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## Governor Signs Subdivision Map Extension Measure

[Roger A. Grable](#)

**Governor Schwarzenegger signed AB 333 (Fuentes) yesterday which adds Government Code Section 66452.22 to the Subdivision Map Act and extends any approved and unexpired tentative or vesting map or tentative or vesting tentative parcel map that would otherwise expire before January 1, 2012, by 24 months. The bill is an urgency measure and takes effect immediately. This bill follows last years extension of 12 months which was codified at Government Code Section 66452.21.**

As with last years bill, in determining whether a map will expire before January 1, 2012, only extensions granted pursuant to subdivision (e) of Section 66452.6 or subdivision (c) of Section 66463.5, which address discretionary extensions by the legislative body or advisory agency, and extensions due to the filing of partial final maps pursuant to subdivision (a) of Section 66452.6) are to be considered. Extensions due to a development moratorium or litigation stay pursuant to Section 66452.6 or 66453.5 are not to be considered. In the case of a development moratorium or litigation stay, therefore, the tentative map may actually expire following the January 1, 2012 date and still be extended by 24 months.

There are a couple of important distinctions between AB 333 and last year's bill. First of all, for the maps involving residential subdivisions which are subject to the provisions of Government Code Section 65961, also referred to as the "One Bite of the Apple" rule, the constraints on the application of new conditions to building permits is reduced from five years to three years.

In addition, for maps extended pursuant to AB 333, and without regard to the Section 65961 limit, the local agency may levy fees or impose conditions on building permits requiring the payment of fees.

The signing of this bill is a big victory for the building industry. It was a



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California Building Industry Association sponsored bill which received strong bi-partisan support in the legislature. The Governor, who had previously announced that until a deal was reached on the state budget he would not sign other legislation, made a rare exception for this bill, which demonstrated not only the influence of the industry but also the ongoing nature of the housing crisis in the state.

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**FOR ADDITIONAL INFORMATION ON THIS ISSUE, CONTACT:**



**Roger A. Grable** Mr. Grable's practice focuses on land use and entitlement law. He specializes in development processing, development agreements, CEQA, subdivision and vested rights issues. He has substantial experience in the area of affordable housing development and in negotiating school mitigation agreements. Mr. Grable also has expertise in the area of real estate transactions including the negotiation and drafting of purchase and sale agreements, options and commercial leases.

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