

SENATE THIRD READING

SB 1256 (Jones)

As Amended June 24, 2026

Majority vote

SUMMARY

Prohibits an action or proceeding to enforce the Subdivision Map Act from being maintained if the action contains substantially similar claims raised in a previous action to enforce the California Environmental Quality Act.

Major Provisions

- 1) Prohibits an action to enforce the Subdivision Map Act from being maintained if all of the following criteria exist:
 - a) The action or proceeding to enforce the Subdivision Map Act includes substantially similar claims or issues to claims or issues raised in an action or proceeding to enforce the California Environmental Quality Act;
 - b) The defendant in the action or proceeding to enforce the Subdivision Map Act was the defendant in the action or proceeding to enforce the California Environmental Quality Act;
 - c) The action or proceeding to enforce the California Environmental Quality Act 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 California Environmental Quality Act 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; and
 - e) The plaintiffs, petitioners, or real parties in interest in the action or proceeding to the Subdivision Map Act are the same or in privity with the plaintiffs, petitioners, or real parties in interest in the action or proceeding to enforce the California Environmental Quality Act.
- 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 Subdivision Map Act Claim 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 California Environmental Quality Act; or
 - d) Abrogate a local agency's obligation to comply with a procedural requirement of the Subdivision Map Act.

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

COMMENTS

The California Environmental Quality Act (CEQA), while much derided by many developers, serves to ensure that the environmental impacts of a development project are adequately studied and mitigated by the government before permits and approvals are granted. The Subdivision Map Act serves to guide local governments to approve development projects in an orderly manner that considers a development's impacts in relation to adjoining areas. While similar issues may arise when local governments evaluate projects under two acts, they serve two distinct purposes and are different areas of law.

Because the adoption of a tentative map under the Subdivision Map Act may be deemed a discretionary act, the map itself may need to undergo review under CEQA. Any litigation surrounding the tentative map under CEQA must be resolved before the final map can be approved. Once a final subdivision map is approved it too may be litigated. Recognizing that both acts may be litigated in an attempt to stop development, this bill would prevent issues that were fully adjudicated under CEQA from being relitigated under the Subdivision Map Act, except in certain circumstances. The bill also limits its applicability to San Diego County.

As noted above, both CEQA and the Subdivision Map Act may study similar aspects of a development. For example, the Subdivision Map Act explicitly requires a map to consider public access to waterways (Government Code Section 66478.1) and CEQA requires consideration of a project's impact on "natural and protected lands" (Public Resources Code section 21080.1), both of which likely involve a similar review.

Recognizing that a project's environmental impacts are likely to be challenged under CEQA, this bill seeks to prevent project opponents from getting a second chance to litigate the same issue under the Subdivision Map Act. The bill would apply only to actions against the same defendant, for the same project, brought by the same plaintiff, petitioner, or real party in interest. The bill also recognizes that some actions under the Subdivision Map Act may be necessary to *enforce* a judgment or settlement in a CEQA lawsuit, thus the bill provides several exceptions to the general bar including permitting lawsuits seeking writs to enforce mandates, suits to enforce a CEQA judgment, and suits to enforce the procedural requirements of the Subdivision Map Act. The author also limited the bill's applicability, generally, to his home county of San Diego, and proposed amendments adopt a sunset date of January 1, 2032.

By seeking to preclude the relitigating of various claims and issues the bill implicates the judicial doctrines of res judicata (claim preclusion) and equitable estoppel (issue preclusion). The doctrine of res judicata seeks to "prevent relitigation of the same cause of action in a second suit between the same parties or parties in privity with them." (*DKN Holdings LLC v. Faerber* (2015) 61 Cal.4th 813, 824.) California courts have held that the elements of a res judicata defense include: 1) whether or not the legal claim or issue in the present action is identical to a claim or issue in a prior proceeding; 2) whether the prior proceeding resulted in a final judgment on the merits; and 3) whether the party against whom the doctrine is being asserted was a party or in privity with a party to the prior proceedings. (*Roberson v. City of Rialto* (2014) 226 Cal.App.4th 1499, 1510.)

Similarly, the doctrine of equitable estoppel is designed to prevent the relitigation of issues that were resolved in prior litigation, even if the underlying claims are not wholly identical. The

elements of an equitable estoppel defense are: "1) after final adjudication; 2) of an identical issue; 3) actually litigated and necessarily decided in the first suit; and 4) asserted against one who was a party in the first suit or one in privity with that party." (*State Compensation Insurance Fund v. ReadyLink Healthcare, Inc.* (2020) 50 Cal.App.5th 422, 447-48.) Finally, if those elements are met, then the court must determine if precluding the reconsideration of the issue would be consistent with the preservation of the "integrity of the judicial system." (*Ibid.*)

By precluding the relitigating of "substantially similar claims or issues to claims or issues raised in an action or proceeding to enforce" CEQA, this bill is largely acting as a form of equitable estoppel. While the doctrine of equitable estoppel does require a court to determine if such estoppel is necessary to protect the integrity of the judicial system, nothing in the case law appears to preclude the Legislature from asserting via statute that certain claims are deemed estopped. Given that expending precious judicial resources relitigating complex land use claims via two similar statutes seems imprudent, such estoppel appears reasonable appropriate as it relates to CEQA and the Subdivision Map Act.

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 for which an entire cottage industry has grown around litigant services 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 acts of law to further delay projects.

Avoiding the legal principle of res judicata by suing project developers for the same issues already brought forward in a previously adjudicated CEQA lawsuit under a different act is contrary to the intent of our legal system, our environmental laws and the State's stated goals on providing more housing inventory.

This bill would prevent plaintiffs from performing in the end-run maneuver by barring a plaintiff from suing the same defendant for the same project under the Subdivision Maps Act – a favorite vessel for this tactic – if the issues being raised are substantially similar to those already raised in a previously adjudicated CEQA lawsuit.

This bill does not erode CEQA's environmental protection, does not carve out any project from CEQA or otherwise affect the application of CEQA.

Arguments in Support

This bill is supported by RCS-Harmony Partners and the Laborers International Union of North America (LiUNA!) Local 89 from San Diego. In support of the bill, RCS-Harmony Partners writes:

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.

Arguments in Opposition

This bill is opposed by several habitat conservation and environmental organizations. In opposition to the measure, the Planning and Conservation League writes:

SB 1256 would bar Subdivision Map Act lawsuits whenever a developer has survived a California Environmental Quality Act ("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 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.

Unrelated to the Fire Safe Regulations or the CEQA process, the project labor agreement provisions of the bill are opposed by the Western Electrical Contractors Association who noted in their opposition letter to the Senate Judiciary Committee:

There is no logical nexus between preventing duplicative lawsuits and requiring a developer to surrender control over construction labor relations. A project either merits protection from repetitive litigation because of sound legal policy or it does not. Conditioning that protection on the adoption of a PLA creates the troubling precedent that access to judicial certainty and streamlined legal treatment may be purchased only through acquiescence to favored labor arrangements.

PLAs are not neutral labor instruments. They are highly restrictive pre-hire collective bargaining agreements that effectively grant unions preferential and often exclusive control over project labor. These agreements impose significant burdens on the vast majority of California's construction workforce, which has chosen not to join a union. Merit shop contractors and their employees are frequently required to obtain workers through union hiring halls, contribute to union benefit and pension systems from which their employees may never benefit, comply with unfamiliar work rules, and operate under costly administrative requirements that increase construction costs and reduce competition.

FISCAL COMMENTS

None

VOTES**SENATE FLOOR: 33-0-7**

YES: Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Grayson, Grove, Hurtado, Jones, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Allen, Dahle, Durazo, Gonzalez, Laird, Reyes, Smallwood-Cuevas

ASM JUDICIARY: 11-0-1

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani

ABS, ABST OR NV: Zbur

ASM LOCAL GOVERNMENT: 8-0-2

YES: Carrillo, Ta, Johnson, Pacheco, Blanca Rubio, Stefani, Ward, Wilson

ABS, ABST OR NV: Ramos, Ransom

UPDATED

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CONSULTANT: Nicholas Liedtke / JUD. / (916) 319-2334

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