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State of California and the City of Los Angeles Issue Orders to Expedite Recovery and Reconstruction in Response to Los Angeles and Ventura County Wildfires

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In response to the devastating wildfires in Los Angeles and Ventura Counties, Governor Gavin Newsom issued Executive Order N-4-25 on January 12, 2025 to expedite the recovery process in affected communities. The following day, Mayor Karen Bass of the City of Los Angeles (the "City") issued Emergency Executive Order No. 1 "Return and Rebuild," that provides detailed procedures for how the City will process reconstruction projects in Los Angeles.

State of California Executive Order

The Governor's Executive Order suspended two major statutes so that they would not hinder the ability to proceed with recovery projects: the California Environmental Quality Act ("CEQA") and the Coastal Act. Generally, CEQA requires a local government to review a proposed discretionary project's environmental impacts and to implement mitigation measures to reduce any significant impacts to a less than significant level. The Coastal Act requires issuance of a coastal development permit to build structures in the "Coastal Zone," including several communities affected by the devastating fires such as Pacific Palisades and Malibu.

Suspending these two statutes will expedite the rebuilding process for devastated regions in Los Angeles and Ventura Counties under the Governor's Executive Order. Eligible projects cannot "exceed 110% of the footprint and height of the properties that were legally established and existed," and must be substantially in the same location as before the fire. The Governor's Executive Order also:

- Extends the provisions of Penal Code section 396, prohibiting price gouging for building materials, housing and storage services, emergency supplies, and repair, reconstruction, and emergency clean-up services in the state of emergency, in Los Angeles County until January 7, 2026;
- Requires the Department of Housing and Community Development ("HCD") to review and recommend, within 60 days, any provisions of the Building Standards Code (Title 24 of the California Code of Regulations) that should be suspended for eligible reconstruction projects;
- Requires HCD to identify and recommend, within 60 days, and update every 60 days, procedures for local governments to adopt which would allow for 30-day permitting and approval processes for recovery and reconstruction projects;
- Requires the Newsom Administration to collaborate with the Legislature to identify and propose statutory amendments to remove barriers to rapid reconstruction efforts in affected areas.



City of Los Angeles Executive Order

The Mayor's Emergency Executive Order further expedites the permitting process by exempting "Eligible Projects" from discretionary review required under Chapters I or 1A of the Los Angeles Municipal Code ("L.A.M.C."), or under applicable plans such as the Pacific Palisades Village Specific Plan and the Pacific Palisades Village Design Review Board Guidelines. Haul route approval and Department of Public Works reviews (set forth in L.A.M.C., sections 46.00 through 46.06 and 62.161 through 62.162) for Eligible Projects will be approved ministerially. In addition to the suspension of the Coastal Act under the Governor's Executive Order, Mayor Bass has exempted Eligible Projects in the Coastal Zone from the requirement to obtain a coastal development permit from the City. Eligible Projects also will be exempt from the City's All-Electric Building Code requirement. The City will not require a demolition permit for the demolition of any structure substantially damaged or destroyed by the wildfires as long as the applicant "submits timely notification" before demolition to the Department of Building and Safety through an online portal or other electronic means.

An "Eligible Project" is defined as a project to repair, replace, or restore a structure damaged or destroyed by the wildfires. The Eligible Project must be: (1) in substantially the same location; (2) not exceed 110% of the floor area, height, and bulk of the previous structures; and (3) have the same use as the building lost in the fire. To qualify as an "Eligible Project," the project must obtain building permits in seven (7) years from issuance of the Emergency Order, and be completed within three (3) years of obtaining building permits.

The Emergency Order also requires City departments to conduct and complete all reviews for reconstruction projects within 30 days from the submission of a complete application, even for projects that are subject to the Coastal Act. The Department of Building and Safety must inspect buildings within 2 business days from the request and City departments must process clearances and utility releases related to building permit applications, certificates of occupancy, or temporary certificates of occupancy within 5 business days.

The Mayor's Emergency Executive Order also:

- Establishes a Debris Removal Task Force and Watershed Hazards Task Force to coordinate debris removal from all impacted areas and mitigate risks of debris flow in response to rain events;
- Establishes a permitting center and department services and building permit unified task force;
- Requires the Department of Building and Safety to identify and inspect and promulgate guidance on applying the Secretary of the Interior's Standards for the Treatment of Historic Properties, within 10 days of safe access to the impacted area becomes available;
- Allows the use of recreational vehicles, tiny homes, modular structures, and mobile homes on the impacted area for up 3 years or while an active building permit applies to a certain property;
- Forms an interdepartmental task force to allow multifamily residential projects nearing completion to obtain Temporary Certificates of Occupancy expeditiously to increase the supply of residential units in the City;
- Requires the Department of Building and Safety to report back, in 15 days, on improving the self-certification permit procedure for Eligible Projects that are limited to the reconstruction of a single-family residential structure;
- Directs City departments to report back, in 7 days with a list of additional relief needed from state and federal regulations and requirements.



These orders aim to remove roadblocks and to simplify the recovery and reconstruction process for victims of the fires in affected communities. These preliminary measures are likely to be followed by additional relief at the federal, state, and local level. Buchalter will continue to monitor this dynamic situation and we are ready to assist with the recovery process in these affected communities.



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