Date of Hearing: July 1, 2026

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Juan Carrillo, Chair
SB 1256 (Jones) – As Amended June 24, 2026

SENATE VOTE: 33-0

SUBJECT: Subdivision Map Act: action or proceeding

SUMMARY: Prohibits an action or proceeding to enforce the Subdivision Map Act (SMA) from being maintained if the action contains substantially similar claims raised in a previous action to enforce the California Environmental Quality Act (CEQA). Specifically, **this bill**:

1) Prohibits an action to enforce the Subdivision Map Act (SMA) from being maintained if all of the following criteria exist:

    a) The action or proceeding to enforce the SMA includes substantially similar claims or issues to claims or issues raised in an action or proceeding to enforce the CEQA.

    b) The defendant in the action or proceeding to enforce the SMA was the defendant in the action or proceeding to enforce the CEQA.

    c) The action or proceeding to enforce the CEQA was commenced prior to January 1, 2019, and has been fully adjudicated.

    d) The project that is the subject of the action or proceeding to enforce the CEQA proposes at least 400 units of mixed-income housing, recognizes a valid project labor agreement and is in an unincorporated county with a specified population.

    e) The plaintiffs, petitioners, or real parties in interest in the action or proceeding to the SMA are the same or in privity with the plaintiffs, petitioners, or real parties in interest in the action or proceeding to enforce the CEQA.

2) Provides that nothing in the bill is to be construed to do the following:

    a) Prohibit the filing of timely objections to an agency's return to a writ seeking to enforce its specific mandates.

    b) Prohibit the timely filing of a separate action relating to the same project.

    c) Prohibit the timely filing of a claim under the SMA when necessary to enforce adherence to a mitigation measure identified in an approved environmental impact report, or ordered by a court, or contained within an approved settlement of an action or proceeding to enforce the CEQA.

    d) Abrogate a local agency's obligation to comply with a procedural requirement of the SMA.

3) Adopts a sunset date of January 1, 2032.

EXISTING LAW:

1) Establishes the SMA to provide for the regulation and control of the design and improvement of subdivisions vested in the legislative bodies of local agencies. [Government Code (GOV) § 66410 *et seq.*]

2) Requires that a tentative and final map be created for all subdivisions creating five or more parcels, five or more condominiums, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units, except as specified. (GOV § 66426.)

3) Requires a service of summons to be effected within 90 days after the date of a decision in any action or proceeding to attack, review, set aside, void, or annul the decision of an advisory agency, appeal board, or legislative body concerning a subdivision, or of any of the proceedings, acts, or determinations taken, done, or made prior to the decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, including, but not limited to, the approval of a tentative map or final map or the action is barred. (GOV § 66499.37.)

4) Establishes the CEQA that, generally, requires a public agency to prepare, or cause to be prepared, and to 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 significant effects. [Public Resources Code (PRC) § Section 21100 *et seq.*]

5) Defines a "project" for the purpose of the CEQA as an activity that may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and includes any of the following:

   a) An activity directly undertaken by any public agency;

   b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies; or

   c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies. [PRC § 21065.]

6) Provides that an action or proceeding to attack, review, set aside, void, or annul the acts or decisions of a public agency on the grounds of noncompliance with the CEQA may be commenced when it is alleged that:

   d) A public agency is carrying out or has approved a project that may have a significant effect on the environment without having determined whether the project may have a significant effect on the environment.

   e) A public agency has improperly determined whether a project may have a significant effect on the environment.

f) An environmental impact report prepared by, or caused to be prepared by, a public agency does not comply with the California Environmental Quality Act.

g) A public agency has improperly determined that a project is not subject to the California Environmental Quality Act.

h) Any other act or omission of a public agency does not comply with the California Environmental Quality Act. (PRC § 21167.)

7) Provides that no part of law is retroactive, unless expressly so declared. (Civil Code Section 3.)

FISCAL EFFECT: None.

COMMENTS:

1) **Bill Summary.** This bill prohibits an action or proceeding under the SMA, if the claims or issues being raised are substantially similar to claims or issues raised by an action to enforce CEQA by the same plaintiffs on the same project by the same defendants, provided the project meets certain conditions and the action under CEQA was fully adjudicated.

   A project eligible for the provisions of the bill must meet the following requirements:

   a) The project proposes at least 400 units of mixed-income housing.

   b) The project includes a project labor agreement.

   c) The project is located within the unincorporated area of a county that has a population of at least 3,000,000 and no greater than 4,000,000 residents.

   d) The project has been approved by the lead agency.

   This bill also provides that the bill shall not be construed to do any of the following:

   a) Prohibit the filing of timely objections to an agency's return to a writ seeking to enforce its specific mandates.
   b) Prohibit the timely filing of a separate action relating to the same project.
   c) Prohibit the timely filing of a Subdivision Map Act claim when necessary to enforce adherence to a mitigation measure identified in an approved environmental impact report, a court order to enforce CEQA, or an approved settlement of an action to enforce CEQA.
   d) Abrogate a local agency's obligation to comply with a procedural requirement of the SMA.

   This bill includes a sunset date of January 1, 2032.

   This bill is author sponsored.

2) **Author's Statement.** According to the author, "California's housing crisis is exacerbated by frivolous, never-ending lawsuits brought against developers of planned housing projects. Nowhere is this more apparent and frequently utilized for abuse than under the California Environmental Quality Act (CEQA), where an entire cottage industry has grown around litigation related to the Act. However, when CEQA lawsuits are fully adjudicated and developers are able to remedy any issues with the projects to the satisfaction of the court and

lead agency, plaintiffs have begun to petition the court under different statutes to further delay projects.

"Avoiding the legal principle of res judicata by suing project developers for substantially similar issues already adjudicated in a CEQA lawsuit under a different statute is contrary to the principles of our legal system, our environmental laws, and the State's stated goals of providing more housing inventory.

"This bill would, in a narrow and defined circumstance, prevent plaintiffs from engaging in this end-run maneuver by barring a Subdivision Map Act action where substantially similar claims or issues were raised in a previously adjudicated CEQA lawsuit involving the same project, the same defendant, and the same or privy plaintiffs.

"This bill does not erode CEQA's environmental protections, does not carve out any project from CEQA, and does not otherwise affect the application of CEQA. It also does not prohibit timely objections to an agency's return to a writ seeking to enforce its specific mandates or the timely filing of a separate action relating to the same project."

3) **Background.** Planning for and approving new development is mainly a local responsibility. The California Constitution allows cities and counties to "make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws." It is from this fundamental power, commonly called the police power, that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public – including land use authority. Cities and counties enforce this land use authority through zoning regulations, as well as through an "entitlement process" for obtaining discretionary as well as ministerial approvals.

   The scale of the proposed development, as well as the existing environmental setting determine the degree of local review that occurs. For larger developments, the local entitlement process commonly requires multiple discretionary decisions regarding the subdivision of land, environmental review pursuant to CEQA, and project review by the local agency's legislative body (city council or county board) or by a planning commission delegated by the legislative body.

4) **Planning and Zoning Law.** Cities and counties enact zoning ordinances to implement their general plans. Zoning determines the type of housing that can be built. In addition, before building new housing, housing developers must obtain one or more permits from local planning departments and must also obtain approval from local planning commissions, city councils, or county board of supervisors. Some housing projects can be permitted by city or county planning staff ministerially, or without further approval from elected officials. Projects reviewed ministerially require only an administrative review designed to ensure they are consistent with existing general plan and zoning rules, as well as meeting standards for building quality, health, and safety. Most large housing projects are not allowed ministerial review; instead, these projects are vetted through both public hearings and administrative review. Most housing projects that require discretionary review and approval are subject to review under the California Environmental Quality Act, while projects permitted ministerially generally are not.

5) **Subdivision Map Act.** The SMA governs how local officials regulate the division of real property into smaller parcels for sale, lease, or financing. Cities and counties adopt local subdivision ordinances to carry out the SMA and local requirements. City councils and

county boards of supervisors use the SMA to control a subdivision's design and improvements. Local subdivision approvals must be consistent with city and county general plans.

Under the SMA, cities and counties can attach scores of conditions. The SMA allows local officials to require, as a condition of approving a proposed subdivision, the dedication of property within a subdivision for streets, alleys, drainage, utility easements, and other public easements and improvements. Once subdividers comply with those conditions, local officials must issue final maps. For smaller subdivisions that create four or fewer parcels, local officials usually use parcel maps, but they can require tentative parcel maps followed by final parcel maps. The SMA also constrains the dedications and improvements that local cities and counties can require as a condition of a subdivision of four or fewer lots to only the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.

6) **The California Environmental Quality Act.** Enacted in 1970, CEQA requires California's state and local agencies to evaluate, disclose, and, where feasible, mitigate the potential environmental effects of their actions before they approve projects. State law establishes CEQA's fundamental purposes to include informing government decision-makers and the public about potential environmental effects, identifying ways to avoid or significantly reduce environmental damage, preventing significant avoidable impacts by adopting feasible mitigation measures or alternatives, and publicly disclosing the rationale for approving projects with unavoidable significant impacts.

7) **CEQA Process.** Since cities and counties exercise land use authority in their jurisdictions, they are often a "lead agency"—the state or local agency with the principal responsibility for carrying out or approving a project—for purposes of CEQA. CEQA requires a lead agency to first determine whether an action constitutes a "project" under CEQA. A project is a discretionary activity that a public agency proposes to be carried out or approved that could have a foreseeable impact on the physical environment. If an action isn't a project, or is non-discretionary (ministerial), CEQA does not apply.

8) **Exemptions.** Some actions are exempt from CEQA's requirements because they fall within one of numerous exemptions listed in statute or in the CEQA Guidelines developed by the Office of Planning and Research (recently renamed to the Office of Land Use and Climate Innovation, or "LCI") that identify classes of projects that do not have a significant effect on the environment (categorical exemptions). A categorical exemption still may not apply to a project if there are "unusual circumstances" or "cumulative impacts" that might cause a significant environmental impact.

9) **Negative Declaration.** If a project under CEQA isn't exempt, the lead agency must perform an initial study to determine whether an environmental impact report (EIR) or negative declaration (ND) must be prepared.

   If the project will not have a significant effect on the environment, the lead agency can prepare a ND. A lead agency can instead prepare a specific type of ND, known as a "mitigated negative declaration" (MND) for a project when the initial study has identified potentially significant effects on the environment, but:

   a) The project applicant proposed or agreed to changes to the project that would mitigate the effects to a point where clearly no significant effect on the environment would occur; and

b) There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.

10) **Environmental Impact Report.** If the lead agency can't prepare an ND or MND, or chooses not to, they must prepare an EIR. As articulated by the California Supreme Court,[1] a lead agency must prepare an EIR whenever substantial evidence in the administrative record supports a "fair argument" that a proposed project "may have a significant effect on the environment," even if there is other substantial evidence that the project will not have a significant effect.

An EIR provides thorough environmental review of a proposed project, analyzing the significant direct and indirect impacts of a proposed project on a long list of environmental factors, including water quality, transportation, air quality and greenhouse gas emissions, land use, wildfire risk, and many others. The EIR also includes proposed mitigation measures for any significant effects that it identifies. It also requires consideration of alternatives to the proposed project, and a consideration of cumulative and growth-inducing impacts.

Courts consider the EIR "the 'heart of CEQA.' Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'"[2]

EIRs involve very comprehensive analyses of a wide variety of environmental impacts. For example, the City of Los Angeles Planning Department identifies 16 categories of impacts to be examined in an EIR, including: aesthetics; agricultural resources; air quality; biology; cultural resources; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population, housing, and employment; public services and recreation; transportation/circulation; tribal cultural resources; and utilities/service systems.

An EIR that fails to adequately analyze an impact may be ruled invalid by a court, jeopardizing the project for which the EIR was prepared.

11) **Harmony Grove Village South.** In 2018, the San Diego County Board of Supervisors approved entitlements for the Harmony Grove Village South project (Harmony Grove) outside of Escondido in unincorporated San Diego County. The project proposed a mixed-use development that includes:

a) 453 single family and multi-family residential units;

b) 5,000 square feet of commercial/civic uses;

c) 35 acres of biological open space;

d) Four acres of public and private parks, along with two miles of trails; and

e) A wastewater treatment facility site.

The project is located in the Very High Fire Hazard Severity Zone and was approved with an exception to the County Fire Code regarding evacuation routes because a secondary

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[1] *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68
[2] *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553.

evacuation route was infeasible. The project included preparation of a Fire Protection Plan that provided alternative measures intended to provide the same level of protection as the requirements in the County Fire Code. The project is also subject to a project labor agreement with the laborers in San Diego County.

As with many large projects, it was subject to review under CEQA and the County prepared an EIR. The entitlements for the project also included a subdivision map to allow individual parcels to be sold.

12) **Litigation over Harmony Grove.** Harmony Grove has been the subject of controversy and multiple lawsuits since the County approved it. After the Board approved the project, two lawsuits challenged the project's approval on the grounds that it violated CEQA and the County's general plan. The trial court ordered the County to rescind its approval because it found numerous issues with the EIR. On appeal, in 2021 the 4th District Court of Appeal found that the project complied with most requirements, including the analysis of whether the project would exacerbate wildfires. However, the 4th District Court found that the greenhouse gas mitigation measures for the project did not provide reasonable assurance that greenhouse gas reductions will actually occur, and that the County's General Plan required housing projects to contain affordable housing units, which Harmony Grove did not.[3]

Complying with the court's decision, the County rescinded the approval in 2022. It then revised the project to provide more certain greenhouse gas mitigation measures and requires the project to make 5% of the units affordable to lower income households and 5% to moderate income households. The County approved the revised project in 2025.

Following approval of the revised project, the same plaintiffs that had previously challenged the project filed two new lawsuits: one that alleged the project's failure to comply with the County's ordinances, including its ordinances adopted under the Subdivision Map Act, and one that alleged new CEQA violations. That litigation is ongoing.

13) **Arguments in Support.** RCS-Harmony Partners writes in support, "As the Legislature has increasingly recognized, CEQA litigation is too often used as a tool to delay or stop housing projects. These lawsuits can drag on for years, causing otherwise viable developments to be abandoned or force the project to absorb multiple millions of dollars in legal costs. Both of these outcomes work to ultimately make housing significantly more expensive for California families.

"SB 1256 seeks to address one aspect of that problem by prohibiting litigation or enforcement actions under the Subdivision Map Act where: (1) the claims are substantially similar to claims raised and litigated to trial judgment following appeal, in a prior adjudicated CEQA action or proceeding; (2) the defendant in the new action was a party to that prior action; and (3) the project has been approved (and re-approved, following adjudication) by the lead agency."

14) **Arguments in Opposition.** Elfin Forest/ Harmony Grove Town Council writes in opposition to the bill, "SB 1256 would bar Subdivision Map Act lawsuits whenever a developer has survived a [CEQA] challenge on a 'substantially similar' issue—even if the local government failed to implement State Fire Safe Regulations in a subsequent approval. By circumventing

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[3] *Elfin Forest Harmony Grove Town Council v. County of San Diego*, 2021 Cal. App. Unpub. LEXIS 6474

state law enacted to ensure safe evacuation, it would put the public at grave risk of fire catastrophe.

"SB 1256 would have the California Legislature intervene in a specific and fully legitimate lawsuit brought by two organizations, including EHL. (Elfin Forest Harmony Grove Town Council et al. v. County of San Diego et al., No. 25CU069194C). At issue is a sprawl housing project that has no secondary egress in a Very High Fire Hazard Severity Zone, in gross violation of state law. The County refused to allow the fire protection review that would have forced compliance. SB 1256 would deprive citizens of their existing legal rights to defend themselves and literally throw them out of court.

"SB 1256 would have you believe that CEQA review and complying with explicit state statutes are one and the same. They clearly are not. If they were, your Legislature would not have enacted the State Fire Safe Regulations after the loss of life from fire evacuation disasters."

15) **Double-Referral.** This bill is double-referred to the Assembly Judiciary Committee, where it passed on a 11-0 vote on June 23, 2026.

REGISTERED SUPPORT / OPPOSITION:

Support

Rcs Harmony Partners LLC

Opposition

32nd Street Canyon Task Force
Brentwood Alliance of Canyons & Hillsides
California Coastal Protection Network
Canyon Back Alliance
Center for Biological Diversity
Center for Local Government Accountability
Climate Action Campaign
Equitable Land Use Alliance (ELUA)
Escondido Neighbors United
Friends of Goodan Ranch and Sycamore Canyon Open Space
Friends of Hedionda Creek
Inland Empire Waterkeeper
Los Angeles Audubon Society
Orange County Coastkeeper
Planning and Conservation League
Preserve Calavera
Preserve Wild Santee
San Diego Bird Alliance
San Pasqual Valley Preservation Alliance
Sea and Sage Audubon Society
The Escondido Creek Conservancy
The Urban Wildlands Group
Wake Up California
Western Electrical Contractors Association

Analysis Prepared by: Linda Rios / L. GOV. / (916) 319-3958