

SENATE THIRD READING

SB 904 (Seyarto)

As Amended July 1, 2026

Majority vote

SUMMARY

Requires the Department of Housing and Community Development (HCD), in consultation with other state agencies, to provide reports to the Governor and Legislature that identify existing state permitting requirements that may unduly impede efforts to rebuild after a wildfire and recommend provisions of the California Building Standards Code for possible suspension, with exceptions, in order to facilitate rapid rebuilding and recovery, following a declared state of emergency related to a wildfire, as specified.

Major Provisions

- 1) Defines "substantial structural damage requiring significant rebuilding efforts" to mean the destruction of 25 or more residential or commercial structures.
- 2) Provides that the requirements in 3), 4), and 5) below shall only apply if the Office of Emergency Services (CalOES) makes a written determination, within 10 days after the date that the Governor declared a state of emergency relating to a wildfire, that a wildfire caused substantial structural damage requiring significant rebuilding efforts. Permits CalOES to make the written determination based on an estimation of the data and preliminary damage assessments available at the time of the determination.
- 3) Requires HCD, in consultation with the Office of Land Use and Climate Innovation (LCI), CalOES, and the Department of General Services (DGS), to provide a report, within 30 days of a written determination made in 2) above, to the Governor and the Legislature identifying state permitting requirements that may unduly impede efforts to rebuild properties or facilities destroyed as a result of the wildfire that should be considered for suspension.
 - a) Requires the report in 3) to be updated every 60 days, as appropriate, and as recovery and rebuilding efforts proceed, to identify any additional permitting requirements that are posing barriers to rebuilding and that should be considered for suspension.
- 4) Requires HCD to coordinate with local governments to identify and recommend procedures, including, but not limited to, exploring the use of preapproved plans and waivers of certain permitting requirements, to establish rapid permitting and approval processes to expedite the reconstruction or replacement of residential properties destroyed or damaged by a wildfire.
 - a) Requires the recommended procedures in 4) to have the ultimate goal of issuing all necessary permits and approvals within 30 days of submission.
- 5) Requires HCD to provide a report to the Governor and the Legislature, within 60 days of a written determination made in 2) above, identifying recommended updates to local government procedures that achieve the goals described in 4) above.
 - a) Requires HCD to update the report in 5) above 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.

- 6) Requires HCD, on or before July 1, 2028, in consultation with DGS, the Office of the State Fire Marshal, and the State Energy Resources Conservation and Development Commission (California Energy Commission) to convene a workgroup to review and provide a report to the Governor and Legislature with recommendations regarding any provision of the California Building Standards Code that should be suspended to facilitate rapid, safe, disaster-resilient, and cost-effective rebuilding and recovery guidance for any future state of emergency, as specified.
- 7) Provides that nothing in 2) through 6) above shall include building standards adopted by the State Fire Marshal that relate to panic safety and fire safety as standards to be considered for suspension.
- 8) Requires, upon the Governor's declaration of a state of emergency relating to a wildfire, every state agency or political subdivision involved in post-disaster response, debris removal, reconstruction, housing, or land-use to accept electronic submission of any application, form, plan set, appeal, or request for state agency or political subdivision action related to recovery efforts for that state of emergency, with exceptions.
- 9) Prohibits a state agency or political subdivision from requiring physical, in-person filing of an application unless the state agency or political subdivision determines, in writing, that electronic submission is not technically feasible for that specific application type.
- 10) Prohibits a state agency or political subdivision from rejecting an application or other document solely because it was submitted electronically.
- 11) Requires every affected state agency or political subdivision to publish, within 30 days of the declaration of a state of emergency for a wildfire, specified information on its website, including information regarding the electronic filing method that may be used to submit documents relating to disaster recovery efforts.
- 12) Provides that the electronic submission requirements in 8) through 11) above shall not apply to a county with a population of less than 100,000 or any city within that county.

COMMENTS

Eaton and Palisades fires: Climate change continues to pose significant risks to California, including more extreme heat events, larger wildfires, prolonged droughts, flooding, and other climate-related impacts. 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.¹ The Eaton fire also started on January 7th. It consumed 14,021 acres and damaged or destroyed more than 10,000 structures, including significant portions of the city of Altadena.² 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.

¹ CalFire: Palisades fire. <https://www.fire.ca.gov/incidents/2025/1/7/palisades-fire>

² CalFire: Eaton fire. <https://www.fire.ca.gov/incidents/2025/1/7/eaton-fire>

Numerous Directives and Mandates Leading to Standards Freeze: In response to concerns regarding the rapid pace of modifications to building standards, the deadly Los Angeles fires of January 2025, and a need to find methods to stem increases in housing construction costs, the Legislature and Governor enacted several significant changes to building standards in the 2025 housing budget trailer bill, AB 130 (Committee on Budget), Chapter 22. The most significant change is a freeze to any new building standards or changes to existing building standards affecting residential units at both the state and local level until 2031, with limited exceptions.

This bill: During the outbreak of the Eaton and Palisades fires, and in the ensuing damage that followed, Governor Newsom proclaimed a state of emergency in Los Angeles and Ventura counties. The Governor issued 25 executive orders related to the fires to aid recovery, protect survivors, expedite wildfire safety regulations, and facilitate wildfire prevention projects. This bill codifies provisions of one of the executive orders, Executive Order N-4-25. Three directives in Executive Order N-4-25 are substantially similar to the reporting requirements in this bill. The reporting requirements of the executive order codified in this bill will take effect automatically whenever a future state of emergency related to a wildfire is declared by the Governor and if CalOES makes the specified written determination of substantial structural damage requiring significant rebuilding efforts. This bill, however, differs from Executive Order N-4-25 in that the recommendations regarding suspending any provision of the California Building Standards Code should be in order to facilitate not only rapid, safe, and cost-effective rebuilding and recovery, but disaster-resilient rebuilding and recovery, too. This bill does not automatically suspend any provision of the California Building Standards Code nor any state or local permitting requirements. This bill also specifies that building standards adopted by the State Fire Marshal that relate to panic safety and fire safety shall not be considered for suspension.

According to the Author

"In January 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."

Arguments in Support

According to the California Apartment Association, "SB 904 would codify many of the reporting requirements issued in Governor Newsom's Executive Orders following the Eaton and Palisades fires in January 2025. This means whenever a future wildfire state of emergency is declared by a Governor, the Department of Housing and Community Development will automatically submit 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 state of emergency. This process would speed up our state's recovery efforts in the future."

Arguments in Opposition

According to the Climate Action California's Building Decarbonization team, "Building standards in California are developed and revised with extensive stakeholder input. As a result, California's Building Code serves as a bulwark against shoddy construction methods that have

plagued homeowners in many other states. In states with less stringent building codes, homeowners have found themselves without recourse when faced with extensive problems with their new homes that are not built to a robust standard. While rebuilding after wildfires and other disasters must absolutely be prioritized, we believe that rolling back provisions that result in expensive repairs or higher energy costs later is not the way forward."

FISCAL COMMENTS

According to the Assembly Committee on Appropriations:

- 1) HCD estimates ongoing General Fund (GF) costs in the low millions of dollars annually for eight to 11 positions 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 also estimates one-time GF costs, likely in the low hundreds of thousands of dollars, to make necessary IT improvements to expand electronic application capabilities within existing systems.

- 2) Estimated costs to the CEC in the low hundreds of thousands of dollars annually (Energy Resources Program Account) for additional staffing to review the Energy Code, make recommendations on standards to suspend, coordinate with HCD, and update the CEC website to provide guidance and the ability to submit forms electronically.
- 3) OES estimates minor and absorbable GF costs, including any costs to make written determinations that a Governor-declared wildfire disaster caused substantial structural damage requiring significant rebuilding efforts.
- 4) LCI, OES, DGS, and the SFM anticipate absorbable GF costs to consult with HCD on specified reports to the Governor and Legislature.
- 5) Costs to affected local agencies of an unknown, but potentially significant amount related to the requirement to accept electronic submissions of recovery-related documentation. These costs are potentially state-reimbursable, subject to a determination by the Commission on State Mandates.

VOTES

SENATE FLOOR: 38-0-2

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Niello, Padilla

ASM HOUSING AND COMMUNITY DEVELOPMENT: 11-1-0

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

NO: Ward

ASM EMERGENCY MANAGEMENT: 6-0-1

YES: Ransom, Hadwick, Arambula, Bennett, Calderon, DeMaio

ABS, ABST OR NV: Bains

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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