

Date of Hearing: July 7, 2025

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SB 676 (Limón) – As Amended March 24, 2025

SENATE VOTE: 39-0

SUBJECT: California Environmental Quality Act: judicial streamlining: state of emergency: fire

SUMMARY: Establishes expedited administrative and judicial review procedures under the California Environmental Quality Act (CEQA) for a project that is located in a geographic area that was damaged by a fire for which the Governor declared a state of emergency, requiring the courts to resolve lawsuits within 270 days, to the extent feasible.

EXISTING LAW:

- 1) CEQA 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 (CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA guidelines). (Public Resources Code (PRC) 21000 *et seq.*)
- 2) Authorizes judicial review of CEQA actions taken by public agencies, following the agency's decision to carry out or approve the project. Challenges alleging improper determination that a project may have a significant effect on the environment, or alleging an EIR does not comply with CEQA, must be filed in the superior court within 30 days of filing of the notice of approval. The courts are required to give CEQA actions preference over all other civil actions. Requires the court to regulate the briefing schedule so that, to the extent feasible, hearings commence within one year of the filing of the appeal. Requires the plaintiff to request a hearing within 90 days of filing the petition. Requires the court to establish a briefing schedule and a hearing date, requires briefing to be completed within 90 days of the plaintiff's request for hearing, and requires the hearing, to the extent feasible, to be held within 30 days thereafter. (PRC 21167 *et seq.*)
- 3) Establishes an alternative, optional procedure for concurrent preparation and certification of the administrative record in electronic form, as follows:
 - a) Requires the lead agency, upon written request by a project applicant and with consent of the lead agency, to concurrently prepare the record of proceedings with the administrative process.
 - b) Requires all documents and other materials placed in the record of proceedings to be posted on a Web site maintained by the lead agency.
 - c) Requires the lead agency to make publicly available, in electronic format, the draft environmental document, and associated documents, for the project.

- d) Requires the lead agency to make any comment publicly available electronically within five days of its receipt.
 - e) Requires the lead agency to certify the record of proceedings within 30 days after filing notice of determination or approval.
 - f) Requires certain environmental review documents to include a notice, as specified, stating that the document is subject to this section.
 - g) Requires the applicant to pay for the lead agency's cost of concurrently preparing and certifying the record of proceedings.
- (PRC 21167.6.2)

THIS BILL:

- 1) Requires, for a project that is located in a geographic area that was damaged by a fire for which the Governor declared a state of emergency, and the project is not otherwise exempt from CEQA under the existing emergency exemption or by a Governor's executive order:
 - a) Concurrent preparation of the administrative record pursuant to PRC 21167.6.2.
 - b) Lawsuits challenging approval of the project to be resolved, to the extent feasible, within 270 calendar days of the filing of the certified record of proceedings with the court.
- 2) Requires the Judicial Council to adopt rules of court to implement this requirement.
- 3) Provides the bill:
 - a) Applies only to a project that is consistent with the applicable zoning and land use ordinances.
 - b) Does not apply to a project that is proposed after the Governor rescinds the emergency declaration.
 - c) Applies to projects in a geographic area that was damaged by fire for which the Governor has declared a state of emergency on or after January 1, 2023.

FISCAL EFFECT: According to the Senate Appropriations Committee:

- Unknown but potentially significant cost pressure (General Fund) to the state-funded court system to process and hear challenges to the project's environmental review within the timeframes prescribed by the bill.
- Unknown but potentially significant costs (General Fund) to Judicial Council to adopt rules of the court to guide implementation of the provisions of this bill.

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 there would not be 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 on the environment, the lead agency must prepare an EIR.

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 mitigation measures are required or incorporated into a project, the agency must adopt a reporting or monitoring program to ensure compliance with those measures.

Generally, CEQA actions taken by public agencies can be challenged in superior court once the agency approves or determines to carry out the project. CEQA appeals are subject to unusually short statutes of limitations. Under current law, court challenges of CEQA decisions generally must be filed within 30-35 days, depending on the type of decision. The courts are required to give CEQA actions preference over all other civil actions. However, the schedules for briefing, hearing, and decision are less definite. The petitioner must request a hearing within 90 days of filing the petition and, generally, briefing must be completed within 90 days of the request for hearing. There is no deadline specified for the court to render a decision.

2) **Author's statement:**

The LA wildfires, Eaton and Palisades have reportedly caused property losses close to \$53 billion. In addition, a few weeks prior to the LA wildfires, the Mountain Fire in Camarillo destroyed 243 structures. As wildfire risks continue to rise every year, it is imperative that we ensure affected communities can be restored after a disaster. By adding consistency to the community rebuilding process, SB 676 aims to support the state's wildfire resiliency efforts.

3) **An unpredictable expansion of expedited judicial review.** This bill proposes to offer expedited judicial review to any project in an eligible fire-damaged area. This extends well beyond replacement of fire-damaged structures, which are typically exempt from CEQA, to include new projects of any type that may have no relationship to fire damage except for location in an area covered by a fire-related emergency declaration.

In light of the staff and cost pressures the 270-day timeline creates on the judicial branch, prior bills have required project applicants to pay the costs of the trial court and court of appeal related to the courts hearing and adjudicating any expedited CEQA lawsuit.

CEQA litigation already enjoys significant preferences and protections for project proponents and lead agencies. For example, affordable housing projects challenged under CEQA can seek the imposition of financial assurances from plaintiffs to ensure the project is not harmed by frivolous litigation. Additionally, the existing civil litigation calendaring preferences means that CEQA litigation takes priority over all other civil cases, including those involving elderly or terminally-ill plaintiffs, eviction and other housing related matters, labor and back wage disputes, and cases in which person's civil rights and liberties are at stake.

CEQA cases can be highly complex, and in order to facilitate proper review of the cases staff assets may be pulled from other judicial departments. This bill may dramatically expand the number of cases that seek judicial streamlining. While the courts successfully managed the few cases that have been fast-tracked since 2011, should this bill result in an influx of streamlined cases, the courts may become overwhelmed. If the trial courts are presented with multiple cases, the feasibility of resolving each case in time may diminish, as will the benefit of the bill.

- 4) **Suggested amendments.** This bill appears to apply more broadly than the author's stated intent to support rebuilding of fire-damaged communities. *The author and the committee may wish to consider* amending the bill to apply to projects to "maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed by wildfire, where the project is located in a geographic area for which the Governor declared a state of emergency."
- 5) **Double referral.** This bill has been double-referred to the Judiciary Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

California Apartment Association
California Association of Realtors
League of California Cities

Opposition

Judicial Council of California

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