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## SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair  
2025 - 2026 Regular

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**Bill No:** AB 818  
**Author:** Ávila Farías  
**Version:** 6/25/25

**Hearing Date:** 7/2/25  
**Fiscal:** Yes  
**Consultant:** Favorini-Csorba

### ***PERMIT STREAMLINING ACT: LOCAL EMERGENCIES***

*Requires a local agency to approve a permit for specified structures intended to be used by a person until the rebuilding or repairing of a property destroyed or damaged by a natural disaster is complete.*

### **Background**

The California Constitution allows cities and counties to “make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws.” It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority.

***Zoning and approval processes.*** Local governments use their police power to enact zoning ordinances that establish the types of land uses that are allowed or authorized in an area. Zoning ordinances often identify a primary use for parcels in the area, as well as other uses that are allowed if they meet conditions imposed by the local government. They also set the standards and conditions that development must comply with in order to proceed.

Local governments have broad authority to define the specific approval processes needed to satisfy these considerations. Some housing projects can be permitted by city or county planning staff “ministerially” or without further approval from elected officials, but most large housing projects require “discretionary” approvals from local governments, such as a conditional use permit or a change in zoning laws. This process requires hearings by the local planning commission and public notice and may require additional approvals.

***Building codes.*** The California Building Standards Code (Title 24 of the California Code of Regulations) contains building standards and regulations as adopted by the California Building Standards Commission (BSC). These standards include, among other requirements, structural standards for building safety (the Building Code), fire safety standards (the Fire Code), energy efficiency standards (the Energy Code), and standards for green buildings (CalGreen). The BSC updates the Building Standards Code on a three-year cycle—the BSC published new standards that went into effect on January 1, 2023. Once adopted at the state level, cities and counties in California then enact an ordinance to adopt the codes. New construction and improvements to existing buildings must comply with the current building codes, and improvements to an existing building may trigger additional code upgrades for other parts of a building.

**2025 Los Angeles fires.** In early January 2025, extremely dry conditions and high winds in Los Angeles resulted in two of the most destructive wildfires in state history. The Palisades fire, which started on January 7<sup>th</sup>, burned a total of 23,448 acres and damaged or destroyed almost 8,000 structures in the Pacific Palisades and Topanga State Park area of west Los Angeles. That same day, other fires also broke out in the greater Los Angeles area: the Eaton and Hughes fires. The Eaton fire consumed 14,021 acres and damaged or destroyed more than 10,000 structures, including significant portions of the unincorporated community of Altadena. The fires destroyed about half of all properties in both Palisades and Altadena and caused the deaths of 30 people.

Real estate losses have been estimated to be as high as \$30 billion, and just under 13,000 households were displaced by the Palisades and Eaton fires. An estimated 9,592 single family homes and condominiums, 678 apartment units, 2,210 duplex and bungalow courts, and 373 mobilehomes were either heavily damaged or destroyed.

Governor Newsom declared a state of emergency the day the fires started, put into place protections against price gouging, and issued an executive order prohibiting landlords in Los Angeles from evicting tenants for violating their leases by providing shelter in their unit for residents displaced by the fires. The Governor also issued executive orders aimed at promoting and streamlining the construction of temporary shelters and the rebuilding of structures destroyed by the fires.

**Rebuilding temporary and permanent housing after disaster.** Rebuilding a home or temporary housing after a natural disaster is generally subject to the same local approval processes that govern all housing development in California, unless otherwise modified by state or local executive orders or actions taken after the disaster occurs. However, state law provides that:

- Coastal development permits aren't required to replace private structures destroyed by a disaster;
- Local agencies can't charge impact fees for the reconstruction of property destroyed by a disaster, but they can charge processing fees;
- The California Environmental Quality Act doesn't apply to repairs and replacement of structures after a disaster; and
- Local governments can expedite permits for rebuilding after a disaster, including waiving fees and streamlining requirements.

State and local agencies have taken numerous steps to reduce barriers to rebuilding in the areas burned in the Palisades and Eaton fires. Among those steps have been to expedite the process of building or siting temporary housing for residents that lost their homes while they are recovering from the fire and waiting to rebuild permanent structures. Among others, Governor Newsom issued Executive order N-9-25 on January 16, 2025 that:

- Directs various state agencies, the County of Los Angeles, and other local governments with properties that were destroyed by the fires to develop a comprehensive plan for intermediate and long-term housing for displaced residents;
- Allows an accessory dwelling unit (ADU) to receive a certificate of occupancy prior to the certificate of occupancy is issued for the primary dwelling; and
- Suspends for three years state laws and local ordinances that otherwise prohibit placing a manufactured home, mobilehome, or recreational vehicle (RV) on a private lot for use during reconstruction efforts.

Both the City of Los Angeles and the County of Los Angeles have established expedited procedures for approving temporary housing in the form of manufactured homes, mobilehomes, or RVs on lots that contained dwellings destroyed or severely damaged by the wildfires.

Both the city and the county have also expedited rebuilds—regardless of whether they meet current zoning codes—of “like-for-like” rebuilds of permanent housing: housing built to no more than 110% of the original dwelling size in substantially the same location on the property. While local agencies can waive their zoning codes, structures must be rebuilt to current zoning codes. As an exception to that requirement, Governor Newsom issued Executive Order N-20-25 on February 13<sup>th</sup> that allows homes in LA County that were originally designed and constructed to the 2019 building code and were destroyed in the disasters to be rebuilt using the same design that met the 2019 codes at the discretion of the local government, rather than having to be redesigned to meet newer building codes.

Property owners seeking to rebuild after a disaster also must receive service from various utilities, including electric utilities. SB 410 (Becker, 2023) and AB 50 (Wood, 2023), directed the California Public Utilities Commission (CPUC), which regulates investor-owned utilities, to define reasonable energization times for new or upgraded electrical loads and establish a process for reporting delays. On September 12, 2024, the CPUC approved decision D.24.09.020, which established average and maximum timelines for utilities, including a maximum of 45 days to approve or deny an application for energization and nearly one year (306 to 357 days, depending on the type of service) to complete the energization. Special districts that provide services, including electrical service, are subject to different requirements: if they receive an application for service to a housing project, they must respond within 30 business days for projects of 25 units or fewer, and 60 business days for larger projects, and indicate any needed additional information (AB 281, Grayson, 2024).

Since January 1, 2020, the building code has required new construction, including single family homes, to include solar photovoltaic systems (solar panels) that are designed to offset the electrical consumption of the proposed building. However, AB 178 (Dahle, 2019) exempted, until January 1, 2023, residential construction from complying with the solar requirements in the recently adopted building standards when the construction is in response to a disaster in an area in which a state of emergency has been proclaimed by the Governor if certain requirements are met.

The author wants to ease the process of rebuilding after a disaster.

### **Proposed Law**

Assembly Bill 818 requires, after a parcel has been deemed safe for development by the state, a city or county to approve within 10 business days an application for:

- A state-approved or federally approved modular home;
- A state-approved or federally approved prefabricated home;
- A detached structure that meets the applicable requirements to be an ADU for the affected property; and
- Any similar structure intended to be used by a person until the rebuilding or repairing of a property destroyed or damaged by a natural disaster is complete.

An affected property is a residential property that was destroyed, was declared substandard, or is effectively a substandard building because of a state-declared natural disaster that resulted in a local emergency declaration.

AB 818 directs cities and counties to make the following information available to the public, including posting to its internet website, by March 31, 2028 and updated every four years thereafter:

- A checklist that would result in a residential property being deemed a substandard building;
- A notice that a person may obtain a confidential third party code inspection to determine the existing condition or potential scope of building improvements before submitting an application for a permit to rebuild or repair an affected property; and
- A dashboard that track permitting timelines and agency performance.

The bill also requires a utility provider to provide written notice of the next steps in the approval process for a connection request for the project within 30 days of receipt of the connection request, unless connection is infeasible due to the disaster.

Finally, the measure exempts rebuilds or repairs to affected properties from the requirement to install solar panels and associated energy storage systems, as specified.

### **Comments**

1. Purpose of the bill. According to the author, “Even when the last of the flames have been extinguished, for families who tragically lost their homes, the road to recovery and rebuilding may seem endless. As current law does not outline specific or streamlined permit processes for residential properties affected by natural disasters, communities rebuilding their pre-existing properties can face extensive regulatory, administrative and financial challenges.

“AB 818 takes lessons learned from past response efforts and provides ‘off the shelf’ guidance to policy makers and homeowners to restore their communities. It outlines specific procedures for municipal staff to implement, with the help of the California Department of Housing & Community Development, to expedite permits and inspections, use fire-resistant and energy-efficient materials, and flexibility to rebuild previously unpermitted structures. While we cannot give back what the homeowner has lost, we can help them rebuild a home that’s even better and do it more expediently.”

2. Is it needed? State and local agencies spring into action after a disaster. In the case of the Los Angeles fires, the Governor, the City of Los Angeles, and the County of Los Angeles adopted policies to pave the way for rapid approvals of temporary housing. AB 818 codifies some of these policies. Having these policies in place for future disasters may expedite approvals of temporary housing. On the other hand, local governments experiencing disasters have first-hand knowledge of the policies that will be most helpful to their constituents based on local conditions and the nature of the specific disaster. They can also act more quickly than the state. AB 818 requires local governments to take specified steps, which may differ from the priorities of local governments that are closer to the disaster. The Committee may wish to consider whether AB 818 will help or hinder local recovery efforts.

3. It's electric. AB 818 contains two provisions that have generated some controversy. First, under current CPUC regulations, investor-owned utilities generally have 45 days to approve or deny a request for energization. AB 818 requires them to instead respond within 30 days, and it does so outside of the rulemaking process that those utilities are used to operating within. Second, AB 818 broadly suspends the mandate to have solar panels in disaster affected areas. Any measures that are adopted as part of the building code must be cost-effective for occupants over 30 years. While solar panels can increase the cost of building, the California Energy Commission estimates that this cost is more than offset by the revenue generated by the panels and lower energy costs. The impacts of these changes are outside the scope of the Senate Local Government Committee's jurisdiction.

4. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because AB 818 imposes new duties on local governments, Legislative Counsel says it imposes a new state mandate. AB 818 disclaims the state's responsibility for providing reimbursement by citing local governments' authority to charge for the costs of implementing the bill's provisions.

5. Charter city. The California Constitution allows cities that adopt charters to control their own "municipal affairs." In all other matters, charter cities must follow the general, statewide laws. Because the Constitution doesn't define "municipal affairs," the courts determine whether a topic is a municipal affair or whether it's an issue of statewide concern. AB 818 says that it applies to all cities, including charter cities. To support this assertion, the bill includes a legislative finding and declaration that its provisions are a matter of statewide concern.

6. Coming and going. The Senate Rules Committee has ordered a double referral of AB 818: first to the Committee on Local Government, which has jurisdiction over local permitting, and second to the Committee on Housing.

### **Assembly Actions**

Assembly Local Government Committee:	10-0
Assembly Housing and Community Development Committee:	10-0
Assembly Appropriations Committee:	15-0
Assembly Floor:	71-0

### **Support and Opposition** (6/27/25)

Support: Abundant Housing LA  
 California Apartment Association  
 California Association of Realtors  
 California Business Properties Association  
 California Yimby  
 Cdp Rural Caucus  
 Circulate San Diego  
 East Bay Yimby  
 Eden Housing  
 Greater Conejo Valley Chamber of Commerce  
 Grow the Richmond  
 Housing Action Coalition  
 Housing Trust Silicon Valley

Inner City Law Center  
Institute for Responsive Government Action  
Midpen Housing  
Mountain View Yimby  
Napa-solano for Everyone  
Northern Neighbors  
Peninsula for Everyone  
San Francisco Yimby  
Santa Cruz Yimby  
Santa Rosa Yimby  
Sloco Yimby  
South Bay Yimby  
Southern California Obtainable Housing  
Spur  
Ventura County Yimby  
Yimby Action  
Yimby Los Angeles

Opposition: Livable California

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