

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 2170 (Boerner) – As Amended April 22, 2026

Policy Committee: Natural Resources

Vote: 9 - 4

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

**SUMMARY:**

This bill prohibits the approval of certain industrial use projects via exemption under the California Environmental Quality Act (CEQA) and requires translation of certain CEQA notices.

Specifically, this bill, among other things:

- 1) Requires an environmental impact report (EIR), a negative declaration (ND), or a mitigated negative declaration (MND), as determined by the lead agency, for any project, except as specified in the bill, that includes the development, intensification, or substantial expansion of an industrial use if the project is located in or within one-half mile of an overburdened community, as defined.
- 2) Provides that the above-described projects do not qualify for a statutory exemption under CEQA and are not eligible for a ministerial review process.
- 3) Provides that an existing provision in the CEQA statute that allows for streamlined environmental review for housing development projects that nearly miss qualifying for a statutory or categorical exemption under CEQA does not apply to a proposed housing development project located on a project site that includes habitat for certain types of protected species.
- 4) Requires, on and after July 1, 2027, the following notices prepared pursuant to CEQA be translated into all “threshold languages,” as defined in the bill, in the city or county where the project is located to ensure meaningful involvement of all impacted people: notices of public hearings or informational meetings regarding a proposed project, exemption, intent to adopt an ND or MND, preparation of an EIR, availability, completion, and determination.
- 5) Requires, on or before July 1, 2027, the Office of Land Use and Climate Innovation (LCI) to develop guidelines to implement the translation requirement described above and requires the guidelines to (a) include guidance for the availability of timely requested translation equipment or services at any public hearing or meeting for which a notice is required to be translated and (b) allow lead agencies to develop a procedure for an interested party to request that interpretation services be made available at hearings or meetings and, if the lead agency develops that procedure, the lead agency may require mandatory interpretation services only when a request has been made in advance of the hearing or meeting.

- 6) Requires a lead agency to provide a notice of any public hearing for specified projects to owners and occupants of property located within one-half mile of any parcel or parcels, and to any school located within one mile of any parcel or parcels, of a project site, not less than 30 days before the public hearing and requires any such notice to include translations for all threshold languages spoken in the city or county and to provide the date, time, and location of the public hearing, a description of the proposed project, a map indicating the location of the facility, how to submit a written comment, and any other information deemed appropriate by the lead agency.
- 7) Specifies various requirements for the aforementioned public hearing and provides that a minor inaccuracy in the translation of a notice or hearing required or provided pursuant to this bill shall not be a basis for invalidation of a public agency decision, unless the inaccuracy is found to preclude relevant information from being presented to the public, as specified.

**FISCAL EFFECT:**

- 1) LCI estimates a one-time General Fund cost of approximately \$326,000 for one year to develop the required guidelines.
- 2) While most CEQA notices (not including appendices or the environmental document being noticed) are relatively short, the translation requirement in the bill creates ongoing cost pressure of an unknown amount, potentially in the hundreds of thousands of dollars (General Fund and various special funds), to various state agencies acting as lead agencies under CEQA, particularly for publicly funded and agency-led projects, where translation costs are not recoverable from a private project applicant.

As an example, the State Water Resources Control Board (State Water Board) estimates ongoing annual costs of about \$850,000 (General Fund or special fund such as the Waste Discharge Permit Fund). Of this total, State Water Board notes that \$500,000 is needed to identify threshold languages, manage contracts, and perform other related work, and \$350,000 is needed for contracting costs for the translation of various notices and to provide notice to both owners and occupants of parcels. The California Department of Corrections and Rehabilitation anticipates ongoing General Fund cost pressures in the low hundreds of thousands of dollars annually, primarily for translation of CEQA-related documents into threshold languages. And while the Department of Parks and Recreation and the University of California did not have precise cost estimates available at the time of the writing of this analysis, both entities anticipate ongoing General Fund costs to comply with the translation requirement.

Other impacted agencies include Department of General Services, Department of Corrections and Rehabilitation, Air Resources Board, Department of Transportation, Department of Forestry and Fire Protection, Department of Fish and Wildlife, Department of Water Resources, California State University, and California Community Colleges.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

**COMMENTS:**

1) **Purpose.** According to the author:

Disadvantaged communities continue to be at risk of health problems like asthma, cancer, and heart disease due to high pollution levels. Californians deserve greater transparency to advocate for safer, cleaner development in our state. No matter your income or first language, everyone has the right to know about project proposals in their neighborhoods and the opportunity to comment on that project, especially when their health and safety are at risk. AB 2170 would increase transparency for all Californians and protect our most vulnerable communities, our health, and the environment.

2) **Background.** CEQA provides a process for evaluating the environmental effects of applicable projects undertaken or approved by public agencies. If a project is not exempt from CEQA, the lead agency prepares an initial study to determine whether the project may have a significant effect on the environment. If the initial study shows the project would not have a significant effect on the environment, the lead agency must prepare an ND. If the initial study shows that project may have a significant effect, the lead agency must prepare an EIR.

Generally, an EIR must accurately describe the proposed project, identify and analyze each significant environmental impact expected to result from the proposed project, identify mitigation measures to reduce those impacts to the extent feasible, and evaluate a range of reasonable alternatives to the proposed project. Prior to approving any project that has received environmental review, the lead agency must make certain findings. If mitigation measures are required or incorporated into a project, the lead agency must adopt a reporting or monitoring program to ensure compliance with those measures.

Writing in support, a coalition of organizations argues this bill would redress and repair the legacy of contamination in disadvantaged communities by increasing language access, ensuring timely public notification of proposed projects and their impacts, and closing loopholes for CEQA exemptions that facilitate industrial development in the most polluted neighborhoods without meaningful environmental review.

Among others in opposition, the California Building Industry Association (CBIA) argues, among other things, that the definition of “overburdened community” combined with the half-mile buffer will “drive homebuilders away from infill projects in communities with significant unmet housing needs” and that the translation mandate adds costs and litigation risk to every CEQA project in the state.

In 2014, the Legislature passed AB 543 (Campos), which would have required the Office of Planning and Research (now LCI) to prepare and develop recommended amendments to the CEQA Guidelines that would establish criteria for a lead agency to assess the need for translating certain notices into non-English languages. In his veto message, the Governor wrote, “Existing federal and state laws already provide guidance to lead agencies regarding the circumstances which give rise to the need for translating public documents.” In 2018, the Legislature passed AB 2447 (Reyes), which would have expanded notice and public meeting requirements under CEQA for certain industrial projects in or near disadvantaged communities. In his veto message, the Governor wrote: “Land use is quintessentially a local

matter. I believe the notice and meeting requirements, as outlined in this bill, are too prescriptive.”

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