

Date of Hearing: July 16, 2025

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 808 (Caballero) – As Amended May 23, 2025

Policy Committee: Judiciary

Vote: 10 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill requires the courts to expedite specified writs of mandate related to the denial of housing projects by local agencies.

Specifically, among other provisions, this bill:

- 1) Authorizes a project applicant, the Attorney General, or the Department of Housing and Community Development (HCD) to bring an action seeking writ of mandate, following the denial of a permit or other entitlement for a housing development project or residential dwelling.
- 2) Establishes expedited timelines by which parties must meet and confer, file and serve petitions and other related papers, and lodge with the court records of proceedings before the local agency, as specified.
- 3) Requires the cost of preparing the administrative record be borne by the local agency, unless the petitioner elects to prepare the record.
- 4) Requires the clerk of the court to set a hearing for review no later than 45 calendar days from the date an affected petition is filed.
- 5) Requires a court to render a decision no later than 30 calendar days after an affected matter is submitted or 75 calendar days after the date an affected petition is filed.
- 6) Authorizes, if a presiding judge determines the court is unable to meet the deadlines provided in item 5), above, the presiding judge to request the temporary assignment of a judicial officer to hear a petition and render a decision within the bill's time limits and as specified in the California Rules of Court.
- 7) Requires appeals of actions affected by the bill be given scheduling preference in the courts of appeal and California Supreme Court.

**FISCAL EFFECT:**

- 1) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown but potentially significant amount to the courts to adjudicate affected petitions on an expedited basis. Judicial Council, which opposes this bill, anticipates "unknown, likely significant calendaring and workload impacts on the courts" to meet the bill's timelines. Judicial

Council notes that the cases affected by the bill are often complex and lengthy; mandating expedited review of these cases will draw significant court time and resources away from other cases pending before the courts. 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.

- 2) Likely minor and absorbable costs, if any, to the Department of Justice (DOJ) and HCD to meet the bill's expedited procedural timelines. DOJ reports the department is already authorized to file the petitions affected by the bill and it will not incur additional workload costs to meet the bill's timelines. HCD anticipates no fiscal impact.
- 3) Non-reimbursable costs to local agencies to prepare administrative records and engage in litigation on the expedited timelines established by the bill.

#### COMMENTS:

- 1) **Background.** When a local agency improperly denies certain housing project applications, existing law allows the Attorney General, HCD, or a project applicant ("petitioner") to file a petition in court seeking a writ of mandate to require the local agency to follow the applicable state law. If the petitioner prevails, this forces the local agency to approve the contested housing project application and allows the project to move forward. According to the Attorney General, the sponsor of this bill, these legal disputes can take years to resolve, sometimes stopping housing projects completely because of the time and expense needed to litigate to obtain approval. This bill seeks to speed up this litigation by imposing expedited timelines for filing and adjudication of petitions contesting certain local agency housing decisions. According to the Attorney General, these expedited procedures would apply to Housing Accountability Act, ministerial approval, and accessory-dwelling unit law cases.

While existing law allows for streamlined adjudication of some other development-related proceedings, there are key differences between those existing procedures and the procedures established by this bill. For example, California Environmental Quality Act (CEQA) streamlining measures require parties to pay significantly higher than average filing fees to help offset the staffing and operational costs needed to process cases more quickly. Some CEQA filing fees range from \$120,000 to \$180,000 per case. This bill does not authorize higher filing fees, so the costs associated with quickly adjudicating the cases must be borne by the courts instead of the parties to the litigation. Additionally, this bill imposes rigid timelines by which the courts must rule on affected petitions. In contrast, CEQA streamlining measures generally require the courts to adhere to expedited timelines "to the extent feasible," providing the courts some discretion over the timing of each case. This bill's more rigid approach creates implementation challenges for the courts and, as discussed in more detail in the analysis of this bill by the Assembly Committee on Judiciary, poses "significant constitutional questions," potentially overstepping the Legislature's authority to dictate court operations.

- 2) **Support and Opposition.** In support of this bill, the California Home Building Alliance, a coalition of pro-housing organizations, writes:

Legally impermissible denials of housing project permits, made by local agencies in violation of state law, are a significant contributing factor to the statewide housing shortage California faces...When a local agency denies a project on an impermissible basis it creates delays that don't just harm developers and housing projects, but exacerbate our state's affordability crisis and prevent desperate California families from finding a home. Expediting judicial review in these instances, as we have in other ministerial situations, is an important step to tackle California's housing shortage.

Judicial Council writes in opposition, saying the bill:

(1) establishes an unreasonable expedited judicial review process for a local agency's decision to deny a permit for a new housing development or residential unit, (2) requires the court to hear the matter and issue a decision within unrealistic timeframes, and (3) requires the temporary assignment of judicial officers, which the courts have no ability to adequately accommodate. Our courts already have heavily impacted calendars which have only been compounded by a bevy of legislatively mandated accelerated calendaring requirements with no new funding for additional judges to handle more cases. There are simply not sufficient numbers of available judicial officers to comply with the requirements in this bill.

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