

Date of Hearing: April 23, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 818 (Ávila Farías) – As Introduced February 19, 2025

**AS PROPOSED TO BE AMENDED**

**SUBJECT:** Permit Streamlining Act: local emergencies

**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. Specifically, **this bill**:

- 1) Defines for purposes of the bill:
  - a) “Affected property” means a residential real property that satisfies any of the following conditions:
    - i) The property was destroyed by a natural disaster that resulted in a declared local emergency.
    - ii) The property was declared a substandard building as a result of a natural disaster that resulted in a declared local emergency.
    - iii) The property is effectively a substandard building as a result of a natural disaster that resulted in a declared local emergency.
  - b) “Local emergency” means a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected, as specified.
  - c) “Disaster” means a fire, flood, storm, tidal wave, earthquake, terrorism, epidemic, or other similar public calamity that the Governor determines presents a threat to public safety.
- 2) Prohibits requirements for solar panel installations and associated energy storage systems, as specified, from being applied to a project for which an application for a permit necessary to rebuild or repair an affected property is submitted to, and approved by, a local agency.
- 3) 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.
- 4) Requires, after a parcel has been deemed safe for development by the state, a local agency, or the state and local agency after a disaster that resulted in a declared local emergency, a local agency to approve within 14 days an application for:
  - a) A state-approved or federally approved modular home.
  - b) A state-approved or federally approved prefabricated home.

- c) A detached structure that meets the applicable requirements to be an accessory dwelling unit for the affected property.
  - d) 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.
- 5) Requires a local agency to make the following information available to the public, including posting its internet website, by March 31, 2028 and updated every four years thereafter:
- a) A checklist that would result in a residential property being deemed a substandard building.
  - b) 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.
  - c) A dashboard that track permitting timelines and agency performance.
- 6) Finds and declares that this bill addresses a matter of statewide concern rather than a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution, and, therefore, applies to all cities, including charter cities.
- 7) Provides that no reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill, as specified.

**EXISTING LAW:**

- 1) 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. (California Constitution, Article XI, § 7)
- 2) Establishes the California Building Standards Commission (CBSC) within the Department of General Services, which requires CBSC to approve and adopt building standards and codify those standards in the California Building Standards Code. [Health and Safety Code (HSC) § 18930]
- 3) Establishes the Permit Streamlining Act (PSA), which, among other things, establishes time limits within which state and local government agencies must either approve or disapprove permits to entitle a development. [Government Code (GOV) § 65920 - 65964.5]
- 4) Establishes standards and requirements for local agencies to review non-discretionary post-entitlement phase permits, including time limits within which local agencies must either approve or disapprove these permits. (GOV § 65913.3)
- 5) Requires a city or county to make a fee estimate tool that the public can use to calculate an estimate of fees and exactions for a proposed housing development project available on its internet website. (GOV § 65940.2)

- 6) Requires public agencies to determine whether an application is complete within 30 days. If an application is deemed to be incomplete, the local agency is required to provide the applicant with an exhaustive list of items that were not complete. (GOV § 65943)
- 7) Requires a local agency to contract with or employ a private entity or persons on a temporary basis to perform plan-checking functions upon the request of an applicant for specified structures where there is an “excessive delay” in checking the plans and specifications that are submitted as a part of the application. (HSC § 17960.1 § 19837)
- 8) Generally defines, for a residential building permit, “excessive delay” to mean the building department or building division of a local agency has taken more than 30 days after submitting a complete application to complete the structural building safety plan check of the applicant’s set of plans and specifications that are suitable for checking. “Residential building” means a one-to-four family detached structure not exceeding three stories in height. (HSC § 17960.1)
- 9) Provides that a governing board of a school district may not apply a fee, charge, dedication, or other requirement, as specified, to the reconstruction of any residential, commercial, or industrial structure that is damaged or destroyed as a result of a disaster. [Education Code (EDC) Section 17626]

**FISCAL EFFECT:** This bill is keyed fiscal and contains a state mandated local program.

**COMMENTS:**

- 1) **Bill Summary.** This bill requires a local agency to approve or disapprove an application for a permit necessary to rebuild or repair a property destroyed or damaged by a disaster (affected property) within the timelines of the Permit Streamlining Act. The bill also requires a local agency to approve an application, within 14 days of receipt of the application, for a construction permit for an ADU, modular home, prefabricated home, or similar structure intended to be used by a person until the rebuilding or repair of an affected property is complete.

Under this bill, a local agency must provide the following information to the public and on its internet website:

- a) A checklist of conditions that would result in a residential property being deemed a substandard building.
- b) A notice that a person may obtain a confidential third-party code inspection from a licensed contractor to determine the unit’s existing condition or potential scope of improvements before the person applies for a permit to repair an affected property.
- c) A dashboard for tracking permitting timelines and agency performance.

This information must be provided by March 31, 2028, and be updated every four years thereafter. This bill is author sponsored.

- 2) **Planning for Housing.** Planning for and entitling new housing is mainly a local responsibility. 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. Cities and counties enforce this land use authority through zoning regulations, such as the allowable density and height for a project, parking requirements, and setbacks. Cities and counties also enforce this land use authority through their control of the entitlement process, which is the process by which the city or county grants permission for a proposed housing development to be built.

Existing state laws, including the Permit Streamlining Act, the Housing Accountability Act, and the Housing Crisis Act of 2019, establish parameters for the entitlement process. These parameters are designed to ensure that public agencies act fairly and promptly on applications for housing development proposals. These laws require public agencies to compile lists of information that applicants must provide, and explain the criteria they will use to review permit applications. Once a developer has submitted a complete application for development, these laws require that the project be subject only to the ordinances, policies, and standards adopted and in effect at the time of the application, and require local officials to act within a specific time period after completing any environmental review documents required under the California Environmental Quality Act.

- 3) **The Permit Streamlining Act.** The PSA requires public agencies to act fairly and promptly on applications for development proposals. Under the PSA, public agencies have 30 days to determine whether applications for development projects are complete and request additional information; failure to act results in an application being “deemed complete.” The PSA applies to the discretionary approval phase of a development review process; this is the phase where the agency, in its discretion, decides whether it approves of the concept outlined in the development proposal.
- 4) **Post-entitlement.** A development proposal that is approved and entitled by a local agency must also obtain approval of objective permits associated with the development proposal. This ensures the proposal is compliant with state and local building codes and other measures that protect public health, safety and the environment. Post-entitlement phase permits include permits to prepare the site for new development, including demolition permits and grading permits. Post-entitlement phase permits also include all the building permits for the new construction. This stage of the review process is often ministerial, as these postentitlement permits are typically objective in nature. Generally, once a local agency invests the time and effort to approve and entitle a development proposal, there is an incentive for the agency to process the postentitlement permits in a timely fashion. In order to expedite this stage of the development approval process, AB 2234 (Robert Rivas), Chapter 651, Statutes of 2022, required local agencies to process non-discretionary permits within 30 days for small housing development projects and 60 days for large housing development projects.

AB 2234 (Robert Rivas), Chapter 651, Statutes of 2022, established parameters for a local agency’s review of non-discretionary post-entitlement phase permits, including requiring a local agency to determine whether an application for a post-entitlement building permit is complete within 15 days of the agency receiving the application. Post-entitlement building

permits must be approved by local agencies within 30 days for small housing development projects and 60 days for large housing development projects.

AB 1114 (Haney), Chapter 753, Statutes of 2023, expanded the postentitlement permits subject to the expedited review process and timelines established by AB 2234 to include all building permits and other permits issued under the California Building Standards Code, or any applicable local building code for the construction, demolition, or alteration of buildings, whether discretionary or nondiscretionary.

- 5) **Executive Orders and the LA Fires.** Governor Newsom has issued four Executive Orders intended to help the Los Angeles region rebuild permanent housing quickly, by minimizing regulatory barriers and bureaucratic processes, while implementing measures related to temporary housing for those whose homes were damaged or destroyed in the devastating Eaton and Palisades fires. These Executive Orders did the following:

Pertaining to state and local permitting requirements:

- a) Suspended the California Environmental Quality Act (CEQA) review and California Coastal Act permitting requirements for the reconstruction of damaged or destroyed properties for the following:
  - i) Primary structures that are in substantially the same location as, and do not exceed 110% of the footprint and height of, the original primary structures that existed immediately before the emergency;
  - ii) Accessory structures that are in substantially the same location as, and do not exceed 100% of the footprint and height of, the original accessory structures that previously existed;
  - iii) New accessory dwelling units (ADUs) on a residential property on which a primary residence was substantially destroyed, but only to the extent that such ADUs are built at least 10 feet from a canyon bluff or 25 feet from a coastal bluff; and,
  - iv) Supportive infrastructure that is necessary to construct and install all of the above structures.
- b) Suspended the provisions of the California Coastal Act requiring coastal development permits for the establishment, repair, or operation of a mobilehome park or special occupancy park, as well as the replacement, installation, or repair of one or more mobilehomes, manufactured homes, or recreational vehicles on privately-owned land.
- c) Extended from one year to three years time that a person has to start work on a building permit issued for a project to repair, restore, demolish, or replace a structure or facility in LA County that was substantially damaged or destroyed in the disasters.
- d) Extended all coastal development permits issued under the California Coastal Act for an additional 3 years for projects involving properties or facilities that were damaged or destroyed.

Pertaining to building standards:

- a) Allowed homes in LA County that were originally designed and constructed to the 2019 California Building Standards 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.
- b) Directed various state agencies with authority over building standards to provide a report to the Governor within 60 days that includes recommendations regarding any provision of the building codes that should be suspended for rebuilding structures.

Pertaining to the actions of state agencies and departments:

- a) Required the Department of Housing and Community Development (HCD), the Office of Land Use and Climate Innovation, the Office of Emergency Services, and the Department of General Services (DGS) to provide the Governor with a report identifying other state permitting requirements that may unduly impede efforts to rebuild properties or facilities destroyed that should be considered for suspension, and to update that report every 60 days.
- b) Required HCD to coordinate with local governments 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.
- c) Prohibited the California Coastal Commission from taking any action that interferes with the executive order related to California Coastal Act permitting.
- d) Committed to collaborating with the Legislature to identify and propose statutory amendments that durably address barriers impeding rapid rebuilding efforts in the areas affected by this emergency.

Pertaining to the facilitation of temporary and emergency housing for displaced residents:

- a) Suspended any local ordinances and state laws or regulations that would normally prohibit an individual from residing in a manufactured home, mobilehome, or recreational vehicle (RV) on a private lot outside of a mobilehome or special occupancy park during the reconstruction or repair of any home damaged or destroyed by the disasters, for three years or until the suspension is terminated.
  - b) Allowed the placement and holding out for lease or rent of mobilehomes or RVs on public or private property to displaced survivors in LA County without having to comply with certain provisions of the Mobilehome Parks Act or Special Occupancy Parks Act, and suspended several planning and zoning requirements for such mobilehomes or RVs.
  - c) Suspended the collection of various fees for mobilehome and special occupancy parks in LA County if the parks are providing housing to displaced survivors, for three years or until the suspension is terminated.
- 6) **State-Managed Debris Removal Program.** California's frequent wildfires create huge amounts of debris, which can include ash, metal, concrete, building materials, contaminated soil, and hazardous materials. Disaster debris must be properly removed and managed to reduce threats to public health and safety, protect the environment, and help communities

recover and rebuild. The Governor's Office of Emergency Services (CalOES) coordinates with fire-impacted communities to determine the best local recovery solutions, which can include locally managed debris removal programs with state technical guidance and assistance or state-managed removal. CalOES coordinates with CalRecycle to operate the statewide Consolidated Debris Removal and Hazard Tree Removal Program to manage wildfire debris removal operations throughout the state. This program gives California's wildfire survivors a streamlined option to clear their properties with no out-of-pocket costs.

The state-managed debris removal program operates in two phases. Phase one involves crews managed by the Department of Toxic Substances Control and the U.S. Environmental Protection Agency removing household hazardous waste such as paints, cleaners, solvents, oils, batteries, pesticides, compressed cylinders and tanks, and easily identifiable asbestos. After the removal of hazardous wastes, private contractor crews managed by CalRecycle conduct soil sampling to establish cleanup goals for the project and remove the remaining asbestos, contaminated soil, ash, metal, concrete, hazard trees, and other debris. According to CalRecycle's website titled *Debris Recovery Operations*, CalRecycle has partnered with the Governor's Office of Emergency Services (Cal OES) and federal, state, and local clear debris from properties damaged by state and federally-declared disasters. CalRecycle is not assigned to clean up every disaster but has worked to safely dispose of contaminated debris at no out-of-pocket cost to property owners since 2007. This totals to clearing more than 23,000 properties and removing 7.4 million tons of debris.

Clean up efforts in response to the recent fires in Altadena and the Palisades have been coordinated and managed by the US Army Corps of Engineers.

- 7) **Related Legislation.** AB 253 (Ward) allows an applicant for specified residential building permits to contract with or employ a private professional provider to check plans and specifications if the county or city building department estimates a timeframe for this plan-checking function that exceeds 30 days, or does not complete this plan-checking function within 30 days. This bill includes an urgency clause. This bill is currently on the Assembly Floor.
- 8) **Previous Legislation.** AB 2433 (Quirk-Silva) of 2024 would have required a local agency that has not completed plan-checking services within 30 business days of receiving a completed application for a building permit to complete plan-checking services and issue or deny a building permit within specified time frames, upon request by the applicant for the building permit. AB 2433 was held in Senate Local Government Committee.

AB 3012 (Grayson), Chapter 752, Statutes of 2024, required cities and counties to make available on their internet websites a fee estimate tool that the public can use to calculate an estimate of fees and exactions for a proposed housing development, and required the Department of Housing and Community Development to create a fee schedule template and a list of best practices, as specified.

AB 2234 (Robert Rivas), Chapter 651, Statutes of 2022, required local agencies to process non-discretionary permits within 30 days for small housing development projects and 60 days for large housing development projects.

AB 178 (Dahle), Chapter 259, Statutes of 2019, exempted, until January 1, 2023, any

residential construction intended to “repair, restore, or replace” a residential building that was damaged or destroyed as a result of a disaster in an area in which the Governor has declared a state of emergency, before January 1, 2020, from the state’s recently adopted requirements for solar photovoltaic systems, if certain requirements are met.

- 9) **Arguments in Support.** YIMBY Action writes in support of the introduced version of the bill, “We support AB 818 because it will expedite building in the areas we need it most – where families and communities have recently lost homes. Particularly when we need to rebuild after a natural disaster, builders need predictable timelines and clear rules. AB 818 provides these, and would offer clarity in an otherwise chaotic environment.”
- 10) **Arguments in Opposition.** The Coalition for Adequate School Housing has an oppose unless amended position and writes in response to the introduced version of the bill, “As you know, local educational agencies (LEAs) do not issue building permits and are therefore not affected by many of the provisions of the bill, but we are affected by interference with the collection of fees intended to help mitigate the impact of development. ...While it is unclear what the purpose of this provision is, the language the bill proposes to add to the Government Code at 65946.1(h)(B) is unnecessary because existing law (Education Code 17626) already prohibits LEAs from collecting impact fees for projects to rebuild what was destroyed by a disaster.”
- 11) **Double Referral.** This bill is double referred to the Committee on Housing and Community Development.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Business Properties Association  
 California Yimby  
 East Bay Yimby  
 Grow the Richmond  
 Institute for Responsive Government Action  
 Mountain View Yimby  
 Napa-Solano for Everyone  
 Northern Neighbors  
 Peninsula for Everyone  
 San Francisco Yimby  
 Santa Cruz Yimby  
 Santa Rosa Yimby  
 South Bay Yimby  
 Ventura County Yimby  
 Yimby Action  
 Yimby LA  
 Yimby Slo

### **Opposition**

Coalition for Adequate School Housing (CASH)

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