**Model SB 330 Tracker**

Housing Crisis Act (SB 330) Project Tracking Form (Government Code § 65589.5)

**February 2024**

# Overview

Senate Bill 330 (SB 330), known as the Housing Crisis Act of 2019 (HCA), established new provisions and updated existing sections of the Housing Accountability Act (HAA) and Permit Streamlining Act to address the State housing crisis. Among the many provisions of SB 330 are requirements for local jurisdictions to expedite permit processing for eligible “housing development projects”. This tracking form is used to track a project eligible under Government Code § 65589.5 from the receipt of a Preliminary Application until the project either is approved, disapproved, or abandoned.

## **Purpose**

The purpose of this material is to provide guidance, which agencies and other entities may use at their discretion. This guidance does not alter lead agency discretion in decision-making, independent judgment and analysis, and preparing environmental documents for project or governmental action subject to CEQA requirements. This material is for general information only and should not be construed as legal advice or legal opinion.

**CITY OF**  Click or tap here to enter text.

**SB 330, HAA, AND PERMIT STREAMLINING ACT PROJECT TRACKING FORM**

*Use this form to track a project from the receipt of a Preliminary Application until the project either is approved, disapproved, or abandoned. Please note that SB 330 does not affect CEQA. All timelines and processes under CEQA apply equally to housing projects whether or not they have submitted a preliminary application.*

**Is the project eligible to submit a preliminary application?** Only housing development projects as defined in Government Code Section 65905.5(b)(3)[[1]](#footnote-2) are eligible to submit a preliminary application. If the following does **not** apply, then a preliminary application may not be submitted.

Check one of the follow project types that is being submitted (Required):

* The project is a "housing development project" as defined in the Housing Accountability Act, which includes a project containing one of the following:

(1) residential units only (at least 2 units);

(2) a mix of commercial and residential uses, with 2/3 of the project's square footage used for residential purposes; or

(3) transitional or supportive housing.) (§ 65589.5(h)(2).)

* A project for one single-family home.
* Both discretionary and ministerial housing development projects.

**Key Dates to Track:**

Date Complete Preliminary Application is Submitted: Click or tap here to enter text.

180 Days After Preliminary Application Submittal: Click or tap here to enter text.

Date Application for Housing Development is Received: Click or tap here to enter text.

30 Days After Receipt of Application: Click or tap here to enter text.

Date of First Incomplete Letter (if applicable): Click or tap here to enter text.

90 Days After First Incomplete Letter (if applicable): Click or tap here to enter text.

Date of Resubmittal (if applicable): Click or tap here to enter text.

Date Application is Deemed Complete Under Permit Streamlining Act: Click or tap here to enter text.

Deadline for Notifying .Applicant of All Inconsistencies: Click or tap here to enter text.

*(30 or 60 days after application deemed complete under the Permit Streamlining Act)*

Enter the date on which each hearing is held for the project following the date the application is deemed complete. Reserve the bracketed hearing for a City Council appeal if the item can be appealed to the Council and is not automatically heard by the Council.

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| 1) |  | 2) |  | 3) |  |
| 4) |  | 5) |  |  |  |

**DETAILED EXPLANATION OF APPLICATION MILESTONES**

1. **Preliminary Application Submittal (if applicable).** Enter the date on which a complete Preliminary Application was submitted by the applicant:Click or tap here to enter text.. The Preliminary Application will expire on Click or tap here to enter text. (180 days after submission) if a regular application is not submitted. **NOTE: *An applicant is not required to submit a Preliminary Application before submitting a project application*, but if one is submitted,** **ordinances, policies, and standards in effect on the date of a complete submission vest[[2]](#footnote-3) unless the Preliminary Application expires as described below, the units or square footage change by 20 percent or more, or construction is not started within** **2 ⅟₂ years of "final project approval" as defined in the statute.** (§§ 65589.5(o); 65941.1)

**NOTE**: The statute does not require that staff review the Preliminary Application to ensure that all required elements are included. However, a city may wish to advise the applicant of any deficiencies.

If the Preliminary Application is complete, check here [ ]

Date applicant contacted in writing (if applicable): Click or tap here to enter text.

Date deficiencies corrected (if applicable): Click or tap here to enter text.

*(Update Preliminary Application expiration date above to reflect 180 days from the date of resubmittal.)*

1. **Project Application Submittal:** Date project application is received: Click or tap here to enter text.

If the project application was received prior to the expiration of the Preliminary Application, check here [ ]  Otherwise, the Preliminary Application expires and the applicant will have to submit a new Preliminary Application for ordinances, policies, and standards in effect on the date of submission to vest.

1. **Permit Streamlining Act Compliance/Possible Preliminary Application Expiration:** Within 30 days of project application submittal, the City must notify the applicant in writing of any deficiencies with the application. Otherwise, it will be deemed complete. (§ 65943.)

Enter the deadline to provide an incomplete letter: Click or tap here to enter text.

If the initial submittal of the project application was complete, check here and skip the rest of this section [ ]

If the application is incomplete, the City must provide the applicant with an "exhaustive" explanation of any deficiencies. The City may not require the applicant to submit any materials not included in the City's application checklist.

Enter date incomplete letter was sent: Click or tap here to enter text.

**NOTE**: The applicant will have 90 days to correct any deficiencies, or the Preliminary Application will expire. Although the statute is not clear, it is probably reasonable to allow the applicant to resubmit at any time within the 180-day period, so long as it is finally completed within 90 days after the applicant receives an incomplete notice regarding the last submittal. (§ 65941.1(d).)

Enter the deadline to cure deficiencies: Click or tap here to enter text.

Enter the date any corrected application is received: Click or tap here to enter text.

If the corrected and complete application was received prior to the 90 day deadline, check here [ ]  Otherwise, the Preliminary Application expires and the applicant will have to submit a new Preliminary Application for ordinances, policies, and standards in effect on the date of submission to vest.

1. **Historical Resources:** At the time the project is deemed complete, the City must advise the applicant whether historical resources exist on the project site. (§ 65913.10.) **Subject to CEQA**, a determination as to whether a parcel or property is historic shall remain valid during the pendency of the housing development project for which the application was made unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities. As soon as possible after the project application is received, staff should advise the applicant whether any of the following exist on site: (1) any structure on a national, state, or local register; (2) any structure or feature otherwise identified as historic by the City; or (3) any structure or feature over 50 years old that may require an historic evaluation. **NOTE**: The developer as part of the Preliminary Application is supposed to indicate whether the site contains historic resources.

If the project site is determined to contain any of the above, check here [ ]

**NOTE**: If any structure located on the project site is at least 50 years old, the applicant should submit a historic study at the same time the project application is submitted, together with DPR 523, so that the City may make a timely determination whether the structures are historic. *This requirement needs to be on the City's application form.*

Do any structures require a historic determination? Yes [ ]  No [ ]

If yes, did the applicant submit a historic evaluation and DPR 523 concurrently with the project application? Yes [ ]  No [ ]

If any structures are ultimately determined to be historic, check here [ ]

Date applicant advised of historic resource determination (if applicable): Click or tap here to enter text.

1. Enter the date the project was deemed complete under the Permit Streamlining Act: Click or tap here to enter text.
2. **Notification of Inconsistencies Pursuant to the Housing Accountability Act:** Government Code Section 65589.5(j)(1) limits an agency's ability to deny or reduce the density of a project that complies with objective general plan, zoning, design, and subdivision standards. Section 65589.5(j)(2) further states that:

(2) (A) If the local agency considers a proposed housing development project to be inconsistent, not in compliance, or not in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision as specified in this subdivision, it shall provide the applicant with written documentation identifying the provision or provisions, and an explanation of the reason or reasons it considers the housing development to be inconsistent, not in compliance, or not in conformity as follows:

(i) Within **30 days of the date that the application for the housing development project is determined to be complete**, if the housing development project contains 150 or fewer housing units.

(ii) Within **60 days of the date that the application for the housing development project is determined to be complete**, if the housing development project contains more than 150 units.

(B) If the local agency fails to provide the required documentation pursuant to subparagraph (A), the housing development project shall be deemed consistent, compliant, and in conformity with the applicable plan, program, policy, ordinance, standard, requirement, or other similar provision.

Deadline to advise the applicant of inconsistencies with objective standards: Click or tap here to enter text.

If the project is consistent with all objective standards, check here [ ]

Date applicant notified of inconsistencies (if applicable): Click or tap here to enter text.

If deadline is missed so that the project is deemed consistent, check here [ ]

1. **Public Hearing Tracker:** *Following the date the application is deemed complete under the Permit Streamlining Act*, the City is limited to holding five public hearings for a project subject to SB 330 that complies with objective general plan and zoning standards. "Hearing" is defined to mean any public hearing, **workshop**, or similar meeting conducted by the city respect to the housing development project, whether by the city council, planning commission, zoning administrator or any other city body or official. A continued hearing and an appeal both count as a "hearing." (Government Code § 65905.5)

Note that the five-meeting limit does not apply to the following:

* Meetings held before the project is deemed complete under the Permit Streamlining Act.
* Projects that are not consistent with all objective general plan and zoning standards. (However, if the general plan is inconsistent with the zoning, and the project complies with the general plan, the project is considered to be consistent.)
* Projects that require legislative approvals.
* Additional meetings required by CEQA (such as a scoping hearing).
* Meetings not conducted by the City, such as a meeting held by the applicant.

If City Council is not the final approval authority for any project, check here [ ] , and schedule not more than four hearings to reserve a hearing for a City Council appeal.

Enter the date on which each hearing is held for the project following the date the application is deemed complete. Reserve the bracketed hearing for a City Council appeal if the above box is checked.

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| 4) |  | 5) |  |  |  |

1. **Date of final project decision** Click or tap here to enter text.

NOTE: Use this date to track the 2 ⅟₂ year period during which standards in effect on the date the Preliminary Application is submitted are vested. "Final project approval" means the date by which: (1) the project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits; (2) all appeal periods, statutes of limitations, and the like have expired; and (3) any legal challenges to the project have been resolved. (§ 65589.5(o)(2)(D).)

1. All future references are to the Government Code unless otherwise stated. [↑](#footnote-ref-2)
2. Note that the vesting provisions do not apply to projects for one single-family home. The vesting provisions are provided under the Housing Accountability Act, which does not apply to single-family homes. [↑](#footnote-ref-3)