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August 11, 2026

The Honorable Anna Caballero
Chair, Senate Appropriations Committee
California State Senate
State Capitol, 412
Sacramento, CA 95814

**RE: AB 1621 (Wilson): Planning and Zoning Law: postentitlement phase permits:
Housing Accountability Act - OPPOSE**

Dear Chair Caballero:

Larry Klein
Mayor

Richard Mehlinger
Vice Mayor

Alysa Cisneros
Councilmember

Murali Srinivasan
Councilmember

Linda Sell
Councilmember

Charlsie Chang
Councilmember

Eileen Le
Councilmember

On behalf of the City of Sunnyvale, we respectfully urge your opposition to AB 1621 (Wilson). While Sunnyvale appreciates the author's efforts to improve AB 1621 through amendments, those changes fall short of resolving several concerns identified earlier in the legislative process. AB 1621 continues to create significant legal, operational, and fiscal challenges for local agencies responsible for administering California's building standards and protecting public health and safety.

Although the bill now allows a local agency to deny a permit application following two rounds of plan review if the application is "not up to permit standards," that phrase remains undefined. Without a clear statutory standard, disputes regarding whether an application is sufficiently compliant may be resolved through litigation rather than the administrative permitting process.

AB 1621 also substantially limits the authority of local agencies to require corrective action or issue stop work orders after construction has begun unless the issue involves approved permit standards or an identified health and safety concern. While these exceptions are important, they do not fully reflect the realities of construction. Building inspectors routinely encounter unforeseen field conditions, including concealed utilities, drainage deficiencies, subsurface conditions, utility conflicts, environmental constraints, and other site-specific issues, that cannot reasonably be identified during plan review. Addressing these circumstances may require modifications during construction even when no immediate health and safety hazard exists. Restricting this longstanding



inspection authority may impair a local agency's ability to ensure projects ultimately comply with California's building standards.

We are particularly concerned with the bill's creation of a new "reasonable person" legal standard governing corrective actions that deviate from previously approved plans. Under AB 1621, a local agency generally may not require corrective action unless it can demonstrate, based on substantial evidence, that a reasonable person could not have interpreted the approved plans as complying with applicable standards. Technical compliance with California's Building Standards Code, Fire Code, Energy Code, and related regulations is appropriately determined by trained building officials, engineers, architects, and inspectors, not by an objective layperson. This provision creates significant legal uncertainty, invites judicial reinterpretation of technical building code decisions, and risks diminishing the deference traditionally afforded to local building officials exercising their professional expertise.

The bill also significantly expands enforcement under the Housing Accountability Act (HAA), potentially resulting in additional litigation stemming from writs of mandate and alleged HAA violations. Local building departments would be required to devote additional staff time and resources to implement new procedures, document inspection findings under heightened legal standards, and prioritize permit appeals to meet shortened statutory deadlines.

All of these changes could potentially result in millions of dollars in new cost to cities, counties, and local agencies. A standard civil or personal injury court trial frequently incurs out-of-pocket expenses and expert witness fees ranging from \$100,000 to \$125,000 per side. The state is not spared from the increased costs of this bill.

The Senate Appropriations Committee's own analysis says, "A writ of mandate to compel a local agency to approve an application when it fails to provide an appeal, denies an administrative appeal, or fails to decide on the appeal within specified timeframes" could result in unknown, but potentially exorbitant new costs. "There could also be court impacts to the extent more cases are filed against local agencies for failure to comply with provisions that provide post-entitlement phase permit streamlining processes, which would be a violation of the HAA under this bill. The number of cases that would be filed statewide as a result of the bill are unknown. Staff notes that it generally costs about \$10,500 to operate a courtroom for one eight-hour day. Although courts are not



funded on the basis of workload, increased staff time and resources may create a need for additional support from the General Fund to support court operations. The 2026-27 Budget appropriated \$70 million from the General Fund to backfill the current fund imbalance in the Trial Court Trust Fund and help pay for court operations.”

In addition, AB 1621 would require building departments to modify practices established under AB 2234 (2022), update internal procedures, retrain staff, and dedicate additional administrative resources to avoid statutory violations, regardless of staffing limitations or permit workload.

The City’s position is consistent with the General Plan Community Vision, which identifies Sunnyvale as a safe, secure, and healthy community where the health and safety of residents is a primary concern. It is also consistent with General Plan Housing Element Policies H-4.1 and H-4.6, which support monitoring and improving regulations and departmental processing procedures affecting housing development and maintaining clear, objective standards that streamline the development review process and increase predictability. The City supports efforts to facilitate housing production and improve the efficiency of the development review process; however, such efforts should preserve clear regulatory standards and the ability of qualified building professionals to ensure development complies with applicable building and safety requirements.

Local agencies share the Legislature’s goal of delivering housing more efficiently. However, permit streamlining should not come at the expense of preserving the professional judgment, inspection authority, and administrative flexibility necessary to ensure buildings are constructed safely and in compliance with California law. AB 1621 shifts technical permitting decisions from building professionals to the courts, increases litigation risk, and creates new administrative burdens without adequately addressing the practical realities of plan review and field inspection.

For these reasons, the City of Sunnyvale respectfully opposes AB 1621 (Wilson). Thank you for your consideration of our position. Please do not hesitate to contact me or Trudi Ryan, Community Development Director, tryan@sunnyvale.ca.gov, if you have any questions.



August 11, 2026

Sincerely,

A handwritten signature in blue ink that reads "Larry Klein".

Larry Klein

Mayor

cc: Senator Dr. Aisha Wahab
Assembly Member Patrick Ahrens
City Council
Tim Kirby, City Manager
Sarah Johnson-Rios, Assistant City Manager
Connie Verceles, Assistant City Manager
Trudi Ryan, Director of Community Development