April xx, 2023

The Honorable Luz Rivas

Chair, Assembly Committee on Natural Resources

1020 N Street, Room 164

Sacramento, CA 95814

**RE: AB 1307 – SPONSOR**

Dear Chair Rivas:

The undersigned organizations are pleased to support AB 1307, your bill to reverse a troubling, recent court decision relating to unamplified human noise under the California Environmental Quality Act (CEQA).

CEQA has been around for over 50 years, and there is substantial best practice for how the law is to be implemented and precedent for how it is to be interpreted. For the issue of noise, the best practice is to examine the major noise-generating activities from a proposed project, such as those from mobile sources (vehicles) or stationary sources (e.g., industrial noise). The standard of evaluating significance is typically the local jurisdiction’s Noise Element, which is a required component of their General Plan. There is substantial judicial precedent upholding this approach to analyzing the effects of noise on the environment.

Recently, a dangerous new precedent was set that upends the way the impacts of noise are evaluated under CEQA. In *Make UC A Good Neighbor et al. v. Regents of the University of California*, the Appellate Court opined that the University of California’s EIR “failed to assess the potential noise impacts from loud student parties in residential neighborhoods near campus, a longstanding problem that the EIR improperly dismissed as speculative.”

The implications of this ruling are profound. Practically speaking, if the unamplified voices of residents in a residential development may cause a significant effect on the environment, then all residential housing developments may need to conduct an EIR, which is expensive and time-consuming. This will substantially delay the delivery of housing and further exacerbate our already substantial housing crisis.

Moreover, the implication of this ruling is that certain groups of people should be considered as creating a significant environmental impact merely because of the perceived risk of their behavior. This invites subsequent litigants to utilize and play up stereotypes of low-income families and persons of different racial or ethnic backgrounds, undermining recent state efforts to address our long-standing history of racism and classism in housing policy.

AB 1307 directly and narrowly addresses the Court’s ruling by stating that noise generated by the unamplified voices of residents in a residential project cannot be considered a significant effect on the environment under CEQA. AB 1307 thus removes the potential for litigants to challenge residential development based on the speculation that the new residents will create unwanted noises. It also reestablishes existing precedent that minor and intermittent noise nuisances, such as from unamplified human voices, be addressed through local nuisance ordinances and not via CEQA. As such, no longer could CEQA consider “people as pollution.”

Thank you for authoring this important bill, and we urge an “Aye” vote.

Thank you,