

UNFINISHED BUSINESS

Bill No: SB 904
Author: Seyarto (R), et al.
Amended: 7/1/26
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

SENATE FLOOR: 38-0, 5/18/26

AYES: 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

NO VOTE RECORDED: Niello, Padilla

ASSEMBLY FLOOR: 71-1, 8/24/26 - See last page for vote

SUBJECT: Recovery from a state of emergency

SOURCE: Author

DIGEST: This bill 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.

Assembly Amendments

- 1) Prohibits the reports and recommendations from including building standards adopted by the State Fire Marshal that relate to panic safety and fire safety as standards to be considered for suspension.
- 2) Removes the requirement that the HCD led workgroup issue a report upon each written determination from Cal OES following a state of emergency declaration, to instead require the workgroup's formation and completion of a single report by July 1, 2028 that is reviewed and updated as necessary after every update to the California Building Standards Code (every 3 years).

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) 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.

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.

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."

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

- 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 aspects of 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 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.

- 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

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/>.

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 from 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 a 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

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

According to the Assembly Appropriations Committee:

- 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.

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.

- 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.

SUPPORT: (Verified 8/24/2026)

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

OPPOSITION: (Verified 8/24/2026)

Climate Action California

ASSEMBLY FLOOR: 71-1, 8/24/26

AYES: Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Johnson, Kalra, Krell, Lackey, Lowenthal, Macedo, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Wicks, Wilson, Zbur, Rivas

NOES: Ward

NO VOTE RECORDED: Addis, Boerner, Connolly, Jackson, Lee, McKinnor,
Rogers

Prepared by: Hank Brady / HOUSING / (916) 651-4124
8/24/26 17:52:31

****** END ******