how the application can be remedied by the applicant within specified time periods. Existing law requires the local agency to provide a process for an applicant to appeal a finding that the application for a postentitlement phase permit is incomplete or noncompliant, as provided.

This bill, until January 1, 2036, if a private professional provider performs the plan-checking function, as described above, would deem the local agency to be in compliance with the above-described requirements governing applications for postentitlement phase permits as those requirements pertain to the residential building permit.

Existing law, the Government Claims Act, establishes the liability and immunity of a public entity for its acts or omissions that cause harm to persons. Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the act makes the public entity liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty.

This bill, until January 1, 2036, if a private professional provider performs the plan-checking function, as described above, would require the applicant to indemnify the local agency from any property damage or personal injury arising from construction in accordance with the plans checked by a private professional provider under the bill's provisions. Notwithstanding the above-described liability of a public entity for failure to discharge certain mandatory duties, the bill would provide that a public entity or public employee is not liable for an injury caused by their discretionary or ministerial acts or omissions relating to the issuance or denial of any residential building permit pursuant to the bill's provisions.

Existing law, the Planning and Zoning Law, requires each county and each city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and specified land outside its boundaries, that includes, among other specified mandatory elements, a housing element. Existing law requires the planning agency of the county or city, after the legislative body has adopted a general plan, to submit an annual report to the legislative body, the Office of Land Use and Climate Innovation, and the Department of Housing and Community Development by April 1 of each year that includes, among other things, the number of units of housing demolished and new units of housing that have been issued a completed entitlement, a building permit, or a certificate of occupancy thus far in the housing element cycle, and the income category, by area median income category, that each unit of housing satisfies.

This bill, beginning April 1, 2027, and until January 1, 2036, would require a city or county to include in the above-described annual report the number of residential building permits reviewed by the city or county, the number reviewed by a private professional provider under the bill's provisions, as described above, and the number of full-time equivalent staff members directly involved in the processing of residential building permits, as provided.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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 no reimbursement is required by this act for specified reasons.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

**SECTION 1.** This act shall be known, and may be cited, as the California Residential Private Permitting Review Act.

**SEC. 2.** The Legislature finds and declares all of the following:

- (a) Local building plan-checking functions are subject to extensive swings in workload, which can result in significant delays in processing residential building permits.
- (b) Prolonged delays in building plan-checking functions at the local level can negatively impact the state's housing production pipeline, and ultimately state and local economies.
- (c) The state faces a housing crisis of availability and affordability of housing, in large part due to severe shortage of housing.

(d) It is the intent of the Legislature to establish a set of options for local jurisdictions to augment, not replace, existing building plan-checking functions and prevent excessive delays in this critical administrative process.

**SEC. 3.** Section 17951 of the Health and Safety Code is amended to read:

**17951.** (a) (1) The governing body of any county or city, including a charter city, may prescribe fees for permits, certificates, or other forms or documents required or authorized by this part or rules and regulations adopted pursuant to this part.

(2) If a governing body of any county or city, including a charter city, prescribes fees for a residential building permit, pursuant to paragraph (1), the city or county shall prepare a schedule of the fees for a residential building permit and post the schedule on the county's or city's internet website.

(b) The governing body of any county or city, including a charter city, or fire protection district, may prescribe fees to defray the costs of enforcement required by this part to be carried out by local enforcement agencies.

(c) The amount of the fees prescribed pursuant to paragraph (1) of subdivision (a) and subdivision (b) shall not exceed the amount reasonably required to administer or process these permits, certificates, or other forms or documents, or to defray the costs of enforcement required by this part to be carried out by local enforcement agencies, and shall not be levied for general revenue purposes. The fees shall be imposed pursuant to Section 66016 of the Government Code.

(d) If the local enforcement agency fails to conduct an inspection of permitted work for which permit fees have been charged pursuant to this section within 60 days of receiving notice of the completion of the permitted work, the permittee shall be entitled to reimbursement of the permit fees. The local enforcement agency shall disclose in clear language on each permit or on a document that accompanies the permit that the permittee may be entitled to reimbursement of permit fees pursuant to this subdivision.

(e) (1) The provisions of this part are not intended to prevent the use of any manufactured home, mobilehome, multiunit manufactured home, material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by the California Building Standards Code or this part, provided that this alternate has been approved by the building department.

(2) The building department of any city or county may approve an alternate material, appliance, installation, device, arrangement, method, or work on a case-by-case basis if it finds that the proposed design is satisfactory and that each such material, appliance, installation, device, arrangement, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the California Building Standards Code or this part in performance, safety, and for the protection of life and health.

(3) The building department of any city or county shall require evidence that any material, appliance, installation, device, arrangement, or method of construction conforms to, or that the proposed alternate is at least equivalent to, the requirements of this part, building standards published in the California Building Standards Code, or the other rules and regulations promulgated pursuant to this part and in order to substantiate claims for alternates, the building department of any city or county may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved testing agency selected by the owner or the owner's agent.

**SEC. 4.** Section 17960.1 of the Health and Safety Code is amended to read:

**17960.1.** (a) The governing body of a local agency may authorize its enforcement agency to contract with or employ a private entity or persons on a temporary basis to perform the plan-checking function.

(b) A local agency need not enter into a contract or employ persons if it determines that no entities or persons are available or qualified to perform the plan-checking services.

(c) Entities or persons employed by a local agency may, pursuant to agreement with the local agency, perform all functions necessary to check the plans and specifications to comply with other requirements imposed pursuant to this part or by local ordinances adopted pursuant to this part, except those functions reserved by this part or local ordinance to the legislative body. A local agency may charge the applicant fees in an amount necessary to defray costs directly attributable to employing or contracting with entities or persons performing services pursuant to this section which the applicant requested.

(d) For purposes of this section:

(1) "Enforcement agency" means the building department or building division of a local agency.

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

**SEC. 5.** Section 17960.3 is added to the Health and Safety Code, to read:

**17960.3.** (a) (1) Upon an application for a residential building permit being deemed complete pursuant to Section 65913.3 of the Government Code, a city or county shall provide the applicant with an estimated timeframe in which the city or county will determine if the complete application is compliant with permit standards. If the estimated timeframe exceeds 30 business days, the applicant may retain, at the applicant's sole expense, a private professional provider to check the plans and specifications for their compliance with the requirements imposed pursuant to this part and by local ordinances adopted pursuant to this part.

(2) If, within 30 business days of an application for a residential building permit being deemed complete pursuant to Section 65913.3 of the Government Code, the city or county has not determined that the completed application is compliant with permit standards, the applicant may retain, at the applicant's sole expense, a private professional provider to check the plans and specifications for their compliance with the requirements imposed pursuant to this part and by local ordinances adopted pursuant to this part.

(b) An applicant who retains a private professional provider shall notify the city or county of the applicant's intent to retain a private professional provider no later than five business days after either of the following, as applicable:

(1) Provision of the estimated timeframe in paragraph (1) of subdivision (a).

(2) The time period in paragraph (2) of subdivision (a) elapses.

(c) If a private professional provider performs the plan-checking function, all of the following shall apply:

(1) The private professional provider shall prepare an affidavit, under penalty of perjury, stating both of the following:

(A) That the plans and specifications do or do not comply with the requirements imposed pursuant to this part and local ordinances adopted pursuant to this part.

(B) The private professional provider performed the plan-checking function.

(2) The applicant shall submit to the city or county a report of the plan-checking function. The report shall include all of the following:

(A) The affidavit described in paragraph (1).

(B) If the plan and specifications do not comply with the requirements imposed pursuant to this part or local ordinances adopted pursuant to this part, modifications to the plans and specifications that are necessary to comply with the other requirements imposed pursuant to this part and the local ordinances adopted pursuant to this part.

(C) Additional information required by the city or county.

(3) Within 10 business days of receiving the report pursuant to paragraph (2), the city or county shall consider the report and based on the report shall do either of the following:

(A) Issue the residential building permit if the plans and specifications comply with the other requirements imposed pursuant to this part or local ordinances adopted pursuant to this part.

(B) Notify the applicant in writing that the plans and specifications do not comply with the other requirements imposed pursuant to this part or local ordinances adopted pursuant to this part, if the plans and specifications do not comply with the other requirements imposed pursuant to this part or local ordinances adopted pursuant to this part. The notice shall specify the requirements for the plans and specifications to comply with the other requirements imposed pursuant to this part or local ordinances adopted pursuant to this part.

(4) If the city or county does not issue the residential building permit or notify the applicant within 10 business days pursuant to paragraph (3), and the affidavit provided pursuant to paragraph (1) states that the plans and specifications comply with the other requirements imposed pursuant to this part and local ordinances adopted pursuant to this part, the plans and specifications shall be deemed compliant with the other requirements imposed pursuant to this part or local ordinances adopted pursuant to this part, and the residential building permit shall be deemed approved.

(5) The local agency shall be deemed in compliance with the requirements of Section 65913.3 of the Government Code as those requirements pertain to the residential building permit.

(6) The applicant shall indemnify the local agency from any property damage or personal injury arising from construction in accordance with the plans checked by a private professional provider pursuant to this section.

(7) Notwithstanding Section 815.6 of the Government Code, a public entity or public employee is not liable for an injury caused by their discretionary or ministerial acts or omissions relating to the issuance or denial of any residential building permit

pursuant to this section.

(d) (1) If the city or county notifies the applicant pursuant to subparagraph (B) of paragraph (3) of subdivision (c), the applicant may resubmit corrected plans and specifications to the city or county to check the corrected plans and specifications.

(2) If an applicant resubmits corrected plans and specifications, the resubmitted plans and specifications shall be subject to the same timelines of a new application as specified in subdivision (c).

(e) Nothing in this section shall be construed to prohibit a city, county, or city and county from providing a self-certification program under terms that are different from those set forth in this section to the extent that the local program does not conflict with the requirements of this section.

(f) Commencing April 1, 2027, a city or county shall include all of the following in the report it submits pursuant to Section 65400 of the Government Code:

(1) The number of residential building permits that were reviewed by the city or county.

(2) The number of residential building permits that were reviewed by a private professional provider pursuant to this section.

(3) The number of full-time equivalent staff members directly involved in the processing of residential building permits, delineated by those primarily performing plan review functions and those primarily performing final permit approval or issuance functions. The reporting of these classifications shall be separate and shall not be combined.

(g) For the purposes of this section:

(1) "Applicant" means a person who submits an application.

(2) "Application" means an application for a residential building permit.

(3) "Private professional provider" means a professional engineer licensed pursuant to the Professional Engineers Act (Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code) or an architect licensed pursuant to the Architects Practice Act (Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code) who is currently certified as a residential plans examiner by the International Code Council, currently certified as a plans examiner by the International Association of Plumbing and Mechanical Officials, or currently certified by another state, national, or international association that the local agency recognizes as an acceptable certification for residential building plans examiners employed by the city or county. The private professional provider shall not have a financial interest in the residential building permit or in preparing the plans and specifications.

(4) "Residential building permit" means a building permit for either of the following:

(A) A new residential construction of a building that contains at least 1 dwelling unit, but no more than 10 dwelling units, contains only residential units, and has no floors used for human occupancy located more than 40 feet above ground level.

(B) A residential addition to, or a remodel of, an existing building that contains at least 1 dwelling unit, but no more than 10 dwelling units, contains only residential units, and has no floors used for human occupancy located more than 40 feet above ground level, for the purpose of adding new residential units to the existing building, not to exceed 10 total units in the building as proposed to be constructed.

(h) This section shall remain in effect only until January 1, 2036, and as of that date is repealed.

**SEC. 6.** The Legislature finds and declares that averting the economic and social harm as a result of natural disasters and severe lack of housing in the state 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, Sections 3 and 4 of this act amending Section 17951 of, and adding Section 17960.3 to, the Health and Safety Code apply to all cities, including charter cities.

**SEC. 7.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act or because costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**SEC. 8.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to avert economic and social harm as a result of natural disasters and the severe lack of housing in the state, it is necessary for this act to take effect immediately.