



April 4, 2024

The Honorable Sharon Quirk-Silva
Member, California State Assembly
1021 O Street, Suite 4210
Sacramento, CA 95814

**RE: Assembly Bill 2433 – Oppose Unless Amended
As Introduced February 13, 2024**

Dear Assembly Member Quirk-Silva:

On behalf of the Rural County Representatives of California (RCRC), the California State Association of Counties (CSAC), the Urban Counties of California (UCC), and the League of California Cities (Cal Cities), we must regrettably oppose your Assembly Bill 2433 unless amended. This measure creates the California Private Permitting Review and Inspection Act, which allows applicants for building permits to independently pay a third party for plan and field inspection of a project, without county or city building official oversight.

Plan review and field inspection of construction projects is an integral step in ensuring that structures built in California are safe, not only to inhabit, but for the surrounding environment and community. City and county building departments review and inspect projects based on consistency with the jurisdiction's General Plan, State building codes and associated regulations. Related laws and ordinances that jurisdictions must enforce change regularly and it is the responsibility of those employees to ensure that each project is constructed in a manner that complies with those laws.

AB 2433 creates "shot clocks," or timelines for action, that if not met will allow a permit applicant to contract or employ a private professional to conduct the project plan check and site inspection. The local jurisdiction must then approve or deny the permit application within 30 days of receiving the final report prepared by the private professional. The timelines in the bill are unreasonable, such as five days to conduct a field inspection, but more concerning is AB 2433 sets up a structure to include a "deemed approved" remedy in the future that would remove all discretion by the local jurisdiction to make certain that projects are consistent with related health and safety building requirements.

We understand the issue of lagging permitting times in some jurisdictions and would like to find a path to facilitating that needed construction, whether commercial or

1215 K Street, Suite 1650, Sacramento, CA 95814 | www.rcrcnet.org | 916.447.4806 | Fax: 916.448.3154

residential, in a reasonable amount of time. However, we do not believe that the solution put forth in AB 2433 adequately preserves a local jurisdiction's ability and duty to enforce building related laws. AB 2433 allows an applicant for a construction project (large or small with the only exceptions being health facilities, high rises and public buildings) to pay a private third party to review plans and inspect the site, even if that is the same professional that designed the plans and works with (or for) the company. Even if the bill included an anti-collusion provision that disallowed services from professionals connected with a project, there is a clear financial incentive for the person paid by the applicant to do site review and inspection to render decisions favorable to applicant. Quite simply, directly paying the "regulator" (a private individual in this case) to regulate you leads to biased results and creates a structure of deregulation.

Building inspection is an important step in the public safety process – there are many examples of unpermitted activities leading to catastrophic outcomes, such as 2016 Valley fire that killed four people and burned over 76,000 acres - all caused by an unpermitted hot tub electrical connection. We are concerned that as currently drafted, AB 2433 removes government oversight in the permitting process, allowing only approval or denial based on a private third-party report, negating any involvement, oversight or independent verification or judgment of the facts by the local jurisdiction.

To address concerns of slow permitting timelines in some jurisdictions, we suggest the bill is amended to allow for an expedited permitting process, similar to those that are already in place for other specific permits, such as broadband microtrenching permits or those in the air pollution permitting arena.

For these reasons, RCRC, CSAC, UCC, and Cal Cities are regrettably opposed to AB 2433 unless amended to address our concerns. If you have any questions, please do not hesitate to contact Tracy Rhine (RCRC) trhine@rcrcnet.org, Mark Neuburger (CSAC) mneuburger@counties.org, Chris Lee (UCC) clee@politicogroup.com, or Brady Guertin (Cal Cities) bguertin@calcities.org.

Sincerely,



Mark Neuburger
Legislative Advocate
California State Association of Counties



Tracy Rhine
Senior Policy Advocate
Rural County Representatives of California



Chris Lee
Legislative Advocate
Urban Counties of California



Brady Guertin
Legislative Representative
League of California Cities

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cc: The Honorable Juan Carrillo, Chair, Assembly Local Government Committee
Members of the Assembly Local Government Committee
Angela Mapp, Consultant, Assembly Local Government Committee
William Weber, Consultant, Assembly Republican Caucus