

Date of Hearing: July 15, 2025

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

SB 676 (Limón) – As Amended July 9, 2025

**SENATE VOTE:** 39-0

**SUBJECT:** CALIFORNIA ENVIRONMENTAL QUALITY ACT: JUDICIAL  
**STREAMLINING:** STATE OF EMERGENCY: FIRE

**KEY ISSUE:** SHOULD PROJECTS SEEKING TO MAINTAIN, REPAIR, RESTORE, DEMOLISH, OR REPLACE PROPERTY OR FACILITIES DAMAGED OR DESTROYED BY WILDFIRE BE PROVIDED EXPEDITED JUDICIAL REVIEW FOR ANY CHALLENGES ARISING UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT?

**SYNOPSIS**

*As a result of climate change the past decade has seen some of the largest and most destructive wildfires in California's history. Increasingly, these wind-driven fires are leaving the wildland-urban interface and becoming massive urban conflagrations that decimate entire communities. The damage inflicted by these fires is further complicating California's already precarious availability of affordable housing. Although rarely as controversial as new developments, post-wildfire rebuilding efforts are still subject to reviews in accordance with the California Environmental Quality Act. Should litigation arise surrounding the environmental review of a post-fire reconstruction project, the reconstruction of fire damaged communities can be significantly delayed.*

*This bill would authorize litigation involving projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed by wildfire that are challenged for non-compliance with the California Environmental Quality Act to receive expedited judicial review. The bill requires challenges to post-fire rebuilding projects to be decided by the courts within 270 days, if feasible. The bill also calls for the expedited preparation of the administrative record surrounding a project.*

*This bill is supported by several local governments and housing advocates. The proponents of the bill note that the timely reconstruction of properties damaged by wildfires is critical to rebuilding communities and restoring the lives of those impacted by wildfires. The bill is opposed by the Judicial Council of California, which argues that the bill places undue burdens on California's court system, and in conjunction with other recently enacted judicial streamlining bills, risks rendering all expedited judicial review statutes meaningless. This measure was previously heard and approved by the Committee on Natural Resources by a vote of 12 to 0.*

**SUMMARY:** Provides for an expedited judicial review of California Environmental Quality Act challenges to projects that maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed by wildfire. Specifically, **this bill:**

- 1) Provides that for a project located in a geographic area for which the Governor declared a state of emergency that is to maintain, repair, restore, demolish, or replace property or

facilities damaged or destroyed by wildfire, and the project is not otherwise exempt from the California Environmental Quality Act, both of the following apply:

- a) The record of proceedings must be prepared concurrently with the administrative process, made available to the public in an electronic format, as specified, and be certified by the lead agency within 30 days after the filing of the notice of declaration or determination; and
  - b) An action or proceeding brought to attack, review, set aside, void, or annul the certification of an environmental impact report, or the adoption of a negative declaration or mitigated negative declaration, for the project or the granting of any project approval, including any potential appeals to the court of appeal or the Supreme Court, must, to the extent feasible, be resolved within 270 calendar days of the filing of the certified record of proceedings with the court.
- 2) Requires the Judicial Council of California to adopt Rules of Court to implement 1).
  - 3) Limits the applicability of 1) to the following:
    - a) A project that is consistent with the applicable zoning and land use ordinances;
    - b) A project that is 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; and
    - c) A project that is proposed during the pendency of the Governor's state of emergency.

**EXISTING LAW:**

- 1) Establishes the California Environmental Quality Act 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 Section 21100 *et seq.*)
- 2) Defines a "project" for the purpose of the California Environmental Quality Act 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. (Public Resources Code Section 21065.)
- 3) 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 California Environmental Quality Act may be commenced when it is alleged that:

- a) 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;
  - b) A public agency has improperly determined whether a project may have a significant effect on the environment;
  - c) An environmental impact report prepared by, or caused to be prepared by, a public agency does not comply with the California Environmental Quality Act;
  - d) A public agency has improperly determined that a project is not subject to the California Environmental Quality Act; or
  - e) Any other act or omission of a public agency does not comply with the California Environmental Quality Act. (Public Resources Code Section 21167.)
- 4) Requires the superior court and court of appeal to provide lawsuits related to the California Environmental Quality Act preference over all other civil actions therein, in the matter of setting the same for hearing or trial, and in hearing the same, to the end that the action or proceeding must be quickly heard and determined. (Public Resources Code Section 21167.1 (a).)
- 5) Provides for categorical exemptions to the California Environmental Quality Act for actions that include the following:
- a) Ministerial projects proposed to be carried out or approved by public agencies;
  - b) Emergency repairs to public service facilities necessary to maintain service;
  - c) Projects undertaken, carried out, or approved by a public agency to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor;
  - d) Specified actions necessary to prevent or mitigate an emergency;
  - e) Actions undertaken by a public agency relating to any thermal power plant site or facility, as specified;
  - f) Activities or approvals necessary to the bidding for, hosting or staging of, and funding or carrying out of, an Olympic games under the authority of the International Olympic Committee, except for the construction of facilities necessary for the Olympic games;
  - g) The establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies, as specified;
  - h) A project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities;

- i) A project for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use, including the modernization of existing stations and parking facilities; and
  - j) A project for the development of a regional transportation improvement program, the state transportation improvement program, or a congestion management program. (Public Resources Code Section 21080 (b).)
- 6) Provides that any action or proceeding brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an “infrastructure project” certified by the Governor, as specified, including any potential appeals to the court of appeal or the Supreme Court, shall be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. (Public Resources Code Section 21189.85 (a).)
- 7) Authorizes the Governor to certify specified “infrastructure projects” for expedited judicial review for matters arising under the California Environmental Quality Act if the following conditions are satisfied:
- a) The applicant agrees to pay the costs of the trial court and the court of appeal in hearing and deciding any case challenging a lead agency’s action on a certified project, including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner as provided in the rule of court adopted by the Judicial Council;
  - b) The applicant agrees to pay the costs of preparing the record of proceedings for the project concurrent with the review and consideration of the project under this division, in a form and manner specified by the lead agency for the project; and
  - c) For a project for which environmental review has commenced, the applicant demonstrates that the record of proceedings is being prepared, as specified by law. (Public Resources Code Section 21189.82.)
- 8) Requires specified projects eligible for expedited review of California Environmental Quality Act claims to utilize a skilled and trained workforce, as specified, in the construction of the project. (Public Resources Code Section 21183.5.)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** Over the past decade, several climate change-driven wildfires have exploded into urban configurations destroying entire neighborhoods. From Santa Rosa to Paradise to Altadena, cities across California have felt the devastating impact of these wind driven fires. Several studies have demonstrated that rebuilding after a wildfire can take years. (Kramer et al, *Post-wildfire rebuilding and new development in California indicates minimal adaptation to fire risk* (2021) 107 Land Use Policy 105502, available at: <https://www.sciencedirect.com/science/article/abs/pii/S0264837721002258#:~:text=Rebuilding%20was%20common%3A%2058%25%20of,course%20of%2013%E2%80%9325%20yr.>) Like other areas of development in California, one potential roadblock to rebuilding is the California Environmental Quality Act (CEQA). Although Governor Newsom waived the applicability of CEQA as it applied to properties impacted by the 2025 Los Angeles County fires (Executive Order N-4-25), not all wildfire survivors have been provided such benefits. This bill would

provide all victims of wildfires occurring after January 1, 2023 in which the Governor has declared a state of emergency the ability, to receive expedited judicial review should an attempt to rebuild a property face a challenge under CEQA. In support of this bill the author states:

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.

***The CEQA process and potential court challenges.*** At its core, CEQA seeks to ensure that public agencies do not approve projects without considering the negative impacts a project may inflict on the environment. Although CEQA is too often, and incorrectly, viewed as a tool to skew outcomes in a manner that favors environmentalists and deters development, in reality, “CEQA operates, not by dictating proenvironmental outcomes, but rather by mandating that ‘decision makers and the public’ study the likely environmental effects of contemplated government actions and thus make fully informed decisions regarding those actions.” (*Citizens Coalition Los Angeles v. City of Los Angeles* (2018) 26 Cal. App. 5th 561, 577.) Thus, the primary objective of the environmental review required by CEQA is to steer agency decision makers into *approving* projects in a manner that utilizes feasible alternatives and mitigation measures to lessen the project's impact on the environment. The consideration of the impacts of a project is to be analyzed in the agency's environmental impact report. The failure to properly consider a project's impacts is what typically results in litigation.

The process of finalizing an environmental impact report requires several steps. First, the local lead agency must determine if a project qualifies for one of the many exemptions to CEQA provided in statute and the Office of Planning and Research's regulations, more commonly known as the CEQA Guidelines. If no exemption exists, the lead agency must then begin to initially study the project in order to determine the scope of the project and associated environmental review. At this point if the agency believes no environmental impacts exist they may opt to file a negative declaration stating as much and proceed to approve the project. Once the scope of the project and review is properly determined, the environmental review is conducted and a draft environmental impact report is submitted for public comment. A lead agency must respond to all written comments on the environmental impact report received during the public comment period, and revise the environmental impact report as necessary. The responses to comments should explain why the comments are rejected by the agency, or if the comment resulted in the adoption of a mitigation measure. Once the public review is completed, the agency can certify the final environmental impact report.

Once a final environmental impact report is certified, and a project is subsequently approved, any litigation over the environmental review of the project can begin. Courts require an environmental impact report to make a good faith effort at fully disclosing the impacts of the project; provide a detailed set of information about project impacts; and serving as the foundation for agency review. The court must review the environmental impact report in two ways. First, a court must determine if the environmental impact report was prepared in a procedurally sufficient manner, as described above, and contains the proper content as required by law. Secondly, the court must determine the substantive aspect of its review and determine whether the conclusions and decisions made by the lead agency are based on substantial

evidence in the record. (*Vineyard Area Citizens v. City of Rancho Cordova* (2007) 40 Cal.4th 412.)

***This bill offers the same expedited CEQA review that the Legislature has approved for stadiums, controversial infrastructure projects, and movie studios to everyday Californians impacted by devastating wildfires.*** The Legislature's first foray into expediting the review of CEQA cases was the passage of AB 900 (Buchanan) Chap. 354, Stats. 2011. That measure provided that "environmental leadership" projects, projects meeting specified environmental and labor requirements, would be granted immediate appellate-level review within 175 days of a case being filed. Those provisions were ultimately struck down as unconstitutional. (*Planning and Conservation League v. State of California* (2012) RG12626904 (Alameda Sup. Ct.)) Moving away from the strict timeline and original appellate jurisdiction provisions, the Legislature began adopting project-specific CEQA streamlining bills that adopted a 270-day hearing timeline at the superior courts if such a timeline was "feasible." (*See, e.g.* SB 743 (Steinberg) Chap. 386, Stats. 2013.) In addition to the project-specific CEQA exemptions, the Legislature has repeatedly reenacted provisions of AB 900 adopting the "if feasible" 270-day timeline approach. An additional extension of the AB 900 framework was adopted with the passage of SB 7 (Atkins) Chap. 19, Stats. 2021.

The AB 900 framework, as modified by SB 743, has been mimicked in numerous project-specific CEQA streamlining bills in the dozen years since SB 743 became law. This framework has been utilized to expedite the review of several sports venues, movie studios, and transportation projects proposed to ease the burden of traffic surrounding the 2028 Los Angeles Olympics. It should be noted that all of these project-specific CEQA streamlining measures were backed by well-connected proponents of large public projects.

This bill would adopt aspects of the AB 900 framework and apply it to post-wildfire rebuilding projects. While not containing as many conditions as the AB 900 framework, this bill represents the first proposal to permit average Californians to avail themselves of expedited judicial review of CEQA cases. While many wildfire victims, including those in Los Angeles County, are given full CEQA exemptions as a result of executive orders from the Governor, for those not receiving an exemption, this bill would expedite the rebuilding process.

The bill authorizes any project that is located in a geographic area for which the Governor declared a state of emergency, the purposes of which is to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed by wildfire, to have all CEQA claims litigated within 270-days, if feasible. The bill also adopts many of the streamlined record production procedures of the AB 900 framework. Like many prior CEQA streamlining measures, this bill tasks the Judicial Council with developing rules of court to implement the measure.

***Expedited CEQA review following a wildfire appears to be a far more reasonable approach than carte blanche waivers of CEQA.*** Although several prior CEQA streamlining bills have been opposed by environmental groups on the grounds that they deny impacted communities the opportunity to have their voices heard; this bill has no such opposition. Indeed, compared to a complete waiver of all CEQA review after a wildfire, this bill protects much of the CEQA process, including the composition of an EIR and public participation. To this end, this bill strikes a very reasonable balance between ensuring community members can participate in discussions surrounding post-fire rebuilding efforts and ensuring that unnecessary litigation delays do not prolong the trauma of Californians who are impacted by wildfires.

***Although the growing number of expedited judicial review bills adopted by the Legislature risk overwhelming California’s courts, this bill appears reasonable under the circumstances.*** This bill is not operating in a vacuum. Seeking to address California’s ongoing housing crisis, in recent years, the Legislature has adopted a number of bills to fast-track judicial review of a number of land use and planning case types. These bills have been adopted in addition to the annual assortment of project-specific CEQA streamlining measures passed in recent years. While this bill, and its benefits for fire victims, is certainly worthwhile, the Legislature must be vigilant as not to overwhelm the courts with judicial streamlining legislation and undercut the effectiveness of each proposal.

This bill also differs from most CEQA judicial streamlining measures in another key way. Unlike stadiums or other large infrastructure projects with known locations and litigation timelines that can be somewhat predictable, the unpredictable nature of wildfires means that this bill may be utilized in any county in the state at any time. For example, when the Golden1 Center in downtown Sacramento was provided with CEQA judicial streamlining, one court (the Sacramento County Superior Court) was impacted and could generally anticipate when the litigants would arrive on the courthouse steps. In the last decade, massive wildfires have devastated over a dozen California counties and have occurred throughout the year—whether at the peak of the summer heat, or in the dead of winter. This bill requires the Judicial Council to adopt a rule that would apply to all counties. Certainly, large counties, such as Los Angeles and Alameda, can likely handle any impacts of this bill. However, because many smaller rural counties do not have superior court systems on the scale of California’s metropolitan hubs, this bill may pose some implementation challenges for the courts. This is especially true given that rural areas of the state are still more likely to experience the worst impacts of wildfire. Nonetheless, on balance, ensuring that Californians can rebuild after wildfires supersedes these impacts. Given that this bill balances environmental reviews with expeditious post-fire rebuilding efforts, this bill appears meritorious.

***ARGUMENTS IN SUPPORT:*** This bill is supported by a coalition of local governments and housing advocates. In support of the bill, the League of California Cities writes:

SB 676 would add consistency measures to environmental review procedures under CEQA for projects located in a geographic area that was damaged by fire for which the Governor declared a state of emergency on or after January 1, 2023. The bill would allow a project that is not otherwise exempt from CEQA to be able to prepare the record of proceeding concurrently with the administrative process to transparently share the relevant materials. The record of proceeding, otherwise known as the administrative record, is a series of documentation related to the project’s environmental review, often serving as the basis for judicial review of the agency’s decision. In addition to the consistency measures proposed, SB 676 would require an action or proceeding brought to challenge the certification of an environmental impact report or the adoption of a negative declaration or mitigation negative declaration to be resolved within 270 calendar days of the filing of the certified record of proceedings for a project in the above-described geographic areas damaged by fire. This streamlined approach will help accelerate any legal challenges to projects impacted by fire and to further support the state’s wildfire resiliency efforts.

***ARGUMENTS IN OPPOSITION:*** This bill is opposed by the Judicial Council of California, which argues:

The Judicial Council opposes SB 676, which would require, for a project located in a geographic area that was damaged by fire for which the Governor declared a state of emergency on or after January 1, 2023, and where the project is not otherwise exempt from the California Environmental Quality Act (CEQA), as specified, the lead agency to prepare the record of proceedings concurrently with the administrative process. The bill would also require an action or proceeding brought to attack, review, set aside, void, or annul the certification of an environmental impact report, or the adoption of a negative declaration or mitigation negative declaration, for the project to be resolved, to the extent feasible, within 270 calendar days of the filing of the certified record of proceedings.

This is problematic as CEQA actions are already entitled under current law to calendar preference “over all other civil actions” pursuant to section 21167.1(a) of the Public Resources Code in both the superior courts and the Courts of Appeal.

Imposing an expedited 270-day judicial review timeline on top of existing CEQA calendar preferences is arbitrary and likely to be unworkable in practice. This limited timeframe is especially restrictive if the court of appeal or the California Supreme Court must also decide some portion of a CEQA case. Even assuming that no extensions of time are granted for any aspect of the proceedings, it takes an estimated six months to get a case to hearing in the superior court, plus the additional time for the judge to decide and issue a decision.

Unlike other “judicial streamlining” legislation, which the Judicial Council categorically opposes due to calendaring pressures, SB 676 deviates even further by seeking to require judicial streamlining not just to a particular project but to a broad and densely populated geographical area of Los Angeles where each parcel of land is potentially a cause of action. The bill applies to any project located in an area that was damaged by a fire for which the Governor declared a state of emergency on or after January 1, 2023, and given the devastation in our fire-damaged regions, the courts cannot possibly estimate how many potential causes of action would be required to be “streamlined” under this proposed legislation.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Apartment Association  
California Association of Realtors  
County of Santa Barbara  
LeadingAge California  
League of California Cities

### **Opposition**

Judicial Council of California

**Analysis Prepared by:** Nicholas Liedtke / JUD. / (916) 319-2334