

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

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**MEMORANDUM FOR:** Planning Directors and Interested Parties

**FROM:** David Zisser, Deputy Director  
Division of Housing Policy Development

**SUBJECT:** California Environmental Quality Act (CEQA) Reforms for Housing  
Element Rezoning (Public Resources Code Section 21080.085)

Recent legislative changes enacted last year through Assembly Bill (AB) 130 and Senate Bill (SB) 131 made significant reforms to the California Environmental Quality Act (CEQA) to accelerate the development of housing, including housing affordable to lower-income households. These measures create and expand CEQA exemptions aimed at reducing delays and legal challenges that have historically impeded housing production, particularly in higher-need areas. This Memorandum is intended to guide local jurisdictions in understanding and utilizing these new authorities, in particular the housing element rezoning provisions of SB 131.

SB 131 (Chapter 24, Statutes of 2025) adds section 21080.085 to the Public Resources Code. This new section establishes a statutory exemption from CEQA for rezoning undertaken to implement the schedule of actions in a housing element that has been “approved” by the California Department of Housing and Community Development (HCD).

In other words, if HCD has found that the adopted housing element meets the statutory requirements of Housing Element Law (Gov. Code, § 65580 et seq.), the rezoning actions included in the housing element’s schedule of actions required under Government Code section 65583, subdivision (c), now qualify for CEQA exemption.

The exemption does *not* apply to rezoning that would allow construction of certain large warehouses (e.g., distribution centers) or oil and gas infrastructure, or development within areas defined as “natural and protected lands” under Public Resources Code section 21067.5. However, prime agricultural land may still be eligible if it is included in the housing element’s schedule of actions.

If a site includes both eligible land and areas classified as “natural and protected lands,” the exemption may still apply if the rezoning explicitly excludes the protected portions. Any future rezoning of excluded natural and protected lands would not qualify for this exemption.

Rezoning plays a critical role in accelerating housing choices and affordability and advancing housing element implementation, including remaining on track to meet the regional housing needs allocation (RHNA) targets, affirmatively furthering fair housing, removing constraints on the development of affordable housing, and other statutory obligations.

Timely rezoning increases the supply of adequately zoned land for housing and related actions, which directly impacts a jurisdiction’s ability to demonstrate adequate capacity and compliance with Housing Element Law.

By exempting these qualifying rezoning actions from CEQA, SB 131 allows local governments to expedite relevant land use and zoning changes, thereby promoting housing production, reducing delays, and facilitating the timely implementation of local housing strategies.

For a full copy of the statute, please see Attachment B or refer to <http://leginfo.legislature.ca.gov/>.

If you have any questions, or would like additional information or technical assistance, please submit a request through the Housing Accountability Unit (HAU) Portal at <https://www.hcd.ca.gov/hau/portal> or email HCD at [HousingElements@hcd.ca.gov](mailto:HousingElements@hcd.ca.gov).

## **ATTACHMENT A**

### **Frequently Asked Questions**

**1. Can an “approved” housing element include an adopted element prior to the rezoning action?**

Yes. An “approved” housing element includes one that has been reviewed and determined by HCD to either 1) be in substantial compliance with Housing Element Law or 2) meet the statutory requirements of Housing Element Law.

In some cases, a jurisdiction’s adopted housing element has been found to meet statutory requirements but is not yet in substantial compliance due to missing statutory rezone deadlines.<sup>1</sup> In this case, for the CEQA exemption to apply, the jurisdiction must have formally adopted its housing element and received a determination from HCD that the element meets the statutory requirements of Housing Element Law, even if it cannot yet be substantially compliant. The exemption applies to subsequent qualifying rezoning actions undertaken to carry out the adopted plan.

**2. Is the exemption limited to rezoning needed to accommodate the RHNA?**

No. The exemption is not limited to rezoning for RHNA compliance, such as rezoning to address a shortfall of sites or rezoning sites identified in a prior housing element cycle. It also applies to other zoning changes identified in the housing element, provided they are consistent with its implementation. This can include, but is not limited to, rezoning actions aimed at affirmatively further fair housing, reducing procedural barriers, increasing density, modifying development standards such as heights and parking requirements, or allowing for a broader range of housing types in single-family zones.

**3. Can the exemption be used for a general plan amendment that is necessary to ensure consistency between the general plan and the rezoning?**

Yes. A general plan amendment that is related to the zoning action and necessary to maintain consistency with the rezoning is exempt from CEQA under SB 131. General plan amendments may be to the land use map or text. Examples include but are not limited to increasing allowable densities, changing the land use map, modifying or adding land use designations, and revising or establishing land use policies. The general plan action may occur concurrently or before the zoning action.

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<sup>1</sup> Gov. Code, § 65583, subd. (c)(1)(A)(i).

**4. Is the exemption for “rezoning” limited to changing the zoning map?**

No. The CEQA exemption under SB 131 is not limited to changes to the zoning map. The exemption also applies to amendments to the zoning code text, as long as those changes are consistent with the jurisdiction’s adopted housing element. Rezoning actions often involve a combination of map and text changes. However, in some cases, a jurisdiction might only change either the zoning map or the zoning text. The rezoning exemption would apply to both cases. For example, a jurisdiction could use the CEQA exemption for only text amendments that include allowing residential uses by right, increasing allowable densities, adding affordability requirements, incorporating residential performance standards in non-residential zones, or other refinements that implement housing element commitments.

In short, the exemption can apply to changes to the zoning map, the zoning text, or both. For example, qualifying rezoning actions may include:

- Changing the zoning map within an existing district.
- Modifying a zoning district through a text amendment.
- Applying a combining district to an existing district on the zoning map.
- Making text-only changes, such as permitting residential uses by right.

**5. Does the exemption apply to programs that require rezoning later in the planning period to maintain adequate sites?**

Yes. If the housing element includes a program with a specific commitment and discrete timing to comply with No Net Loss Law (Gov. Code, § 65863), any rezoning necessary to maintain adequate sites pursuant to No Net Loss Law can qualify for the CEQA exemption.

**6. Does the exemption apply to housing element programs with more general language, such as “consider,” “explore,” or “evaluate”?**

Yes. The exemption may apply if the housing element program includes general language, provided the program also contains a commitment to establish, adopt, complete, or undertake other specific deliverables by a defined timeframe. For example, many housing element programs include an action to “examine” or “explore” opportunities but also commit to adopt zoning by a specified date. In such cases, the exemption would apply to the resulting rezoning.

However, programs that do not have a specific commitment to a zoning-related deliverable would not be covered by the exemption. For example, if a jurisdiction pursues a rezoning based on a study that was the subject of a program, that rezoning would not be covered by the exemption because the program did not commit to complete a rezoning.

As part of evaluating whether the exemption applies to programs with less specific language, a jurisdiction should also consider the background analysis in the housing element. For example, a program could commit to “evaluate and address an identified zoning constraint, if appropriate.” In this case, if the analysis portion of the housing element identifies a constraint, the commitment in the program is clearly intended to *address* the constraint. A rezone to address the identified constraint would therefore qualify for the CEQA exemption.

**7. Does the rezoning exemption apply only to legislative actions initiated by the local government, or can it also apply to applicant-initiated projects on housing element sites that have not yet been rezoned (e.g., when a developer seeks entitlements before the city has completed the required rezoning and is asked to submit a rezoning application)?**

The exemption is primarily intended for rezoning actions initiated by local governments to implement an approved housing element and meet RHNA obligations. While rare, the exemption could apply to an applicant-initiated rezoning if the project is consistent with program commitments (e.g., minimum densities, 20 percent affordability, residential performance standards).

**8. Does the exemption apply to sites proposed for rezoning within the Coastal Zone?**

Yes. The CEQA rezoning exemption may apply to sites within the Coastal Zone, except where those sites fall under the definition of “natural and protected lands,” which includes environmentally sensitive areas within the Coastal Zone pursuant to Public Resources Code section 21067.5. However, local governments are already exempt from CEQA compliance for all coastal rezonings and other Local Coastal Program activities and approvals pursuant to Public Resources Code section 21080.9.

Neither of the CEQA exemptions under AB 130 or SB 131 eliminate the requirement for local governments to submit coastal rezonings to the Coastal Commission for review and certification under the Coastal Act. The Coastal Commission itself, which is responsible for CEQA compliance for Local Coastal Program actions, may use the CEQA rezoning exemption for qualifying LCP rezoning actions that implement adopted housing element programs. However, the Coastal Commission has a CEQA equivalency process that it can use to satisfy its CEQA obligation.

**9. Does the exemption require an environmental impact report (EIR) in prior discretionary actions such as housing element adoption?**

No. Jurisdictions can use various types of environmental review in discretionary actions that are related to the housing element. However, relying solely on the SB 131 exemption and not conducting the appropriate environmental review for discretionary actions such as housing element adoption may complicate the ability to streamline future housing projects. For example, some CEQA streamlining provisions such as SB 226 or CEQA Guidelines section 15183 require an existing Program EIR or General Plan EIR as a foundation. In addition, conducting a thorough environmental review early in the planning process (e.g., general plan, housing element) can support future CEQA tiering, allowing subsequent projects to rely on that analysis and avoid duplicative review, thereby significantly streamlining subsequent actions and projects. Jurisdictions could prepare an EIR during the housing element update or as part of a broader general plan update to better utilize future tiering and help preserve streamlining options.

**10. If a rezoning action qualifies for the CEQA exemption under SB 131, is the agency still required to notify and consult with tribes under AB 52?**

Not explicitly. Tribal consultation is typically addressed at earlier stages of the planning hierarchy, including as part of the general plan amendment process and in accordance with SB 18 (Gov. Code, §§ 65352 and 65352.3), and should be conducted at those stages to inform subsequent actions. However, the SB 131 CEQA exemption for certain rezoning actions does not reference AB 52 (Chapter 532, Statutes of 2014) or include a separate consultation requirement. As a result, a rezoning action qualifying for the SB 131 exemption would not trigger AB 52 consultation. Please note that AB 130 infill exemptions, on the other hand, do include explicit requirements for tribal consultation.

That said, even when consultation is not required under SB 131, agencies are strongly encouraged to engage in early and meaningful communication with California Native American tribes as a matter of best practice.

**11. Can the rezoning exemption apply to natural and protected lands?**

No, the exemption specifically does *not* apply to a rezone that contains natural and protected lands as defined in Public Resources Code section 21067.5. However, a jurisdiction could consider a split zoning on a parcel that excludes natural and protected portions to better integrate housing with natural and protected lands. For example, while a parcel may have natural and protected lands, these lands may not comprise the entire parcel and a rezoning could only be applied to a portion of a parcel that does not contain natural and protected lands.

**ATTACHMENT B**  
**Changes to Public Resources Code**  
**SB 131 (Chapter 24, Statutes of 2025)**

Public Resources Code Section 21080.085

SB 131 (Changes in underline) Statutory Language

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

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

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

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

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

(ii) The definition of "natural and protected lands" described in clause (i) does not include the lands described in subdivision (p) of Section 21067.5.

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

*(Added by Stats. 2025, Ch. 24, Sec. 6. (SB 131) Effective June 30, 2025.)*

**ATTACHMENT C**  
**Resources**

[Association of Bay Area Governments \(ABAG\) Technical Assistance: Assembly Bill \(AB\) 130 and Senate Bill \(SB\) 131](#)

[Governor's Office of Land Use and Climate Innovation CEQA Resources and Technical Advisories](#)

[Department of Housing and Community Development \(HCD\) Housing Element Building Blocks](#)