
UNFINISHED BUSINESS

Bill No: SB 786
Author: Arreguín (D), et al.
Amended: 9/2/25
Vote: 21

SENATE LOCAL GOVERNMENT COMMITTEE: 5-2, 4/23/25

AYES: Durazo, Arreguín, Cabaldon, Laird, Wiener

NOES: Choi, Seyarto

SENATE JUDICIARY COMMITTEE: 11-2, 4/29/25

AYES: Umberg, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern, Wahab,
Weber Pierson, Wiener

NOES: Niello, Valladares

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 28-10, 5/29/25

AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon,
Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird,
McGuire, McNerney, Menjivar, Padilla, Pérez, Richardson, Rubio, Smallwood-
Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NOES: Alvarado-Gil, Choi, Dahle, Grove, Jones, Niello, Ochoa Bogh, Seyarto,
Strickland, Valladares

NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 58-19, 9/8/25 - See last page for vote

SUBJECT: Planning and zoning: general plan: judicial challenges

SOURCE: State of California Attorney General Rob Bonta

DIGEST: This bill makes changes to when local governments are considered to have a compliant housing element and the processes for challenging general plans in court.

Assembly Amendments revise the circumstances under which temporary relief can be granted and make other clarifying changes.

ANALYSIS:

Existing law:

- 1) Allows, pursuant to the California Constitution, 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.
- 2) Requires every county and city to adopt a general plan with seven mandatory elements: land use, circulation, housing, conservation, open space, noise, and safety. General plans must also either include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements.
- 3) Requires the general plan to be “internally consistent,” which means the various elements cannot have conflicting information or assumptions. Additionally, cities’ and counties’ major land use decisions—including zoning ordinances and development permitting—must be consistent with their general plans.
- 4) Requires every city and county to develop a housing element as part of the general plan every eight years (every five years for some rural areas). Each city or county receives a total number of housing units to plan for in its housing element, broken down by income category. The housing element must also contain specified information, programs, and objectives, including:
 - a) An assessment of housing needs, and an inventory of resources and constraints relevant to the meeting of these needs;
 - b) A statement of the community’s goals, quantified objectives, and policies relative to affirmatively furthering fair housing and to the maintenance, preservation, improvement, and development of housing; and
 - c) A program that sets forth a schedule of actions to implement the goals, objectives, and policies in housing element during the planning period, and timelines for implementation.

- 5) Spells out in detail the process for cities and counties to adopt a housing element that complies with the law, including a schedule for adopting housing elements and deadlines for each step in the process, as well as the review process by the Department of Housing and Community Development (HCD).
- 6) Prescribes how general plans, including housing elements, are litigated if challenged for being out of compliance with state law. Existing law requires any order related to general plan litigation to include one or more of the following remedies for any or all types of developments or any or all geographic segments of the city or county until the city or county has complied with general plan law, specifically:
 - a) Suspension of the city or county's authority to issue building permits;
 - b) Suspension of the city or county's authority to grant zoning changes or variances;
 - c) Suspension of the city or county's authority to grant subdivision map approvals;
 - d) Mandating the approval of building permits for residential housing that don't impair the ability to adopt or implement an adequate housing element and meet additional criteria;
 - e) Mandating the approval of final subdivision maps for housing projects that meet specified criteria; and
 - f) Mandating the approval of tentative subdivision maps for residential housing projects that meet specified criteria.
- 7) States that, if a court suspends the ability to issue building permits, grant zoning changes or variances, and approve subdivision maps, it must exclude from that order any action that both:
 - a) Will not significantly impair the ability of the city or county to adopt a compliant general plan; and
 - b) Is consistent with those portions of the plan challenged in the action or proceeding and found by the court to substantially comply with applicable provisions of law.

This bill:

- 1) Provides, to the extent that a quantified development standard contained in a general plan element is inconsistent with a quantified development standard contained in another element, the provisions of the most recently adopted element shall supersede inconsistent provisions of the previously adopted element.
- 2) Requires that, if a local agency has established a specific deadline to amend a local ordinance, development standard, condition, or policy applicable in its housing element, and the local agency has failed to make that amendment by the specified deadline, HCD must initiate a review of that failure to act.
- 3) Extends to 120 days (from 60 days) the deadline to bring an action by a city or county into compliance with its housing element or to complete a rezoning to comply with its housing element, and provides that if HCD is required to review the action and that hasn't completed a required review in time, the court may grant a reasonable extension to the city or county..
- 4) Requires a court to impose sanctions if a local government has not carried out actions to rezone in accordance with a court's order.
- 5) Provides that the laws establishing procedures for the litigation of general plans apply to charter cities and states that this is declaratory of existing law.
- 6) Limits to no more than 60 days a continuance ordered by a court in litigation regarding a general plan.
- 7) Allows an order or judgment in such litigation to be immediately appealed, regardless of whether it is final.
- 8) Provides, notwithstanding provisions of existing law, that remedies ordered because a city or county has not complied with general plan law cannot be stayed during appeal, unless the city or county can show it will suffer irreparable harm.
- 9) Requires (rather than allows, under current law) a court to grant temporary relief upon a showing of probable success on the merits in a case litigating general plan compliance.
- 10) Provides that any request for temporary relief under this section shall be made by noticed motion or application.

- a) If by noticed motion, the court shall set the hearing for the earliest possible date that the business of the court permits, consistent with Section 1005 of the Code of Civil Procedure, but not more than 60 days after the notice of motion was filed. The court may grant a continuance only on an affirmative showing of good cause requiring the continuance. Circumstances indicating good cause shall be those relevant to whether good cause exists to continue a trial under the California Rules of Court.
 - b) Alternatively, the court may order temporary relief upon application and, if the application for temporary relief is granted, issue an order to show cause as to why temporary relief should not remain while a hearing on the merits of the entire action is pending.
- 11) Repeals the ability of a court to grant extensions (up to 240 days) to bring a noncompliant general plan into compliance.
- 12) Makes other technical and clarifying changes.

Comments

- 1) *Purpose of this bill.* According to the author, “Californians need more housing, at more affordable price-points, to be built as soon as possible. The best path to that outcome is for every city and county to plan to meet the community’s housing needs by adopting and implementing a valid housing element. 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. SB 786 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) *Sledgehammer vs. scalpel.* Existing law currently requires a city or county to bring its general plan (including a housing element) into compliance when a court finds that it does not comply with the law, and allows a court to appoint a receiver to bring a housing element into compliance if a city or county takes too long to do it themselves. This bill doesn’t change those requirements: it simply imposes penalties on cities and counties earlier in the process if they attempt to defend themselves against a legal challenge of their general plan. Moreover, This bill follows enhanced penalties the Legislature enacted last year for

jurisdictions with noncompliant housing elements: the imposition of additional fines and a beefier “builder’s remedy,” which allows residential development to proceed even if it’s not consistent with the general plan and zoning in a jurisdiction, as long as it includes some affordable housing. Given these other remedies, it is unclear whether further punitive measures are necessary to bring local governments into compliance with housing element law.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Assembly Appropriations Committee:

- 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.
- HCD anticipates minor and absorbable costs.

SUPPORT: (Verified 9/8/25)

State of California Attorney General (Source)
 Abundant Housing LA
 California Housing Partnership
 California Rural Legal Assistance Foundation
 California Yimby
 Circulate San Diego
 East Bay Yimby
 Grow the Richmond
 Habitat for Humanity California
 Housing Action Coalition
 Housing California
 Inner City Law Center
 League of Women Voters of California
 Mountain View Yimby
 Napa-solano for Everyone

Northern Neighbors
Peninsula for Everyone
Public Interest Law Project
Santa Cruz Yimby
Santa Rosa Yimby
Sf Yimby
South Bay Yimby
South Pasadena Residents for Responsible Growth
Spur
The Two Hundred
Ventura County Yimby
Yimby Action
Yimby LA
Yimby Slo

OPPOSITION: (Verified 9/8/25)

None received

ASSEMBLY FLOOR: 58-19, 9/8/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Johnson, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Flora, Nguyen, Blanca Rubio

Prepared by: Anton Favorini-Csorba / L. GOV. / (916) 651-4119
9/8/25 19:53:01

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