

Date of Hearing: April 13, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 2569 (Hart) – As Introduced February 20, 2026

SUBJECT: California Environmental Quality Act: natural hazards and adverse environmental conditions

SUMMARY: Expands the scope of the California Environmental Quality Act (CEQA) analysis to explicitly include consideration of significant effects that may result from locating a project near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions, validating prior CEQA practice and invalidating a 2015 California Supreme Court decision.

EXISTING LAW, CEQA:

- 1) Requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA. (Public Resources Code (PRC) 21000 *et seq.*)
- 2) Requires an EIR to include a detailed statement setting forth all of the following:
 - a) All significant effects on the environment of the proposed project.
 - b) In a separate section:
 - i) Any significant effect on the environment that cannot be avoided if the project is implemented.
 - ii) Any significant effect on the environment that would be irreversible if the project is implemented.
 - c) Mitigation measures proposed to minimize significant effects on the environment, including, but not limited to, measures to reduce the wasteful, inefficient, and unnecessary consumption of energy.
 - d) Alternatives to the proposed project.
 - e) The growth-inducing impact of the proposed project.
(PRC 21100)
- 3) Defines "environment" as the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance. (PRC 21060.5)

- 4) Defines “significant effect on the environment” as a substantial, or potentially substantial, adverse change in the environment. (PRC 21068)

THIS BILL:

- 1) Requires an EIR also to include a detailed statement setting forth any significant effects that may result from locating the proposed project near, or attracting people to, existing or reasonably foreseeable natural hazards or adverse environmental conditions.
- 2) Revises the definition of “environment” to include the health and safety of people affected by the physical conditions at the location of a project.
- 3) Revises the definition of “significant effect on the environment” to include exposure of people, either directly or indirectly, to a substantial existing or reasonably foreseeable natural hazard or adverse condition of the environment.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **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, an initial study is prepared to determine whether the project may have a significant effect on the environment. If the initial study shows that the project would not have a significant effect on the environment, the lead agency must prepare a negative declaration. If the initial study shows that the 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. If a lead agency approves a proposed project despite its significant environmental impacts, the EIR must contain a statement of overriding considerations explaining the economic, social, and other factors that support this decision. Prior to approving any project that has received environmental review, an agency must make certain findings. If mitigation measures are required or incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

- 2) **Author’s statement:**

Enacted in 1970, CEQA is the state’s bedrock environmental law, ensuring that environmental impacts are considered before projects are approved. Current law, however, does not clearly require agencies to evaluate how hazards like wildfires, flooding, or extreme heat may impact people brought into a project. With worsening climate change and natural hazards, this lack of clarity has allowed developments to be approved without a full analysis and understanding of the risks to future residents. AB 2569 will clarify that human health and safety is a core part of environmental review and require agencies to assess when projects may expose people to natural hazards, helping prevent unsafe development and better protect communities.

- 3) **CEQA Guidelines have long required lead agencies to consider the effects of hazardous or adverse environmental conditions on a proposed project.** Section 15126.2 of the CEQA Guidelines details how to consider and discuss significant environmental impacts of a proposed project. 15126.2(s) states “(t)he EIR shall also analyze any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected. For example, the EIR should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”

This “reverse-CEQA” analysis, considering impacts of the environment on the project, was used to evaluate and address problems caused by bringing people and new development to areas with poor air quality, incompatible land uses, or hazardous conditions such as heightened seismic activity. While not explicitly required by statute, this requirement in the Guidelines promoted common-sense planning and consideration of issues that would naturally come up throughout the environmental review process, such as the risk of flooding from sea-level rise and other impacts associated with climate change.

- 4) **But the courts have invalidated these provisions in the CEQA Guidelines.** A 2011 decision by the Second District Court of Appeal, *Ballona Wetlands Land Trust v. City of Los Angeles*, held that the requirement in Section 15126.2(a) is invalid. Finding that CEQA literally requires analysis of the project’s significant impacts on the environment – and not the environment’s impacts on the project – the court held that the effects of preexisting environmental hazards on the project and its users are not environmental impacts under CEQA. According to the court, to hold otherwise would be inconsistent with the statute’s legislative purpose and statutory requirements.

Then a 2015 decision by the California Supreme Court, *California Building Industry Association (CBIA) v. Bay Area Air Quality Management District*, held that CEQA generally did not require agencies to analyze the impacts of existing environmental conditions on future users or residents of a project. Instead, agencies were only required to evaluate how the project might exacerbate existing environmental hazards.

- 5) **Prior legislation.** AB 953 (Ammiano, 2013) was essentially the same as this bill, requiring an EIR to analyze significant environmental effects resulting from locating a proposed project near, or attracting people to, areas with substantial existing or reasonably foreseeable natural hazards or adverse environmental conditions. While AB 953 passed this committee on April 15, 2013, it was not taken up for a vote on the floor and eventually died on the inactive file.

REGISTERED SUPPORT / OPPOSITION:

Support

350 Bay Area Action
 California Environmental Justice Alliance (CEJA) Action
 California Environmental Voters
 Center for Biological Diversity
 Center on Race, Poverty & the Environment

Citizens Planning Association
Clean Water Action
Cleaneearth4kids.org
Climate Action California
Committees for Land, Air, Water and Species
Communities for a Better Environment
Defenders of Wildlife
Earthjustice
Endangered Habitats League
Environmental Defense Center
Facts: Families Advocating for Chemical & Toxics Safety
Food and Water Watch
Friends of Mission Canyon
Friends of the River
Leadership Counsel Action
Mothers Out Front Silicon Valley
Natural Resources Defense Council
Physicians for Social Responsibility - San Francisco Bay
Planning and Conservation League
San Francisco Baykeeper
Sierra Club California
Smart Action for Growth & Equity - Santa Barbara

Opposition

Building Owners and Managers Association of California
California Apartment Association
California Association of Realtors
California Building Industry Association
California Business Properties Association
California Central Valley Flood Control Association
California Chamber of Commerce
California State Association of Counties
Desert Water Agency
El Dorado Irrigation District
League of California Cities
NAIOP of California
Rural County Representatives of California
Valley Ag Water Coalition
Water Replenishment District

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