AB-1751 Missing Middle Townhome Ownership Act. (2025-2026)

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Assembly Bill No. 1751

CHAPTER 781

An act to add Section 65852.30 to, and to add Chapter 9 (commencing with Section 66499.45) to Division 2 of Title 7 of, the Government Code, relating to housing.

[Approved by Governor September 29, 2026. Filed with Secretary of State September 29, 2026.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1751, Quirk-Silva. Missing Middle Townhome Ownership Act.

Existing law, the Planning and Zoning Law, contains various provisions requiring a local government that receives an application for certain types of qualified housing developments to review the application under a streamlined, ministerial approval process, depending on the type of housing development, as specified. Existing law, the Subdivision Map Act, vests the authority to regulate and control the design and improvement of subdivisions in the legislative body of a local agency and sets forth procedures governing the local agency's processing, approval, conditional approval or disapproval, and filing of tentative, final, and parcel maps, and the modification thereof. The act generally requires a subdivider to file a tentative map or vesting tentative map with the local agency, as specified, and the local agency, in turn, to approve, conditionally approve, or disapprove the map within a specified time period. Existing law, known as the Starter Home Revitalization Act of 2021, among other things, requires a local agency to ministerially consider, without discretionary review or a hearing, a parcel map or a tentative and final map for a housing development project that meets certain requirements, including that the housing development project on the lot proposed to be subdivided will contain 10 or fewer residential units, except as provided.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA does not apply to the approval of ministerial projects.

This bill, the Missing Middle Townhome Ownership Act, would authorize a development proponent to submit an application for a townhome development project that is subject to a prescribed ministerial approval process if the development complies with certain procedural requirements and satisfies specified objective planning standards. The bill would also require a local agency to ministerially consider, without discretionary review or a hearing, a tentative and final map for a townhome development project that meets specified requirements, including that

the proposed subdivision complies with the requirements established by the bill for ministerial approval of a townhome development project, as described in the preceding sentence, and that the newly created parcels are no smaller than 600 square feet. The act would define "townhome" for these purposes to mean a single-family dwelling unit that is less than or equal to 3 stories of occupiable square footage and either shares a common wall, as specified, or is separated from one or more neighboring units by no more than a specified fire separation distance, and would define "townhome development project" to mean a housing development project that consists entirely of residential units that satisfy this definition of townhome and meets prescribed density requirements, size requirements, and unit limits. The bill would authorize a local agency to disapprove a townhome development project, or deny the issuance of a tentative map or a final map for a townhome development project, allowed under the bill's provisions if it makes written findings based upon a preponderance of the evidence that the proposed townhome development project would have a specific, adverse impact, as provided in specified law, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The bill would authorize a local agency to adopt an ordinance to implement its provisions and would provide that the adoption of such an ordinance is not a project under CEQA.

By establishing new ministerial approval processes relating to townhome development projects, as described above, this bill would expand the scope of the exemption from CEQA for ministerial projects. Further, by adding to the duties of local officials with respect to the review and approval of townhome development projects, the bill would impose a state-mandated local program.

This bill would exempt the City and County of San Francisco from its provisions.

The bill would make legislative findings and declarations as to the necessity of a special statute for the City and County of San Francisco.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities, except as provided.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. This bill shall be known, and may be cited, as the Missing Middle Townhome Ownership Act.

SEC. 2. Section 65852.30 is added to the Government Code, to read:

65852.30. (a) A development proponent may submit an application for a townhome development project that meets the requirements of this section and Chapter 9 (commencing with Section 66499.45) of Division 2 of Title 7. A townhome development project application under this section includes any city, or for townhome development projects located in an unincorporated area of a county, land use and zoning approvals required to authorize construction and occupation of the townhome development project, including, but not limited to, subdivision, building, grading, and other permits.

(b) (1) For any townhome development project application submitted pursuant to this section, a local agency may impose objective general plan standards, objective zoning standards, objective subdivision standards, or objective design standards that are applicable to the townhome development project, and do not conflict with this section.

(2) Notwithstanding paragraph (1), a local agency shall not impose on a townhome development project an objective general plan standard, objective zoning standard, objective subdivision standard, or objective design standard that does or is any of the following:

(A) Physically precludes the development of a proposed townhome development project that complies with at least 75 percent of the applicable density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2.

(B) (i) Except as provided in clause (ii), imposes any requirement that applies to a townhome development project solely or partially on the basis that the project receives approval pursuant to this section.

(ii) If the townhome development project is proposed on a site with a general plan designation or zoning classification that does not allow the density proposed by the townhome development project, the local agency may require the project to comply with the objective general plan standards, objective zoning standards, objective subdivision standards, and objective design standards that would have applied to the project had it been proposed on a site with a general plan designation and zoning classification that allow the density and unit type proposed by the applicant.

(C) Requires that parking be enclosed or covered or requires parking capacity or parking designs that are prohibited or restricted by other law.

(3) In addition to any other requirements imposed in accordance with this section, a local agency may require the construction or dedication of any improvements, facilities, infrastructure, or rights-of-way necessary for the townhome development project to be consistent with the local agency's general plan.

(c) A local agency shall ministerially consider, without discretionary review or a hearing, an application submitted to a local agency pursuant to this section.

(d) A local agency may disapprove a townhome development project that meets the requirements of this section if it makes a written finding, based upon a preponderance of the evidence, that the proposed townhome development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(f) A local agency shall follow the tribal consultation procedures described in subdivision (b) of Section 21080.66 of the Public Resources Code.

(g) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code).

(h) This section shall not apply to the City and County of San Francisco.

(i) For purposes of this section:

(1) "Townhome" means a single-family dwelling unit that is less than or equal to three stories of occupiable square footage, and meets either of the following conditions:

(A) Shares a common wall with other single-family dwelling units on one or two sides.

(B) Is separated from one or more neighboring units by no more than the minimum fire separation distance as set forth in the building standards for residential buildings in Chapter 3 of Part 2.5 of Title 24 of the California Building Standards Code.

(2) "Townhome development project" means a housing development project, as defined in Section 65589.5, that consists entirely of residential units that satisfy the definition of a townhome, and that satisfies all of the following:

(A) The average total area of floorspace for the proposed townhomes in a townhome development project does not exceed 1,750 net habitable square feet. For purposes of this paragraph, "net habitable square feet" means the finished and heated floor area fully enclosed by the inside surface of walls, windows, doors, and partitions, and having a headroom of at least six and one-half feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements.

(B) It contains no more than 150 total units.

(C) It has at least 75 percent of the applicable density described in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2.

(D) If it includes 11 or more units, it meets the applicable of the following:

(i) At least 10 percent of the total units, as defined in subparagraph (A) of paragraph (9) of subdivision (o) of Section 65915, are dedicated to lower income households, as defined in Section 50079.5 of the Health and Safety Code. The lower income units shall have an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, and the local agency shall ensure their continued affordability for a period of at least 45 years.

(ii) If a local inclusionary housing requirement mandates a higher percentage of affordable units than that described in clause (i), then the local policy shall apply rather than clause (i).

SEC. 3. Chapter 9 (commencing with Section 66499.45) is added to Division 2 of Title 7 of the Government Code, to read:

CHAPTER 9. The Missing Middle Townhome Ownership Act

66499.45. For purposes of this chapter:

(a) "Townhome" has the same meaning as defined in Section 65852.30.

(b) "Townhome development project" has the same meaning as defined in Section 65852.30.

66499.46. A local agency shall ministerially consider, without discretionary review or a hearing, a tentative and final map for a townhome development project that meets all of the following requirements:

(a) (1) The requirements of Section 65852.30.

(2) The proposed subdivision meets all of the following requirements:

(A) The subdivision site satisfies either of the following eligibility criteria:

(i) Zoned to allow multifamily residential dwelling use.

(ii) Underutilized and zoned exclusively for single-family residential development. For purposes of this clause, "underutilized" means having no permanent residential structure, unless the permanent residential structure is abandoned and uninhabitable. "Underutilized" does not include either of the following:

(I) Housing that is subject to a recorded covenant, ordinance, or law that restricts rent or sales price to levels affordable to persons and families of low, very low, or extremely low income.

(II) Housing that is subject to any form of rent or sales price control through a local public entity's valid exercise of its police power.

(B) The lot is not located on any site where a housing development would be an allowed use as a transit-oriented housing development pursuant to the applicable requirements of Section 65912.157.

(C) The proposed subdivision is not located on a site where an existing parcel of land or site is governed under any of the following:

(i) The Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

(ii) The Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code).

(iii) The Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code).

(iv) The Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(D) If the lot is not located in an urban area, as defined by the United States Census Bureau, the lot is on an infill site. For purposes of this subparagraph:

(i) "Infill site" means a site where at least three sides of the perimeter of the site adjoin parcels that are developed.

(ii) Parcels that are only separated by a street, pedestrian path, or bicycle path shall be considered to be adjoined.

(3) The newly created parcels are no smaller than 600 square feet.

(4) The housing units in the proposed subdivision are one of the following:

(A) Constructed on fee simple ownership lots.

(B) Part of a common interest development.

(C) Part of a limited-equity housing cooperative, as defined in Section 817 of the Civil Code.

(D) Constructed on land owned by a nonprofit or community land trust, and the housing unit is sold to the resident in a shared equity transaction. For the purpose of this subparagraph, "community land trust" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that satisfies all of the following:

(i) Has as its primary purposes the creation and maintenance of permanently affordable single-family or multifamily residences.

(ii) All dwellings and units located on the land owned by the nonprofit corporation are sold to qualified owners to be occupied as the qualified owner's primary residence or rented to persons and families of low or moderate income. For the purpose of this clause, "qualified owner" means a person or family of low or moderate income, including a person or family of low or moderate income who owns a dwelling or unit collectively as a member occupant or resident shareholder of a limited-equity housing cooperative.

(iii) The land owned by the nonprofit corporation or land trust, on which a dwelling or unit sold to a qualified owner is situated, is leased by the nonprofit corporation to the qualified owner for the convenient occupation and use of that dwelling or unit for a renewable term of 99 years, or is subject to an alternate form of shared equity transaction pursuant to which residents recoup all or most of the mortgage or similar payments paid to the nonprofit or land trust, and 10 percent of any increase in the value of the unit is allocated to the departing resident.

(E) Part of a tenancy in common, as described in Section 685 of the Civil Code.

(5) The proposed subdivision will not result in any existing dwelling unit being alienable separate from the title to any other existing dwelling unit on the lot.

(6) The lot proposed to be subdivided is not identified to accommodate any portion of the jurisdiction's share of the regional housing need for lower income households.

(7) The development of a townhome development project in the proposed subdivision does not require the demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rent to levels affordable to persons and families of low, very low, or extremely low income.

(B) Housing that is subject to any form of rent or price control through a local public entity's valid exercise of its police power.

(C) Housing occupied by tenants and subject to rent or price control within the five years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.

(8) The lot proposed to be subdivided is not a parcel that is either of the following:

(A) A parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(B) A parcel that contained five or more units within the five years preceding the date of the application.

(9) The lot proposed to be subdivided is not located on a site that is any of the following:

(A) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(B) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(C) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.

(D) 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 former Section 25356 of the Health and Safety Code, unless either of the following applies:

(i) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.

(ii) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

(E) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the housing development project complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(F) Within 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. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this paragraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A housing development project may be located on a site described in this subparagraph if either of the following is met:

(i) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(G) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the housing development project has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.

(H) Land identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or another adopted natural resource protection plan.

(I) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(J) Land under conservation easement.

(10) The development is not located in either of the following:

(A) A contributing structure within a historic district included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or a historic property or district pursuant to a city or county ordinance.

(B) A parcel individually listed as a historical resource included in the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a property individually designated or listed as a city or county landmark under a city or county ordinance.

(11) The proposed subdivision conforms to all applicable objective requirements of this division, except as otherwise expressly provided in this section.

(12) The proposed subdivision complies with all applicable standards established pursuant to Section 65852.30.

(13) Any parcels proposed to be created pursuant to this section will be served by an existing community water system, as that term is defined in Section 116275 of the Health and Safety Code, that has a valid domestic water supply permit, and a municipal sewer system.

(14) If the local zoning applicable to the parcel establishes a minimum residential density, the minimum residential density, including the lower end of an applicable residential density range, is no more than 50 units per acre.

(b) A townhome development project on a proposed site to be subdivided pursuant to this section is not required to comply with either of the following requirements:

(1) A minimum requirement on the size, width, depth, frontage, or dimensions of an individual parcel created by the housing development project beyond the minimum parcel size specified in, or established pursuant to, paragraph (3) of subdivision (a).

(2) (A) The formation of a homeowners' association, except as required by the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).

(B) Subparagraph (A) shall not be construed to prohibit a local agency from requiring a mechanism for the maintenance of common space within the subdivision, including, but not limited to, a road maintenance agreement.

(c) (1) Any townhome development project constructed on the lots proposed to be subdivided pursuant to this section shall comply with all applicable objective general plan standards, objective zoning standards, objective subdivision standards, and objective design standards as established by the local agency that are not inconsistent with this section and subdivision (a) of Section 65852.30.

(2) In addition to any other requirements imposed in accordance with this section, a local agency may require the construction or dedication of any improvements, facilities, infrastructure, or rights-of-way necessary for the townhome development project to be consistent with the local agency's general plan.

(d) (1) (A) Except as provided in paragraph (2), a person shall not sell, lease, or finance any parcel or parcels of real property resulting from a subdivision under this section separately from any other such parcel or parcels, unless each parcel that is sold, leased, or financed meets one of the following criteria:

(i) The parcel contains a residential structure completed in compliance with all applicable provisions of the California Building Standards Code (Title 24 of the California Code of Regulations) that includes at least one dwelling unit.

(ii) The parcel already contains an existing legally permitted residential structure.

(iii) The parcel is reserved for internal circulation, open space, or common area.

(iv) The parcel is the only remaining parcel within the subdivision that is not developed with a residential structure that was completed in compliance with all applicable provisions of the California Building Standards Code (Title 24 of the California Code of Regulations).

(B) A violation of this paragraph shall constitute the sale of real property that has been divided in violation of the provisions of this division and shall be subject to the penalties and remedies set forth in Chapter 7 (commencing with Section 66499.30).

(2) A local agency may, by ordinance or map condition, authorize the sale, lease, or finance of any parcel or parcels of real property resulting from a subdivision under this section without compliance with the provisions of paragraph (1).

(e) A local agency may deny the issuance of a tentative map or a final map for a townhome development project allowed under this section if it makes a written finding, based upon a preponderance of the evidence, that the proposed townhome development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(f) A local agency's approval of a townhome development project pursuant to this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(g) Notwithstanding Section 66411.7 or 66499.41, a local agency is not required to permit an urban lot split on a parcel created through the exercise of the authority contained within this section.

(h) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

66499.47. This chapter shall not apply to the City and County of San Francisco.

SEC. 4. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances of the City and County of San Francisco.

SEC. 5. The Legislature finds and declares that Sections 2 and 3 of this act adding Section 65852.30 to, and adding Chapter 9 (commencing with Section 66499.45) to Division 2 of Title 7 of, the Government Code address a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, except as provided therein, Sections 2 and 3 of this act apply to all cities, including charter cities.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.