



American Planning Association  
**California Chapter**

*Creating Great Communities for All*



**Association of  
Environmental  
Professionals**

April 28, 2020

Honorable Chief Justice Tani Cantil-Sakauye, Chair  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Re: Request to Amend Emergency Rule No. 9 Announced April 6, 2020

Dear Honorable Chief Justice Cantil-Sakauye,

On behalf of the American Planning Association, California Chapter (APA California) and the California Association of Environmental Professionals (AEP), we respectfully urge the California Judicial Council to make modifications to the recently-adopted Emergency Rule No. 9, which imposes an across-the-board extension of the statutes of limitations for all civil actions until 90 days after the Governor lifts the existing COVID-19 Emergency Order. We understand the importance of the emergency rules adopted in recent days, which were necessary to avoid overwhelming our State's judicial system during a time of crisis. However, we are hoping that the Judicial Council would be willing to entertain reasonable changes to Emergency Rule No. 9 to provide better clarification regarding petitions for a writ of mandate related to the California Environmental Quality Act (CEQA). We would like to join other organizations including the League of California Cities (League), the California State Association of Counties (CSAC), the Rural County Representatives of California (RCRC) and others who are suggesting reasonable changes to Emergency Rule 9. We believe the change suggested below will support the State's future economic health and provide greater certainty to local governments to provide much needed housing to address the State's current housing crisis.

Therefore, we join the League, CSAC, RCRC, and respectfully propose the following modifications to Emergency Rule 9, which has already been recommended to the Judicial Council by the California Building Industry Association:

Notwithstanding any other law, the statutes of limitation for civil causes of action are tolled from April 6, 2020, until the shorter of the following: (1) 90 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted; or (2) the expiration of the full normal statute of limitations for a particular claim (e.g., 30 or 35 days for most claims arising under the California Environmental Quality Act or 60-days for validation actions), with the full limitations period recommencing with the lifting of the state of emergency.

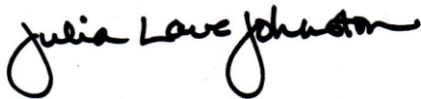
We believe that this proposal strikes a reasonable balance of the competing policy considerations facing the Judicial Council in these challenging times. Therefore, we are hopeful that the Council will consider their suggested language.

With over 7,000 members, APA California is a network of practicing planners, citizens and elected officials committed to urban, suburban, regional and rural planning in the State of California. APA California offers a wide spectrum of member benefits including information, services and support to advance planning in California.

AEP is a non-profit organization of California's environmental professionals with over 1,700 members. For over 45 years, AEP has dedicated itself to improving the technical expertise and professional qualifications of its membership, as well as educating the public on the value of California's laws protecting the environment, managing our natural resources, and promoting responsible land use and urban growth. AEP's membership is broad and diverse, incorporating representatives from public agencies, the private sector and non-governmental organizations.

Thank you for your consideration of our recommendations. Should you have any questions or need additional information, please do not hesitate to contact APA California's lobbyist, Lauren De Valencia, at (916) 443-5301 or [lauren@stefangeorge.com](mailto:lauren@stefangeorge.com) and/or AEP's lobbyist, Matt Klopfenstein at (916) 930-0796 or [matt@caladvisorsllc.com](mailto:matt@caladvisorsllc.com).

Sincerely,



Julia Lave Johnston, President  
APA, California Chapter



William Halligan, Esq.  
AEP State President

cc: Kate Gordon, Director Governor's Office of Planning and Research  
Senate President pro Tempore Toni Atkins  
Assembly Speaker Anthony Rendon  
Martin Hoshino, Judicial Council of California  
Millicent Tidwell, Judicial Council of California