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SB-232 California Environmental Quality Act: guidelines: study. (2025-2026)

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AMENDED IN SENATE MARCH 20, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

SENATE BILL

NO. 232

Introduced by Senator Seyarto
(Coauthors: Senators Choi, Niello, Ochoa Bogh, and Valladares)
(Coauthors: Assembly Members Alanis, Lackey, and Patterson)

January 28, 2025

An act to add and repeal Section 21083.15 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 232, as amended, Seyarto. California Environmental Quality Act: guidelines: study.

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 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, formerly named the Office of Planning and Research, to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt, guidelines for the implementation of CEQA. The CEQA guidelines require a lead agency, immediately after deciding that an environmental impact report is required for a project, to send a notice of preparation stating that an environmental impact report will be prepared to the office and each responsible and trustee agency, as specified.

This bill would require the office to conduct a study to, among other things, evaluate how locked-in guidelines could impact regulatory certainty for *future* project proponents, lead agencies, and stakeholders and assess how locked-in guidelines could affect the speed and efficiency of the environmental review process pursuant to CEQA. The bill would define "locked-in guidelines" as CEQA guidelines, that are in effect at the time of the first issuance of the notice of preparation for a project, that apply to the project throughout the course of the environmental review process pursuant to CEQA, regardless of changes in the guidelines that occur after the first issuance of the notice of preparation. The bill would require, on or before January 1, 2027, the

office to submit a report to the Governor and the Legislature on the study. The bill would repeal these provisions on January 1, 2028.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares that the California Environmental Quality Act (CEQA) (Division 13 (commencing with Section 21000) of the Public Resources Code) ensures that environmental impacts of proposed projects are considered before approvals are granted. However, the changing nature of the CEQA guidelines throughout the CEQA review process may lead to confusion, inefficiencies, and additional burdens for lead agencies and project proponents.

(b) It is the intent of the Legislature to study the implications of “locking in” the regulatory framework at the time that the notice of preparation is first issued, ensuring that the regulatory requirements in effect at that time are applied to the project, regardless of subsequent regulatory changes.

SEC. 2. Section 21083.15 is added to the Public Resources Code, to read:

21083.15. (a) For purposes of this section, the following definitions apply:

(1) “Locked-in guidelines” means guidelines adopted pursuant to Section 21083, that are in effect at the time of the first issuance of the notice of preparation for a project, that apply to the project throughout the course of the environmental review process pursuant to this division, regardless of any changes in the guidelines that occur after the first issuance of the notice of preparation.

(2) “Office” means the Office of Land Use and Climate Innovation.

(b) The office shall conduct a study that accomplishes all of the following:

(1) Evaluates how locked-in guidelines could impact regulatory certainty for *future* project proponents, lead agencies, and stakeholders, including the financial implications of complying with changes in guidelines that occur *up to five years* after the first issuance of the notice of preparation.

(2) Assesses how locked-in guidelines could affect the speed and efficiency of the environmental review process pursuant to this division and consider whether locked-in guidelines could reduce delays associated with changes in guidelines during project reviews.

(3) Examines how locked-in guidelines could impact the quality and thoroughness of environmental reviews and determine whether locked-in guidelines would ensure consistent application of environmental protections or create unintended environmental risks.

(4) Identifies best practices for balancing the need for regulatory consistency with the flexibility to adapt to new and evolving environmental challenges and propose any legislative or regulatory changes needed to improve the environmental review process pursuant to this division.

(c) On or before January 1, 2027, the office shall submit a report to the Governor and the Legislature, in compliance with Section 9795 of the Government Code, on the study conducted pursuant to subdivision (b). The report shall include findings, recommendations, and proposed actions to improve the environmental review process pursuant to this division with respect to locked-in guidelines.

(d) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.