

CONCURRENCE IN SENATE AMENDMENTS

AB 818 (Ávila Farías)

As Amended September 4, 2025

Majority vote

SUMMARY

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.

Senate Amendments

Define the following terms:

- 1) "Local agency" to mean any city, county, or city and county.
- 2) "Utility provider" to mean an entity that provides a utility service in connection and that is subject to the Mitigation Fee Act.

Delete the solar panel installation and energy storage system waiver for affected properties.

Require a local agency to approve or deny a complete application for a building permit or equivalent permit within 10 business days of receipt, instead of approving an application within 14 days of receipt of an application for a construction permit.

Limit the requirement that a local agency adopt a dashboard that tracks permitting timelines and agency performance to only apply to local agencies with populations of 30,000 residents or more.

Make technical, clarifying, and conforming changes.

COMMENTS

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 7th, 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:

- 1) Coastal development permits aren't required to replace private structures destroyed by a disaster.
- 2) Local agencies can't charge impact fees for the reconstruction of property destroyed by a disaster, but they can charge processing fees.
- 3) The California Environmental Quality Act doesn't apply to repairs and replacement of structures after a disaster.
- 4) 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:

- 1) 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.
- 2) Allows an accessory dwelling unit (ADU) to receive a certificate of occupancy prior to the certificate of occupancy is issued for the primary dwelling.
- 3) 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 13th 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.

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."

Arguments in Support

The California Apartment Association writes in support of a previous version of the bill, "As California faces increased threats of natural disasters year after year, it is vital that our communities get all the help they can when it comes to rebuilding. Homeowners rebuilding after a disaster can face extensive regulatory, administrative, and financial challenges. AB 818 provides 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."

Arguments in Opposition

Livable California writes in opposition to a previous version, "The goal of expediting permitting in a disaster area is laudable, but the 14-day requirement is unreasonable. City departments are burdened by budget limitations and many state requirements. A 30 to 45 day requirement would be more reasonable."

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:**ASM LOCAL GOVERNMENT: 10-0-0**

YES: Carrillo, Ta, Hoover, Pacheco, Ramos, Ransom, Blanca Rubio, Stefani, Ward, Wilson

ASM HOUSING AND COMMUNITY DEVELOPMENT: 10-0-2

YES: Haney, Patterson, Ávila Farías, Caloza, Garcia, Kalra, Lee, Quirk-Silva, Ta, Wicks

ABS, ABST OR NV: Tangipa, Wilson

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 71-0-8

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

ABS, ABST OR NV: Bryan, Chen, Ellis, Nguyen, Sanchez, Schultz, Sharp-Collins, Wicks

UPDATED

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CONSULTANT: Linda Rios / L. GOV. / (916) 319-3958

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