

Senate Committee on Local Government
Senator Gloria Negrete McLeod, Chair
State Capitol, Room 5046
Sacramento, California 95814
(916) 651-4115
www.sen.ca.gov/locgov

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October 24, 2007
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Development After Disasters

What can homeowners, tenants, business owners, and local officials expect after disasters? State law offers several exceptions from the standard requirements for land use and taxation decisions.

Building standards: State officials must propose fire protection building standards for construction in fire hazard severity zones and very high fire hazard severity zones (Health & Safety Code §13108.5).

Coastal development: Coastal development permits are not required to replace private structures destroyed by disasters (Public Resources Code §30610 [g]).

Corporate income tax losses: With legislative approval after presidential or gubernatorial declared disasters, corporate taxpayers can carry-back and carry-forward their excess disaster losses; requires legislative action (Revenue & Taxation Code §24347.4 and §24347.5).

Developer fees: Local agencies can't charge impact fees for the reconstruction of property destroyed by a natural disaster, but they can charge processing fees (Government Code §66011).

Disaster Housing Repair Fund: The State Department of Housing and Community Development (HCD) can loan money from the Disaster Housing Repair Fund (Health & Safety Code §50661.5).

Environmental review: The California Environmental Quality Act (CEQA) statutorily exempts from environmental review:

- Emergency repairs to public works needed to maintain services.
(Public Resources Code §21080 [b][2])
- Repairs and replacement work after a declared disaster.
(Public Resources Code §21080 [b][3])
- Actions to mitigate or prevent an emergency.
(Public Resources Code §21080 [b][4])

Expedited rebuilding. The Legislature recognizes that local ordinances can expedite permits for rebuilding after disasters, including waiving fees and streamlining requirements (Health & Safety Code §50660.5).

Fire safe standards: Owners of property in "state responsibility area lands" must follow the State Board of Forestry's fire safe regulations for fuel breaks, roads, signs, and water supplies (Public Resources Code §4290, et seq.).

Natural disaster community assistance: If the Legislature appropriates money, the State Department of Housing and Community Development (HCD) can provide financial assistance to the victims of declared disasters. Priority goes to low- and moderate-income housing and farmworker housing (Health & Safety Code §34050, et seq.)

Natural disaster emergency shelter program: If the Legislature appropriates money, the State Department of

Housing and Community Development (HCD) can provide grants to pay for rent vouchers and emergency shelters (Health & Safety Code §34070, et seq.)

Personal income tax losses: With legislative approval after presidential or gubernatorial declared disasters, personal income taxpayers can carry-back and carry-forward their excess disaster losses; requires legislative action (Revenue & Taxation Code §17207).

Property reassessment: Owners of substantially damaged property can ask the county assessor to reassess the property in its damaged or destroyed condition, and receive a corrected property tax bill reflecting the new valuation. If taxes have already been paid, the assessor may issue refunds and the state reimburses the county (Revenue & Taxation Code §170).

Property value assessment: Reconstructing property that was destroyed by a declared disaster is not “newly constructed” property that triggers a new assessment of property value (California Constitution Article XIII A, §2 [c]).

Redevelopment after disasters: The Community Redevelopment Disaster Project Law expedites the creation of redevelopment agencies and project areas after declared disasters (Health & Safety Code §34000, et seq.)

Compiled by the staffs of the:

Senate Local Government Committee
Senate Environmental Quality Committee
Senate Natural Resources & Water Committee
Senate Revenue & Taxation Committee
Senate Transportation & Housing Committee

Revised: October 24, 2007