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Public Law Update - Extending Housing Development Entitlements by 18 Months (AB 2729)

Assembly Bill 2729 (2024) (“AB 2729”) gives residential development projects an 18-month extension on housing entitlements. The Legislature has stated that entitlement expiration can hinder developers and create challenges for local governments in managing ongoing projects. Past legislative efforts, like AB 1561, provided similar extensions due to delays caused by the COVID-19 pandemic, emphasizing the importance of flexible entitlement timelines. AB 2729 includes additional provisions, including:

- **Definition of Housing Entitlement:** Housing entitlements include essential permits and approvals from state or local agencies that authorize residential development. These cover approvals under the Permit Streamlining Act, prerequisites for building permits, tentative maps, and vested rights.
- **Limitations on Additional Extensions:** Any entitlements extended by 18 months between January 1, 2024, and January 1, 2025, will not qualify for AB 2729’s additional 18-month extension.
- **Tolling:** If a project is legally challenged, the 18-month extension will be paused until the challenge is resolved, allowing developers to benefit from the full extension period without losing time due to litigation.
- **Local Authority on Further Extensions:** The bill does not restrict local governments from offering additional extensions beyond the 18 months provided in AB 2729.
- **Statewide Applicability:** AB 2729 is designated as a matter of statewide concern, meaning it applies to all California cities, including charter cities.

Burke, Williams & Sorensen, LLP regularly advises clients on legal matters relating to land use, zoning, and planning issues.

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