Judicial Council *of* California

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PATRICIA GUERRERO
Chief Justice of California
Chair of the Judicial Council

MICHELLE CURRAN
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September 19, 2025

Hon. Gavin Newsom
Governor of California
1021 O Street, Suite 9000
Sacramento, California 95814

Subject: Senate Bill 808 (Caballero), as amended May 23, 2025—Request for Veto

Dear Governor Newsom:

The Judicial Council respectfully requests your veto on Senate Bill 808, which creates an expedited judicial review process for hearing a challenge to a local agency's decision to deny a permit for a new housing development or residential unit because it establishes a new unreasonably restrictive expedited judicial review process, requires the court to set the matter, hear the matter, and issue a decision all under unrealistic timeframes, and unhelpfully invokes the use of the temporary assignment of judicial officers, something the courts have no ability to adequately accommodate.

This bill is a significant expansion of the use of the expedited writ process. The only similar usage of an expedited writ process is for hearing decisions by a local public agency regarding the issuance, revocation, suspension, or denial of a permit involving expressive conduct protected by the First Amendment to the United States Constitution.

In addition to the significant expansion of the ability to use the expedited writ process, SB 808 requires the courts, including when on appeal, to give preference to these matters over all other civil actions before the court in both setting the matter for a hearing and holding the hearing. This requirement may force courts to delay hearing other time-sensitive matters, with their own mandated timelines, such as domestic violence restraining orders and gun violence restraining orders. It also adds to the excessive list of other causes of action in the law that also require the

courts to place their matter above all others (see attached *Recent Legislation Enacting Civil Case Preferences and Existing Law Calendar Preferences*).

The bill will have significant calendaring impacts and create unnecessary workload pressure to ensure these specific actions are scheduled within the tight timeframe. The bill anticipates such significant calendar pressures on courts from the number of writs filed, that there may be a need to pull judges from the Temporary Assigned Judges Program. This attempt to resolve SB 808's impact is not a solution. The Temporary Assigned Judges Program has a set budget and a limited number of judges available in any given year and this bill does not come with new funding. If this bill does in fact create a high demand for temporary assigned judges, the program may not have the funding and judges available to be responsive to other court needs.

In sum, California courts already have heavily impacted calendars which have only been compounded by the multitude of legislatively mandated accelerated calendaring requirements with no new funding for additional judges to handle more cases. There are simply not enough available judicial officers to comply with the requirements imposed by this bill.

For these reasons, the Judicial Council requests your veto on SB 808.

Should you have any questions or require additional information, please contact Heather Resetarits at 916-323-3121.

Sincerely,

Cory T. Jasperson
Director, Governmental Affairs
Judicial Council

CTJ/HR/ad

Attachment

cc: Hon. Anna Caballero, Member of the Senate, 14th District
Myles White, Deputy Legislative Secretary, Office of the Governor
Michelle Curran, Administrative Director, Judicial Council of California

Recent Legislation Enacting Civil Case Preferences and Existing Law Calendar Preferences (updated July 2025)

Below is a list of recently chaptered bills that provide for expedited judicial review or civil calendar preferences, followed by an illustrative but not exhaustive list of statutory provisions that also provide for calendar preferences or short timelines for a hearing to be held. These examples illustrate the increasing challenge for the courts in managing these competing priorities across a broad range of civil case types.

2025

AB 130 (Committee on Budget)
Expands projects eligible to be certified as environmental leadership development projects to include housing projects that meet specified criteria if at least $15 million is invested in the project (current law caps at $100 million) making more projects subject to expedited 270-day CEQA judicial review timelines.

2024

AB 2839 (Pellerin)
Requires the court to give calendar preference to civil actions filed alleging that a campaign advertisement or other election communications that contain media that has been digitally altered in a deceptive way (deepfakes) as it prioritizes other elections related legal filings under Elections Code section 35 (see below).

AB 3265 (Bryan)
Establishes streamlined procedures for the administrative and judicial review of the environmental review and approvals granted for an "environmental leadership media campus project" as a construction or renovation project on a film and television media campus in the County of Los Angeles.

SB 1342 (Atkins)
Includes the San Vicente Energy Storage Facility project proposed by the San Diego County Water Authority and a project for the repair, rehabilitation, or replacement of the South Bay Sewage Treatment Plant in the County of San Diego, operated by the International Boundary and Water Commission, as "infrastructure projects" thereby providing them streamlining benefits.

2023

SB 149 (Caballero)
Requires the court to schedule a case management conference within 30 days of the filing of an action to review the scope, timing, and cost of the record of proceedings. Also, establishes procedures for the preparation of the record of proceedings for projects that are certified by the Governor as an infrastructure project, as defined. The bill would require an action or proceeding challenging the certification of an EIR for those projects or the granting of any project approvals,

including any potential appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the record of proceedings with the court.

SB 439 (Skinner)
Creates a new special motion to strike a pleading when a plaintiff brings a case to challenge the approval or permitting of a priority housing development modeled after California's anti-Strategic Lawsuit against Public Participation (SLAAP) statute. Require the motion to be scheduled by the clerk of the court for a hearing not more than 30 days after the service of the motion unless the docket conditions of the court require a later hearing.

2021:
AB 148 (Budget)
Enacts Government Code section 15475.5 which requires the trial and appellate courts to give preference over all other civil cases currently pending before the court to cases seeking review of decisions made by the Office of Energy Infrastructure Safety.

SB 7 (Atkins), as amended February 18, 2021 – Revives the authority of the Governor, through January 1, 2026, to certify a project pursuant to the Jobs and Economic Improvement Through Environmental Leadership Act of 2021 (Leadership Act) and seeks to broaden the reach of the Leadership Act to include housing projects meeting certain conditions as projects eligible for certification. Also requires the Judicial Council to adopt a rule of court to establish procedures that require actions or proceedings brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an environmental leadership development project certified by the Governor under the Leadership Act or the granting of any project approvals that require the actions or proceedings, including any potential appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. Further requires the project applicant, as a condition of certification, to agree to pay the costs of the trial court and the court of appeal in hearing and deciding a case challenging a lead agency's action on a certified project.

SB 44 (Allen)
Establishes specified procedures for the administrative and judicial review of the environmental review and approvals granted for environmental leadership transit projects, as defined, undertaken by a public agency. Requires the Judicial Council, on or before January 1, 2023, to adopt rules of court establishing procedures requiring actions or proceedings seeking judicial review pursuant to CEQA or the granting of project approvals, including any appeals to the court of appeal or the Supreme Court to be resolved, to the extent feasible, within 365 calendar days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency's action related to an environmental leadership transit project. Requires the project applicant, as a condition of certification, to agree to pay the costs of the trial court and the court of appeal in hearing and deciding a case challenging a lead agency's action on a certified project.

2019:

SB 744 (Caballero)
Among other things, requires the JC to amend specified rules of court by September 1, 2020, to establish procedures governing CEQA actions challenging certain *"No Place Like Home" supported housing projects*, which requires the actions and any appeals therefrom to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.

2018:
AB 987 (Kamlager-Dove)
Requires the JC to adopt a rule of court by July 1, 2019, to establish procedures governing CEQA actions challenging a specified *sports and entertainment project in the City of Inglewood* that requires the actions and any appeals therefrom to be resolved, to the extent feasible, within 270 days of the certification of the record of proceedings.

AB 734 (Bonta)
Requires the JC to adopt a rule of court by September 1, 2019, to establish procedures governing CEQA actions challenging a specified *Oakland Sports and Mixed-Use Project* that requires the actions and any appeals therefrom to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.

AB 1826 (Committee on Budget)
Requires the Judicial Council to adopt rules, on or before July 1, 2019, that apply these expedited judicial review provisions and limits on injunctive relief to specified Capitol annex project related work and a new State office building project.

AB 1838 (Committee on Budget)
Enacts Revenue and Tax Code section 7284.15 which provides that challenges to specified local sales and use taxes or fees be given preference "over all other civil actions before the court in the matter of setting the same for hearing or trial, and in hearing the same, to the end that the action shall be speedily heard and determined."

2017:
AB 246 (Santiago)
Extends for two years AB 900 sunset and its expedited judicial review provisions. [*Note:* This bill also modified AB 900 by requiring the courts to resolve CEQA lawsuits against AB 900-certified projects within 270 days *to the extent feasible* from the date the certified record of proceedings *is filed with the court*.]

2016:
AB 734 (Galgiani)
Extends for two years AB 900 sunset and its expedited judicial review provisions.

SB 836 (Committee on Budget & Fiscal Review)

Requires the Judicial Council to adopt rules, on or before July 1, 2017, that implement the expedited judicial review procedures for resolution of CEQA challenges to specified Capitol Building Annex projects within 270 days from the date of certification of the administrative record, and imposed the limits on the court's ability to issue injunctive relief that were contained in SB 292/SB 743.

2013:
SB 743 (Steinberg)
Applied expedited judicial review provisions from AB 900, as modified, and imposed SB 292's limits on the court's ability to issue injunctive relief in CEQA actions challenging a specified *downtown sports and entertainment complex in the City of Sacramento*.

2011:
AB 900 (Buchanan)
Enacts the Jobs and Economic Improvement Through Environmental Leadership Act of 2011. As originally enacted, requires the CEQA action or proceeding to be filed directly in the Court of Appeal with geographic jurisdiction over the project, and required the Court of Appeal to issue its decision in the case within 175 days of the filing of the petition. (Note: AB 900's provision granting original jurisdiction to the Court of Appeal was invalidated in 2013 by a decision in the Alameda Superior Court in *Planning and Conservation League v. State of California*.)

EXISTING STATUTES GIVING CIVIL ACTIONS PREFERENCE

Business and Professions Code section 2337: Requires review of a decision revoking, suspending, or restricting a license from any medical licensing board "shall take preference over all other civil actions in the matter of setting the case for hearing or trial. The hearing or trial shall be set no later than 180 days from the filing of the action. Further continuance shall be granted only on a showing of good cause."

Code of Civil Procedure:

- **Section 36:** Allows a petition to be filed for calendar preference for a party who is over 70, or for a wrongful death action for upon the motion of a party under 14 or in the court's discretion upon a motion to the court "that is supported by a showing that satisfies the court that the interests of justice will be served by granting this preference." This preference entitles the party to a trial date within 120 days, and a 120-day limit on good cause continuances.
- **Section 37:** Provides preference for a civil action where the damages claim is related to a felony incident for which the defendant was convicted and requires the court to endeavor to try the action within 120 of the grant of preference.
- **Section 460.5:** Provides that "in any action for libel or slander, for good cause shown upon ex parte written application, the court may order that the time to respond to the complaint is 20 days after the service of summons on the defendant." Any such action is given "precedence over all other civil actions, except actions to which special precedence

is given by law, in the matter of the setting the case for hearing or trial, and in hearing the case, to the end that all such actions shall be quickly heard and determined."

- **Section 460.7**: Provides that "in any action by a candidate or former candidate for elective public office against a holder of elective public office or an opposing candidate for libel or slander that is alleged to have occurred during the course of an election campaign," the time to respond to the complaint is "20 days after the service of summons on the defendant." Also provides that the court shall give "precedence over all other civil actions" and the case "shall be quickly heard and determined."
- **Section 526a:** Provides that "an action to obtain a judgment, restraining and preventing any illegal expenditure of, waste of, or injury to" a local agency "may be maintained against any officer thereof, or any agent, or other person, acting in its behalf, either by a resident therein, or by a corporation, who is assessed for and is liable to pay, or, within one year before the commencement of the action, has paid, a tax that funds the defendant local agency" Additionally provides that "an action brought pursuant to this section to enjoin a public improvement project shall take special precedence over all civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law."
- **Section 630.20**: Provides that limited civil cases "shall be conducted as a mandatory expedited jury trial" unless an exception applies. Either party may opt out if the criteria is met and the chapter does not apply to "a proceeding in forcible entry or forcible or unlawful detainer." Judgements may be appealed "to the appellate division of the superior court in which the case was tried."
- **Section 867:** In actions over groundwater rights provides that "[a]ctions brought pursuant to this chapter shall be given preference over all other civil actions before the court in the matter of setting the same for hearing or trial, and in hearing the same, to the end that such actions shall be speedily heard and determined."
- **Section 877.6:** Provides that any alleged action that "that two or more parties are joint tortfeasors or co-obligors on a contract debt shall be entitled to a hearing on the issue of the good faith of a settlement entered into by the plaintiff or other claimant and one or more alleged tortfeasors or co-obligors." Any party aggrieved by the determination, whether made in good faith or lack of good faith, may petition the proper court to review the determination by writ of mandate." If the court grants a hearing on the writ, it shall have "special precedence over all other civil matters on the calendar of the court except those matters to which equal or greater precedence on the calendar is granted by law."
- **Section 1062.3:** In declaratory relief regarding a writing other than a will or trust provides that "actions brought under the provisions of this chapter shall be set for trial at the earliest possible date and shall take precedence over all other cases, except older matters of the same character and matters to which special precedence may be given by law" and "any action brought under the provisions of this chapter in which the plaintiff seeks any relief, in addition to a declaration of rights and duties, shall take such precedence only upon noticed motion and a showing that the action requires a speedy trial."
- **Section 1062.5:** In declaratory relief for insurers who issue policies of professional liability insurance to health care providers for professional negligence, provides that the

following persons are permitted to intervene in the action: "(1) Attorney General (2) Any other person whose appearance is determined by the court to be essential to a complete determination or settlement of any issues in the action." Provides that "the action shall be set for trial at the earliest possible date and shall take precedence over all cases other than those in which the state is a party."

- **Section 1179a:** Provides that "in all proceedings brought to recover the possession of real property pursuant to the provisions of this chapter all courts, wherein such actions are or may hereafter be pending, shall give such actions precedence over all other civil actions therein, except actions to which special precedence is given by law, in the matter of the setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined."
- **Section 1260.010**: Provides that **"**proceedings under this title take precedence over all other civil actions in the matter of setting the same for hearing or trial in order that such proceedings shall be quickly heard and determined."
- **Section 1291.2:** Provides that petitions concerning arbitration agreements "shall give such proceedings preference over all other civil actions or proceedings, except older matters of the same character and matters to which special precedence may be given by law, in the matter of setting the same for hearing and in hearing the same to the end that all such proceedings shall be quickly heard and determined."
- **Section 1294.4:** Provides that in an appeal under Section 1294 involving claims under the Elder and Dependent Adult Civil Protection Act where a party has been granted trial preference, the Court of Appeal shall issue its decision "no later than 100 days after the notice of appeal is filed." Extensions are allowed only for good cause and if it will "promote the interests of justice."

Elections Code

- **Section 5200:** Provides that a challenge by a party to being disqualified from the primary ballot shall be filed in the Supreme Court and "when filed, the matter shall be set for return in not more than 10 days and shall have priority over any other pending cases."
- **Section 16003:** Provides that "a contest of the election of presidential electors the action or appeal shall have priority over all other civil matters. Final determination and judgment shall be rendered at least six days before the first Tuesday after the second Wednesday in December."

Family Code:

- **Section 246**: Requires that a hearing on a DVPA petition be "precedence over all other matters on the calendar that day, except older matters of the same character, and matters to which special precedence may be given by law." Additionally requires that any trial be set "at the earliest possible date and shall take precedence over all other matters, except older matters of the same character, and matters to which special precedence may be given by law."
- **Section 3023:** Provides that "[i]f custody of a minor child is the sole contested issue, the case shall be given preference over other civil cases, except matters to which special

precedence may be given by law, for assigning a trial date and shall be given an early hearing."

- **Section 17803:** Provides that a petition seeking review of a decision by the Department of Child Support Services regarding the resolution of a complaint to "be entitled to a preference in setting a date for hearing on the petition."

Food and Agriculture Code

- **Section 5601:** Requires that on the day a citation related to the abatement of neglected or abandoned crops is made returnable, "the court shall hear the cause and decide whether or not the neglected or abandoned plant or crop shall be destroyed or removed. The hearing shall have precedence over all matters other than injunctions, older matters of the same character, and matters which are otherwise given precedence by law."

Government Code:

- **Section 7910:** Requires an action to attack, review, set aside, void, or annul the action of a local governing body concerning the setting of appropriations limits pursuant to Article XIII B of the California Constitution to be given "preference over all other civil actions, in the manner of setting the action for hearing or trial and in hearing the action, to the end that the action shall be quickly heard and determined."
- **Section 7911:** Requires review of any writ challenging a determination by a local body of the means to return revenues in excess of the appropriations limit to be given the same preference as in section 7910.
- **Section 27491.43:** Provides that cases concerning autopsies brought by the coroner "shall have preference over all other cases."
- Section 51294.2: Provides that actions relating to water transmission lines in specified eminent domain matters be given "preference over all other civil actions therein, to the end that such actions shall be quickly heard and determined."
- Section 65752: Requires that actions to make specified challenges to a general plan be given "preference over all other civil actions before the court in the matter of setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be speedily heard and determined."
- Section 65956: Requires that actions to compel a public agency to provide notice of or conduct a public hearing concerning a development project be given "preference over all other civil actions or proceedings, except older matters of the same character."

Health and Safety Code:

- **Section 42404:** Provides that an action concerning nonvehicular air pollution emissions brought to recover civil penalties "shall take special precedence over all other civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law."
- **Section 43155:** Provides that an action relating to the certification of new motor vehicles and their emissions standards that are brought to "recover civil penalties shall take special precedence over all other civil matters on the calendar of the court except those matters to which equal precedence on the calendar is granted by law."

Labor Code:

- **Section 1697.2:** Actions brought under farm labor contractor licensing "shall be set for trial at the earliest possible date, and shall take precedence over all other cases, except older matters of the same character and matters to which special precedence may be given by law."

Public Contract Code

- **Section 5107:** Requires challenges filed by bidders for public contracts to be given "preference over all other civil actions therein, in the matter of setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be quickly heard and determined."

Public Resources Code

- **Section 5542.5:** Provides that actions for declaratory relief to challenge the use of public property that has been dedicated as a park or open space but is proposed to be used for roads or highway purposes must be given "preference over all other civil actions in the matter of setting the same for hearing or trial to the end that any such action shall be quickly heard and determined."
- **Section 21157.1:** Requires all court to give CEQA matters be given "preference over all other civil actions, in the matter of setting the action or proceeding for hearing or trial, and in hearing or trying the action or proceeding, so that the action or proceeding shall be quickly heard and determined."

Public Utilities Code

- **Section 1767:** Provides that cases concerning the actions of the PUC or in which the PUC intervenes be "preferred over, and shall be heard and determined in preference to, all other civil business except election causes, irrespective of position on the calendar."
- **Section 1768:** Provides that all challenges related to specified water matters decided by the PUC shall have the same preference as provided in section 1767.
- **Section 21675.2**: Provides that specified actions challenging Airport Land Use Commissions must be given preference "over all other actions or proceedings, except previously filed pending matters of the same character."

Revenue and Taxation Code

- **Section 5149:** Provides that actions concerning tax refunds or recovery of taxes that "may be pending shall [be given] precedence over all other civil actions therein, except actions to which special precedence is given by law, in the matter of setting same for hearing or trial, and in hearing the same, to the end that all those actions shall be quickly heard and determined."

Unemployment Insurance Code section 1853: Provides that any action brought by or against the Director of the Employment Division Department shall be given preference over "all other

civil litigation except equity cases, cases involving extraordinary writs, or summary proceedings."

Water Code section 8883: Provides that actions challenging specified assessments by the Water Board shall "have preference over all civil actions in fixing the time of trial."

Welfare and Institutions Code section 10744: Provides that actions by the State Director of Health Care Services to compel compliance by a county director shall "be entitled to a preference in setting a date for a hearing."

CASES WITH SHORT TIMELINES FOR SETTING A HEARING

Residential Eviction Matters -- Code of Civil Procedure section 1170.5 – requires a trial within 20 days of request.

Elections Contests under the Elections Code:

- **Section 16500:** Provides that any contest relating to a general election shall be set no more than 20 days from the date the statements of contest are filed.
- **Section 16520:** Provides that any contest relating to a primary election shall be set no more than 20 days from the date the statements of contest are filed.
- **Section 16600:** Provides that a continuance of a trial for a general election contest may not exceed 20 days.

General Civil Injunctions – Code of Civil Procedure section 527 – requires the court to set a hearing within 15 days of issuance of a TRO or no more than 22 days for good cause.

Restraining Order Cases – all require hearings within 21 days of issuance of a TRO or for good cause no more than 25 days

- **Code of Civil Procedure section 527.6 – Civil Harassment**
- **Code of Civil Procedure section 527.8 – Workplace Harassment**
- **Code of Civil Procedure section 527.85 – Postsecondary Education RO**
- **Family Code section 244 – Domestic Violence restraining orders**
- **Penal Code section 18148 – Gun violence restraining orders (no provision for 25 days)**
- **Welfare and Institutions Code section 15657.03 – Elder abuse restraining orders**

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PATRICIA GUERRERO
Chief Justice of California
Chair of the Judicial Council

MICHELLE CURRAN
Administrative Director

May 6, 2025

Hon. Anna M. Caballero, Chair
Senate Appropriations Committee
1021 O Street, Room 2200
Sacramento, California 95814

Subject: Senate Bill 808 (Caballero), as introduced—Oppose
Hearing: Senate Appropriations Committee—TBD

Dear Senator Caballero:

The Judicial Council opposes Senate Bill 808, which establishes an expedited judicial review process for a local agency's decision to deny a permit for a new housing development or residential unit, because it (1) establishes an unreasonable expedited judicial review process for a local agency's decision to deny a permit for a new housing development or residential unit, (2) requires the court to hear the matter and issue a decision within unrealistic timeframes, and (3) requires the temporary assignment of judicial officers, which the courts have no ability to adequately accommodate.

Our courts already have heavily impacted calendars which have only been compounded by a bevy of legislatively mandated accelerated calendaring requirements with no new funding for additional judges to handle more cases. There are simply not sufficient numbers of available judicial officers to comply with the requirements in this bill.

The bill will have significant calendaring impacts and create unnecessary workload pressure to ensure these specific actions might be scheduled within the set timeframe. In order to attempt to meet the timelines, the courts would need to rely on the Temporary Assigned Judges Program. This program has a set budget and a limited number of judges available in any given year. If this

bill creates a high demand for temporary assigned judges, the program may not have the funding and judges available to be responsive to court need.

For these reasons, the Judicial Council is opposed to SB 808.

Should you have any questions or require additional information, please contact Heather Resetarits at 916-323-3121.

Sincerely,

Cory T. Jasperson
Director
Governmental Affairs

CTJ/HR/jh
cc: Members, Senate Appropriations Committee
Jith Meganathan, Deputy Legislative Secretary, Office of the Governor
Michelle Curran, Administrative Director, Judicial Council of California