

SECTION 1. Chapter 1.5 (commencing with Section 21010) is added to Division 13 of the Public Resources Code, to read:

CHAPTER 1.5. BUILDING AN AFFORDABLE CALIFORNIA ACT

ARTICLE 1. Title, Findings and Declarations, Purpose.

21010. Title.

This chapter shall be known and may be cited as the Building an Affordable California Act.

21011. Findings and Declarations.

The People of the State of California hereby find and declare the following:

(a) California's outdated system for approving essential projects is too slow, too bureaucratic, and too costly. Essential projects like clean water, clean energy, hospitals, affordable housing, roads, wildfire prevention, public safety, and other infrastructure improvements are being delayed or blocked entirely by unnecessary red tape, bureaucratic delays, and excessive lawsuits.

(b) These delays substantially increase the cost of living for all Californians. Research shows that permitting delays alone add tens of thousands of dollars to the price of a new home—driving up rents and mortgages for homeowners and renters. Similar red tape adds billions of dollars to the cost of building hospitals, water infrastructure, roads, bridges, clean energy, broadband, and wildfire mitigation projects—costs that are ultimately passed on to consumers and taxpayers.

(c) California's permitting laws were written more than 50 years ago, before today's modern environmental laws were in place. That outdated system now works against our environmental and public health goals by slowing down or blocking essential projects that would reduce air pollution, lower greenhouse gas emissions, safeguard water supplies, protect communities from wildfire, and preserve wildlife and our environment.

(d) The Building an Affordable California Act will modernize and streamline state law to:

(1) Cut bureaucratic red tape and unnecessary delays.

(2) Limit frivolous lawsuits that block essential projects while allowing public agencies and essential project applicants to continue sharing the burden of defending against such suits.

(3) Speed up delivery of the projects Californians rely on every day.

(e) Every year of delay means Californians wait longer and pay more for the things we need most. The Building an Affordable California Act applies to the state's most essential projects, including:

(1) Clean drinking water and secure water supply for communities across the state.

(2) Safe, modern hospitals and clinics to ensure access to affordable health care.

(3) Clean energy and reliable electricity to reduce energy bills and fight climate change.

(4) Housing that is affordable for families struggling with skyrocketing rents and mortgages as well as vulnerable senior populations.

(5) Roads, bridges, and transit to cut traffic congestion and improve public safety.

(6) Wildfire prevention and resilience projects to protect lives, homes, and natural resources.

(7) Broadband and telecommunications infrastructure to connect underserved communities and expand opportunity.

(f) By speeding up these essential projects, the Building an Affordable California Act will make California more affordable and lower the cost of housing, energy, electricity, health care, and other necessities, while also reducing taxpayer costs for public works projects.

(g) The Building an Affordable California Act will also jumpstart projects that create well-paying jobs and put tens of thousands of Californians to work—especially in construction, clean energy, and infrastructure—helping grow California's economy when we need it most.

(h) Importantly, the Building an Affordable California Act maintains state and federal clean air, clean water, and environmental protection laws such as the Endangered Species Act, the Safe Drinking Water Act, the Toxic Substances Control Act, the Clean Water Act, the Clean Air Act, the Environmental Quality Improvement Act, the Global Warming Solutions Act, the California Coastal Act, and the Resource Conservation and Recovery Act. This chapter will help us build the projects we need to make California more affordable—without repealing these laws that keep our families and environment safe.

(i) We can and must build an affordable California.

21012. Statement of Purpose.

The purpose of this chapter is to make California more affordable by streamlining and speeding up approval of essential projects—reducing costs for families and taxpayers, improving quality of life, creating good jobs, and maintaining California’s strongest-in-the-world environmental protections.

ARTICLE 2. Application of Chapter.**21013. Projects Subject to this Chapter.**

This chapter applies only to essential housing projects, essential clean energy projects, essential water projects, essential public health projects, essential public safety projects, essential broadband Internet access projects, and essential transportation projects, which the People of California hereby declare to be essential to their quality of life and affordability in this state.

21014. Application of Chapter.

(a) This chapter does not diminish the authority of any public agency to approve or disapprove an essential project. No outcomes on any proposed essential project are preordained by this chapter.

(b) This chapter does not exempt any essential project from environmental review under this division or any other law. Instead, this chapter establishes clear timelines and other procedures for review under this division and administrative permit review for essential projects.

(c) Except as otherwise provided herein, this chapter shall apply to review and processing of any and every application or approval for an essential project and its accompanying land use entitlements, including without limitation, discretionary adjudicative and/or legislative land use entitlements triggering programmatic, plan-level, or project-level environmental review under this division.

(d) This chapter shall apply to all public agencies.

(e)(1) To the extent a conflict exists between this chapter and any other law, this chapter shall be controlling. Notwithstanding anything to the contrary, this chapter shall not abrogate or limit any otherwise applicable statutory or categorical exemption from this division.

(2) Notwithstanding Section 21100 or any other law, the provisions of this chapter shall control and supersede any conflicting requirement for environmental review of an essential project. No provision of Section 21100 or any other law shall invalidate or limit the application of this chapter to an essential project.

(f)(1) An application for an essential project that was submitted to a public agency prior to the effective date of this chapter, and that has not yet received final approval prior to the effective date of this chapter, may be withdrawn and resubmitted after the effective date of this chapter.

(2) An application for an essential project that is withdrawn and resubmitted as provided in paragraph (1) shall be subject to review and approval under the provisions of this chapter.

(3) Essential housing projects with applications withdrawn and resubmitted as provided in paragraph (1) shall not lose any vested rights or other benefits the applicant acquired through any provisions of the Housing Accountability Act (Section 65589.5 of the Government Code) and other housing laws, including without limitation, the Builder's Remedy (Statutes of 2024, chapter 268) and the Housing Crisis Act of 2019 (Statutes of 2019, chapter 654), and vested rights shall relate back to the date any preliminary application under Section 65941.1 of the Government Code was submitted.

(4)(A) If an application for an essential project was deemed or determined complete prior to the effective date of this chapter, and the applicant has not altered the essential project, the application shall be deemed complete for purposes of this chapter, and a public agency shall not require that the application undergo any additional completeness review.

(B) In circumstances where an application has been withdrawn and resubmitted as provided in paragraph (1), any deadlines in this chapter that are triggered by the date an application is determined or deemed to be complete shall be calculated from the time the essential project application is submitted by the applicant.

(g) The timelines and deadlines set forth in this chapter shall apply to all essential project applications that are determined or deemed complete, pursuant to Article 3 or any other law, after the effective date of this chapter irrespective of the date of the application's submission.

21015. Interaction with Other Laws.

(a) In order to maximize the ability to streamline and speed up approval of essential projects, an applicant may elect to proceed pursuant to some or all of the provisions of this chapter in combination with, or as alternatives to, other land use and environmental review laws, mechanisms, or procedures. Therefore, nothing in this chapter prohibits an applicant from also availing itself of other land use and environmental review laws that would provide for more expeditious review and approval of essential projects compared to this chapter.

(b) To the extent that an ambiguity arises regarding how this chapter might operate in conjunction with other provisions of law, the policies and intent set forth in Section 21029 shall be controlling.

(c) The following provisions shall apply to an essential housing project:

(1) The provisions of paragraph (2), paragraph (3), and paragraph (5) of subdivision (d) of Section 21080.66, as added by Section 59 of Chapter 22 of the Statutes of 2025 (Assembly Bill 130), shall apply to an essential housing project.

(2)(A) In addition to a direct contractor or subcontractor, the provisions of Section 218.8 of the Labor Code shall extend to the owner of an essential housing project during the construction of the essential housing project.

(B) For purposes of this paragraph, “owner” means an owner as defined in subdivision (e) of Section 8182 of the Civil Code.

ARTICLE 3. Completeness of Essential Project Applications.

21016. Tribal Consultation on Essential Projects.

(a) The People of the State of California hereby declare that this article is necessary in order to provide for early, meaningful, and streamlined tribal consultation as a key element of essential project planning while maintaining protections for tribal cultural resources.

(b) Notwithstanding any other provision of this division or any other law, the tribal consultation process for essential projects shall follow the rules and requirements set forth in this section.

(c) Preliminary tribal engagement. Prior to submitting an application for an essential project, all of the following shall occur:

(1) An applicant shall provide written notice to a Consulting Tribe that is traditionally and culturally affiliated with the geographic area of the proposed essential project. The notice shall comply with the requirements set forth in paragraph (2) of subdivision (b) of Section 21024.

(2) Where a recipient of the written notice described in paragraph (1) requests it, the applicant and that Consulting Tribe shall participate in an informal engagement process to discuss the proposed essential project, potential alternatives, and potential impacts on tribal cultural resources.

(3) The applicant shall maintain a written record of the informal engagement proceedings held pursuant to this subdivision. The written record shall be submitted as part of the application for the essential project solely for the purpose of verifying compliance with this section.

(d) Formal tribal consultation. Tribal consultation for an essential project shall be conducted pursuant to Sections 21074, 21080.3.1, 21080.3.2, 21082.3, 21084.2, and 21084.3 except as modified as follows:

(1) Notwithstanding Section 21073 or any other provision of law, “California Native American tribe” as used in, or with respect to, Sections 21074, 21080.3.1, 21080.3.2, 21082.3, 21084.2, and 21084.3 shall instead mean, and be read as, “Consulting Tribe” when the project is an essential project.

(2) Where requested by a Consulting Tribe, consultation shall incorporate consideration of tribal traditional knowledge.

(3) Where the lead agency, a Consulting Tribe, and the applicant agree in writing to measures to mitigate or avoid a significant effect on a tribal cultural resource, the written agreement shall become an enforceable condition of project approval.

(e) The timelines established in Article 4 shall not alter the duration of consultation with a Consulting Tribe on an essential project pursuant to Sections 21074, 21080.3.1, 21080.3.2, 21082.3, 21084.2, and 21084.3, as modified by subdivision (d).

21017. Determining Completeness of Essential Project Applications.

(a)(1) When a public agency receives an application for an essential project, the public agency shall review the application, make a determination whether the application is complete, and notify the applicant in writing of its determination.

(2) The determination of completeness for an initial application shall be made within 30 days of the public agency's receipt of the initial application. If the public agency fails to provide a determination of completeness within 30 days, then the initial application shall be deemed complete for the purposes of this chapter and this division.

(3) An application shall not be determined to be incomplete on the basis of (A) items that were not required by the public agency in a written, publicly available submittal requirement checklist at the time the initial application was submitted; or (B) standards that did not exist on the date the application for the essential project was submitted.

(b) If the public agency's determination of completeness finds that an application for an essential project is incomplete, the public agency shall provide the applicant with an exhaustive written corrections list containing thorough descriptions of the items and specific information, or lack thereof, that led to the finding of incompleteness.

(c)(1)(A) The applicant shall, within 90 days of a notification that its initial application is incomplete, submit either additional information or a revised application that addresses the matters identified on the written corrections list.

(B) If the applicant cannot comply with the 90-day deadline in subparagraph (A) to submit either additional information or a revised application, the applicant shall notify the public agency in writing why it is unable to do so and include an estimate of when it will be able to do so. The estimate included by the applicant pursuant to this subparagraph shall not exceed an additional 90 days.

(2) Upon any submission of either additional information or a revised application, the public agency shall determine if the application is complete based only on the written corrections list. The public agency shall provide a determination of completeness based upon submission of either additional information or a revised application within 30 days of receipt thereof. If the public agency finds that the application is still incomplete notwithstanding the additional information or revised application, the public agency shall provide an updated written corrections list therefor. The updated written corrections list may only contain items included on the written corrections list provided in response to the applicant's initial application.

(3) If an application is deemed incomplete notwithstanding submission of additional information or a revised application, the applicant may submit further information or revised applications pursuant to the procedures and timelines set forth in this subdivision.

(4) If the public agency fails to provide a determination of completeness within 30 days of receiving either additional information or a revised application, the application shall be deemed complete for purposes of this chapter and this division.

(5) A public agency shall not request or require an applicant to provide any new information unless that information was included on the corrections list for the immediately prior version of the application.

(d)(1) A determination of completeness finding that an initial application, supplemented application, or revised application is incomplete shall be appealable to the public agency's planning commission, planning director, or other official with final authority over application completeness. If the public agency does not have a planning commission, planning director, or other official with final authority over application completeness, then the appeal shall be heard by the highest-ranking elected or appointed decision-making body or official of the agency. There shall be a final written determination on the appeal not later than 60 days after receipt of the applicant's written appeal.

(2) If the final written determination on the appeal is not made within the 60-day period described in paragraph (1), the application shall be deemed complete for the purposes of this chapter and this division.

(e) An applicant may bring a civil action challenging an adverse determination under subdivision (d). Any such action shall be commenced within 90 days of an adverse final written determination issued pursuant to subdivision (d).

ARTICLE 4. Review of Completed Applications for Essential Projects.

21018. Local Agency Timeline for Completing Review of Essential Projects.

(a) A decision regarding the type of environmental review document to be prepared by a local agency that is acting as a lead agency ("local lead agency") for an essential project shall be

made within 30 days of the earlier of an application being determined or deemed to be complete pursuant to Article 3, or deemed complete pursuant to any other law.

(b)(1) No later than 365 days after the earlier of an application being determined or deemed to be complete pursuant to Article 3, or deemed complete pursuant to any other law, a local lead agency for an essential project shall determine whether to certify an environmental impact report for that project.

(2) No later than 180 days after the earlier of an application being determined or deemed to be complete pursuant to Article 3, or deemed complete pursuant to any other law, a local lead agency for an essential project that has less than a significant impact shall determine whether to adopt a negative declaration or mitigated negative declaration for that project.

(3) No later than 90 days after the earlier of an application being determined or deemed to be complete pursuant to Article 3, or deemed complete pursuant to any other law, a local lead agency for an essential project shall complete documentation supporting a determination that the essential project is exempt from this division or that the essential project's impacts were previously evaluated under a prior environmental review document pursuant to, without limitation, Section 21083.3 or Section 21094.5 of this division, or an addendum under Sections 15162 and 15164 of the State CEQA Guidelines.

21019. Timeline for Completing Review of Essential Projects by Public Agencies that are Not Local Agencies.

(a) A decision regarding the type of environmental review document to be prepared by a public agency other than a local agency that is acting as a lead agency ("non-local lead agency") for an essential project shall be made within 30 days of the earlier of an application being determined or deemed to be complete pursuant to Article 3, or deemed complete pursuant to any other law.

(b)(1) No later than 365 days after the earlier of an application being determined or deemed to be complete pursuant to Article 3, or deemed complete pursuant to any other law, a non-local lead agency for an essential project shall determine whether to certify an environmental impact report for that project.

(2) No later than 180 days after the earlier of an application being determined or deemed to be complete pursuant to Article 3, or deemed complete pursuant to any other law, a non-local lead agency for an essential project that has less than a significant impact shall determine whether to adopt a negative declaration or mitigated negative declaration for that project.

(3) No later than 90 days after the earlier of an application being determined or deemed to be complete pursuant to Article 3, or deemed complete pursuant to any other law, a non-local lead agency for an essential project shall complete documentation supporting a determination that the essential project is exempt from this division or that the essential project's impacts were previously evaluated under a prior environmental review document pursuant to, without limitation, Section 21083.3 or Section 21094.5 of this division, or an addendum under Sections 15162 and 15164 of the State CEQA Guidelines.

21020. Noncompliance with Timelines for Completing Review of Essential Projects.

(a) When a local lead agency or a non-local lead agency fails to comply with a deadline set forth in subdivision (b) of Section 21018 or subdivision (b) of Section 21019, the applicant may make a written request for the agency to hold a public hearing on the essential project.

(b) Within 60 days of receipt of a written request pursuant to subdivision (a), the public agency shall do all of the following:

(1) Complete all environmental review documentation for the essential project.

(2) Place the essential project on the agency's agenda as follows:

(A) If the agency has a multi-member decision-making body subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), or similar open meeting law, the agency shall place the essential project on its agenda for a regular or special meeting of the agency's highest-ranking decision-making body.

(B) If the agency does not have a multi-member decision-making body subject to the Bagley-Keene Open Meeting Act, Ralph M. Brown Act, or similar open meeting law, then the highest-ranking official of the agency, or his or her designee, shall hold a public workshop on the essential project. Notice of the public workshop shall be given at least 10 days prior to the date

of the workshop. The notice shall be prominently posted on the agency's website, and a written copy of the notice shall be mailed or emailed to all persons or organizations who request the agency to provide them with such notices.

(3) Notwithstanding any other provision of this division or any other law or legal requirement to the contrary, at the meeting or public workshop noticed as described in paragraph (2), the agency shall make a final written determination to approve or disapprove the essential project.

(c)(1) If the local lead agency or non-local lead agency has a planning commission or planning director, upon receipt of a written request pursuant to subdivision (a), the planning commission or planning director shall hold a regular or special meeting for the purpose of providing a recommendation on the essential project.

(2) The meeting of the planning commission or planning director described in this subdivision shall occur within 30 days of receipt of a written request pursuant to subdivision (a).

(3) Any environmental review documentation needed for the meeting described in this subdivision shall be completed in advance of the date of the meeting.

(d) The deadlines set forth in subdivision (b) and subdivision (c) shall only be extended upon mutual written consent of the public agency and the applicant.

(e) A local lead agency and a non-local lead agency have a nondiscretionary ministerial duty to comply with the deadlines set forth in this section or in any written agreement reached pursuant to subdivision (d).

(f) An applicant may bring a civil action challenging an adverse determination under paragraph (3) of subdivision (b). Any such action shall be commenced within 90 days of an adverse final written determination issued pursuant to paragraph (3) of subdivision (b).

21021. Timeline for Public Comments on Essential Projects.

(a) A public agency shall circulate any environmental review document for an essential project for public comment periods as follows:

(1) 15 days for a mitigated negative declaration or other document requiring public circulation under state law.

(2) 30 days for a draft environmental impact report or subsequent or supplemental environmental impact report.

(b) A public comment period described in subdivision (a) shall not be tolled or extended except by a court of competent jurisdiction.

(c)(1) Only the following comments shall be included in the administrative record for an essential project:

(A) Electronic and written comments received during the public comment periods set forth in subdivision (a).

(B) Electronic and written comments received at least 72 hours prior to a public hearing on the environmental review documentation for the essential project.

(2) All other comments shall be disregarded and excluded from the administrative record.

21022. Determination of Impacts.

Notwithstanding any other law to the contrary:

(a) A public agency considering whether to approve an essential project shall consider the essential project on the basis of the laws (including but not limited to statutes, regulations, and ordinances) that existed on the date the application for the essential project was submitted to the public agency, and not on the basis of any subsequent change in the law.

(b) For purposes of this division and the State CEQA Guidelines, where a written standard for a particular resource category existed at the time the application was submitted to a public agency, the essential project's significant impacts on that particular resource category shall be based solely upon the project's compliance with those written standards.

(c) An applicant may waive the application of one or both of subdivision (a) or subdivision (b) to an essential project by submitting to the public agency a written request to that effect.

21023. Permits, Authorizations, and Other Approvals Required by a Public Agency.

(a) If an essential project requires any permit, authorization, or approval from a public agency, the public agency shall make a final written decision thereon, based on written standards in effect at the time the application was submitted, as follows:

(1) Where a public agency was a lead agency for an essential project, the public agency shall make a final decision on any permit, authorization, or approval within 90 days of the certification of the environmental impact report, adoption of a negative declaration or mitigated negative declaration, or determination of exemption from this division, as applicable.

(2) A state agency may extend the review period set forth in paragraph (1) by an additional 90 days if all of the following apply:

(A) Prior to the effective date of this chapter, the state agency had an established process for conducting evidentiary hearings on the type of permit, authorization, or approval being sought for the essential project.

(B) The state agency provides written notice to the applicant that it will go forward with an evidentiary hearing on the permit, authorization, or approval being sought for the essential project.

(3) A public agency that is not a lead agency for an essential project shall make a final written decision on any permit, authorization, or approval within 90 days of the earlier of the date the application for the project was determined or deemed to be complete pursuant to Article 3, or deemed complete pursuant to any other law.

(b) When a public agency fails to comply with a deadline set forth in subdivision (a), the applicant may make a written request for the public agency to hold a public hearing on the permit, authorization, or approval.

(c) Within 45 days of receipt of a written request pursuant to subdivision (b), the public agency shall do all of the following:

(1) Place the permit, authorization, or approval on the public agency's agenda as follows:

(A) If the public agency has a multi-member decision-making body subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code), Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), or similar open meeting law, the public agency shall place the permit, authorization, or approval on its agenda for a regular or special meeting of the agency's highest-ranking decision-making body.

(B) If the public agency does not have a multi-member decision-making body subject to the Bagley-Keene Open Meeting Act, Ralph M. Brown Act, or similar open meeting law, then

the highest-ranking official of the public agency, or his or her designee, shall hold a public workshop on the permit, authorization, or approval. Notice of the public workshop shall be given at least 10 days prior to the date of the workshop. The notice shall be prominently posted on the public agency's website, and a written copy of the notice shall be mailed or emailed to all persons or organizations who request the agency to provide them with such notices.

(2) Notwithstanding any other provision of this division or any other law or legal requirement to the contrary, at the meeting or public workshop noticed as described in paragraph (1), the public agency shall make a final written determination to approve or disapprove the permit, authorization, or approval.

(d) The deadlines set forth in subdivision (a) and subdivision (b) shall only be extended upon mutual written consent of the public agency and the applicant.

(e) A public agency has a nondiscretionary ministerial duty to comply with the deadlines set forth in this section or in any written agreement reached pursuant to subdivision (d).

(f) An applicant may bring a civil action challenging an adverse determination under paragraph (2) of subdivision (c). Any such action shall be commenced within 90 days of an adverse final written determination issued pursuant to paragraph (2) of subdivision (c).

ARTICLE 5. Preliminary Scoping Process and Streamlined Alternatives Analysis for Essential Projects.

21024. Preliminary Scoping Process for Essential Projects.

(a) An applicant may, but is not required to, engage in the preliminary scoping process and streamlined alternatives analysis as provided in this article. However, where an applicant voluntarily chooses to engage in a preliminary scoping process and streamlined alternatives analysis, it shall comply with this article.

(b)(1) Prior to submitting an application for an essential project, an applicant that chooses to proceed in accordance with this article shall provide written notice to the lead agency of its intent to complete the scoping process and streamlined alternatives analysis set forth in this article.

(2) The written notice shall present a preliminary overview and description of the proposed essential project sufficient to inform the lead agency and the public of the anticipated features of the project. The written notice is not required to include detailed engineering plans, technical studies, or design-level drawings. The description shall include, to the extent known, the following:

- (A) The project's location, size, and boundaries.
- (B) The principal components and fundamental purpose of the project.
- (C) The general type of land use, facility, or infrastructure proposed.
- (D) Any known or reasonably foreseeable resource areas that may be impacted.
- (E) Any anticipated permits or approvals required from public agencies.

(3) The written notice shall also prominently identify an email address for the applicant where the lead agency and the public may submit comments on the proposed essential project.

(c)(1) After receipt of the written notice described in subdivision (b), the applicant and the lead agency shall engage in at least two meetings for the purpose of discussing the proposed essential project, potential alternatives, and identifying potentially impacted resource areas.

(2) The lead agency shall maintain a record of all meeting summaries.

(d)(1) The lead agency shall post the written notice received pursuant to subdivision (b) on its website. The posting shall prominently identify the email address described in paragraph (3) of subdivision (b) in order to facilitate the public's ability to submit comments to the applicant via email.

(2) The applicant shall maintain a record summarizing public input received via email during the preliminary scoping phase.

(3) The applicant shall not be required to respond to any input obtained pursuant to this section.

(e) An applicant may, but shall not be required to, convene one or more public meetings, including via virtual or online formats, for the purpose of obtaining additional public input on the proposed essential project.

(f) The preliminary scoping process described in this section shall be completed within not more than 60 days from the date that the lead agency received written notice pursuant to subdivision (b).

(g) Where an applicant does not elect to utilize the scoping process provided in this section, other scoping requirements set forth in this division shall continue to apply.

(h) Notwithstanding any provision of this section, with respect to an essential housing project, the preliminary scoping process provided herein shall not be a prerequisite to filing a preliminary application under the Housing Crisis Act of 2019 as enacted by Chapter 654 of the Statutes of 2019 (Senate Bill 330).

21025. Streamlined Alternatives Analysis for Essential Projects.

(a) Upon completion of the preliminary scoping process set forth in Section 21024, the applicant shall develop one proposed alternative to the essential project. The proposed alternative shall take into consideration input obtained pursuant to Section 21024, and shall comply with all of the following:

(1) The proposed alternative shall be compatible with the proposed essential project's fundamental purpose as described pursuant to Section 21024.

(2) To the extent practicable, the proposed alternative should be designed to be compatible with applicable local zoning and land use policies.

(3) The proposed alternative does not need to be located at a different site from the proposed essential project.

(b) Notwithstanding Section 21100 or any other provision of this division, and except as provided in subdivision (f), an environmental impact report prepared for an essential project that complies with this article shall only analyze the following:

(1) The proposed essential project.

(2)(A) The applicant's proposed alternative developed pursuant to this article.

(B) For purposes of satisfying this article, the applicant's proposed alternative may include an alternative or additional component of the proposed essential project, where such additional or alternative component may include onsite or offsite physical improvements, or alternative or additional operational parameters or programs, designed to lessen impacts.

(C) A proposed alternative developed pursuant to this article shall be found to substantially lessen impacts to a level of insignificance as long as such a finding is supported by substantial evidence.

(3) The “no project” alternative. The “no project” alternative shall consider the reasonably foreseeable environmental conditions that would result if the essential project is not approved, including reasonably foreseeable future alternative uses of the site proposed for the essential project, and benefits resulting from the essential project.

(c) The alternatives described in subdivision (b) for an essential project are sufficient for all purposes under this chapter, this division, and any other law. Except as provided in subdivision (f), all additional alternatives beyond those described in subdivision (b) are unnecessary, and no public agency or other body or entity shall require analysis of unnecessary alternatives.

(d) Within 15 days after the close of the preliminary scoping process in Section 21024, the applicant shall transmit to the lead agency a written submittal that includes:

- (1) A description of the proposed essential project.
- (2) A description of the single proposed alternative developed pursuant to this article.
- (3) A description of the no project alternative described in paragraph (3) of subdivision (b).

(e) The lead agency shall, within 15 days after receiving the proposed alternative, issue a written certification stating whether the applicant has met the requirements of this article. Alternatively, the lead agency may certify that the applicant has met the requirements of this article by taking no affirmative action within 15 days after receiving the proposed alternative. The lead agency’s certification shall be final unless an interested party files an administrative appeal within 5 days of the certification’s issuance.

(f) Nothing in this article prohibits an applicant from proposing additional project alternatives, at the applicant’s discretion.

(g) Subject to the requirements of this chapter and any limitations imposed by other provisions of law, the lead agency shall retain discretion to approve the proposed essential project, approve the proposed alternative developed pursuant to this article, or select the “no project” alternative.

(h) For purposes of this section, “proposed alternative” means a single potentially feasible alternative to the essential project that is developed by the applicant.

ARTICLE 6. Judicial Review of Essential Project Determinations.

21026. Judicial Review of Essential Projects.

(a)(1) Any action or proceeding to attack, review, set aside, void or annul a determination, finding, or decision of a public agency with respect to an essential project, on the grounds of noncompliance with this division or the State CEQA Guidelines, shall be completed in accordance with the requirements of this article.

(2) This article shall apply to any and all actions or proceedings pending on, or commenced after, the effective date of this chapter.

(b)(1) Any action or proceeding to attack, review, set aside, void or annul a determination, finding, or decision of a public agency with respect to an essential project, on the grounds of noncompliance with this division or the State CEQA Guidelines, must demonstrate that the determination, finding, or decision does not comply with objective, quantifiable, and written standards as they existed on the date the application for the essential project was submitted to the public agency.

(2) For the purpose of this subdivision, "objective" means involving no personal or subjective judgment and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the applicant and the lead agency before the application was submitted.

(3) For purposes of this subdivision, "standards" include the following:

(A) Any general plan, community plan, specific plan, neighborhood plan, area plan, zoning, design review standards and criteria or guidelines, subdivision standards and criteria, and any other published rules, regulations, requirements, and policies of a city, county, city and county, or other local or regional agency that adopts such plans.

(B) Any plans, rules, actions affecting the approval of a project, or regulations adopted by any state agency, responsible agency, or any federal agency.

(C) Any statute or regulation of the State of California or the United States of America.

(c) Nothing in this article shall be construed to supersede Section 1756 and Section 1759 of the Public Utilities Code, or any other provision of law governing judicial review of orders or decisions of the Public Utilities Commission.

21027. Standards and Timelines for Judicial Review of Essential Projects.

(a) Except for actions described in subdivision (e) of Section 21017, subdivision (f) of Section 21020, and subdivision (f) of Section 21023, an action or proceeding under this division shall be commenced within 30 days from the date the agency files a notice of determination or notice of exemption pursuant to Section 21152 or Section 21108. The action or proceeding shall be completed within 270 days, inclusive of original and appellate court proceedings, pursuant to the judicial streamlining procedures applicable to environmental leadership development projects under Section 21185.

(b) In any such action or proceeding, the standards of independent judgment or prejudicial abuse of discretion shall not be applied. Instead, the court shall determine whether the determination, finding, or decision is supported by substantial evidence in light of the whole record. Nothing in this division or the State CEQA Guidelines shall be applied or construed as imposing procedural or substantive requirements beyond those explicitly stated in this division or in the State CEQA Guidelines, nor may the court determine that any noncompliance is prejudicial in the absence of evidence that an impact was not mitigated to less than significant when feasible mitigation was available.

(c) The whole administrative record consists only of notices, studies, and other documents which are either of the following:

(1) Required under this division to be sent or distributed to members of the public by the lead agency, made available to the public at a public repository such as a library, or included on the website of the agency.

(2) Public comments that comply with subdivision (c) of Section 21021.

(3) Verbal testimony at a noticed and recorded public hearing.

(d) If the court finds, as a result of a trial, hearing, or remand from an appellate court, that any determination, finding, or decision of a public agency has been made without completing the public participation procedures or environmental analysis and mitigation required by this division, and that agency determination, finding, or decision is not supported by substantial evidence in the record, the court shall issue an order and peremptory writ of mandate directing the agency to complete such required supplemental public participation, analysis, or mitigation.

In the event a deficient study or analysis is ordered corrected, the order shall also identify with specificity what part, phase, or activity of an essential project would be within the scope of the required new study. Any essential project part, phase, or activity not within the scope of the required new study identified in the writ shall not be subject to the writ, and is not subject to further challenge in an action or proceeding under this division. When such required actions have been completed, the agency shall file a return to the writ affirming its compliance and the court shall thereafter dismiss the action or proceeding. A court may not order or direct via writ or any other form of order, injunction, or decision that an agency rescind its approval of the essential project.

(e) No further action or proceeding to challenge the implementation through completion of construction or subsequent approval of an essential project, or portion of an essential project, as defined in this chapter, may be filed if the lead agency's project approval was not subject to a judicial challenge, the agency action was challenged and upheld, or the agency has filed a return to the writ which has been accepted as satisfactory by the court pursuant to subdivision (d). Minor modifications to an essential project which do not result in any new significant impacts, or substantially worsen any previously identified significant impacts, of the initially approved essential project, may not be challenged in an action or proceeding under this division.

(f)(1) Upon a showing by clear and convincing evidence that an essential project would have a specific, adverse impact upon public safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact upon public safety, a court may order that construction or completion of the particular essential project component that would result in the specific, adverse impact upon public safety be halted or prohibited solely by issuing a temporary injunction.

(2) For purposes of paragraph (1), satisfactory mitigation to avoid the specific, adverse impact upon public safety shall be deemed to exist upon either of the following:

(A) A public agency's subsequent decision to modify the essential project to avoid or mitigate to a less than significant that specific, adverse public safety impact (and which shall not require the agency to take any further action under this division).

(B) A public agency's determination that the specific, adverse impact upon public safety cannot be avoided or mitigated to a less than significant level following preparation of an

environmental impact report or supplemental environmental impact report addressing only that specific, adverse public safety impact under the timelines and procedures set forth in this chapter.

ARTICLE 7. Definitions.

21028. Definitions.

For purposes of this chapter, as used in both the singular and plural form, the following definitions shall apply:

(a) “Applicant” means any person, legal entity, public agency, or public utility that proposes an essential project.

(b) “Consulting Tribe” means a tribe (1) with federally-held trust land, reservation land, or whose government is located within the exterior boundaries of the State of California; and (2) the tribe appears on the most recent list published by the United States pursuant to the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C § 5131).

(c) “Day” means the following:

(1) As used in Section 21018 and Section 21019, “day” means any day other than a Saturday, Sunday, or any day designated as a state holiday.

(2) As used in any section of this chapter except for Section 21018 and Section 21019, “day” means a calendar day.

(d) “Environmental review document” or “environmental review documentation” means environmental documents as defined in Section 15361 of Title 14 of the California Code of Regulations.

(e)(1) “Essential broadband Internet access project” means a project to provide mass-market retail service by wire service, wireless service, or radio to customers in this state that provides the capability to transmit data to, and receive data from, all or substantially all Internet endpoints, including, but not limited to, any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service.

(2) An “essential broadband Internet access project” shall comply with all labor requirements applicable to an environmental leadership development project described in Section 21183.5.

(f)(1) “Essential clean energy project” means a project that supports California’s climate, energy efficiency, reliability, electrification, sustainability, or clean energy objectives through one or more of the following:

(A)(i) Producing, generating, or storing electricity derived from renewable resources, including, but not limited to, solar, wind, geothermal, fuel cells using renewable fuels, small hydroelectric generation of 30 megawatts or less, digester gas, municipal solid waste conversion, landfill gas, ocean wave, ocean thermal, or tidal current, and associated transmission lines.

(ii) “Associated transmission lines” means a transmission line that is required for the interconnection or delivery of electricity from a facility described in clause (i).

(B) Producing, generating, storing, transmitting, or distributing clean hydrogen, which is not derived from a fossil fuel feedstock.

(C) Developing, constructing, or installing microgrids and associated infrastructure.

(D) Capturing, transporting, and/or storing carbon dioxide emissions for permanent isolation from sources including, but not limited to, energy production, manufacturing, or refining facilities.

(E) Developing, constructing, upgrading, or expanding transmission or distribution system components identified in a transmission planning process approved by the Independent System Operator or in an Integrated Energy Policy Report adopted pursuant to Section 25302, including financing of such facilities, assets, or components through sale, lease, assignment, mortgage, or other disposition or encumbrance requiring state agency approval.

(2) An “essential clean energy project” shall comply with all labor requirements applicable to an environmental leadership development project described in Section 21183.5.

(g) “Essential housing project” means all of the following:

(1) Residential units only.

(2) A mixed-use development.

(3) Transitional housing, emergency shelters, or supportive housing, as defined in subdivisions (g), (n), and (q) of Section 65582 of the Government Code.

(4) Farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.

(5) Group living accommodations, meaning building(s) or portion of any building(s) designed for or accommodating a residential use by persons not living together as a household, typically without separate kitchens or bathroom facilities for each room or unit. This use includes, without limitation, convents, monasteries, and other types of organizational housing.

(6) Student housing units, meaning any residential units or group living accommodation intended for use by students, including, without limitation, dormitory-style student housing and suite-style student housing.

(7)(A) Senior housing units, meaning any residential units or group living accommodation of any size intended for occupation by persons 55 years or over, including, without limitation, the following: (i) any intergenerational housing developments; (ii) senior congregate housing; (iii) a senior citizen housing development as defined in paragraph (4) of subdivision (b) of Section 51.3 of the Civil Code; (iv) any residential care facility for the elderly as defined in paragraph (1) of subdivision (o) of Section 1569.2 of the Health and Safety Code; and (v) any continuing care retirement community as defined in paragraph (10) of subdivision (a) of Section 1771 of the Health and Safety Code.

(B) This paragraph shall not be construed to limit the authority of a public agency to categorize senior housing land uses as non-residential under its zoning ordinances or other laws, except that senior housing units shall qualify as a “housing development project” under paragraph (2) of subdivision (h) of Section 65589.5 of the Government Code.

(8) A subdivision or common interest development, as defined in Section 4100 of the Civil Code, consisting of residential units or unimproved residential lots.

(9) A conversion of an existing commercial building to residential use.

(h) “Essential project” means a project that meets all of the following requirements:

(1)(A) The project is an essential housing project, essential water project, essential clean energy project, essential public health project, essential public safety project, essential broadband Internet access project, or essential transportation project.

(B) An essential project includes related and ancillary public, private, and utility infrastructure and public service facilities required by a utility or public agency, or included in an essential project application as part of the “whole of the project,” to serve a project identified in subparagraph (A), such as electric, telecommunication, gas, water, wastewater, stormwater,

transit, police, fire, and transportation improvements that provide required public and utility services and infrastructure to the project.

(2) The project does not include a jail or other detention facility, or involve the development of a new oil or natural gas production facility.

(i)(1) “Essential public health project” means a medical treatment facility.

(2) An “essential public health project” shall comply with all labor requirements applicable to an environmental leadership development project described in Section 21183.5.

(j)(1) “Essential public safety project” means a first responder facility or a wildfire risk reduction project.

(2)(A) An “essential public safety project” shall comply with all labor requirements applicable to an environmental leadership development project described in Section 21183.5.

(B) A wildfire risk reduction project limited to vegetation management, fuel reduction, creating or maintaining fuel breaks, or reducing fuel loading that is undertaken directly by a public agency using its own employees shall be deemed to comply with this paragraph if the public agency’s employees working on the project are covered by a collective bargaining agreement or other state civil service laws that provide equivalent wage, training, and safety standards.

(k)(1) “Essential transportation project” means the following:

(A) A project described in subdivision (a) or subdivision (b) of Section 2 of Article XIX of the California Constitution.

(B) Electric vehicle charging infrastructure.

(2) An “essential transportation project” shall comply with all labor requirements applicable to an environmental leadership development project described in Section 21183.5.

(l)(1) “Essential water project” means any project or action to repair, replace, improve, or augment any of the following: (i) a “public water system” as defined by subdivision (h) of Section 116275 of the Health and Safety Code; (ii) a system that directly or indirectly provides water to a public water system; or (iii) a system which is generally described and within the scope of the State’s Water Resilience Portfolio.

(2) An “essential water project” shall comply with all labor requirements applicable to an environmental leadership development project described in Section 21183.5.

(m) “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

(n)(1) “First responder facility” means all of the following:

(A) A fire station owned or operated by the State of California, a city, a county, a city and county, a joint powers authority, a Consulting Tribe, or a special district.

(B) A police station or sheriff’s station owned or operated by a city, a county, a city and county, a joint powers authority, or a special district but excluding any portion thereof used as a jail or other detention facility.

(2) “First responder facility” does not include the following:

(A) Any facility owned, operated, or leased by the United States government.

(B) Any facility used as an immigration detention facility or a state prison.

(o) “Lead agency” means a lead agency as defined in Section 21067.

(p) “Local agency” means a public entity that is not a “state agency” as defined in this article.

(q) “Medical office building” means a building whose primary function is to provide office space for health care practitioners licensed, certified, registered, or otherwise authorized to practice pursuant to Division 2 of the Business and Professions Code.

(r) “Medical treatment facility” means all of the following: (1) a health facility as defined in Section 1250 of the Health and Safety Code; (2) a clinic as defined in Section 1200 of the Health and Safety Code; and (3) a medical office building.

(s)(1) “Mixed-use development” means a development consisting of residential and nonresidential uses that meet any of the following conditions:

(A) At least two-thirds of the new or converted square footage is designated for residential use.

(B) At least 50 percent of the new or converted square footage is designated for residential use and the project meets both of the following:

(i) The project includes at least 500 net new residential units.

(ii) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(C) At least 50 percent of the net new or converted square footage is designated for residential use, and the project meets all of the following:

(i) The project includes at least 500 net new residential units.

(ii) The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use to residential use.

(iii) The project demolishes at least 50 percent of the existing nonresidential uses on the site.

(iv) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(2) A “mixed-use development” includes any nonresidential uses that are integrated into the development and which are supportive of residential components of the development. The minimum distance required between any industrial uses included in the nonresidential portion of a mixed-use development and any existing off-site residential use shall be determined by state law.

(t) “Public agency” means a public agency as defined in Section 15379 of Title 14 of the California Code of Regulations; a responsible agency; a local agency; a state agency; a lead agency; a local agency formation commission; a city; a county; a city and county; a special district; a joint powers authority; or any other governmental authority created under state or local law whether statewide, local, or regional in character.

(u) “Responsible Agency” means a responsible agency as defined in Section 15381 of Title 14 of the California Code of Regulations.

(v) “State agency” means a state agency as defined in subdivision (a) of Section 8557 of the Government Code and any state body as defined in Section 11121 of the Government Code.

(w) “State CEQA Guidelines” means Chapter 3 (commencing with Section 15000) of Division 6 of Title 14 of the California Code of Regulations.

(x) “Substantial evidence” means enough relevant information and reasonable inferences from the information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.

(y) “Wildfire risk reduction project” means an activity that reduces wildfire risks to a residential or commercial structure, or both. A “wildfire risk reduction project” includes, but is not limited to, the following: replacing, hardening, or undergrounding electric utility lines and infrastructure; vegetation management; fuel reduction; home hardening; creating or maintaining fuel breaks; and reducing fuel loading.

ARTICLE 8. Construction Chapter.

21029. Construction of Chapter.

(a) It is the policy of the People of the State of California that this chapter should be interpreted and implemented in a manner to afford the fullest possible weight to the interest of, and the approval and provision of, essential projects.

(b) It is the intent of the People of the State of California that courts, consistent with generally accepted rules of statutory interpretation, shall not interpret this chapter, this division, or the State CEQA Guidelines in a manner which imposes procedural or substantive requirements upon essential projects beyond those explicitly stated in this chapter, this division, or the State CEQA Guidelines.

21030. Statewide Concern.

The People of the State of California hereby declare that streamlining review and approval of essential projects as provided in this chapter is a matter of statewide concern because the adequacy, availability, and affordability of housing, clean energy, water, transportation, and public health and safety infrastructure is insufficient to serve the needs of California’s population and economy. Therefore, the State of California hereby occupies the field in the area of review and approval of essential projects as provided in this chapter.

21031. Statutory References.

All references to state statutes or regulations codified outside of this chapter refer to those statutes and regulations as they existed on December 31, 2025.

21032. Severability.

The provisions of this chapter are severable. If any portion, section, subdivision, paragraph, subparagraph, clause, subclause, sentence, phrase, word, or application of this chapter is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this chapter. The People of the State of California hereby declare that they would have adopted this chapter and each and every portion, section, subdivision, paragraph, subparagraph, clause, subclause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any component of this chapter or application thereof would be subsequently declared invalid.

21033. Effective Date.

This chapter shall take effect as provided in subdivision (a) of Section 10 of Article II of the California Constitution.

SECTION 2. Conflicting Measures.

In the event that this initiative measure and another measure or measures pertaining to the review or approval of essential projects, as defined in this Act, shall appear on the same statewide election ballot, the other measure or measures shall be deemed to be in conflict with this measure. In the event that this initiative measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

SECTION 3. Liberal Construction.

This Act shall be liberally construed to give effect to its intent and purposes.

SECTION 4. Legal Defense.

The purpose of this section is to ensure that the people's precious right of initiative cannot be improperly annulled by state politicians who refuse to defend the will of the voters. Therefore, if this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge which attempts to limit the scope or application of this Act in any way, or alleges this Act violates any state or federal law in whole or in part, and both the Governor and Attorney General refuse to defend this Act to the fullest extent possible on behalf of the State of California, then the following actions shall be taken:

(a) Notwithstanding anything to the contrary contained in Chapter 6 (commencing with Section 12500) of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint independent counsel to faithfully and vigorously defend this Act to the fullest extent possible on behalf of the State of California.

(b) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act to the fullest extent possible. The written affirmation shall be made publicly available immediately upon request.

(c) In order to support the defense of this Act in instances where the Governor and Attorney General fail to do so despite the will of the voters, a continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California to the fullest extent possible.