

AMENDED IN SENATE JUNE 27, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 131

**Introduced by ~~Assembly Member Gabriel~~ Committee on Budget
(Assembly Members Gabriel (Chair), Addis, Ahrens, Alvarez,
Bennett, Bonta, Connolly, Fong, Haney, Hart, Jackson, Lee,
Muratsuchi, Ortega, Patel, Petrie-Norris, Quirk-Silva, Ramos,
Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Ward, and
Wilson)**

January 8, 2025

~~An act relating to the Budget Act of 2025. An act to add Article 3
(commencing with Section 50245) to Chapter 6.5 of Part 1 of Division
31 of the Health and Safety Code, and to amend Sections 21080.1,
21080.47, 21080.51, 21094.5.5, and 21167.6 of, and to add Sections
21060.4, 21064.8, 21067.5, 21080.085, 21080.44, 21080.48, 21080.49,
21080.55, 21080.57, 21080.69, 21080.70, and 21083.03 to, the Public
Resources Code, relating to public resources, and making an
appropriation therefor, to take effect immediately, bill related to the
budget.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 131, as amended, ~~Gabriel Committee on Budget. Budget Act of
2025. Public Resources.~~

(1) Existing law establishes the Homeless Housing, Assistance, and Prevention program, administered by the Interagency Council on Homelessness, with respect to rounds 1 to 5, inclusive, of the program, and the Department of Housing and Community Development, with respect to round 6 of the program, for the purpose of providing jurisdictions, as defined, with one-time grant funds to support regional

coordination and expand or develop local capacity to address their immediate homelessness challenges, as specified.

This bill would establish round 7 of the program. The bill would authorize the Department of Finance to augment Item 2240-001-0001 of the Budget Act of 2025 by \$8,000,000 from the General Fund to prepare to administer round 7 of the program, as specified. The bill would require the Department of Finance to provide notification of any augmentation within 10 days to the Joint Legislative Budget Committee. The bill would, effective July 1, 2026, appropriate \$500,000,000, as specified, provided that these funds be disbursed in accordance with specified requirements, including that funds from this appropriation be disbursed to a city, county, tribe, or continuum of care for round 7 of the program after a declaration by the director of the department, in consultation with the Director of Finance, that the department has substantially completed its initial disbursement of round 6 funds to the city, county, tribe, or continuum of care, and that the city, county, tribe, or continuum of care has obligated at least 50% of its total round 6 award. The bill would state the intent of the Legislature to enact future legislation that specifies the parameters for round 7 of the program, as specified.

(2) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) 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 that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires the Office of Land Use and Climate Innovation to prepare and develop proposed guidelines for the implementation of CEQA by public agencies and requires the Secretary of the Natural Resources Agency to certify and adopt those proposed guidelines. CEQA requires those adopted guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and exempts those classes of projects from CEQA, commonly known as categorical exemptions. CEQA requires the guidelines to include criteria for public agencies to follow in determining

whether or not a proposed project may have a significant effect on the environment, and requires the criteria to require a finding that a project may have a significant effect on the environment if one or more of specified conditions exist.

This bill would exempt from CEQA, except as provided, a rezoning that implements the schedule of actions contained in an approved housing element, as specified. The bill would require the lead agency to be responsible for determining whether a project is exempt from CEQA. By requiring a lead agency to determine the applicability of the exemption and by increasing the duties of a lead agency, the bill would impose a state-mandated local program.

This bill would, for the approval of a proposed project that would otherwise be exempt from CEQA pursuant to a statutory exemption, or specified categorical exemptions adopted before January 1, 2026, but for a single condition, as specified, limit the application of CEQA to the effects upon the environment that are caused solely by that single condition. For these projects, the bill would only require the initial study or EIR to examine those effects that the lead agency determines, based upon substantial evidence in the record, are caused solely by the single condition that makes the proposed project ineligible for a statutory or categorical exemption. The bill would provide that these provisions do not apply to, among other things, a project that includes a distribution center, as defined, oil and gas infrastructure, as defined, or a project located on specified natural and protected lands, as defined.

This bill would exempt from CEQA specified new agricultural employee housing projects and projects consisting exclusively of the repair or maintenance of an existing farmworker housing project.

Existing law exempts from CEQA, until January 1, 2028, specified projects that, among other things, do not affect wetlands or sensitive habitats, undertaken by a public agency or private entity that primarily benefit a small disadvantaged community water system or a state small water system, as provided. Existing law defines various terms for these purposes.

This bill would extend the applicability of that exemption until January 1, 2032, and would expand the definition of a project for purposes of the exemption to include a project to provide sewer service to a disadvantaged community served by one or more inadequate sewage treatment systems, as defined.

This bill would, until January 1, 2030, exempt from CEQA specified projects for a community water system that receives funding from

specified sources that does not otherwise include any construction activities if the project results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery and includes procedures and ongoing management for the protection of the environment. This bill would exempt from CEQA wildfire risk reduction projects, including, among other things, projects for prescribed fire, defensible space clearance, and fuel breaks.

Existing law exempts from CEQA specified projects that consist of linear broadband deployment in a right-of-way if the project meets specified conditions.

This bill would expand that exemption to include a right-of-way of a local street or road.

This bill would exempt from CEQA updates to the state's climate adaptation strategy, as provided.

This bill would exempt from CEQA any activity or approval necessary for or incidental to planning, design, site acquisition, construction, operation, or maintenance of public park or nonmotorized recreational trail facilities funded by a specified source.

This bill would exempt from CEQA, except when located on natural and protected lands, as defined, a project that consists exclusively of a day care center, as specified, a project that consists exclusively of a federally qualified health center or a rural health clinic, as specified, a project that consists exclusively of a nonprofit food bank or food pantry, as specified, and a project that consists exclusively of a facility for advanced manufacturing, as specified.

This bill would exempt from CEQA a project that consists of the development, construction, or operation of a heavy maintenance facility or other maintenance facility for electrically powered high-speed rail, as defined, if specified conditions are met. The bill would exempt from CEQA a project that consists of the development, construction, or modification of a proposed passenger rail station, or design changes to a passenger rail station, for the purpose of serving electrically powered high-speed rail, if specified conditions are met.

Because a lead agency would be required to determine the applicability of some of the above-described exemptions, the bill would impose a state-mandated local program.

(3) Existing law, the Administrative Procedure Act, sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies.

This bill would require the office, on or before July 1, 2027, to map the eligible urban infill sites within every urbanized area or urban cluster in the state, as provided. The bill would require the office to develop a definition of and metrics for identifying an eligible urban infill site, as provided. The bill would require the office, at least 120 days before initial adoption of a map of eligible urban infill sites, to transmit a copy of the draft map or revision to the board of supervisors of each county and to the city council of each city in which any portion of the mapped area is located. The bill would authorize a city, county, or city and county to submit comments and proposed corrections and would require the office to consider those comments or proposed corrections and revise the draft map as appropriate. The bill would require the office to publish the draft map on its internet website for at least 45 days, conduct at least one public meeting to present the draft map, and receive public comments, as provided. The bill would authorize the office to amend any portion of the map, as provided. This bill would exempt the adoption or amendment of a map of eligible urban infill sites and the development of the definition of and metrics for identifying an eligible urban infill site from the Administrative Procedure Act.

Existing law limits the application of CEQA to the approval of an infill project, as defined, to the effects on the environment that are specific to the project or to the project site and were not addressed as significant effects in the prior EIR or where substantial new information shows the effects will be more significant than described in the prior EIR, as provided. Existing law requires the office to prepare, develop, and transmit to the Natural Resources Agency for certification and adoption guidelines to implement this provision.

This bill would, on or before January 1, 2026, and at least once every 2 years thereafter, require the guidelines to be updated to address any rigid requirements, lack of clarity in vague terminology, and the potential for excessive exposure to frivolous litigation over lead agency determinations, as specified.

(4) CEQA requires an action or proceeding to attack, review, set aside, void, or annul certain acts or decisions of a public agency to be commenced according to specified processes, including that at the time that the action or proceeding is filed, the plaintiff or petitioner is required to file a request that the respondent public agency prepare the record of proceedings relating to the subject of the action or proceeding, and requires the record of proceedings to include specified items and materials, including, among other things, all internal agency

communications, including staff notes and memoranda related to the project or to compliance with CEQA, but excluding communications that are of a logistical nature, as specified.

This bill would, except for a project that includes a distribution center or oil and gas infrastructure, exclude staff notes and internal agency communications from the record of proceedings, as provided.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(6) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2025.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3 (commencing with Section 50245) is
2 added to Chapter 6.5 of Part 1 of Division 31 of the Health and
3 Safety Code, to read:

4
5 Article 3. Round 7 of the Homeless Housing, Assistance, and
6 Prevention program
7

8 50245. (a) Round 7 of the Homeless Housing, Assistance, and
9 Prevention program is hereby established.

10 (b) Effective July 1, 2026, the sum of five hundred million dollars
11 (\$500,000,000), less the amount of funding that has been
12 transferred to Item 2240-001-0001 of the Budget Act of 2025 from
13 the General Fund pursuant to subdivision (d), is appropriated,
14 provided that these funds shall only be disbursed in accordance
15 with both of the following:

16 (1) None of these funds shall be allocated until after enactment
17 of legislation declaring that it addresses the issues described in
18 subdivision (c).

1 (2) Funds from this appropriation shall only be disbursed to a
2 city, county, tribe, or continuum of care for round 7 of the program
3 after declaration by the director of the department, in consultation
4 with the Director of Finance, that both of the following are true
5 of the particular city, county, tribe, or continuum of care that is
6 the subject of the disbursement, with respect to round 6 of the
7 Homeless Housing, Assistance, and Prevention program:

8 (A) The department has substantially completed its initial
9 disbursement of round 6 funds to the city, county, tribe, or
10 continuum of care.

11 (B) The city, county, tribe, or continuum of care has obligated
12 at least 50 percent of its total round 6 award.

13 (c) (1) Consistent with paragraph (1) of subdivision (b), it is
14 the intent of the Legislature to enact future legislation that specifies
15 parameters for round 7 of the Homeless Housing, Assistance, and
16 Prevention program.

17 (2) The following conditions and priorities shall be incorporated
18 into the implementation of round 7 funding, with subsequent
19 legislation to specify the extent to which each shall apply:

20 (A) Having a compliant housing element.

21 (B) Having a local encampment policy consistent with
22 administration guidance.

23 (C) Having a prohousing designation.

24 (D) Leveraging local resources to scale state investments.

25 (E) Demonstrating progress on key housing performance
26 metrics.

27 (F) Demonstrating urgency and measurable results in housing
28 and homelessness prevention.

29 (d) (1) (A) The Department of Finance may augment Item
30 2240-001-0001 of the Budget Act of 2025 by eight million dollars
31 (\$8,000,000) to prepare to administer round 7 of the Homeless
32 Housing, Assistance, and Prevention program.

33 (B) The Department of Finance shall provide notification of
34 any augmentation within 10 days to the Joint Legislative Budget
35 Committee.

36 (2) (A) The administrative costs for round 7 of the program
37 shall not exceed 5 percent of the total allocated for round 7 of the
38 program.

39 (B) The amounts provided in paragraph (1) are included in the
40 5 percent to be allocated for this purpose.

1 SEC. 2. The Legislature finds and declares both of the
2 following:

3 (a) The California Environmental Quality Act (CEQA; Division
4 13 (commencing with Section 21000) of the Public Resources
5 Code) provides communities across California with important
6 safeguards against projects like fossil fuel plants and warehouses
7 that have caused real environmental harm to residents of the state.
8 Too often it has resulted in delays to essential projects that are
9 key to solving the state's housing crisis and to strategic
10 development that is necessary to maintain California's position
11 as the fourth largest economy in the world.

12 (b) Over the last several years, the Legislature has enacted
13 numerous provisions that streamline CEQA, including, but not
14 limited to, reforms to administrative records, court timelines, and
15 the level of environmental review of projects in the areas of water,
16 transportation, clean energy, and housing.

17 (c) CEQA should not be used primarily for economic interests,
18 to stifle competition, to gain competitive advantage, or to delay a
19 project for reasons unrelated to environmental protection.

20 SEC. 3. Section 21060.4 is added to the Public Resources Code,
21 to read:

22 21060.4. "Distribution center" means a warehouse distribution
23 center, as defined in Section 2100 of the Labor Code, that is 50,000
24 square feet or larger.

25 SEC. 4. Section 21064.8 is added to the Public Resources Code,
26 to read:

27 21064.8. "Oil and gas infrastructure" means a facility used
28 for the production, processing, transmission, storage, or
29 distribution of petroleum or natural gas.

30 SEC. 5. Section 21067.5 is added to the Public Resources Code,
31 to read:

32 21067.5. "Natural and protected lands" means sites located
33 within any of the following locations:

34 (a) The state park system, as described in Article 1 (commencing
35 with Section 5001) of Chapter 1 of Division 5.

36 (b) A wilderness area, as defined in Section 5093.32.

37 (c) A marine protected area, as defined in Section 2852 of the
38 Fish and Game Code.

39 (d) The national park system, as defined in Section 100102 of
40 Title 54 of the United States Code.

1 (e) A national recreation area.

2 (f) A national monument.

3 (g) The national wild and scenic rivers system, as defined in
4 Section 1273 of Title 16 of the United States Code.

5 (h) Any ecological reserve or wildlife management area
6 acquired and managed by the Department of Fish and Wildlife
7 pursuant to Article 2 (commencing with Section 1525) or Article
8 4 (commencing with Section 1580) of Chapter 5 of Division 2 of
9 the Fish and Game Code.

10 (i) A hazardous waste site that is listed pursuant to Section
11 65962.5 of the Government Code or a hazardous waste site
12 designated by the Department of Toxic Substances Control
13 pursuant to Section 25356 of the Health and Safety Code, unless
14 either of the following apply:

15 (1) The site is an underground storage tank site that received
16 a uniform closure letter issued pursuant to subdivision (g) of
17 Section 25296.10 of the Health and Safety Code based on closure
18 criteria established by the State Water Resources Control Board
19 for the use proposed by the project. This paragraph does not alter
20 or change the conditions to remove a site from the list of hazardous
21 waste sites listed pursuant to Section 65962.5 of the Government
22 Code.

23 (2) The State Department of Public Health, State Water
24 Resources Control Board, Department of Toxic Substances
25 Control, or a local agency making a determination pursuant to
26 subdivision (c) of Section 25296.10 of the Health and Safety Code
27 has otherwise determined that the site is suitable for the use
28 proposed by the project.

29 (j) Within a regulatory floodway as determined by the Federal
30 Emergency Management Agency in any official maps published
31 by the Federal Emergency Management Agency, unless the
32 development has received a no-rise certification in accordance
33 with Section 60.3(d)(3) of Title 44 of the Code of Federal
34 Regulations.

35 (k) Lands under conservation easement.

36 (l) On, or within a 300-foot radius of, a wetland, as defined in
37 the United States Fish and Wildlife Service Manual, Part 660 FW
38 2 (June 21, 1993).

39 (m) An environmentally sensitive area within the coastal zone,
40 as defined in Section 30107.5.

1 (n) *Lands protected as preserve areas or reserve lands pursuant*
2 *to an adopted natural community conservation plan pursuant to*
3 *the Natural Community Conservation Planning Act (Chapter 10*
4 *(commencing with Section 2800) of Division 3 of the Fish and*
5 *Game Code) or habitat conservation plan pursuant to the federal*
6 *Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).*

7 (o) *Within a very high fire hazard severity zone, as determined*
8 *by the Department of Forestry and Fire Protection pursuant to*
9 *Section 51178 of the Government Code, or within the state*
10 *responsibility area, as defined in Section 4102. This subdivision*
11 *does not apply to sites that have adopted fire hazard mitigation*
12 *measures pursuant to existing building standards or state fire*
13 *mitigation measures applicable to the development, including, but*
14 *not limited to, standards established under all of the following*
15 *provisions or their successor provisions:*

16 (1) *Section 4291 of this code or Section 51182 of the*
17 *Government Code, as applicable.*

18 (2) *Section 4290.*

19 (3) *Chapter 7A (commencing with Section 701A.1) of Part 2 of*
20 *Title 24 of the California Code of Regulations.*

21 (p) *Either prime farmland or farmland of statewide importance,*
22 *as defined pursuant to the United States Department of Agriculture*
23 *land inventory and monitoring criteria, as modified for California,*
24 *and designated on the maps prepared by the Farmland Mapping*
25 *and Monitoring Program of the Department of Conservation, or*
26 *land zoned or designated for agricultural protection or*
27 *preservation by a local ballot measure that was approved by the*
28 *voters of that jurisdiction.*

29 SEC. 6. *Section 21080.085 is added to the Public Resources*
30 *Code, to read:*

31 21080.085. (a) *This division does not apply to a rezoning that*
32 *implements the schedule of actions contained in an approved*
33 *housing element pursuant to subdivision (c) of Section 65583 of*
34 *the Government Code.*

35 (b) (1) *Subdivision (a) does not apply to either of the following:*

36 (A) *A rezoning that would allow for the construction of a*
37 *distribution center or for oil and gas infrastructure.*

38 (B) *A rezoning that would allow for construction to occur within*
39 *the boundaries of any natural and protected lands as defined*
40 *pursuant to Section 21067.5.*

1 (2) (A) (i) Subdivision (a) applies to a rezoning that contains
2 within its boundaries any natural and protected lands as defined
3 pursuant to Section 21067.5 if those natural and protected lands
4 are excluded from the rezoning.

5 (ii) The definition of “natural and protected lands” described
6 in clause (i) does not include the lands described in subdivision
7 (p) of Section 21067.5.

8 (B) The rezoning of any parcel or portions of a parcel that is
9 excluded from a rezoning under this paragraph shall be a separate
10 project that is subject to this division.

11 SEC. 7. Section 21080.1 of the Public Resources Code is
12 amended to read:

13 21080.1. (a) The lead agency shall be responsible for
14 determining whether the project is exempt from this division and
15 whether an environmental impact report, a negative declaration,
16 or a mitigated negative declaration shall be required for any project
17 which that is subject to this division. That determination shall be
18 final and conclusive on all persons, including responsible agencies,
19 unless challenged as provided in Section 21167.

20 (b) (1) If a proposed housing development project would
21 otherwise be exempt from this division pursuant to a statutory
22 exemption, or categorical exemption pursuant to Class 1 to 5,
23 inclusive, 12, 15, 20, 27, 30, or 32 that is adopted before January
24 1, 2026, but for a single condition detailed in the statutory
25 exemption or in Section 15300.2, 15301, 15302, 15303, 15304,
26 15305, 15312, 15315, 15320, 15322, 15327, 15330, or 15332 of
27 Title 14 of the California Code of Regulations, as applicable, the
28 application of this division to the approval of the proposed housing
29 development project shall be limited to effects upon the
30 environment that are caused solely by that single condition.

31 (2) An initial study or environmental impact report prepared
32 for a housing development project subject to this subdivision is
33 only required to examine those effects that the lead agency
34 determines, based upon substantial evidence in the record, are
35 caused solely by the single condition that makes the proposed
36 housing development project ineligible for the statutory exemption
37 or categorical exemption.

38 (3) An environmental impact report for a housing development
39 project subject to this subdivision is not required to include any

1 discussion of alternatives to the housing development project or
2 the growth-inducing impacts of the housing development project.

3 (4) This subdivision does not apply to any of the following
4 housing development projects:

5 (A) A proposed housing development project that is not similar
6 in kind to the projects listed in the statutory or categorical
7 exemption.

8 (B) A proposed housing development project that is ineligible
9 for the statutory exemption or categorical exemption due to two
10 or more conditions.

11 (C) A proposed housing development project that includes a
12 distribution center or oil and gas infrastructure.

13 (D) (i) A proposed housing development project located on
14 natural and protected lands, as defined pursuant to Section
15 21067.5.

16 (ii) The definition of “natural and protected lands” described
17 in clause (i) does not include the lands described in subdivision
18 (o) of Section 21067.5.

19 (5) For purposes of this subdivision, the following definitions
20 apply:

21 (A) “Condition” means a physical or regulatory feature of the
22 project or its setting or an effect upon the environment caused by
23 the project.

24 (B) “Housing development project” has the same meaning as
25 defined in Section 65589.5 of the Government Code.

26 ~~(b)~~

27 (c) In the case of a project described in subdivision (c) of Section
28 21065, the lead agency shall, upon the request of a potential
29 applicant, provide for consultation ~~prior to~~ before the filing of the
30 application regarding the range of actions, potential alternatives,
31 mitigation measures, and any potential and significant effects on
32 the environment of the project.

33 SEC. 8. Section 21080.44 is added to the Public Resources
34 Code, to read:

35 21080.44. (a) This division does not apply to a new
36 agricultural employee housing project that complies with Section
37 21159.22, meets the requirements of paragraphs (1) to (4),
38 inclusive, of subdivision (i) of Section 17021.8 of the Health and
39 Safety Code, and that is any of the following:

1 (1) *Funded by the Joe Serna, Jr. Farmworker Housing Grant*
2 *Program (Chapter 3.2 (commencing with Section 50515.2) of Part*
3 *2 of Division 31 of the Health and Safety Code).*

4 (2) *Funded by the Office of Migrant Services within the*
5 *Department of Housing and Community Development.*

6 (3) *Funded by a local government.*

7 (4) *Owned or operated and funded by a public or nonprofit*
8 *entity, or that receives state, federal, or local public funding.*

9 (b) *This division does not apply to a project consisting*
10 *exclusively of the repair or maintenance of an existing farmworker*
11 *housing project.*

12 *SEC. 9. Section 21080.47 of the Public Resources Code is*
13 *amended to read:*

14 21080.47. (a) For purposes of this section, the following
15 definitions apply:

16 (1) "Community water system" means a public water system
17 that serves at least 15 service connections used by yearlong
18 residents or regularly serves at least 25 yearlong residents within
19 the area served by the public water system.

20 (2) "Disadvantaged community" means a community with an
21 annual median household income that is less than 80 percent of
22 the statewide annual median household income.

23 (3) "Inadequate onsite sewage treatment system" *has the same*
24 *meaning as defined in Section 13288 of the Water Code.*

25 ~~(3)~~

26 (4) "Nontransient noncommunity water system" means a public
27 water system that is not a community water system and that
28 regularly serves at least 25 of the same persons more than six
29 months per year.

30 (5) "Onsite sewage treatment system" *has the same meaning*
31 *as defined in Section 13290 of the Water Code.*

32 ~~(4)~~

33 (6) (A) "Project" means ~~a~~ *either of the following:*

34 (i) A project that consists solely of the installation, repair, or
35 reconstruction of one or more of the following:

36 ~~(i)~~

37 (I) Drinking water groundwater wells with a maximum flow
38 rate of up to 250 gallons per minute.

39 ~~(ii)~~

1 (II) Drinking water treatment facilities with a footprint of less
2 than 2,500 square feet that are not located in an environmentally
3 sensitive area.

4 (iii)

5 (III) Drinking water storage tanks with a capacity of up to
6 250,000 gallons.

7 (iv)

8 (IV) Booster pumps and hydropneumatic tanks.

9 (v)

10 (V) Pipelines of less than ~~one mile~~ *three miles* in length in a
11 road right-of-way or up to seven miles in length in a road
12 right-of-way when the project is required to address threatened or
13 current drinking water violations.

14 (vi)

15 (VI) Water service lines.

16 (vii)

17 (VII) Minor drinking water system appurtenances, including,
18 but not limited to, system and service meters, fire hydrants, water
19 quality sampling stations, valves, air releases and vacuum break
20 valves, emergency generators, backflow prevention devices, and
21 appurtenance enclosures.

22 (ii) *A project to provide sewer service to a disadvantaged*
23 *community served by one or more inadequate sewage treatment*
24 *systems.*

25 (B) “Project” does not include either of the following categories
26 of projects:

27 (i) Facilities that are constructed primarily to serve irrigation
28 or future growth.

29 (ii) Facilities that are used to dam, divert, or convey surface
30 water.

31 (5)

32 (7) “Project labor agreement” has the same meaning as in
33 paragraph (1) of subdivision (b) of Section 2500 of the Public
34 Contract Code.

35 (6)

36 (8) “Public water system” means a system for the provision of
37 water for human consumption through pipes or other constructed
38 conveyances that has 15 or more service connections or regularly
39 serves at least 25 individuals daily at least 60 days out of the year,
40 and shall include, but not be limited to, any of the following:

1 (A) Any collection, treatment, storage, and distribution facilities
2 under the control of, and used primarily in connection with, the
3 public water system.

4 (B) Any collection or pretreatment storage facilities not under
5 the control of the operator of the public water system, but that are
6 used primarily in connection with the public water system.

7 (C) Any system for the provision of water for human
8 consumption through pipes or other constructed conveyances that
9 treats water on behalf of one or more public water systems for the
10 purpose of rendering it safe for human consumption.

11 ~~(7)~~
12 (9) “Skilled and trained workforce” has the same meaning as
13 provided in Chapter 2.9 (commencing with Section 2600) of Part
14 1 of Division 2 of the Public Contract Code.

15 ~~(8)~~
16 (10) “Small community water system” means a community
17 water system that serves no more than 3,300 service connections
18 or a yearlong population of no more than 10,000 persons.

19 ~~(9)~~
20 (11) “Small disadvantaged community water system” means
21 either a small community water system that serves one or more
22 disadvantaged communities or a nontransient noncommunity water
23 system that primarily serves one or more schools that serve one
24 or more disadvantaged communities.

25 ~~(10)~~
26 (12) “State small water system” means a system for the provision
27 of piped water to a disadvantaged community for human
28 consumption that serves at least 5, but not more than 14, service
29 connections and does not regularly serve drinking water to more
30 than an average of 25 individuals daily for more than 60 days out
31 of the year.

32 (b) (1) This division does not apply to a project that meets the
33 requirements of subdivision (c) and subdivision (d) or (e), as
34 appropriate, and that primarily benefits a small disadvantaged
35 community water system or a state small water system in any of
36 the following ways:

37 (A) Improving the small disadvantaged community water
38 system’s or state small water system’s water quality, water supply,
39 or water supply reliability.

40 (B) Encouraging water conservation.

(C) Providing drinking water service to existing residences within a disadvantaged community, a small disadvantaged community water system, or a state small water system where there is evidence that the water exceeds maximum contaminant levels for primary or secondary drinking water standards or where the drinking water well is no longer able to produce an adequate supply of safe drinking water.

(2) Before determining a project is exempt under this section, the lead agency shall contact the State Water Resources Control Board to determine whether claiming the exemption under this section will affect the ability of the small disadvantaged community water system or the state small water system to receive federal financial assistance or federally capitalized financial assistance.

(c) The project meets all of the following:

(1) Does not affect wetlands or sensitive habitats, as defined in the United States Fish and Wildlife Service Manual Part 660 FW 2 (June 21, 1993), or an environmentally sensitive habitat area within the coastal zone, as defined in Section 30107.5.

(2) Unusual circumstances do not exist that would cause a significant effect on the environment.

(3) Is not located on a hazardous waste site that is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(4) Does not have the potential to cause a substantial adverse change in the significance of a historical resource.

(5) The construction impacts are fully mitigated consistent with applicable law.

(6) The cumulative impact of successive reasonably anticipated projects of the same type as the project, in the same place, over time, is not significant.

(d) (1) For a project undertaken by a public agency that is exempt from this division pursuant to this section, except as provided in paragraph (2), an entity shall not be prequalified or shortlisted or awarded a contract by the public agency to perform any portion of the project unless the entity provides an enforceable commitment to the public agency that the entity and its subcontractors at every tier will use a skilled and trained workforce to perform all work on the project or contract that falls within an apprenticeable occupation in the building and construction trades.

1 (2) Paragraph (1) does not apply if any of the following
2 requirements are met:

3 (A) The public agency has entered into a project labor agreement
4 that will bind all contractors and subcontractors performing work
5 on the project or contract to use a skilled and trained workforce,
6 and the entity agrees to be bound by that project labor agreement.

7 (B) The project or contract is being performed under the
8 extension or renewal of a project labor agreement that was entered
9 into by the public agency before January 1, 2021.

10 (C) The entity has entered into a project labor agreement that
11 will bind the entity and all of its subcontractors at every tier
12 performing the project or contract to use a skilled and trained
13 workforce.

14 (e) For a project undertaken by a private entity that is exempt
15 from this division pursuant to this section, the project applicant
16 shall do both of the following:

17 (1) Certify to the lead agency that either of the following is true:

18 (A) The entirety of the project is a public work for purposes of
19 Chapter 1 (commencing with Section 1720) of Part 7 of Division
20 2 of the Labor Code.

21 (B) If the project is not in its entirety a public work, all
22 construction workers employed in the execution of the project will
23 be paid at least the general prevailing rate of per diem wages for
24 the type of work and geographic area, as determined by the Director
25 of Industrial Relations pursuant to Sections 1773 and 1773.9 of
26 the Labor Code, except that apprentices registered in programs
27 approved by the Chief of the Division of Apprenticeship Standards
28 may be paid at least the applicable apprentice prevailing rate. If
29 the project is subject to this subparagraph, then, for those portions
30 of the project that are not a public work, all of the following shall
31 apply:

32 (i) The project applicant shall ensure that the prevailing wage
33 requirement is included in all contracts for the performance of the
34 work.

35 (ii) All contractors and subcontractors shall pay to all
36 construction workers employed in the execution of the work at
37 least the general prevailing rate of per diem wages, except that
38 apprentices registered in programs approved by the Chief of the
39 Division of Apprenticeship Standards may be paid at least the
40 applicable apprentice prevailing rate.

1 (iii) (I) Except as provided in subclause (III), all contractors
2 and subcontractors shall maintain and verify payroll records
3 pursuant to Section 1776 of the Labor Code and make those records
4 available for inspection and copying as provided by that section.

5 (II) Except as provided in subclause (III), the obligation of the
6 contractors and subcontractors to pay prevailing wages may be
7 enforced by the Labor Commissioner through the issuance of a
8 civil wage and penalty assessment pursuant to Section 1741 of the
9 Labor Code, which may be reviewed pursuant to Section 1742 of the
10 Labor Code, within 18 months after the completion of the
11 project, by an underpaid worker through an administrative
12 complaint or civil action, or by a joint labor-management
13 committee through a civil action under Section 1771.2 of the Labor
14 Code. If a civil wage and penalty assessment is issued, the
15 contractor, subcontractor, and surety on a bond or bonds issued to
16 secure the payment of wages covered by the assessment shall be
17 liable for liquidated damages pursuant to Section 1742.1 of the
18 Labor Code.

19 (III) Subclauses (I) and (II) do not apply if all contractors and
20 subcontractors performing work on the project are subject to a
21 project labor agreement that requires the payment of prevailing
22 wages to all construction workers employed in the execution of
23 the project and provides for enforcement of that obligation through
24 an arbitration procedure.

25 (iv) Notwithstanding subdivision (c) of Section 1773.1 of the
26 Labor Code, the requirement that employer payments not reduce
27 the obligation to pay the hourly straight time or overtime wages
28 found to be prevailing shall not apply if otherwise provided in a
29 bona fide collective bargaining agreement covering the worker.
30 The requirement to pay at least the general prevailing rate of per
31 diem wages does not preclude use of an alternative workweek
32 schedule adopted pursuant to Section 511 or 514 of the Labor
33 Code.

34 (2) Certify to the lead agency that a skilled and trained
35 workforce will be used to perform all construction work on the
36 project. All of the following requirements shall apply to the project:

37 (A) The applicant shall require in all contracts for the
38 performance of work that every contractor and subcontractor at
39 every tier will individually use a skilled and trained workforce to
40 complete the project.

1 (B) Every contractor and subcontractor shall use a skilled and
2 trained workforce to complete the project.

3 (C) (i) Except as provided in clause (ii), the applicant shall
4 provide to the lead agency, on a monthly basis while the project
5 or contract is being performed, a report demonstrating compliance
6 with Chapter 2.9 (commencing with Section 2600) of Part 1 of
7 Division 2 of the Public Contract Code. A monthly report provided
8 to the lead agency pursuant to this clause shall be a public record
9 under the California Public Records Act (Division 10 (commencing
10 with Section 7920.000) of Title 1 of the Government Code) and
11 shall be open to public inspection. An applicant that fails to provide
12 a monthly report demonstrating compliance with Chapter 2.9
13 (commencing with Section 2600) of Part 1 of Division 2 of the
14 Public Contract Code shall be subject to a civil penalty of ten
15 thousand dollars (\$10,000) per month for each month for which
16 the report has not been provided. Any contractor or subcontractor
17 that fails to use a skilled and trained workforce shall be subject to
18 a civil penalty of two hundred dollars (\$200) per day for each
19 worker employed in contravention of the skilled and trained
20 workforce requirement. Penalties may be assessed by the Labor
21 Commissioner within 18 months of completion of the project using
22 the same procedures for issuance of civil wage and penalty
23 assessments pursuant to Section 1741 of the Labor Code, and may
24 be reviewed pursuant to the same procedures in Section 1742 of
25 the Labor Code. Penalties shall be paid to the State Public Works
26 Enforcement Fund.

27 (ii) Clause (i) does not apply if all contractors and subcontractors
28 performing work on the project are subject to a project labor
29 agreement that requires compliance with the skilled and trained
30 workforce requirement and provides for enforcement of that
31 obligation through an arbitration procedure.

32 (f) If the lead agency determines that a project is not subject to
33 this division pursuant to this section, and the lead agency
34 determines to approve or carry out that project, the lead agency
35 shall file a notice of exemption with the Office of Planning and
36 Research and the county clerk of the county in which the project
37 is located in the manner specified in subdivisions (b) and (c) of
38 Section 21152.

39 (g) This section shall remain in effect only until January 1, ~~2028~~,
40 2032, and as of that date is repealed.

1 SEC. 10. Section 21080.48 is added to the Public Resources
2 Code, to read:

3 21080.48. (a) This division does not apply to a project, as
4 defined in Section 21080.47, that is a community water system that
5 is funded pursuant to the Safe Drinking Water, Wildfire Prevention,
6 Drought Preparedness, and Clean Air Bond Act of 2024 (Division
7 50 (commencing with Section 90000)) or the State Water Resources
8 Control Board's Safe and Affordable Funding for Equity and
9 Resilience program that does not otherwise include any
10 construction activities if the project does both of the following:

11 (1) Results in long-term net benefits to climate resiliency,
12 biodiversity, and sensitive species recovery.

13 (2) Includes procedures and ongoing management for the
14 protection of the environment.

15 (b) A project exempt from this division pursuant to this section
16 remains subject to all other applicable federal, state, and local
17 laws and regulations and shall not weaken or violate any
18 applicable environmental or public health standards.

19 (c) This section shall remain in effect only until January 1, 2030,
20 and as of that date is repealed.

21 SEC. 11. Section 21080.49 is added to the Public Resources
22 Code, to read:

23 21080.49. This division does not apply to any of the following
24 wildfire risk reduction projects, if the project is in compliance with
25 all other applicable laws, ordinances, and zoning requirements:

26 (a) A project consisting of a prescribed fire or fuel reduction
27 to reduce wildfire risk by reestablishing the fire return interval
28 appropriate to the ecosystem for biodiversity or other benefits,
29 excluding projects located on coastal sage scrub habitat or any
30 other sensitive habitat. In order to qualify for the exemption
31 established pursuant to this subdivision, all of the following
32 requirements shall be met:

33 (1) The project shall not exceed 50 contiguous acres and shall
34 be located within one-half mile of a subdivision of 30 or more
35 dwelling units.

36 (2) The lead agency shall consult with the Department of Fish
37 and Wildlife to ensure that, to the extent feasible, the project is
38 designed to avoid or minimize impacts to (A) candidate, rare,
39 threatened, endangered plants and wildlife; and (B) wildlife

1 nursery sites, including nesting rookeries, spawning areas, fawning
2 areas, and maternal roosts.

3 (3) The lead agency shall, to the extent feasible, design the
4 project to avoid impacts to riparian areas and water quality
5 through use of sediment and erosion control measures where there
6 is ground disturbance for control lines.

7 (4) The lead agency shall identify and, to the extent feasible,
8 protect tribal cultural resources that may be impacted by project.
9 This paragraph may be met by reviewing existing records,
10 including the California Historical Resources Information System
11 and Sacred Lands Inventory, or by engaging in consultation with
12 relevant California Native American tribes on identification of
13 tribal cultural resources and appropriate mitigation measures
14 while maintaining confidentiality of sensitive records.

15 (b) A project consisting of “defensible space” fire clearance of
16 up to 100 feet, as measured from the center line of the roadway,
17 for a public roadway identified as an egress and evacuation route
18 for a subdivision or community of 30 or more dwelling units, to
19 remove flammable vegetation or trees of less than 12 inches in
20 diameter as measured at chest height.

21 (c) A project consisting of the establishment or enhancement of
22 residential home hardening or defensible space for wildfire risk
23 reduction within 200 feet of a legal structure located in a high or
24 very high wildfire hazard zone.

25 (d) A project consisting of a fuel break that extends up to 200
26 feet from structures, including the clearance of flammable
27 vegetation and trees less than 12 inches in diameter as measured
28 at chest height.

29 SEC. 12. Section 21080.51 of the Public Resources Code is
30 amended to read:

31 21080.51. (a) This division does not apply to a project ~~funded~~
32 ~~by Item 7502-062-8506 of the Budget Act of 2021 or undertaken~~
33 by any entity, including a public entity or private or nonprofit
34 corporation, that consists of linear broadband deployment in a
35 ~~right-of-way~~ right-of-way, including a right-of-way of a local street
36 or road, if the project meets all of the following conditions:

37 (1) ~~The project is located in an area identified by the Public~~
38 ~~Utilities Commission as a component of the statewide open-access~~
39 ~~middle-mile broadband network pursuant to Section 11549.54 of~~
40 ~~the Government Code.~~

1 ~~(2)~~

2 (1) The project is constructed along, or within 30-feet of, the
3 right-of-way of any public road or highway.

4 ~~(3)~~

5 (2) The project is either deployed underground where the surface
6 area is restored to a condition existing before the project or placed
7 aerially along an existing utility pole right-of-way.

8 ~~(4)~~

9 (3) The project incorporates, as a condition of project approval,
10 measures developed by the Public Utilities ~~Commission or~~
11 ~~Commission~~, the Department of ~~Transportation~~ *Transportation*,
12 ~~or the city, county, or city and county responsible for the~~
13 ~~right-of-way~~ to address potential environmental impacts. At
14 minimum, the project shall be required to include monitors during
15 construction activities and measures to avoid or address impacts
16 to cultural and biological resources.

17 ~~(5)~~

18 (4) The project applicant agrees to comply with all conditions
19 otherwise authorized by law, imposed by ~~the planning department~~
20 ~~of a city or county~~ *city, county, or city and county* as part of a local
21 agency permit process, that are required to mitigate potential
22 impacts of the proposed project, and to comply with the
23 Keene-Nejedly California Wetlands Preservation Act (Chapter 7
24 (commencing with Section 5810) of Division 5), the California
25 Endangered Species Act (Chapter 1.5 (commencing with Section
26 2050) of Division 3 of the Fish and Game Code), as applicable,
27 other applicable state laws, and all applicable federal laws.

28 (b) If a project meets all of the requirements of subdivision (a),
29 the person undertaking the project shall do all of the following:

30 (1) Notify, in writing, any affected public agency, including,
31 but not limited to, any public agency having permit, land use,
32 environmental, public health protection, or emergency response
33 authority, of the exemption of the project pursuant to this section.

34 (2) Provide notice to the public in the area affected by the project
35 in a manner consistent with subdivision (b) of Section 21108.

36 (3) In the case of private rights-of-way over private property,
37 receive from the underlying property owner permission for access
38 to the property.

39 (4) Comply with all conditions authorized by law imposed by
40 ~~the planning department of a city or county~~ *a city, county, or city*

and county as part of any local agency permit process, that are required to mitigate potential impacts of the proposed project, and otherwise comply with the Keene-Nejedly California Wetlands Preservation Act (Chapter 7 (commencing with Section 5810) of Division 5), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), as applicable, other applicable state laws, and all applicable federal laws.

SEC. 13. Section 21080.55 is added to the Public Resources Code, to read:

21080.55. This division does not apply to updates to the state's climate adaptation strategy, known as the plan, adopted by the Natural Resources Agency pursuant to Section 71153.

SEC. 14. Section 21080.57 is added to the Public Resources Code, to read:

21080.57. This division does not apply to any activity or approval necessary for or incidental to planning, design, site acquisition, construction, operation, or maintenance of public park or nonmotorized recreational trail facilities funded in whole or in part by the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 (Division 50 (commencing with Section 90000)).

SEC. 15. Section 21080.69 is added to the Public Resources Code, to read:

21080.69. (a) Except as provided in subdivision (b), this division does not apply to any of the following projects:

(1) A project that consists exclusively of a day care center, as defined in Section 1596.76 of the Health and Safety Code, that is not located in a residential area.

(2) A project that consists exclusively of a rural health clinic, as defined by Section 1396(d)(l)(1) of Title 42 of the United States Code, or a federally qualified health center, as defined by Section 1396(d)(l)(2) of Title 42 of the United States Code, if the facility is less than 50,000 square feet in total space.

(3) A project that consists exclusively of a nonprofit food bank or food pantry, defined as a nonprofit organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (26 U.S.C. Sec. 501(c)(3)), that solicits, stores, and distributes sufficient food to

1 *their defined service area, if the project is located on a site that is*
2 *zoned exclusively for industrial uses.*

3 *(4) A project that consists exclusively of a facility for advanced*
4 *manufacturing, as defined in Section 26003, if the project is located*
5 *on a site zoned exclusively for industrial uses.*

6 *(b) This section does not apply to a project located on natural*
7 *and protected lands, as defined pursuant to Section 21067.5.*

8 *SEC. 16. Section 21080.70 is added to the Public Resources*
9 *Code, to read:*

10 *21080.70. (a) This division does not apply to a project that*
11 *consists of the development, construction, or operation of a heavy*
12 *maintenance facility or other maintenance facility for electrically*
13 *powered high-speed rail, if all of the following conditions are met:*

14 *(1) The project has been evaluated in a prior project-level*
15 *environmental impact report prepared pursuant to this division*
16 *and that prior report evaluated one or more similar high-speed*
17 *rail maintenance facility sites.*

18 *(2) The project incorporates all applicable mitigation measures*
19 *identified in those prior project-level environmental impact reports.*

20 *(3) The project site is located within one mile of rail right-of-way*
21 *approved for high-speed rail service.*

22 *(b) This division does not apply to a project that consists of the*
23 *development, construction, or modification of a proposed*
24 *passenger rail station, or design changes to a passenger rail*
25 *station, for the purpose of serving electrically powered high-speed*
26 *rail, if both of the following conditions are met:*

27 *(1) The station or station design change is located within the*
28 *resource study area of a previously certified environmental impact*
29 *report prepared pursuant to this division for a high-speed rail or*
30 *passenger rail project.*

31 *(2) The project incorporates all applicable mitigation measures*
32 *identified in the previously certified environmental impact report.*

33 *(c) For purposes of this section, “high-speed rail” means the*
34 *California high-speed rail project and other high-speed rail*
35 *projects in California that are planned to directly connect to the*
36 *California high-speed rail project.*

37 *(d) This section does not apply to any project on or within*
38 *natural and protected lands as defined in Section 21067.5.*

39 *(e) The exemptions provided in subdivisions (a) and (b) shall*
40 *apply exclusively to projects described in those subdivisions and*

1 do not exempt any other facilities, structures, or uses not expressly
2 identified. Any other project uses shall be subject to this division
3 unless independently exempt under a separate provision of law.

4 SEC. 17. Section 21083.03 is added to the Public Resources
5 Code, to read:

6 21083.03. (a) (1) On or before July 1, 2027, the Office of
7 Land Use and Climate Innovation shall map the eligible urban
8 infill sites within every urbanized area or urban cluster in the state.

9 (2) The Office of Land Use and Climate Innovation shall develop
10 a definition of and metrics for identifying “eligible urban infill
11 sites” that reflect both of the following criteria:

12 (A) (i) The site has a land use designation that is consistent
13 with infill development as set forth in the local jurisdiction’s most
14 recent general plan or most recently adopted housing element that
15 has been certified by the Department of Housing and Community
16 Development to be in compliance with state law.

17 (ii) If a local jurisdiction has submitted land use designation
18 information to the Office of Land Use and Climate Innovation in
19 accordance with paragraph (3), the determination of the Office of
20 Land Use and Climate Innovation on whether a site within that
21 jurisdiction has a land use designation that is consistent with infill
22 development is based on the information provided by the local
23 jurisdiction.

24 (B) Development on the site promotes compact development in
25 order to accomplish one or more of the following goals:

26 (i) Reduce greenhouse gas emissions and improve regional air
27 quality by reducing the distance people need to travel.

28 (ii) Reduce conversion of agricultural land, sensitive habitat,
29 and open space for new development.

30 (iii) Facilitate healthy and environmentally friendly active
31 transportation.

32 (iv) Reduce stormwater runoff resulting in flooding and pollution
33 of waterways.

34 (v) Bring vibrancy, community, and social connection to
35 neighborhoods.

36 (3) (A) (i) At least 120 days before initial adoption of a map
37 of eligible urban infill sites under this subdivision, the Office of
38 Land Use and Climate Innovation shall transmit a copy of the
39 draft map or revision to the board of supervisors of each county

1 and to the city council of each city in which any portion of the
2 mapped area is located.

3 (ii) Within 45 days after receiving the draft map under
4 subparagraph (A), the city, county, or city and county may submit
5 comments and proposed corrections to the Office of Land Use and
6 Climate Innovation. The Office of Land Use and Climate
7 Innovation shall consider any comments and proposed corrections
8 submitted by the city, county, or city and county, and revise the
9 draft map as appropriate. The city, county, or city and county may
10 include a map of current land use designations within its
11 boundaries and the zoning districts and regulations associated
12 with each designation.

13 (iii) After making any revisions pursuant to clause (ii), the Office
14 of Land Use and Climate Innovation shall, before adoption, publish
15 the draft map on its internet website for at least 45 days, conduct
16 at least one public meeting to present the draft map, and receive
17 public comments.

18 (iv) The Office of Land Use and Climate Innovation shall
19 consider any comments received at the public meeting held, or in
20 writing during the 45-day public comment period, pursuant to
21 clause (iii) when preparing the final map. The Office of Land Use
22 and Climate Innovation shall publish the final map on its internet
23 website and shall transmit a copy to the board of supervisors of
24 each county and to the city council of each city in which any
25 portion of the mapped area is located.

26 (B) (i) The Office of Land Use and Climate Innovation may
27 amend any portion of the map of eligible urban infill sites from
28 time to time based upon a land use designation change or other
29 change in circumstances.

30 (ii) At least 45 days before amending the map, the Office of
31 Land Use and Climate Innovation shall transmit a copy of the
32 draft amendment to the board of supervisors of each county and
33 to the city council of each city affected by the proposed amendment.
34 The local jurisdiction may submit comments and proposed
35 corrections to the Office of Land Use and Climate Innovation that
36 the Office of Land Use and Climate Innovation shall consider,
37 along with any other land use designation information provided
38 by the local jurisdiction, as the Office of Land Use and Climate
39 Innovation revises the draft amendment as appropriate.

1 (4) Chapter 3.5 (commencing with Section 11340) of Part 1 of
2 Division 3 of Title 2 of the Government Code does not apply to
3 the adoption or amendment of a map of eligible urban infill sites
4 or to the development of definitions and metrics under this
5 subdivision.

6 (b) For purposes of this section, the following definitions apply:

7 (1) “Urbanized area” means an urbanized area designated by
8 the United States Census Bureau, as published in the Federal
9 Register, Volume 77, Number 59, on March 27, 2012.

10 (2) “Urban cluster” means an urban cluster designated by the
11 United States Census Bureau, as published in the Federal Register,
12 Volume 77, Number 59, on March 27, 2012.

13 SEC. 18. Section 21094.5.5 of the Public Resources Code is
14 amended to read:

15 21094.5.5. (a) ~~On or before July 1, 2012, the Office of~~
16 ~~Planning and Research~~ *The Office of Land Use and Climate*
17 *Innovation* shall prepare, develop, and transmit to the Natural
18 Resources Agency for certification and adoption guidelines for
19 the implementation of Section 21094.5 and the Secretary of the
20 Natural Resources Agency, on or before January 1, 2013, shall
21 certify and adopt the guidelines.

22 (b) The guidelines prepared pursuant to this section shall include
23 statewide standards for infill projects that may be amended from
24 time to time and promote all of the following:

25 (1) The implementation of the land use and transportation
26 policies in the Sustainable Communities and Climate Protection
27 Act of 2008 (Chapter 728 of the Statutes of 2008).

28 (2) The state planning priorities specified in Section 65041.1
29 of the Government Code and in the most recently adopted
30 Environmental Goals and Policy Report issued by the Office of
31 ~~Planning and Research~~ *Land Use and Climate Innovation*
32 supporting infill development.

33 (3) The reduction of greenhouse gas emissions under the
34 California Global Warming Solutions Act of 2006 (Division 25.5
35 (commencing with Section 38500) of the Health and Safety Code).

36 (4) The reduction in per capita water use pursuant to Section
37 10608.16 of the Water Code.

38 (5) The creation of a transit village development district
39 consistent with Section 65460.1 of the Government Code.

1 (6) Substantial energy efficiency improvements, including
2 improvements to projects related to transportation energy.

3 (7) Protection of public health, including the health of vulnerable
4 populations from air or water pollution, or soil contamination.

5 (c) ~~The standards for projects on infill sites shall be updated as~~
6 ~~frequently as necessary to ensure the protection of the environment.~~

7 *On or before January 1, 2027, and at least once every two years*
8 *thereafter, in order to better incentivize affordable and smart infill*
9 *housing growth pursuant to Section 21094.5, the guidelines*
10 *prepared pursuant to this section shall be updated in a manner*
11 *that complies with Section 21094.5 in order to address any rigid*
12 *requirements, lack of clarity in vague terminology, and the*
13 *potential for excessive exposure to frivolous litigation over lead*
14 *agency determinations to make tiering under Section 21094.5 work*
15 *more effectively in compliance with this division.*

16 SEC. 19. Section 21167.6 of the Public Resources Code is
17 amended to read:

18 21167.6. Notwithstanding any other law, in all actions or
19 proceedings brought pursuant to Section 21167, except as provided
20 in Section 21167.6.2 or those involving the Public Utilities
21 Commission, all of the following shall apply:

22 (a) At the time that the action or proceeding is filed, the plaintiff
23 or petitioner shall file a request that the respondent public agency
24 prepare the record of proceedings relating to the subject of the
25 action or proceeding. The request, together with the complaint or
26 petition, shall be served personally upon the public agency not
27 later than 10 business days from the date that the action or
28 proceeding was filed.

29 (b) (1) (A) The public agency shall prepare and certify the
30 record of proceedings not later than 60 days from the date that the
31 request specified in subdivision (a) was served upon the public
32 agency. Upon certification, the public agency shall lodge an
33 electronic copy of the record of proceedings with the court and
34 shall serve on the parties notice that the record of proceedings has
35 been certified and lodged with the court. The parties shall pay any
36 reasonable costs or fees imposed for the preparation of the record
37 of proceedings in conformance with any law or rule of court.

38 (B) The court shall schedule a case management conference
39 within 30 days of the filing of the complaint or petition pursuant
40 to this division to review the scope, timing, and cost of the record

1 of proceedings. The parties may stipulate to a partial record of
2 proceedings that does not contain all the documents listed in
3 subdivision (e) if approved by the court.

4 (2) The plaintiff or petitioner may elect to prepare the record
5 of proceedings by providing a notice of the election to the public
6 agency, or the parties may agree to an alternative method of
7 preparation of the record of proceedings, subject to certification
8 of its accuracy by the public agency, within the 60-day time limit
9 specified in this subdivision.

10 (3) Notwithstanding paragraph (2), the public agency, within
11 five business days of the receipt of the notice specified in paragraph
12 (2), may deny the request of the plaintiff or petitioner to prepare
13 the record of proceedings, in which case the public agency or the
14 real party in interest shall bear the costs of preparation and
15 certification of the record of proceedings, and those costs shall not
16 be recoverable from the plaintiff or petitioner.

17 (c) The time limit established by subdivision (b) may be
18 extended only upon the stipulation of all parties who have been
19 properly served in the action or proceeding or upon order of the
20 court. Extensions shall be liberally granted by the court when the
21 size of the record of proceedings renders infeasible compliance
22 with that time limit. There is no limit on the number of extensions
23 that may be granted by the court, but no single extension shall
24 exceed 60 days unless the court determines that a longer extension
25 is in the public interest.

26 (d) If the public agency fails to prepare and certify the record
27 of proceedings within the time limit established in paragraph (1)
28 of subdivision (b), or any continuances of that time limit, the
29 plaintiff or petitioner may move for sanctions, and the court may,
30 upon that motion, grant appropriate sanctions.

31 (e) The record of proceedings shall include, but is not limited
32 to, all of the following items:

33 (1) All project application materials.

34 (2) All staff reports and related documents prepared by the
35 respondent public agency with respect to its compliance with the
36 substantive and procedural requirements of this division and with
37 respect to the action on the project.

38 (3) All staff reports and related documents prepared by the
39 respondent public agency and written testimony or documents
40 submitted by any person relevant to any findings or statement of

1 overriding considerations adopted by the respondent agency
2 pursuant to this division.

3 (4) Any transcript or minutes of the proceedings at which the
4 decisionmaking body of the respondent public agency heard
5 testimony on, or considered any environmental document on, the
6 project, and any transcript or minutes of proceedings before any
7 advisory body to the respondent public agency that were presented
8 to the decisionmaking body before action on the environmental
9 documents or on the project.

10 (5) All notices issued by the respondent public agency to comply
11 with this division or with any other law governing the processing
12 and approval of the project.

13 (6) All written comments received in response to, or in
14 connection with, environmental documents prepared for the project,
15 including responses to the notice of preparation.

16 (7) All written evidence or correspondence submitted to, or
17 transferred from, the respondent public agency with respect to
18 compliance with this division or with respect to the project.

19 (8) Any proposed decisions or findings submitted to the
20 decisionmaking body of the respondent public agency by its staff,
21 or the project proponent, project opponents, or other persons.

22 (9) The documentation of the final public agency decision,
23 including the final environmental impact report, mitigated negative
24 declaration, or negative declaration, and all documents, in addition
25 to those referenced in paragraph (3), cited or relied on in the
26 findings or in a statement of overriding considerations adopted
27 pursuant to this division.

28 (10) (A) (i) Any other written materials relevant to the
29 respondent public agency's compliance with this division or to its
30 decision on the merits of the project, including the initial study,
31 any drafts of any environmental ~~document~~, *document* or portions
32 ~~thereof~~, *of the initial study or drafts* that have been released for
33 public review, and copies of studies or other documents relied
34 upon in any environmental document prepared for the project and
35 either made available to the public during the public review period
36 or included in the respondent public agency's files on the project,
37 and all internal agency communications, including staff notes and
38 memoranda related to the project or to compliance with this
39 division, but not including communications that are of a logistical
40 nature, such as meeting invitations and scheduling communications,

except that any material that is subject to privileges contained in the Evidence Code, or exemptions contained in the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), shall not be included in the record of proceedings under this paragraph, consistent with existing law.

(ii) This subparagraph applies to a project that includes a distribution center or oil and gas infrastructure.

(B) (i) Any other written materials relevant to the respondent public agency's compliance with this division or to its decision on the merits of the project, including the initial study, any drafts of any environmental document, or portions of the initial study or drafts, that have been released for public review, and copies of studies or other documents relied upon in any environmental document prepared for the project and either made available to the public during the public review period or included in the respondent public agency's files on the project, and all internal agency communications, including memoranda related to the project or to compliance with this division, but not including communications that are of a logistical nature, such as meeting invitations and scheduling communications, except that any material that is subject to privileges contained in the Evidence Code, or exemptions contained in the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), shall not be included in the record of proceedings under this paragraph, consistent with existing law.

(ii) This subparagraph applies to any project that is not subject to subparagraph (A).

(iii) For purposes of this subparagraph, internal agency communications does not include electronic internal agency communications, including emails, that were not presented to the final decisionmaking body, other than those communications and documents consulted, or reviewed by the lead agency executive or a local agency executive, as defined in subdivision (d) of Section 3511.1, or other administrative official in a supervisory role who is reviewing the project. The public agency may, but is not required to, include any documents in the record of proceedings that are not specifically set forth in this subparagraph.

1 (11) The full written record before any inferior administrative
2 decisionmaking body whose decision was appealed to a superior
3 administrative decisionmaking body before the filing of litigation.

4 (f) In preparing the record of proceedings, the party preparing
5 the record of proceedings shall strive to do so at reasonable cost
6 in light of the scope of the record of proceedings.

7 (g) The clerk of the superior court shall prepare and certify the
8 clerk's transcript on appeal not later than 60 days from the date
9 that the notice designating the papers or records to be included in
10 the clerk's transcript was filed with the superior court, if the party
11 or parties pay any costs or fees for the preparation of the clerk's
12 transcript imposed in conformance with any law or rules of court.
13 Nothing in this subdivision precludes an election to proceed by
14 appendix, as provided in Rule 8.124 of the California Rules of
15 Court.

16 (h) Extensions of the period for the filing of any brief on appeal
17 may be allowed only by stipulation of the parties or by order of
18 the court for good cause shown. Extensions for the filing of a brief
19 on appeal shall be limited to one 30-day extension for the
20 preparation of an opening brief and one 30-day extension for the
21 preparation of a responding brief, except that the court may grant
22 a longer extension or additional extensions if it determines that
23 there is a substantial likelihood of settlement that would avoid the
24 necessity of completing the appeal.

25 (i) At the completion of the filing of briefs on appeal, the
26 appellant shall notify the court of the completion of the filing of
27 briefs, whereupon the clerk of the reviewing court shall set the
28 appeal for hearing on the first available calendar date.

29 *SEC. 20. No reimbursement is required by this act pursuant*
30 *to Section 6 of Article XIII B of the California Constitution because*
31 *a local agency or school district has the authority to levy service*
32 *charges, fees, or assessments sufficient to pay for the program or*
33 *level of service mandated by this act, within the meaning of Section*
34 *17556 of the Government Code.*

35 *SEC. 21. This act is a bill providing for appropriations related*
36 *to the Budget Bill within the meaning of subdivision (e) of Section*
37 *12 of Article IV of the California Constitution, has been identified*
38 *as related to the budget in the Budget Bill, and shall take effect*
39 *immediately.*

1 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
2 ~~changes relating to the Budget Act of 2025.~~

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