



SB 423 – Streamlined Ministerial Approval General Information

What is SB 423?

Senate Bill (SB) 423, signed into law on October 11, 2023, extends and expands the provisions of SB 35 (2017). It establishes a streamlined, ministerial approval process for qualifying multi-unit housing developments that include a required percentage of units affordable to lower-income households. Participation in the SB 423 streamlining process is voluntary for applicants.

Where Does it Apply?

SB 423 applies to jurisdictions that have not made sufficient progress toward their Regional Housing Needs Allocation (RHNA) goals for affordable housing. Because the City of Firebaugh is currently not meeting its RHNA targets for low- and extremely low-income units, the City must provide streamlined, ministerial approval for eligible housing developments that include at least 10% of units affordable to households earning at or below 80% of the Area Median Income (AMI).

Eligible Projects for SB 423 Processing

Projects that meet the following criteria are eligible for SB 423 processing.

- Located on an urban infill site.
- Zoned for residential or mixed uses and consistent with objective design standards.
- Pays prevailing wage on all projects with more than 10 units.
- Not located on sensitive or protected lands, including farmland, wetlands, very high fire hazard severity zones, hazardous waste sites, floodplains/floodways, habitats for protected species, or lands under conservation easements or plans.

Review Timelines

For eligible SB 423 projects, the City will review the application for consistency with objective planning and design standards within 60 days (projects with 150 or fewer units) or 90 days (projects with more than 150 units). If the City does not identify any objective standard conflicts in writing within these timeframes, the project is deemed consistent with those standards. Any design review allowed will be limited to objective standards and will be completed within 90 days (150 or fewer units) or 180 days (more than 150 units) of application submittal, consistent with Government Code Section 65913.4.

Step-by-Step Process

- 1. Preliminary Application (Notice of Intent).** The applicant submits a [Preliminary Application Pursuant to Section 65941.1](#) using the SB 330 form, including: completed application, site plan, elevations, and filing fee. Submittal of a complete preliminary application fixes project eligibility for SB 423 and the applicable development standards at that time.
 - a. Tribal Notification Period (30 Days).** After the City accepts the preliminary application as complete, the City issues formal tribal notices within the required 30-day period. Federally recognized tribes then have 30 days from receipt of the notice to request consultation regarding potential tribal cultural resources. If a tribe requests consultation, the City and applicant participate in consultation to identify and address potential impacts to tribal cultural resources. Once the consultation process is



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concluded or the consultation window expires with no request received, the project may proceed to the SB 423 supplemental submittal.

- b. Public Meeting (45 Days, if applicable).** If project is in a moderate/low resource area or high segregation/poverty census tract, the City must hold a public meeting within 45 days of the preliminary application. The applicant must attend and review comments. The meeting is to take place at a regular City Council or Planning Commission meeting.
- 2. SB 423 Application Submittal (after Tribal Consultation and Public Meeting, if required).** The applicant submits the SB 423 Supplemental Application, including any additional information needed to confirm eligibility (e.g., affordability commitments, labor compliance, and consistency with objective standards). The City reviews the supplemental application for completeness and eligibility under SB 423 within the timeframes established by state law and local procedures.
- 3. Streamlined Review and Building Permit.** If the project is confirmed eligible and consistent with all objective standards, the City processes the project through a ministerial, streamlined approval path within the required statutory timelines. Following streamlined approval, the applicant submits a building permit application consistent with City procedures so construction can proceed under the approved SB 423 entitlement.

Attachments

1. SB 423 Eligibility Checklist
2. Supplemental Information Form
3. Prevailing Wage and Apprenticeship Standards
4. Applicant's Affidavit and Public Meeting Certification

Disclaimer

This informational handout and application are intended as a general summary of current state housing law (including SB 330 / SB 423) and related Government Code provisions. They do not replace or supersede the statutes themselves, implementing regulations or any guidance issued by state agencies. The City may update these materials over time to reflect changes in law or policy, and applicants are responsible for verifying that their projects comply with all applicable state and local requirements in effect at the time of application.



SB 423 – Streamlined Ministerial Approval Eligibility Checklist

Projects qualify for SB 423 streamlined ministerial approval only if they meet **all** criteria on this eligibility checklist. Applicants must submit a complete preliminary application (SB 330 Notice of Intent) and complete the tribal consultation process before the City evaluates eligibility against these standards.

Pursuant to SB 423, projects must comply with all the following to qualify:	YES	NO
1. At least 10% of total residential units will be affordable to lower-income households ($\leq 80\%$ AMI) for a minimum period of 55 years.	☐	☐
2. The Project must contain at least two or more net new residential units.	☐	☐
3. The Project site has a general plan and/or zoning designation for residential uses or residential mixed-use development. At least two-thirds of the building square footage is designated for residential use.	☐	☐
4. At least 75% of the perimeter of the site adjoins parcels that are developed with urban uses.	☐	☐
5. The Project does not demolish a historic structure, site, or feature that has been placed on a national, state, or local historic register.	☐	☐
6. The Project does not demolish housing units that have been occupied by tenants in the last 10 years; or any housing subject to rent or price control; or are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.	☐	☐
7. The Project site is not within any of these areas: a coastal zone, prime farmland, wetland, very high fire hazard severity zone, hazardous waste site, delineated earthquake fault zone, flood plain, floodway, community conservation plan area, a habitat for protected species, or under a conservation easement.	☐	☐
8. If the Project involves a subdivision subject to the Subdivision Map Act, the development either (i) receives a low-income housing tax credit and is subject to prevailing wage requirements, or (ii) is subject to both prevailing wage and a skilled and trained workforce requirements.	☐	☐
9. The project complies with SB 423 parking provisions, including applicable maximum parking ratios and any exemptions under Government Code Section 65913.4(d).	☐	☐



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Pursuant to SB 423, projects must comply with all the following to qualify:	YES	NO
10. The Applicant has submitted a Notice of Intent in the form of a preliminary application that includes all the information described in California Government Code Section 65941.1	☐	☐
11. The required tribal notification and consultation process has been completed or the consultation period has expired with no request for consultation.	☐	☐
12. The Project meets all applicable objective general plan, zoning, subdivision, and design standards that were in effect when the preliminary application under Government Code Section 65941.1 was deemed complete.	☐	☐
13. All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the types of work and geographic area if that development is not a public work. This requirement does not apply to projects that include 10 or fewer units and is not a public work project.	☐	☐
14. A skilled and trained workforce will complete the development if the project consists of 50 or more units that are not 100 percent subsidized affordable housing.	☐	☐



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**SB 423 – Streamlined Ministerial Approval
Supplemental Information Form**

This form provides supplemental information required after the SB 330 Preliminary Application (Notice of Intent) and tribal consultation process are complete. Use this form to confirm project eligibility for ministerial streamlining under Government Code Section 65913.4. Submit with the SB 423 Eligibility Checklist, Prevailing Wage Certification, and Applicant's Affidavit and Public Meeting Certification.

<u>APPLICANT INFORMATION</u>	
APPLICANT NAME	PHONE NUMBER
MAILING ADDRESS	
EMAIL ADDRESS	FAX NUMBER
<u>PROPERTY OWNER INFORMATION</u>	
PROPERTY OWNER NAME	PHONE NUMBER
MAILING ADDRESS	
EMAIL ADDRESS	FAX NUMBER
<u>PROJECT SITE INFORMATION</u>	
SITE ADDRESS	
ASSESSORS PARCEL NUMBER(S)	PARCEL SIZE (ACRE/SQUARE FEET)
ZONING	GENERAL PLAN LAND USE DESIGNATION
EXISTING USE OF THE PROPERTY	
SURROUNDING USES • North: • South: • East:	



West:	
ELIGIBILITY VERIFICATION	
Is this project 100% affordable?	☐ Yes ☐ No
Does the project include density bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915? <i>*If yes, please submit those application forms with your submittal.</i>	☐ Yes* ☐ No
Has an SB 330 preliminary application been submitted?	☐ Yes ☐ No
Is the project located in a census tract that is designated as a moderate resource area, low resource area, or an area of high segregation and poverty? <i>*If yes, a public meeting is required within 45 days of the SB 330 Preliminary Application (Notice of Intent). Please complete the Public Meeting Attendance section below once the meeting has occurred.</i>	☐ Yes* ☐ No
Project site exclusion areas (must check all to qualify): ☐ Project site <u>is not</u> in a Very High Fire Hazard Severity Zone, as determined by the Department of Forestry and Fire Protection Pursuant to Section 51178. ☐ Project site <u>does not</u> contain wetlands, as defined in the United States Fish and Wildlife Service Manual, part 660 FW 2 (June 21, 1993). ☐ Project site <u>is not</u> a hazardous waste site that is listed pursuant to section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Article 5 (Commencing with Section 78760) of Chapter 4 of Part 2 of Division 45 of the Health And Safety Code. ☐ Project site <u>is not</u> in a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.	
Additional site conditions (check if applicable) ☐ Project does not demolish any historic structure, site, or feature placed on a national, state, or local historic register. ☐ Project site does not provide habitat for any protected species, as designated by state or federal endangered species laws. ☐ Applicant has identified and addressed any recorded public easements (storm drains, water lines, public rights-of-way) through site design or required agency approvals.	



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PROJECT DESCRIPTION

PROJECT DESCRIPTION (ATTACH ADDITIONAL PAGES AS NEEDED)

OFFICE USE ONLY

APPLICATION NO: _____ DATE RECEIVED: _____

FEE RECEIPT NO: _____ FEE PAID: \$ _____ RECEIVED BY: _____

PRELIMINARY APPLICATION VERIFIED:

☐ SB 330 PRELIMINARY APPLICATION COMPLETE

☐ TRIBAL NOTICE SENT: _____ (date)

☐ PUBLIC MEETING REQUIRED: ☐ YES ☐ NO (if yes, meeting held: _____ (date))



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**SB 423 – Streamlined Ministerial Approval
Prevailing Wage and Apprenticeship Standards**

This certification confirms compliance with the labor standards required for SB 423 streamlined ministerial approval under Government Code Section 65913.4. All projects with more than 10 units (that are not public works) must pay prevailing wages. Projects with 50 or more units (that are not 100% subsidized affordable housing) must also employ a skilled and trained workforce. Submit this form with the SB 423 Eligibility Checklist and Supplemental Information Form.

COMPLIANCE CERTIFICATION	
THE PROJECT SPONSOR CERTIFIES COMPLIANCE WITH THE FOLLOWING (CHECK ALL THAT APPLY):	
☐ Prevailing Wage. All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Labor Code Sections 1773 and 1773.9. This requirement does not apply to developments with 10 or fewer units that are not public works. Apprentices registered in approved programs may be paid the applicable apprentice prevailing rate.	
☐ Payroll Reporting. All contracts will include language requiring compliance with payroll record submission, maintenance, and verification via the City's certified payroll reporting system.	
☐ Enforcement Cooperation. All contracts will acknowledge the Labor Commissioner (or Office of Labor Standards Enforcement) as the enforcement entity and require full cooperation with investigations.	
☐ Skilled/Trained Workforce. A skilled and trained workforce shall perform all work on the development if the project contains 50 or more units and is not 100% subsidized affordable housing (Government Code Section 65913.4(i)).	
PROJECT SPONSOR INFORMATION	
NAME	PHONE NUMBER
MAILING ADDRESS	
EMAIL ADDRESS	FAX NUMBER
PROJECT INFORMATION	
SITE ADDRESS	



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ASSESSORS PARCEL NUMBER(S)	
BUILDING PERMIT APPLICATION #	
PLANNING PERMIT APPLICATION #	
ESTIMATED RESIDENTIAL UNITS #	ESTIMATED SQ FT
ESTIMATED HEIGHT/FLOORS	ESTIMATED CONSTRUCTION COST \$
ANTICIPATED START DATE	

OFFICE USE ONLY
APPLICATION NO: _____ DATE RECEIVED: _____
LABOR CERTIFICATION COMPLETE:
☐ PREVAILING WAGE PLAN VERIFIED
☐ SKILLED WORKFORCE CERTIFICATION (IF 50+ UNITS)
☐ PAYROLL REPORTING COMPLIANCE PLAN
LABOR COMPLIANCE OFFICER INITIALS: _____ DATE: _____



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**SB 423 – Streamlined Ministerial Approval
Applicant's Affidavit and Public Meeting Certification**

This affidavit certifies the accuracy of all information submitted with the SB 423 application package and confirms compliance with public meeting requirements (if applicable) under Government Code Section 65913.4. Submit this form as the final page of the complete application package, covering the Eligibility Checklist, Supplemental Information Form, and Prevailing Wage Certification.

GENERAL CERTIFICATIONS

☐ Under penalty of perjury the following declarations are made:

1. The undersigned is the owner or authorized agent of the owner of the property subject to this SB 423 application.
2. All information submitted, including the Eligibility Checklist, Supplemental Information Form, and Prevailing Wage Certification, is true and correct to the best of my knowledge.
3. The project meets all SB 423 eligibility requirements of Government Code Section 65913.4.

PUBLIC MEETING ATTENDANCE

Please complete one of the following:

Option A – Public Meeting Held

☐ Under penalty of perjury, I attest that:

1. The required SB 423 public meeting has been held
2. I or my authorized representative attended the public meeting
3. I have reviewed all oral and written public comments received
4. All comments have been addressed consistent with ministerial streamlining requirements

Option B – No Public Meeting Required

☐ The project is not located in a census tract designated as a moderate resource area, low resource area, or an area of high segregation and poverty on the most recent CTCAC/HCD Opportunity Map. No public meeting was required under SB 423.

SIGNATURES

APPLICANT/AUTHORIZED
REPRESENTATIVE

Name (Printed)

Authorized Representative Signature

Title (if agent)

PROPERTY OWNER

Name (Printed)

Property Owner Signature

Date



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Date	
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OFFICE USE ONLY

APPLICATION NO: _____ DATE RECEIVED: _____

APPLICATION PACKAGE COMPLETE:

- ☐ ELIGIBILITY CHECKLIST
- ☐ SUPPLEMENTAL INFORMATION FORM
- ☐ PREVAILING WAGE CERTIFICATION
- ☐ APPLICANT'S AFFIDAVIT
- ☐ PUBLIC MEETING VERIFICATION (IF REQUIRED)

ELIGIBILITY DETERMINATION:

- ☐ ELIGIBLE
- ☐ INELIGIBLE

PLANNER INITIALS: _____ DATE: _____