

SB 330 & TUMF Fee Collection – FAQ

3/21/25

1. What is SB 330?

Senate Bill (SB) 330 of 2019, also known as the Housing Crisis Act, became effective January 1, 2020. Among other provisions, it created a preliminary application process through which residential projects can “vest” or “freeze” the applicable ordinances, policies, and standards to those in place when the qualifying SB 330 Preliminary Application was submitted. These protections are here referred to as SB 330 Vesting Rights.

(Government Code (GC) §65941.1, §65589.5 (o))

2. How does SB 330 relate to TUMF fees?

Under SB 330, residential developments that submit a qualifying preliminary application (SB 330 Preliminary Application) can “freeze” development impact fees, including TUMF fees, at the rate effective on the date the qualifying SB 330 Preliminary Application was submitted (SB 330 Vesting Date). Projects that maintain their SB 330 Vesting Rights are not subject to fees in effect after their SB 330 Vesting Date.

3. What types of projects are eligible to establish SB 330 Vesting Rights?

- Residential developments with **2 or more units**, including ADUs.
 - Mixed-use developments where **two-thirds of the total project square footage or more is residential**.
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4. How does a project establish an SB 330 Vesting Date?

The SB 330 Vesting Date is the date in which 1) a qualifying SB 330 Preliminary Application is submitted **and** 2) the applicable permit processing fee is paid to the local approving agency. The SB 330 Preliminary Application is only required to submit the information outlined in GC § 65941.1. No local agency response is required to establish an SB 330 Vesting Date.

5. Are there exceptions to SB 330’s Preliminary Application vesting provisions?

Yes, a project may be subject to new standards, policies, and fees under limited circumstances. For instance, a project may be subject to a later standard when payment of

that fee is listed in the project's environmental document as a measure necessary to avoid or substantially lessen the impact of the project under California Environmental Quality Act (CEQA). A project may be subject to a new TUMF fee schedule in effect after its SB 330 Vesting Date when payment of the TUMF fee is listed in the project's CEQA document as a mitigation measure. Changes to the project by more than 20% of the unit count or construction square footage require a resubmittal of an SB 330 Preliminary Application, resulting in a new SB 330 Vesting Date.

GC § 65589.5.(o)(2); Public Resources Code (PRC) § 21000

6. How do SB 330's Vesting Rights interact with a typical development process and payment of TUMF?

- Qualifying SB 330 Preliminary Application Submitted and Permit Processing Fees Paid to local approving jurisdiction (establishes the SB 330 Vesting Date)
 - Full Entitlement/Development Application Submitted (must be submitted within 180 days of the project's SB 330 Vesting Date to maintain project's vesting rights)
 - Entitlements and Development Plan and Environmental Document is Certified (Final Approval)
 - Building Permits Are Issued
 - Construction Starts (project must begin construction within 2.5 years of Final Approval to maintain SB 330 Vesting Rights)
 - TUMF Application Submitted for Specific Development Phase
 - WRCOG Approves TUMF Application
 - TUMF Fees are Paid
 - Project issued Certificate of Occupancy
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7. How will WRCOG ensure accurate fee assessment for projects with established SB 330 Vesting Rights?

- The TUMF online portal will include a feature for marking projects as "vested" under the provisions of SB 330. Applicants (developers or local agencies submitting applications on their behalf) must indicate vesting status in their TUMF application.

- WRCOG will maintain a list of all projects with active SB 330 Vesting Rights established prior to the new TUMF schedule based on information received from local agencies.
 - Environmental documents will be reviewed to ensure TUMF fee obligations are properly assessed.
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8. When must TUMF fees be paid?

- **No sooner** than building permit issuance.
 - **No later** than the certificate of occupancy.
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9. What happens if a project submits an SB 330 Preliminary Application after a new TUMF fee schedule becomes effective?

Projects that submit an SB 330 Preliminary Application after the effective date of a new TUMF schedule will be subject at the **new TUMF rate**.

10. What if I have questions regarding whether the provisions of SB 330 apply to my specific project?

If you have questions about how SB 330 applies to your specific project, we encourage you to contact your local jurisdiction for clarification. If you have specific questions about the provisions of SB 330, we encourage you to contact your legal counsel or other appropriate parties. WRCOG can only inform you if the local jurisdiction has provided WRCOG with information regarding SB 330 for your specific project.

11. What if I disagree with the information provided by my local jurisdiction related to SB 330?

WRCOG will only use information provided directly by our local jurisdictions to determine if a specific project is exempt from the fee increases. If you disagree with that determination, you need to contact your local jurisdiction with specific questions.