

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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June 8, 2026

Kevin McSweeney
Planning and Community Development Director
City of Fillmore
250 Central Avenue Fillmore, CA 93015

Dear Kevin McSweeney:

RE: City of Fillmore PSA Completeness – Letter of Technical Assistance

The California Department of Housing and Community Development (HCD) received a request for technical assistance regarding the application of the Permit Streamlining Act¹ (PSA) to a housing development project proposed at Goodenough Street opposite Ash Circle (Project). Among other provisions, the PSA requires local governments to determine if a development project application is complete based on a predetermined list of submittal items. This letter provides technical assistance to the City of Fillmore (City) regarding implementation of the PSA completeness review² and the City's ability to request certain studies when its application form does not clearly indicate whether those studies are required.

Background

The Project includes 132 units, including single-family houses, accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) on a site in the City's North Fillmore Specific Plan. HCD also understands that the development application for the Project was submitted on November 19, 2025, and that the City issued its initial incomplete letter on December 19, 2025. Among the incomplete items, the City identified several studies (water supply, noise, and traffic or circulation) as necessary but unprovided, and therefore the application was considered by the City to be incomplete.³ HCD further understands that the City's applicable development application form mentions that the three studies "may" be required to achieve a complete application;⁴ however, the determination as to whether these studies will actually be required occurs after application submittal once the City has assessed which

¹ Gov. Code § 65920 et seq.

² Gov. Code § 65943.

³ "Determination of Application Incompleteness: Vesting Tentative Tract Map 6128, Development Permit 25-03, and Density Bonus APN 043-0-080-105"; December 19, 2025; pp. 3-4.

⁴ City of Fillmore Planning Permit Application; pp. 7, 36.

studies are applicable based on the information contained in the application. The applicant questions whether the City's approach is consistent with state housing law.

Analysis

The PSA requires local governments to "compile one or more lists that shall specify in detail the information that will be required from any applicant for a development project."⁵ In other words, all items needed to achieve application completeness must be knowable to the applicant prior to their submission. Following application submittal, the PSA also requires local governments to provide an exhaustive list of incomplete submittal items based on the adopted application submittal checklist list if it determines the application is incomplete.⁶ Therefore, the relevant question is: **Can the City's application checklists provide that certain items *may be required to complete an application*, but determine whether those items are required after an application is submitted?**

The answer is "no." Government Code section 65943, subdivision (a) limits local governments to finding project applications to be incomplete due to inadequate information about "items actually required on the lead agency's submittal requirement checklist." The PSA further requires that local governments "indicate the criteria which the agency will apply in order to determine the completeness of any application submitted."⁷ By indicating that the three studies are potentially required, but not necessarily so and by what criteria, the City creates an ambiguous situation where the information needed to file a complete application is not known to an applicant prior to their submittal. This runs contrary to the intent that the Legislature declared with the passing of the PSA to "ensure clear understanding of the specific requirements which must be met in connection with the approval of development projects and to expedite decisions on such projects."⁸ The intent of the PSA is to ensure that local jurisdictions are transparent in what is expected of applicants, and that they consistently process projects in accordance with their checklists and the statute.

HCD recognizes that the City's intent in listing the studies as potentially required is to address the uncertainty about whether any given project would ultimately be subject to a study. This gives applicants the opportunity to complete any required studies upfront and thereby avoid fruitless investment in projects that turn out to be unviable. However, there are other ways to achieve these goals without creating uncertainty that runs contrary to the PSA. For example, the City could create separate application forms that apply to relevant project types whose study requirements are known (e.g., projects located within the North Fillmore Specific Plan area). Alternatively, the City could create a decision tree within the single application, in which certain studies would be clearly required if a project matches the relevant objective criteria. Either of these options

⁵ Gov. Code, § 65940, subd. (a)(1).

⁶ Gov. Code, § 65943, subd. (a).

⁷ Gov. Code, § 65941.1, subd. (a).

⁸ Gov. Code, § 65921.

would make it clear to an applicant beforehand what materials are required of them in a project submittal. While the City can ask applicants to submit the requested studies, it must do so in a consistent and transparent manner. Application completeness represents a critical milestone in the entitlement process per the PSA and the Housing Accountability Act (HAA). Achieving completeness ensures that the Project receives the legal protections afforded by Government Code section 65943 and 65589.5 subdivision (j)(1). Further, after determining the application to be complete the City retains the ability to require that the Project meets water supply, noise, and traffic requirements through its HAA consistency review.

Conclusion

Under the PSA, local governments cannot defer a determination as to whether an item mentioned in a development application form is applicable to a project until after the application is submitted.. Because the City's application form did not properly specify that the relevant studies are required, the City may not use those studies as a basis for determining completeness. HCD further requests that the City provide an update in writing explaining its subsequent review of the proposed project by July 8, 2026.

HCD would also like to remind the City that HCD has enforcement authority over the PSA and HAA, among other state housing laws. Accordingly, HCD may review local government actions and inactions to determine consistency with these laws. If HCD finds that a city's actions do not comply with state law, HCD may notify the California Office of the Attorney General that the local government is in violation of state law.⁹

HCD remains committed to supporting the City of Fillmore in facilitating housing at all income levels and hopes the City finds this clarification helpful. If you have questions or need additional information, please contact David Ying at david.ying@hcd.ca.gov.

Sincerely,



Brian Heaton
Section Chief, Land Use Policy

⁹ Gov. Code § 65585, subd. (j).