



County of San Diego, Planning & Development Services
AUTOMATIC TIME EXTENSION FOR MAPS
ZONING DIVISION

AB 1561, effective 01/01/2021.

CUSTOMER FAQ'S

Q. How do I know my map qualifies for the time extension pursuant to AB 1561?

In an effort to mitigate delays in housing production throughout the State, on September 28, 2020, California Governor Gavin Newsom signed into law Assembly Bill 1561, which extended the validity of certain categories of residential development entitlements.

AB 1561 added a new section to the state's Government Code, Section 65914.5, that extended the effectiveness of "housing entitlements" that were (a) issued and in effect prior to March 4, 2020 and (b) set to expire prior to December 31, 2021.

See specifics below!

- A. **AB 1561 automatically granted** a 18-month time extension to housing entitlements, including any qualifying tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, has been approved, which meets the two criteria below:

- (1)** It was issued prior to and was in effect on March 4, 2020,
- (2)** It would otherwise have expired prior to December 31, 2021.

AB 1561 extends by 18-months the life of "housing entitlements" issued before and in effect on March 4, 2020, and that will expire before December 31, 2021.

Under AB 1561, qualifying development applicants will benefit from additional time to overcome any impacts the Coronavirus Pandemic has had on a project's planning, financing, or construction. All such qualifying housing entitlements will now remain valid for an additional period of eighteen (18) months.

Excluded from the definition of a "housing entitlement" are: (a) development agreements authorized pursuant to California Government Code Section 65864; (b) approved or conditionally approved tentative maps which were previously extended for at least eighteen (18) months on or after March 4, 2020 pursuant to Government Code Section 66452.6; (c) preliminary applications under SB 330 (the Housing Crisis Act of 2019); and (d) applications for development approved under SB 35 (Cal. Gov. Code § 65913.4).

Additionally, housing entitlements which were previously granted an extension on or after March 4, 2020, but before the effective date of AB 1561 (*i.e.* September 28, 2020), will not be further extended for an additional 18-month period so long as the initial extension period was for no less than eighteen (18) months.



County of San Diego, PDS, Zoning Division
AUTOMATIC TIME EXTENSIONS FOR MAPS

Continued

Q. Do I need to submit a letter of request to receive the automatic time extensions for my map?

A. A subdivider does not need to request the automatic extensions provided by AB 1561.

Q. What if I want to submit an Extension of Time application based upon my original expiration date?

A. Sections 81.313(b) and 81.618(b) of the San Diego County Subdivision Ordinance require that an application for an extension shall be filed no more than 180 days prior to the map expiration date. Therefore, the subdivider must wait to submit the extension of time application until no more than 180 days prior to the new expiration date.

Q. Are all of the discretionary permits associated with the approved map automatically extended?

A. Yes. , subdividers must be aware that this automatic time extension only extends the map. If a related permit or approval (such as a major use permit, site plan, etc.) granted by the County itself states that it is in effect or extended as long as the associated tentative map is in effect, then the related permit or approval would be extended also. Or, if there is a particular County ordinance that says that such a related permit or approval is extended based on an associated tentative map being extended, then that would also operate to extend the related permit or approval. **Subdividers should review their associated discretionary permits to determine the actual expiration date.**

Q. What do I do if the discretionary permit(s) are not in effect or extended as long as the associated tentative map is in effect?

A. There may be situations where a discretionary permit extension of time request will need to be processed one year before the associated map expires. If these associated permits (that do not state that they are in effect as long as the associated map) expire, the subdivider would need to reapply and process a new permit. The subdivider is responsible for submitting an application for an extension of time prior to the expiration of a discretionary permit.

Q. What is the maximum length of time for which an Extension of Time can be granted for a Tentative Map or Tentative Parcel Map?

A. The maximum length of time for which the County is authorized to grant a "discretionary" time extension under Gov. Code Sections 66452.6(e) [Tentative Maps] or 66463.5(c) [Tentative Parcel Maps], has been increased from five years to six years. Only "discretionary" time extensions under the referenced Map Act sections are affected. Other authorized time extensions (such as those based on filing a final map for a unit of a unitized map with a certain amount of required off-site improvements development moratoria, and stays for litigation), are not affected.