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Judicial Council Shortens Tolling Period for Statutes of Limitations

As we previously [reported](#), on April 6, 2020, the California Judicial Council adopted an emergency rule suspending (or "tolling") the running of statutes of limitations on civil claims during the state of emergency declared by Governor Newsom on March 4, 2020. The emergency rule tolled all civil statutes of limitations from April 6 until 90 days after the Governor declares the state of emergency related to the COVID-19 pandemic to be over. The Judicial Council has now amended the emergency rule to shorten the tolling period and to set different



Land Use

Claims The shorter tolling period will apply to statutes of limitations for most claims involving land use decisions (including most claims under the planning and zoning law, CEQA, LAFCO, and the Coastal Act). The amended rule, for example, will effectively add 119 days to the 90-day limitations period for a claim involving planning and zoning decisions (Gov't Code § 65009(c)), provided the 90-day deadline for that claim had not expired as of April 6, 2020. The Council's decision to set specific expiration dates (rather than basing the tolling period on the duration of the COVID-19 emergency) was prompted in part by concerns that the state of emergency potentially could be in effect for years. Suspending deadlines for challenges to governmental approvals for such a period would significantly impair the ability to secure construction financing and have a correspondingly debilitating effect on homebuilding throughout the state. The emergency rule tolls only the periods for filing judicial actions or proceedings (such as mandamus proceedings under §§ 1085, 1088.5, and 1094.5 of the Code of Civil Procedure) and does not apply to other deadlines that may apply in land-use cases,

such as deadlines for appeals to a higher administrative body, requests for reconsideration by the agency or submittal of claims to government entities under the Government Claims Act. **Construction Defect Claims** The amended rule also clarifies that it applies to "statutes of repose" as well as statutes of limitations for civil causes of action. In contrast to regular statutes of limitations, statutes of repose run regardless of whether the potential claimant knew or reasonably could have known of the existence of the claim. Certain statutes of repose limit the periods for construction defect claims, including Code of Civil Procedure sections 337.1 (four years for patent defects) and 337.15 (10 years for latent defects).