



DANNIS WOLIVER KELLEY

Attorneys at Law

COVID-19 Advisory



New Clarity on Tolling of CEQA Statute of Limitations

June 5, 2020

On May 29, 2020, the Judicial Council of California amended its previously issued Emergency Rule 9 (Rule 9) to provide clarity and certainty to public agencies and developers in response to the issues raised regarding the application of Rule 9 to challenges under the California Environmental Quality Act (CEQA). As discussed in our previous [Advisory](#), the Judicial Council adopted eleven emergency rules for court proceedings impacted by the COVID-19 pandemic on April 6, 2020. In particular, Rule 9 tolled the statute of limitations for civil causes of action for the duration of the Governor's state of emergency, plus 90 days thereafter. The adoption of Rule 9 raised concerns regarding the uncertainty of when the state of emergency would be lifted and the application of Rule 9 to actions brought under CEQA, where the statutes of limitations intentionally run expeditiously within 30 or 35 days.

In response, the Judicial Council adopted [Circulating Order No. CO-20-09](#), amending Rule 9. As revised, regardless of when the state of emergency is lifted, statutes of limitations periods for legal actions that are 180 days or less, including challenges under CEQA, are tolled from April 6, 2020, until **August 3, 2020**. Actions with statutes of limitations periods greater than 180 days are tolled from April 6, 2020, until **October 1, 2020**. Tolling stops or suspends the running of time in statutes of limitations, meaning, when the tolling period ends, the time to bring an action in court (or be barred from doing so) will begin to run again.

The Advisory Committee Comment following the Rule further clarifies that the amended Rule 9 is intended to apply broadly to toll any statute of limitations on the filing of a pleading in court asserting a civil cause of action. This includes special proceedings such as all the types of petitions for writ made for CEQA or land use challenges.

If you need more information about how these modified CEQA statutes of limitations periods may impact your public works construction project, please contact an attorney in our [Construction](#) or [Litigation](#) practice groups. For more information regarding the impact of COVID-19 on your district's operations, please visit our COVID-19 Resources page which can be found at <https://www.dwkesq.com/covid-19-resources-page/>.

Dannis Woliver Kelley Advisories provide information for educational, compliance and loss-prevention purposes only and, absent the express, prior agreement of DWK, do not create or establish an attorney-client relationship. The information is not itself intended to convey or constitute legal advice for particular issues or circumstances. Contact a DWK attorney for answers to specific questions. Private organizations may not use or republish DWK Advisories without advance written approval.