
THIRD READING

Bill No: SB 904
Author: Seyarto (R), et al.
Amended: 4/6/26
Vote: 21

SENATE HOUSING COMMITTEE: 9-0, 3/17/26

AYES: Arreguín, Seyarto, Ashby, Caballero, Durazo, Gonzalez, Grayson, Ochoa Bogh, Padilla

NO VOTE RECORDED: Cabaldon

SENATE EMERGENCY MGT. COMMITTEE: 9-0, 4/14/26

AYES: Stern, Seyarto, Allen, Ashby, Blakespear, Dahle, Grayson, Pérez, Rubio

SENATE APPROPRIATIONS COMMITTEE: 6-1, 5/14/26

AYES: Cervantes, Seyarto, Dahle, Grayson, Richardson, Wahab

NOES: Cabaldon

SUBJECT: California Emergency Services Act: disaster recovery: wildfires

SOURCE: Author

DIGEST: This bill directs specified state agencies, including the California Office of Emergency Services (Cal OES), to consult and take specified reporting actions following a wildfire state of emergency (SOE) declared by the Governor if certain conditions are met, and requires state and local agencies involved in post-wildfire response and recovery to accept electronic submissions of recovery-related documentation as specified.

ANALYSIS:

Existing law:

- 1) Authorizes, via the California Emergency Services Act (CESA), the Governor to declare a state of emergency and local officials and local governments to

declare a local emergency, when specified conditions of disaster or extreme peril to the safety of persons and property exist.

- 2) Establishes the California Environmental Quality Act (CEQA), which requires public agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or an environmental impact report (EIR), unless the project is exempt from CEQA.
- 3) Provides that CEQA is not applicable to projects that repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster for which a state of emergency has been declared pursuant to the CESA.

This bill:

- 1) Provides that the reporting actions required by this bill shall only be applied if Cal OES makes a written determination, within 10 days after the Governor declares a wildfire SOE, that the wildfire caused substantial structural damage requiring significant rebuilding efforts, as defined, or as otherwise determined by Cal OES based on available data estimates and preliminary damage assessments.
- 2) Requires the Department of Housing and Community Development (HCD), in consultation with the Office of Land Use and Climate Innovation, Cal OES, and the Department of General Services (DGS), to provide a report to the Governor and the Legislature identifying state permitting requirements that may impede efforts to rebuild properties or facilities destroyed by a wildfire that should be considered for suspension following a wildfire SOE.
- 3) Directs HCD to provide the initial report within 30 days of the Governor's declaration, and updates to the report every 60 days, as appropriate, while the recovery and rebuilding efforts proceed, as specified.
- 4) Requires HCD, in consultation with DGS, the State Fire Marshal (SFM), and the California Energy Commission (CEC), to consult and report recommended changes to the California Building Standards Code that should be suspended for projects to repair, restore, demolish, or replace properties or facilities damaged or destroyed as a result of the wildfire. The report must be provided to the Governor and Legislature within 60 days, as specified.
- 5) Requires HCD to coordinate with local governments following a wildfire SOE to identify and recommend procedures designed to achieve the goal of issuing

all necessary permits and approvals for the reconstruction or replacement of residential properties within 30 days.

- 6) Directs HCD to provide a report to the Governor and the Legislature regarding the information in 5) above within 60 days and updates to the report every 60 days as appropriate.
- 7) Permits HCD to incorporate by reference any prior report, in whole or in part, to satisfy the reporting requirements of this bill.
- 8) Requires state and local agencies involved in post-disaster response, debris removal, reconstruction, housing, or land-use permitting to accept electronic submissions of any type of request for agency action associated with recovery efforts related to a wildfire SOE.
- 9) Provides that an electronic submission system may include any of the following features:
 - a) Submissions allowed through a web-based application portal.
 - b) Email submissions of a document in a PDF or other standard digital format.
 - c) Electronic signatures.
 - d) Digital plan sets or drawings at any scale accepted for paper plans.
- 10) Prohibits state and local agencies from requiring physical in-person filing of an application unless the agency posts a written determination that electronic submission is not technically feasible for that specific application type.
- 11) Prohibits a state or local agency from rejecting an application or document solely because it was submitted electronically.
- 12) Requires state and local agencies to post the following information on their website within 30 days of a wildfire SOE declaration:
 - a) Information regarding electronic filing methods for applications related to disaster recovery efforts that are accepted by the agency.
 - b) Information regarding required file formats.
 - c) Contact information for electronic filing support.

- 13) Provides that nothing in this bill prohibits state and local agencies from also accepting paper submissions.
- 14) Exempts counties with a population of less than 100,000, or any city located within that county from the requirements to accept electronic submissions.

Background

Eaton and Palisades fires. California continues to experience the impacts of climate change with disasters of increasing scale and frequency destroying whole communities at an unprecedented scale. In the first month of 2025, major wildfires burned more than 50,000 acres. According to the final incident reports issued by CALFIRE, the Eaton and Palisades fires alone destroyed more than 16,250 structures including homes, small businesses, schools, and places of worship in Los Angeles County¹. In 2025, a total of 8,036 wildfires burned a combined 525,223 acres. These fires led to 31 fatalities.²

Emergency Declarations. The CESA grants expansive authority for the governor to waive or suspend statutes and regulations that hinder efforts to mitigate the impacts of a declared emergency. Additionally, CEQA and the Coastal Act include provisions that exempt projects to rebuild structures damaged by emergencies from environmental review and permitting requirements embedded within those statutes.

Following the outbreak of the Eaton and Palisades Fires Governor Newsom proclaimed a state of emergency to exist in Los Angeles and Ventura Counties due to fire and windstorm conditions and subsequently issued a series of executive orders in response to the wildfires. The initial orders contained provisions pertinent to rebuilding residential structures, these provisions are contained in EO-N-45³ and EO N-9-25.⁴ These orders were further modified by EO N-20-25⁵ and subsequent orders.

¹ CALFIRE, "Incident Update Eaton Fire," January 27, 2025, accessed March 9, 2026, <https://www.fire.ca.gov/incidents/2025/1/7/eaton-fire/updates/262ba0be-593a-463c-94b1-a15d1e7f2a1e>; CALFIRE, "Incident Update Palisades Fire," February 10, 2025, accessed March 9, 2026, <https://www.fire.ca.gov/incidents/2025/1/7/palisades-fire/updates/fc673f28-0d66-402b-9ebe-2380a9bf3c26>.

² CAL FIRE, "2025 Fire Season Incident Archive," accessed March 9, 2026, <https://www.fire.ca.gov/incidents/2025>.

³ Gavin Newsom, *Executive Order N-4-25*, January 12, 2025, <https://www.gov.ca.gov/wp-content/uploads/2025/01/EO-N-4-25-Rebuilding-Final-signed.pdf>.

⁴ Governor Gavin Newsom, *Executive Order N-9-25*, January 16, 2025, https://www.gov.ca.gov/wp-content/uploads/2025/01/EO-Temp-Housing_1.16.25-GGN-Signed-Final-for-Print.pdf

⁵ Governor Gavin Newsom, *Executive Order N-20-25*, February 13, 2025, https://www.gov.ca.gov/wp-content/uploads/2025/02/State-Permitting-and-Housing-Laws-EO_Final_GGN-Signed.pdf

Comments:

- 1) *Author's Statement*. "In January of 2025, the Palisades Fire and other Los Angeles County wildfires destroyed thousands of homes and upended entire neighborhoods. Executive Order N-4-25 responded with decisive coordination by suspending duplicative barriers, aligning state and local agencies and setting a clear goal of issuing necessary permits within 30 days so families could begin rebuilding. SB 904 ensures that this level of urgency is not dependent on a single executive order and strengthens interagency collaboration, so recovery does not stall in bureaucracy. Californians who lose their homes deserve clarity, speed and commitment from their government in its response to all wildfire disasters."
- 2) *EO-N-4-25*. Governor Newsom issued 25 executive orders related to the Los Angeles County Fires and Windstorm Event.⁶ The third order, EO N-4-25, issued days after the outbreak of the wildfire, contained seven unique directives focused on rebuilding in areas impacted by the wildfire. This bill seeks to codify two of the directives included in EO N-4-25. Specifically, this bill seeks to codify paragraphs five and six of the order, which read as follows:

5. HCD in consultation with DGS, the Office of the State Fire Marshal, and the California Energy Commission, shall, within 60 days review and provide a report to me with recommendations regarding any provision of the Building Standards Code, Title 24 of the California Code of Regulations, that should be suspended for projects... [that repair, restore, demolish, or replace property or facilities substantially damaged or destroyed as a result of this emergency, and that are in substantially the same location as, and do not exceed 110% of the footprint and height of properties and facilities that were legally established and existed before this emergency] in order to facilitate rapid, safe, and cost effective rebuilding and recovery.

6. HCD shall coordinate with local government to identify and recommend procedures, including but not limited to exploring the use of pre-approved plans and waivers of certain permitting requirements, to establish rapid permitting and approval processes to

⁶ California Governor's Office of Emergency Services, "Open State of Emergency Proclamations," Legal Affairs, accessed March 9, 2026, <https://www.caloes.ca.gov/office-of-the-director/policy-administration/legal-affairs/emergency-proclamations/>.

expedite the reconstruction or replacement of residential properties destroyed or damaged by fire. The recommended procedures shall have the ultimate goal of issuing all necessary permits and approvals within 30 days. HCD shall, within 60 days, provide a report to me identifying recommended updates to local government procedures that achieve these goals, and shall update that report every 60 days, as appropriate, to identify any additional permitting and approval requirements that are barriers to recovery and rebuilding efforts that should be removed.

These provisions of EO-N-4-25 are recreated in the first section of this bill and take effect if OES makes a finding that the wildfire caused substantial damage following an SOE declaration.

- 3) *Digital Permitting.* This bill will also require state and local agencies involved in post-disaster response, debris removal, reconstruction, housing, or land-use permitting to accept electronic submission for any type of request for agency action related to recovery from a declared state of emergency related to a wildfire. This bill's digital permitting provisions will extend to any state and local approval necessary to rebuild housing following a wildfire.
- 4) *Rural Exemption.* Wildfire emergencies, while destructive, do not always result in damage to a significant number of structures. The Eaton and Palisades Fires are responsible for less than 10% of the total area burned in 2025, but they account for 98.5% of all structures destroyed in 2025 wildfires. The other 8,034 wildfires in 2025 only destroyed a combined 261 structures.

Wildfires in more rural areas while destructive to land, often result in less property damage than wildfires in more urban areas. Additionally, rural jurisdictions with smaller populations face smaller permitting volumes than more urban areas, making the outlay for establishing a digital permitting system an unnecessary cost that must be borne by few applicants. In recognition of this, the bill exempts counties, and local agencies located within counties with a population of less than 100,000 from the digital permitting requirements. This will exempt 22 counties with a combined population of 866,000, representing 2.2% of the state's total population from the digital permitting requirements of this bill.⁷

⁷ California Department of Finance, "E-4 Population Estimates for Cities, Counties, and the State 2021–2025 with 2020 Census Benchmark," 2025, accessed March 9, 2026, https://dof.ca.gov/media/docs/forecasting/Demographics/estimates/e-4-population-estimates-for-cities-counties-and-the-state-2021-2025-with-2020-census-benchmark/E-4_2025_InternetVersion.xlsx.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- HCD estimates ongoing costs in the low millions of dollars annually for 6.0 – 10.0 PY of staff resources across program, technical, and management classifications to support policy and construction standards analysis, IT support, interagency coordination, stakeholder engagement, and report development. Actual ongoing costs will depend on final staffing levels, the scope of reporting, and the frequency of wildfire emergencies, which will drive workload variability. HCD would also incur one-time costs, likely in the low hundreds of thousands of dollars, to make necessary IT improvements to expand electronic application capabilities within existing systems. (General Fund)
- The California Energy Commission (CEC) indicates that the workload associated with this bill would require at least 1.0 PY of additional staff, at a cost of approximately \$214,000 annually, to be positioned on short notice and at unknown frequencies. Required activities include reviewing the Energy Code, making recommendations on standards to suspend, coordinating with HCD, and updating the CEC website to provide guidance and the ability to submit forms electronically. (Energy Resources Program Account)
- OES estimates impacts from this bill would be absorbable by existing staff, including any costs to make written determinations that a Governor declared wildfire disaster caused substantial structural damage requiring significant rebuilding efforts. The Office of Land Use and Innovation (LCI), OES, the Department of General Services (DGS), and the SFM all report that any costs to consult with HCD on specified reports to the Governor and Legislature following a determination by OES would be absorbable. (General Fund)
- Unknown, potentially significant state-mandated local costs related to the requirements that every political subdivision involved in post-disaster response, debris removal, reconstruction, housing, or land-use permitting must accept electronic submissions of any applications, forms, plans, and other documents related to recovery efforts. Staff notes that the bill excludes counties with a population of less than 100,000 and any city within those counties from this requirement. These costs could be state-reimbursable, subject to a determination by the Commission on State Mandates, should an affected local agency file a successful claim. (General Fund)

SUPPORT: (Verified 5/14/26)

American Council of Engineering Companies of California
California Apartment Association
California Hispanic Chamber of Commerce
Southwest California Legislative Council

OPPOSITION: (Verified 5/14/26)

Climate Action California

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