

Date of Hearing: August 20, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 786 (Arreguín) – As Amended May 1, 2025

Policy Committee:	Housing and Community Development	Vote:	7 - 3
	Judiciary		9 - 3

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill revises and streamlines judicial review procedures for challenges to a local government's general plan, housing element, and related zoning ordinances.

Specifically, this bill:

- 1) Requires, to the extent that a quantified development standard in a general plan element is inconsistent with a quantified development standard contained in another element, the provisions of the most recently adopted element to supersede inconsistent provisions of the previously adopted element.
- 2) If a court finds that an action of a city or county that is required to be consistent with its general plan does not comply with its housing element, requires the local government to bring its action into compliance within 120 days, rather than 60 days. Deletes the option for the court to extend the time period for compliance by an additional 60 days.
- 3) If a court finds an action of a city or county does not comply with the local housing element, as described in item 2, above, and if bringing such an action into compliance requires review by the Department of Housing and Community Development (HCD) and HCD's review is not timely completed, authorizes the court to grant the city or county a reasonable extension of time to bring the action into compliance.
- 4) If a court finds that a city or county failed to complete a rezoning required to comply with the Planning and Zoning law, requires the court to issue an order or judgment, after considering the equities of the circumstances presented by all parties, compelling the local government to complete the rezoning within 120 days, rather than 60 days.
- 5) Modifies a court's ability to continue for a reasonable time the date of a hearing or trial relating to an action to challenge a general plan or any element thereof, by limiting the court to continuing the date upon written motion and finding of good cause, or upon the court's own motion, for no more than 60 days. Requires a court, if it has granted temporary relief, to consider ordering additional temporary relief in light of a continuance.
- 6) Makes immediately appealable any order or judgment issued in an action brought to challenge the validity of the general plan of any local government that resolves whether the general plan or any mandatory element of the general plan substantially complies with the Planning and Zoning laws, regardless of whether any final judgment has been issued.

- 7) Prohibits any relief provided, as specified in existing law, to a petitioner as a result of a non-compliant general plan from being stayed during an appeal, except upon a local government making a showing that the local government will suffer irreparable harm.
- 8) Requires the court to set a date for a hearing within 15 days of the filing of a request for temporary relief under item 5, above, and requires the court to set the hearing for the earliest possible date that the business of the court permits, but not more than 30 days after the filing of the request for temporary relief. Allows a court to continue for no more than 30 days the date of the hearing, and prohibits the court from granting more than one continuance.
- 9) If the court does not hear the motion by the deadlines provided by item 8, above, authorizes the petitioner to file an ex parte application requesting temporary relief on the 61st day after the initial filing of a request for temporary relief.

FISCAL EFFECT:

- 1) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts for staff resources to meet the bill's expedited processes, including hearing timelines. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The fiscal year 2025-26 state budget provides \$82 million ongoing General Fund to the Trial Court Trust Fund for court operations. The Judicial Counsel notes the volume of recent legislation granting calendar preference to some types of cases over others has already strained finite resources.
- 2) HCD anticipates minor and absorbable costs.

COMMENTS:

- 1) **Purpose.** This bill is sponsored by Attorney General (AG) Rob Bonta. According to the author:

In 2017 and 2018, the Legislature strengthened the state's housing element law to ensure that local governments would each do their part to plan to meet their fair share of their region's housing needs. Implementation and enforcement during this first cycle of housing elements under the revised rules have revealed some ambiguities in the law, which has led to administrative friction, litigation, and, most importantly, delays in realizing the goal of facilitating robust home building at all income levels. [This bill] would resolve several ambiguities in housing element law to provide clarity for local governments, project applicants, and courts to ensure that housing is developed as planned for.

- 2) **Background.** Existing law prescribes a process to challenge the validity of a city or county's general plan, or any element thereof, on the grounds the plan or element does not substantially comply with the general planning law. Among other things, existing law requires a petitioner to request a hearing or trial, as specified, and requires the court to set a date for a hearing or trial to be heard at the earliest possible date that the business of the court

permits, but not more than 120 days after the filing of the request. The court may continue, for a reasonable time, the date of the hearing or trial. If the court grants a continuance to a respondent, the court is required to grant temporary relief to the petitioner.

If the court finds in a final judgement that the local jurisdiction does not substantially comply with the planning law, a local jurisdiction has 120 days to bring its general plan into compliance. Additionally, if a court finds that an action of a local jurisdiction, which is required to be consistent with its general plan, does not comply with its housing element, the local jurisdiction has 60 days to bring that action into compliance. The court may extend that time for an additional 60 days upon a showing that complying in 60 days places an undue hardship on the local jurisdiction. If a court finds a local jurisdiction is not in compliance, the court is required to include one or more specified remedies, including suspension of permitting authority and mandating approval of certain housing permits and subdivision maps.

The author asserts the changes in this bill to the above procedure will expedite judicial review of general plan challenges.

- 3) **Support and Opposition.** In support, the AG and housing advocacy organizations assert this bill resolves ambiguities in existing law that result in delays of housing element litigation. The Judicial Council opposes this bill because of the potential impacts of the expedited hearing timelines on the court's limited resources, and the likely adverse impact on other cases in the courts, including cases with statutorily mandated calendar preferences.

Analysis Prepared by: Jennifer Swenson / APPR. / (916) 319-2081