SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 1256 (Jones)
Version: March 25, 2026
Hearing Date: April 21, 2026
Fiscal: No
Urgency: No
AM

SUBJECT

Subdivision Map Act: action or proceeding

DIGEST

This bill bars an action or proceeding under the Subdivision Map Act when a substantially similar claim was raised in a prior CEQA action against the same defendant when that CEQA action has been fully adjudicated and the project that is the subject of the CEQA action has been approved by the lead agency.

EXECUTIVE SUMMARY

This bill seeks to address the situation where a person or group brings a suit under CEQA, loses that suit, and then turns around and files a suit under the Subdivision Map Act based on similar issues in the CEQA action. The author argues this practice is a waste of judicial resources, leads to the delay of building much needed housing in the state, and is costly for local governments. The bill is modeled off the judicial doctrines of res judicata (claim preclusion) and equitable estoppel (issue preclusion).[1] The bill is author sponsored. The bill is supported by RCS Harmony Partners. No timely opposition was received by the Committee. Should this bill pass this Committee, it will then be referred to the Senate Committee on Local Government.

PROPOSED CHANGES TO THE LAW

Existing law:

1) Requires, under the Subdivision Map Act, a tentative and final map for all subdivisions creating five or more parcels, five or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing

[1] *See* Comment 3 below.

five or more dwelling units, as specified and with certain exceptions. (Gov. Code § 66426.)

2) Requires a service of summons to be effected within 90 days after the date of a decision in any action or proceeding to attack, review, set aside, void, or annul the decision of an advisory agency, appeal board, or legislative body concerning a subdivision, or of any of the proceedings, acts, or determinations taken, done, or made prior to the decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, including, but not limited to, the approval of a tentative map or final map or the any action is barred. (Gov. Code § 66499.37.)
    a) The proceeding is to take precedence over all matters of the calendar of the court except criminal, probate, eminent domain, forcible entry, and unlawful detainer proceedings.

3) Requires lead agencies with the principal responsibility for carrying out or approving a proposed discretionary project to prepare a negative declaration, mitigated declaration, or environmental impact report (EIR) for this action, unless the project is exempt from CEQA (CEQA includes various statutory exemptions, as well as categorical exemptions in the CEQA Guidelines). (Pub. Res. Code § 21100 et seq.)
    a) Sets requirements relating to the preparation, review, comment, approval and certification of environmental documents, as well as procedures relating to an action or proceeding to attack, review, set aside, void, or annul various actions of a public agency on the grounds of noncompliance with CEQA. (Pub. Res. Code § 21165 et seq.)
    b) Authorizes judicial review of CEQA actions taken by public agencies, following the agency's decision to carry out or approve the project, and specifies certain time periods in which an action must be instituted depending on the type of claim alleged. (Pub. Res. Code § 21167.)

This bill:

4) Prohibits any action or proceeding to enforce the Subdivision Map Act from being maintained if all of the following criteria apply:
    a) the action or proceeding to enforce the Subdivision Map Act includes substantially similar claims to claims raised in an action or proceeding to enforce CEQA;
    b) the defendant in the action or proceeding to enforce the Subdivision Map Act was the defendant in the action or proceeding to enforce CEQA;
    c) the CEQA action or proceeding has been fully adjudicated; and
    d) the project that is the subject of the CEQA action or proceeding has been approved by the lead agency.

COMMENTS

1. Stated need for the bill

The author writes:

> California's housing crisis is exacerbated by frivolous, never-ending lawsuits brought against developers of planned housing projects. Nowhere is this more apparent and frequently utilized for abuse than under the California Environmental Quality Act for which an entire cottage industry has grown around litigant services related to the Act. However, when CEQA lawsuits are fully adjudicated and developers are able to remedy any issues with the projects to the satisfaction of the court and lead agency, plaintiffs have begun to petition the court under different acts of law to further delay projects.
>
> Avoiding the legal principle of res judicata by suing project developers for the same issues already brought forward in in a previously adjudicated CEQA lawsuit under a different act is contrary to the intent of our legal system, our environmental laws and the State's stated goals on providing more housing inventory.
>
> This bill would prevent plaintiffs from performing in the end-run maneuver by barring a plaintiff from suing the same defendant for the same project under the Subdivision Maps Act – a favorite vessel for this tactic – if the issues being raised are substantially similar to those already raised in a previously adjudicated CEQA lawsuit.
>
> This bill does not erode CEQA's environmental protection, does not carve out any project from CEQA or otherwise affect the application of CEQA.

2. CEQA and the Subdivision Map Act

   a. CEQA

Enacted in 1970, CEQA requires state and local agencies to follow a set protocol to disclose and evaluate the significant environmental impacts of proposed projects and to adopt feasible measures to mitigate those impacts. CEQA itself applies to projects undertaken or requiring approval by public agencies, and, if more than one agency is involved, CEQA requires one of the agencies to be designated as the "lead agency." The environmental review process required by CEQA consists of: (1) determining if the activity is a project; (2) determining if the project is exempt from CEQA; and (3) performing an initial study to identify the environmental impacts and, depending on the findings, prepare either a Negative Declaration (for projects with no significant impacts), a Mitigated Negative Declaration (for projects with significant impacts but

that are revised in some form to avoid or mitigate those impacts), or an EIR (for projects with significant impacts).

An EIR must accurately describe the proposed project, identify and analyze each significant environmental impact expected to result from the proposed project, identify mitigation measures to reduce those impacts to the extent feasible, and evaluate a range of reasonable alternatives to the proposed project. Before approving any project that has received environmental review, an agency must make certain findings pertaining to the project's environmental impact and any associated mitigation measures. If mitigation measures are required or incorporated into a project, the public agency must adopt a reporting or monitoring program to ensure compliance with those measures. To enforce the requirements of CEQA, a civil action may be brought under several code sections to attack, review, set aside, void, or annul the acts or decisions of a public agency for noncompliance with the act.

Unlike other environmental laws specific to air resources, water resources, or the control of toxic substances, there is no statewide bureaucracy charged with enforcement of CEQA. Rather, it is enforced through citizen participation and litigation if necessary. Arguably, this makes the implementation of CEQA more efficient and expeditious than if a state agency were created to administer the law. Thus, CEQA litigation could more appropriately be characterized as mere enforcement.

"CEQA operates, not by dictating proenvironmental outcomes, but rather by mandating that 'decision makers and the public' study the likely environmental effects of contemplated government actions and thus make fully informed decisions regarding those actions. … In other words, CEQA does not care what decision is made as long as it is an informed one." (Citizens Coalition Los Angeles v. City of Los Angeles (2018) 26 Cal. App. 5th 561, 577.)

b. Subdivision Map Act

The Subdivision Map Act (Map Act) governs how local legislative bodies regulate the division of real property into smaller parcels for sale, lease, or financing. Under the Map Act, cities and counties are required to adopt local subdivision ordinances to carry out the Map Act and any local requirements. A subdivision's design and improvements as adopted under the Map Act must be consistent with city and county general plans.

With limited exceptions, all subdivisions creating five or more parcels require a city or county to approve a tentative map and then a final map. Local officials may require, as a condition of approving a proposed subdivision, the dedication of property within a subdivision for streets, alleys, drainage, utility easements, and other public easements and improvements. An applicant who agrees to the conditions and meets the other requirements in the Map Act and local subdivision ordinances may be granted a

tentative map. Once subdividers comply with those conditions, local officials must issue final maps.

A person can bring any action to attack, review, set aside, void, or annul the decision of an advisory agency, appeal board, or legislative body concerning a subdivision, or of any of the proceedings, acts, or determinations taken, done, or made prior to the decision, or to determine the reasonableness, legality, or validity of any condition attached thereto, including, but not limited to, the approval of a tentative map or final map. However, a service of summons has to be effected within 90 days after the date of a decision or all claims are barred.

3. Res judicata (claim preclusion) and equitable estoppel (issue preclusion)

This bill is modeled off the judicial doctrines of res judicata (claim preclusion) and equitable estoppel (issue preclusion). Res judicata "prevents relitigation of the same cause of action [claim] in a second suit between the same parties or parties in privity with them."[2] The elements needed to assert res judicata are: (1) the legal claim or issue in the present action is identical to a claim or issue in a prior proceeding; (2) the prior proceeding resulted in a final judgment on the merits; and (3) the party against whom the doctrine is being asserted was a party or in privity with a party to the prior proceedings.[3]

Equitable estoppel precludes relitigation of the same *issue* already resolved in an earlier proceeding, even if the two claims are not the same. The courts have held that the elements of equitable estoppel apply: "(1) after final adjudication; (2) of an identical issue; (3) actually litigated and necessarily decided in the first suit; and (4) asserted against one who was a party in the first suit or one in privity with that party"[4] "If all four of the requirements for issue preclusion are satisfied, a court then also determines whether application of preclusion would be consistent with the "preservation of the integrity of the judicial system, promotion of judicial economy, and protection of litigants from harassment by vexatious litigation."[5]

The courts have held that the concept of privity is a requirement of due process and that in instances where the party in the first action is not the same party as in the second party, the interests of the two parties must be "so similar" that the party in the first action was essentially the "virtual representative" of the party in the second action.[6] The court has noted that if the interests if the parties are divergent, adequate representation is not inferred and no privity is found.[7]

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[2] *DKN Holdings LLC v. Faerber* (2015) 61 Cal.4th 813, 824.
[3] *Roberson v. City or Rialto* (2014) 226 Cal.App.4th 1499, 1510.
[4] *State Comp. Ins. Fund v. ReadyLink Healthcare, Inc.* (2020) 50 Cal.App.5th 422, 447-48.
[5] *Ibid*.
[6] *Roberson supra* at fn.2, at p. 1511.
[7] *Ibid*.

This bill seeks to bar claims under the Map Act when a substantially similar claim was raised in a CEQA action against the same defendant when the CEQA action has been fully adjudicated and the project that is the subject of the CEQA action has been approved by the lead agency. The author claims that the bill is needed to halt the practice where a plaintiff exhausts all their remedies under a CEQA suit and then brings a suit under the Map Act based on substantially similar claims. The author argues this tactic is being used more and more to thwart housing development construction in the state and is an abuse of scarce judicial resources, which is the same policy behind the doctrines described above.

The bill is more akin to the doctrine of equitable estoppel as the claims in the first action (a CEQA claim) would be different in the second action (Map Act claim). This bill differs from the elements of equitable estoppel described above in two ways. First, the issues in the CEQA action are not required to be identical, but substantially similar. Under CEQA, the standard of review used by a court is the "fair argument standard" and applies to agency decisions and judicial review of those decisions.[8] The court has described this standard "purposely sets a low threshold of evidence in order to maximize environmental protections and thereby fulfill the purposes inherent in CEQA."[9] The court noted that planning or zoning determinations, in contrast, "are reviewed with greater deference, both because the public entity is deemed best able to interpret its own rules and because it is presumed to bring local knowledge and experience to bear on such issues."[10] To the extent CEQA has a lower evidentiary burden for plaintiffs to meet, and issues in a CEQA case are found to be unsubstantiated in a final judgment by the court, barring substantially similar issues to be raised in an action under the Map Act seems to meet the policy goals of res judicata to preserve the integrity of the judicial system, promote judicial economy, and protect litigants (in this case locals) from harassment by vexatious litigation.

Second, the bill does not have a requirement that the plaintiffs in the second action (the Map Act action) be the same or have privity with the plaintiffs in the CEQA action. In *Roberson v. City or Rialto*, the court found there was privity between an individual petitioner and a nonprofit mutual benefit corporation (citizens group) that each brought separate suits against the City of Rialto challenging project approvals based on defective notice under CEQA because the two had a similar interest and adequate representation.[11] The appellate court affirmed the lower court's finding that the final judgment against the citizen's group was res judicata for Roberson.[12]

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[8] *Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, 371.
[9] *Ibid*.
[10] *Ibid*.
[11] *Roberson supra* at fn.2, at p.1512.
[12] *Id*. at 1515.

4. Proposed amendments

In order to ensure that the bill's provisions encompass both claim and issue preclusion and provide that privity is needed for the plaintiffs in the CEQA and Map Act case, the author has agreed to the following amendments. Due to timing, the amendments will be processed in the Senate Local Government Committee.

Amendment[13]

SECTION 1. Section 66499.39 is added to the Government Code, immediately following Section 66499.38, to read:

66499.39. Any action or proceeding to enforce the Subdivision Map Act shall not be maintained, if all of the following criteria exist:

(a) The action or proceeding to enforce the Subdivision Map Act includes substantially similar claims *or issues* to claims *or issues* raised in an action or proceeding to enforce the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(b) The defendant in the action or proceeding to enforce the Subdivision Map Act was the defendant in the action or proceeding ~~described in subdivision (a).~~ *to enforce the California Environmental Quality Act.*

(c) The action or proceeding ~~described in subdivision (a)~~ *to enforce the California Environmental Quality Act* has been fully adjudicated.

(d) The project that is the subject of the action or proceeding ~~described in subdivision (a)~~ *to enforce the California Environmental Quality Act* has been approved by the lead agency.

(e) The plaintiffs or petitioners in the action or proceeding to enforce the Subdivision Map Act are the same or in privity with the plaintiffs or petitioners in the action or proceeding to enforce the California Environmental Quality Act.

5. Statements in support

RCS Harmony Partners writes in support stating:

SB 1256 seeks to address one aspect of that problem by prohibiting litigation or enforcement actions under the Subdivision Map Act where: 1) the claims are substantially similar to claims raised and litigated to trial judgment following

[13] The amendments may include nonsubstantive changes as identified by Legislative Counsel.

appeal, in a prior adjudicated CEQA action or proceeding; 2) the defendant in the new action was a party to that prior action; and 3) the project has been approved (and re-approved, following adjudication) by the lead agency.

Harmony Grove Village South is a vivid example of why this reform is needed. The application for the project was first filed in San Diego County in 2015—well over ten years ago, The project is a masterplanned community in the San Dieguito Community Plan area of unincorporated San Diego County within two miles of major transportation and job centers. It includes 453 homes at an overall density of 4.08 dwelling units per acre; a 5,000-square-foot community clubhouse with I ,500 square feet of public commercial space; 12 public and private parks; ONO miles of trails and pathways; and 35 acres of dedicated biological open space- Moreover, the project's Greenhouse Gas emissions will be mitigated to Net Zero. As a condition of approval, the project will provide on-site affordable housing equal to 10 percent of the total dwelling units. The project is also covered by a project labor agreement with Laborers Local 89—one of the first for new housing project in the San Diego region.

This project has been thoroughly reviewed within the County's rigorous process and unanimously approved twice by two different Boards of Supervisors in two different political eras (2018 and 2025). Despite those approvals, starting in 2018, project opponents filed two separate lawsuits challenging the County's EIR on numerous grounds, in fact totaling over 40 such allegations. After years of litigation, only one CEQA claim remained, which was remanded to the trial court by the appellate court. Even though this one remaining issue was fixed and the project was re-approved in 2025, the trial court has allowed the plaintiffs to re-litigate the very same issues and claims that the courts resolved in favor of the project years ago. Throughout this entire process, the opponents main target of opposition—the project's Fire Protection Plan—was wholly upheld by the Appellate Court. To date, the developer has incurred multiple millions of dollars in legal fees, and finality remains elusive. […]

SUPPORT

RCS Harmony Partners

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: None known.

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