

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.

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

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

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 §50660.5).

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

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

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: 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: 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 disaster losses; requires legislative action (Revenue & Taxation Code §17207).

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 [b]).

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.)

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