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## Public Law Update - New 2026 Laws Impacting Building Permits for New Housing

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On October 10, 2025, Governor Newsom signed AB 253 and AB 1308. AB 253 was adopted on an urgency basis and went into effect immediately. AB 1308 went into effect on January 1, 2026. These new laws are aimed at expediting residential construction and impact residential plan checking and building permit inspections.

### AB 253

AB 253 establishes the California Residential Private Permitting Review Act. It requires cities to:

- Post its residential building permit fee schedule to the city's website; and
- Concurrently with deeming an application for a building permit to be complete, provide an estimated timeframe for plan check review.

If the estimated timeframe for plan check review is more than 30 days or the city does not provide a time estimate, AB 253 allows the applicant to retain a private professional plan checker to complete the plan check review. The applicant must notify the city of their intent to retain a private professional plan checker. If a private professional plan checker is retained, the city has only 10 business days to review the report and determine whether to issue the building permit or if the plans require further revision. This new right for an applicant to directly hire a private professional plan checker replaces the previous statutory requirement that a city contract with or temporarily employ plan checkers upon request from an applicant if plan check will take more than 30 days.

AB 253 also includes provisions pertaining to liability arising from use of private professional plan checkers. Applicants are required to defend and indemnify the city from property damage or personal injury arising from construction in accordance with the plans. It also provides that cities and their employees are not liable for injury caused by actions or omissions relating to the issuance or denial of a building permit under AB 253.

AB 253 also adds reporting requirements regarding use of private professional plan checkers and city staffing levels to a city's annual

report to HCD starting in 2027.

### **AB 1308**

AB 1308 adds Section 17970.3 to the Health and Safety Code. This new section requires the building department of every city and county to conduct an inspection of permitted work within 10 business days of receiving notice of completion of the permitted work. This timeline only applies to projects that fall into either of the following two categories:

- New construction of a building that contains between 1-10 dwelling units, contains only residential units, and has no floors for human occupancy more than 40 feet above ground level.
- An addition to an existing residential building that contains 1-9 dwelling units, contains only residential units, and has no floors for human occupancy more than 40 feet above ground level, for the purpose of adding new dwelling units to the existing building, not to exceed 10 total units in the building with the addition of the new units.

AB 1308 provides that failure to comply with the above deadline is a violation of the Housing Accountability Act (HAA).

Burke, Williams & Sorensen, LLP regularly advises clients on legal matters relating to California housing laws.

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