



PORTIONS OF THE PERMIT STREAMLINING ACT

Government Code §§ 65940, 65940.5, 65941, 65941.1, 65943, 65944, 65945

INTRODUCTION

The Permit Streamlining Act (PSA) requires that cities and counties (including charter cities and counties) and special districts publish a list of specific information that will be required from any development project applicant. The PSA specifies a time limit of 30 calendar days for a local jurisdiction to review an application and either provide an applicant with a list of items that were not included in the application or make a determination that the application is complete. If a determination is not made within the 30-day period, the application is automatically deemed complete. The PSA also allows an applicant to submit a preliminary application which confers benefits under the Housing Accountability Act (HAA), “freezing” the applicable fees and development standards that apply to the project at the time of a preliminary application submittal.

HCD has enforcement authority over portions of the PSA. For additional details, please see [HCD’s Preliminary Application for Development webpage](#) and [Appendix C of HCD’s Housing Accountability Act Technical Assistance Advisory](#).

The Housing Law Fact Sheets provide an overview of existing laws which the California Department of Housing and Community Development (HCD) has statutory authority to enforce. The fact sheet does not constitute legal advice but is intended to be a resource for local agencies and decision-makers within California, including members of City Councils, Boards of Supervisors, and Planning Commissions.

KEY PROVISIONS

Preliminary Applications (Government Code § 65941.1)

Applicants may opt to submit a preliminary application for any proposed housing development project, proper submission of which entitles the project to benefits under the HAA. The 17 necessary components of a preliminary application for a proposed housing development project are specified in state law and include: site location; existing uses; proposed land uses; and any known historic and cultural resources and siting within a very high fire hazard severity zone, wetland, or hazardous waste site, among other requirements. HCD provides a preliminary application template for [local jurisdictions](#) as well as a standardized form that proposed development [project applicants](#) may use if the local jurisdiction has not established their own preliminary application.

Upon submission of a complete preliminary application, applicable fees and development standards that apply to the project will be frozen until the development project applicant submits a full application. The purpose of the “freeze” is to ensure applicable standards, ordinances, policies, fees, or any other adopted measure applied to the developer do not change during the entitlement timeframe. The proposed development applicant must submit a full application within 180 days of submitting a complete preliminary application, or the preliminary application lapses. Local

jurisdictions are not required to provide a response to the applicant confirming that the preliminary application is complete.

The PSA allows an applicant to make modifications to their project while preserving the preliminary application, within limits. If an applicant increases the number of residential units or square footage of construction by 20 percent or more (excluding increases resulting from a density bonus, incentives, concessions, or waivers), the preliminary application will no longer be in effect and the applicant must submit a new preliminary application containing information reflecting the changes.

Full Applications (Government Code §§ 65940, 65943, 65944, & 65945)

Application Checklist

Local jurisdictions are required by the PSA to publish online one or more detailed checklists of the information they require for development applications. This includes a certification of compliance with the state's list of hazardous waste sites; a statement that the submittal is an application; and identification of whether the project is under a low-level flight path, special use airspace, and within 1,000 feet of a military installation, if applicable to the jurisdiction.

30-Day Review and Completeness Determination

Local jurisdictions have 30 calendar days after the receipt of a development project application to determine in writing whether the application is complete. Applications are automatically deemed complete if written findings are not made and provided to the development project applicant within the 30-day timeframe. Mutually agreed upon extensions by the jurisdiction and development project applicant are permissible for full applications.

If the local jurisdiction determines the project application is incomplete, it must provide the applicant a detailed list of items that were not complete, as well as indicate how the development project applicant may satisfy incomplete items. The list of incomplete items is limited only to those that were listed in the jurisdiction's application checklist on the date that the applicant submitted the full application.

Resubmittal and Subsequent Review

Upon receipt of an incompleteness determination, the development applicant must resubmit incomplete project application information within 90 days of receiving written identification of the missing information; otherwise, the preliminary application expires. If the applicant did not submit a preliminary application, no resubmittal deadline is imposed on the applicant. Subsequent reviews by the local jurisdiction of a resubmitted application shall not request any additional information not previously requested in the initial review.

Appeal of Incompleteness Determination

Development project applicants may submit a written appeal if the application materials are determined to not be complete. A local jurisdiction must provide a final written determination on an appeal no later than 60 calendar days after receipt of the written appeal, or the application is automatically deemed complete.

RECENT HCD TECHNICAL ASSISTANCE LETTERS

<p>City of Gilroy, July 23, 2024</p>	<p>Local jurisdictions must separate planning review for incompleteness and inconsistency items.</p>
<p>City of Beverly Hills, June 26, 2024</p>	<p>The PSA prohibits local jurisdictions from using the absence of the general plan amendment or zoning change application as a reason to determine a project application is incomplete if the requirement was not on the submittal requirement checklist.</p>
<p>City of Berkeley, December 7, 2023</p>	<p>The PSA requires local jurisdictions to determine in writing whether an application is complete within 30 calendar days after the application is received. Calendar days include weekends, holidays, and any City Hall closures. HCD recommends that the completeness review begins at application submittal.</p>
<p>Town of Los Gatos, August 30, 2024</p>	<p>Local jurisdictions should allow the payment of permit fees at the time the full application is submitted. The 90-day period following an incompleteness determination for a full application resets once the applicant resubmits the application. Applicants and local governments may mutually agree to an extension of the 90-day period.</p>

RECENT LEGISLATION

<p>Online Application Information SB 489, Arreguin (2025); amended Gov. Code, §§ 56300 and 65940.</p>	<p>Requires local agency formation commissions (LAFCo) to publish online their written notices, policies, procedures, and forms necessary for a complete application on a change of organization or reorganization, such as an annexation. Public agencies also must post online the list of information to determine completeness of a housing development project application.</p>
<p>Centralized Application Portal AB 920, Caloza (2025); added Gov. Code, § 65940.3.</p>	<p>Requires jurisdictions with a population of greater than 150,000 to create a centralized application portal that allows for status tracking of submitted applications.</p>
<p>Expanded Definition, Revised Approval Timeline AB 130, (2025); amended Gov. Code,</p>	<p>Requires local agencies to approve or disapprove a ministerial project application within 60 days of receiving a complete application (except for projects submitted under AB 2011.) Expands the PSA definition of a “development project” to include any ministerial housing development project</p>

§§ 65940, 65941.1, and 65943.

requiring an entitlement permit, excluding postentitlement phase permits. Note, the PSA already required review for completeness of all housing development projects.

Submittal Requirements and Processing Timelines

[SB 330](#), Skinner (2019); added Gov. Code, § 65941.1

The provisions of SB 330 that apply statewide relate to the processing and approval of housing development project applications. The bill:

- ▶ Creates a “preliminary application” that developers can submit in advance of the full development application. A preliminary application becomes vested once a project proponent has submitted the 17 items enumerated in statute along with the permit processing fee. This “freezes” the applicable ordinances, policies, standards, and fees in place at that time. The preliminary application is considered valid so long as the project’s size (in terms of square footage or units) does not change by 20 percent or more.
- ▶ Requires HCD to create a standard form that a housing development project applicant can use to submit a preliminary application.
- ▶ Requires jurisdictions to determine whether a proposed housing development project site is a historic site at the time the application is deemed complete.
- ▶ Requires project applicants to submit a full development application with 180 days of submitting a preliminary application.
- ▶ Reduces the time a jurisdiction has to approve or disapprove a residential project from 120 days to 90 days after certification of an environmental impact report (EIR) and from 90 days to 60 days if the project includes at least 49 percent affordable units.