

ARTICLE:
**ONE YEAR AFTER THE LA FIRES: REBUILDING,
RECOVERY, AND RESILIENCE IN THE MIDST OF
A HOUSING CRISIS**

*By Carolyn Nelson Rowan**

On January 7, 2025, a series of fires began that ripped through Southern California, leaving significant destruction in their wake. The Eaton Fire in Altadena, the Palisades Fire in Pacific Palisades, and other fires in the Los Angeles area (collectively, “the LA Fires”) killed at least 31 people and destroyed many thousands of homes and structures, displacing thousands. This disaster occurred against the backdrop of an ongoing, statewide housing crisis, which added to the urgency of recovery and rebuilding efforts.

In the year since the disaster, every branch and level of government has been grappling with the fallout. The courts have issued decisions affecting insurance coverage, and the California Legislature has taken numerous steps to assist homeowners and tenants who experienced loss and to speed up rebuilding efforts to replenish the housing supply.

This article focuses on recent legal developments that may impact homeowners and tenants affected by the fires, along with builders and other professionals working to rebuild, including insurance coverage, mortgage and financial assistance, suspension of laws like the California Environmental Quality Act (CEQA) and the California Coastal Act, streamlining of land use approvals, hazardous substances cleanup, temporary housing, and tenant protections.¹ The article then goes on to discuss some of the pre-existing and recent laws designed to encourage thoughtful planning and mitigation going forward, and offers some observations about the current balance being struck between rebuilding quickly versus preparing for future resilience.

BACKGROUND

A. The LA Fires

At this point, most Californians are all too familiar with the story. The LA Fires were among the most devastating fires in California’s history. Fueled by

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drought, low humidity, a buildup of vegetation, and hurricane-force Santa Ana winds, the Eaton Fire burned 14,021 acres, damaging 1,074 homes and structures, destroying 9,414 homes and structures, and killing at least 19 civilians,² while the Palisades Fire burned 23,448 acres, damaging 973 homes and structures, destroying 6,837 homes and structures, and killing at least 12.³

On January 7, 2025, the same day the Palisades Fire ignited, Governor Newsom declared a State of Emergency to exist in Los Angeles and Ventura Counties,⁴ and, on January 8, 2025, the Governor issued an executive order directing the suspension of specified laws, including “[s]tate statutes, rules, regulations, and requirements that fall within the jurisdiction of the boards, departments, and offices of the California Environmental Protection Agency and the California Natural Resources Agency . . . to the extent necessary for expediting the removal and cleanup of debris from this emergency” and to address related impacts.⁵ These initial emergency declarations and actions helped expedite early recovery efforts, but they were only the beginning of the state’s response, discussed more fully below.

The Eaton Fire and Palisades Fire each made the California Department of Forestry and Fire Protection’s (CAL FIRE) list of the 20 most destructive wildfires in the state’s history, taking the number two and three spots, respectively.⁶ Wildfire is obviously not new to California, but in recent years, wildfires have become more destructive and more difficult to control. According to statistics available on CAL FIRE’s website, 15 of the 20 most destructive fires in the state’s history have occurred since 2015.⁷

B. The Housing Crisis

The LA Fires—and the resulting devastation—occurred against the backdrop of an ongoing housing crisis. For decades, California has built less housing than needed to keep pace with its population growth. Recently, California’s housing shortage has continued to worsen. According to the California Department of Housing and Community Development, over the last decade, housing production has averaged fewer than 80,000 new homes each year, far below the projected need of 180,000 additional homes annually.⁸ According to the Governor’s Office, between 2014 and 2019, unsheltered homelessness in California rose by approximately 37,000 people.⁹

Scholars and policymakers have attributed the shortage to a number of causes. One frequently cited reason is that many cities and counties, exercising their

discretion over land uses, have adopted zoning ordinances that make it difficult and expensive to build new housing.¹⁰ Recently, the “Abundance Agenda” has gained traction, making the case that problems like insufficient housing, high housing costs, and inefficient infrastructure are caused by a “self-imposed scarcity,” which results from government regulations and bureaucracy that make construction more costly and difficult. The solution proposed by advocates of the Abundance Agenda is to focus on expanding the supply of goods and services and implementing regulatory reform by removing hurdles that can slow down or stand in the way of new and affordable housing in the state.¹¹

LEGAL DEVELOPMENTS RELATED TO RECOVERY AND REBUILDING IN THE WAKE OF THE LA FIRES

Given that the state was already in desperate need of housing, and that housing remained unaffordable for many Californians even before the LA Fires began, the complete destruction of over 16,000 homes and structures and damage to over 2,000 more was particularly devastating. Homeowners and tenants who experienced loss have struggled with many issues related to recovery, including problems with insurance coverage, the need for mortgage and financial assistance, and the need for permanent and temporary replacement housing. Builders and other professionals hired to rebuild lost homes face a web of government regulations and bureaucracy that can make construction more costly and difficult.

This section of the article focuses on such issues and legal developments that have emerged in the last year related to recovery and rebuilding that may affect homeowners, tenants, and developers and builders.

A. Insurance Coverage for Smoke Damage Claims

One issue impacting many homeowners affected by the LA Fires is proper insurance coverage. While the availability and affordability of home insurance has been an ongoing issue,¹² it is beyond the scope of this article. This section addresses a specific insurance coverage issue: coverage for smoke damage claims, especially in the absence of direct fire damage to the insured property.

The law on this point is evolving, but the current issues arise from a 2024 California Supreme Court case that predated the disaster and did not involve smoke damage at all. In *Another Planet Entertainment, LLC v. Vigilant Insurance Company*,¹³ the Court considered whether an insured event promotor and venue

operator could assert a claim based on an insurer's denial of coverage for business income losses incurred following government closure orders during the COVID-19 pandemic. In that context, the Court explained that "direct physical loss or damage" to property requires "a distinct, demonstrable, physical alteration to property," and the alleged presence of COVID-19 virus on the insured's premises did not, without more, establish a direct physical loss or damage.¹⁴ The Court noted that the physical alteration "need not be visible to the naked eye," but must cause some injury to, impairment of, or physical alteration of the property.¹⁵ The Court went on to state that a physical contaminant may cause direct physical loss or damage where "it is 'so connected to the property that the property effectively becomes the source of its own loss or damage,' " "but such a connection will not be found where the substance or biological agent can be easily cleaned or removed from the property."¹⁶ Thus, although *Another Planet* addressed a claim for losses resulting from the COVID-19 pandemic, the opinion went well beyond the facts presented and included dicta that could arguably apply much more broadly.

Thereafter, the Second District Court of Appeal decided *Gharibian v. Wawanesa General Insurance Company*,¹⁷ a case that did involve a claim against a homeowners' insurer relating to wildfire debris that fell on the insureds' property. Though the case did not involve debris from the LA Fires, the opinion was issued one month after the fires started. The property at issue in *Gharibian* suffered no direct burn damage, but debris from a nearby fire fell on to the insureds' property, causing the insured to incur cleaning costs. Citing *Another Planet*, the court concluded that debris from a nearby wildfire that landed on the insured's property was not a "direct physical loss to property" covered by the policy.¹⁸ The court found that the debris did not result in a lasting alteration and was easily cleaned and removed.¹⁹ It is worth noting that, although the costs were disputed, the insureds claimed cleanup costs were over \$30,000, demonstrating that even when a structure is not burned in a wildfire, the costs associated with ancillary damage can be significant.

After the *Gharibian* decision was issued, the California Department of Insurance (DOI) issued DOI Bulletin 25-7 in March 2025, regarding insurance coverage for smoke damage and guidance for proper handling of smoke damage claims for properties located in or near the LA Fires.²⁰ The bulletin expressed the DOI's position that recent cases "do not support the position that smoke damage is never covered as a matter of law," and noted that "*Another Planet*

confirm[ed] that smoke damage can be covered where a policy insures against ‘direct physical loss of or damage to’ property, or substantially similar terms.”²¹ The bulletin went on to state that *Gharibian* should be limited to its facts because the court concluded the plaintiffs-insureds’ damage evidence was insufficient to establish coverage.²²

In the bulletin, DOI noted that “[w]hether a particular claim for smoke damage is covered depends on the specific policy language and the unique facts of each claim,” and offered guidance to insurers for the proper handling of smoke damage claims: insurers are expected to handle smoke damage claims in compliance with the Insurance Code, including provisions requiring insurers to adopt and implement reasonable standards for the processing of such claims and to make good faith efforts to effectuate prompt, fair, and equitable settlements where liability is reasonably clear.²³ DOI noted that wildfire debris and ash may contain asbestos, heavy metals, chemicals, and other hazardous substances, and pose significant threats to public health through inhalation of dust particles and contamination of drinking water. Therefore, evidence that smoke has caused such damage to an insured property must be fully and fairly investigated and it is not reasonable to deny such a claim without an appropriate investigation.²⁴

In July 2025, the Los Angeles Superior Court appeared to agree with DOI when it issued a non-binding, but nevertheless significant, decision in *Aliff v. California FAIR Plan Association*.²⁵ *Aliff* is a class action lawsuit against the state’s “insurer of last resort” regarding its refusal to pay smoke damage claims. The superior court found that FAIR Plan policy definitions of fire damage, which purport to deny coverage for smoke damage not visible to the unaided human eye or detected by the unaided human nose, are illegal under the California Insurance Code.²⁶ This is true even in the absence of direct fire damage to the property.²⁷ While this class action was filed in 2024, and a superior court’s decision does not constitute binding precedent for future cases, it may be persuasive, or at least indicative of how another court may rule, in future cases regarding the LA Fires.

Thus, according to DOI and the Los Angeles Superior Court, *Another Planet* and *Gharibian* do not necessarily foreclose smoke damage claims, and wildfire smoke damage may be covered depending on the specific policy and unique facts of the case. In some respects, that likely brings homeowners hope that their claims will be paid and their property restored. However, while DOI noted

that insurers should make good faith efforts to promptly resolve claims, fact-intensive inquiries can be lengthy.

While DOI and the courts seem to be keeping smoke damage claims alive, the Legislature has also been active in this area. Senator Padilla recently introduced another proposed bill, S.B. 876, relating to fire and residential property insurance. If enacted, it would make changes to existing law regarding coverage and consumer protections that could speed up disaster recovery for homeowners and renters.

B. Mortgage Forbearance and Other Financial Assistance

In addition to insurance coverage issues, some homeowners and tenants have experienced financial hardship as a result of the LA Fires, even if their residences were not damaged or destroyed. To help keep those people in their homes, the Legislature created a mortgage forbearance framework for borrowers experiencing financial hardship that prevents timely residential mortgage loan payments due directly to the wildfire disaster.²⁸ The framework applies to loans secured by one-to-four residential unit properties, and requires a mortgage servicer to offer forbearance of an initial period of up to 90 days, which must be extended at the borrower's request in 90-day increments up to a maximum period of 12 months.²⁹ During the forbearance period, no late fees may be assessed, no default rate of interest may be charged, and the mortgage servicer is prohibited from initiating any judicial or nonjudicial foreclosure process, moving for a foreclosure judgment or order of sale, or executing a foreclosure-related eviction.³⁰

In addition, with respect to wildfire emergencies, the Legislature required the Commissioner of Financial Protection and Innovation to coordinate with mortgage lenders and servicers to facilitate and monitor the implementation and promotion of mortgage forbearance, foreclosure prevention, and loss mitigation programs available to borrowers who experience a material decrease in household income or a material increase in household expenses due to wildfire emergency.³¹

The Legislature also authorized financial institutions to deposit hazard insurance proceeds in an interest-bearing account with a federally insured institution, federal home loan bank, or similar enterprise, with some exceptions,³² and imposed new requirements on financial institutions that make loans secured by one-to-four unit residential property that hold hazard insurance proceeds in a

loss draft account pending property rebuilding or repair.³³ Such institutions must pay a minimum of two percent simple interest per annum on hazard insurance proceeds held in such an account, and financial institutions are prohibited from imposing any fee or charge in connection with the maintenance or disbursement of hazard insurance proceeds if the interest rate is less than two percent per annum.³⁴ The new rules do not apply where a state or federal regulatory authority requires the hazard insurance proceeds held in a loss draft account to be placed by a financial institution other than a bank in a non-interest-bearing demand trust fund account of a bank.³⁵

C. Toxic Cleanup

Residents in the area have also faced health and safety concerns related to hazardous materials and toxic smoke released during the LA Fires. As noted above, wildfire debris and ash may contain asbestos, heavy metals, chemicals, and other hazardous substances, and pose significant threats to public health through inhalation of dust particles and contamination of drinking water. When residences and structures burned, items such as cars, batteries, solar panels, insulation, and cleaning supplies burned with them, releasing toxic smoke.³⁶

These health threats can impact homeowners and renters alike. The Governor's initial emergency actions, described above, recognized the need to expedite the removal and cleanup of debris.³⁷ And while federal, state, and local governments are working together to clean up hazardous debris, and the U.S. Environmental Protection Agency's Phase 1 hazardous material removal work was completed as of February 27, 2025, it is an enormous, multi-phased undertaking.³⁸ Scientists are still trying to understand what chemicals were left behind and how to remediate them.³⁹

After the Eaton Fire, a group of tenants filed suit against the City of Pasadena, alleging the City failed to inspect rental homes contaminated by smoke, ash, and soot.⁴⁰ The Legislature has since taken steps to protect renters whose residences may have been affected by toxic debris, imposing obligations and restrictions on landlords with respect to residential and mobilehome tenancies.⁴¹ In the context of residential tenancies, S.B. 610 imposes on landlords a duty to undertake specified actions as may be necessary to remediate any dilapidations that arise as a result of a disaster. Such actions must be undertaken within a reasonable time and according to specified cleaning protocols.⁴² The bill establishes a presumption that the presence of debris from the disaster renders the unit

untenantable until a determination has been made by a local public health agency or official that the debris does not contain toxic substances.⁴³ The bill also requires the landlord to notify the tenant in writing that the landlord has fulfilled its duty to remediate and that the tenant may view various reports upon request.⁴⁴ The bill specifies that the landlord is not required to rebuild a residential property that has sustained damage as a result of a disaster, and that, unless the tenancy is lawfully terminated, it remains in effect and the tenant has the right to return to the rental unit at the same rental rate as soon as it is safe and practicable.⁴⁵

Following the enactment of S.B. 610, the City of Pasadena settled the renters' claims that the city had failed to inspect rental property for contamination following the Eaton Fire, issuing a statement that the law clarified inspection obligations.⁴⁶

D. Replacement Housing

Another issue for homeowners and tenants alike is the urgent need for replacement housing. That need has been addressed by streamlining standards and land use approvals needed to rebuild residential structures, and by taking steps to foster the availability of temporary housing during reconstruction.

1. Reconstruction of permanent housing: streamlined building standards and land use approvals

In the last year, Governor Newsom and the Legislature took a number of actions designed to facilitate expedited reconstruction by streamlining land use approvals and suspending various laws. As explained above, immediately following the fire outbreak, Governor Newsom issued an Executive Order suspending various laws, including those laws and regulations within the jurisdiction of the California Environmental Protection Agency and the California Natural Resources Agency to the extent necessary for expediting removal and cleanup of debris.⁴⁷ In the wake of those initial emergency actions, the Legislature adopted a number of bills intended to speed up and facilitate the rebuilding efforts.

For example, S.B. 625 was passed to facilitate reconstruction of residential structures.⁴⁸ It provides a streamlined, ministerial approval process for certain housing developments located where residential structures were damaged or destroyed in a disaster.⁴⁹ If the local planning director determines the development is consistent with specified objective planning standards, the local govern-

ment must approve the development within 90 days of submittal.⁵⁰ The law also specifies a process for action if the director determines the development conflicts with the objective standards.⁵¹ Given that CEQA does not apply to ministerial projects, the bill specifies that housing developments that qualify for the new streamlined, ministerial process are exempt from CEQA.⁵²

The same bill also aims to facilitate reconstruction of residential structures within common interest developments by amending the Davis-Sterling Common Interest Development Act to limit restrictions on, and provide a process for review and approval of, such reconstruction.⁵³ The provisions track similar provisions prohibiting unreasonable restrictions on the construction of accessory dwelling units. Under the new law, any covenant, condition, or restriction in any deed, contract, security instrument, or other instrument, and any provision of a governing document, that actually or effectively prohibits a “substantially similar reconstruction” of a residential structure that was destroyed or damaged in a disaster, is void and unenforceable.⁵⁴ Applications for substantially similar reconstruction must be processed and approved according to the process outlined in the bill, all according to relatively short timelines.⁵⁵ The law gives teeth to the new prohibitions and requirements by providing that an owner who prevails in an action to enforce the provisions is entitled to reasonable attorney’s fees.⁵⁶

For those projects that do not qualify for the streamlined, ministerial process discussed above, and are not otherwise exempt from CEQA, another bill—S.B. 676—imposes streamlined, expedited procedures for legal actions challenging an EIR or negative declaration for a project to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed by wildfire.⁵⁷ To qualify, the project must be consistent with local zoning and land use ordinances. The bill requires that on or after January 1, 2027, the lead agency must prepare the administrative record of proceedings for qualifying projects concurrently with the administrative process, and a court must, to the extent feasible, resolve the action within 270 calendar days of the filing of the administrative record.⁵⁸ Notably, these provisions only apply until the declaration of emergency has been rescinded.⁵⁹

Another legislative change that is not specifically limited to the LA Fires or disaster recovery but stands to speed up the process of rebuilding is A.B. 130, which froze residential building codes. In California, building codes and standards are imposed primarily by state law, but cities and counties have had broad

discretion to deviate from the state residential building standards if “reasonably necessary” because of certain local conditions.⁶⁰ A.B. 130 imposes a freeze on residential building codes, including “residential reach codes” related to energy efficiency, until June 1, 2031, which may prevent local governments from amending standards on the basis of localized conditions.⁶¹ This freeze took effect on October 1, 2025, and will end on June 1, 2031, absent further legislative action.⁶² There are narrow exceptions, including for home hardening (i.e., wildfire mitigation) and emergency standards to protect health and safety.⁶³ A.B. 130 also prohibits state agencies from adopting any novel building standard between October 1, 2025, and June 1, 2031.⁶⁴ Together, these amendments will help create a more consistent set of rules across jurisdictions and give developers certainty regarding applicable standards for several years to come, and in turn should simplify the process of rebuilding efforts.

Finally, A.B. 462 created a special set of rules for accessory dwelling unit approvals, requiring local agencies to issue a certificate of occupancy for certain accessory dwelling units, even if the primary dwelling unit has not yet been issued a certificate of occupancy.⁶⁵ The rules apply only if certain requirements are met, including that the primary dwelling was substantially damaged or destroyed by an event referenced in a Governor’s state of emergency proclamation.⁶⁶ A.B. 462 also creates an exception to existing rules requiring a local government or the Coastal Commission to approve or deny a coastal development permit for an accessory dwelling unit within 60 days of receiving a completed application. If the Commission has not approved or denied a completed application within 60 days, it is deemed approved, except as specified.⁶⁷

2. Availability of temporary housing

The Legislature has also taken steps to protect the availability of temporary housing for those affected by the LA Fires during the rebuilding process. S.B. 625 limits restrictions on the placement of mobilehomes and use of accessory dwelling units during reconstruction of homes damaged or destroyed in the disaster.⁶⁸ It also provides that an ordinance that precludes specified placement and uses of mobilehomes, manufactured homes, or recreational vehicles for use during the reconstruction or repair of any home damaged or destroyed in a disaster is unenforceable for a period of three years following the disaster declaration.⁶⁹ This means that local zoning prohibiting the placement and use

of mobilehomes during the reconstruction or repair of homes damaged or destroyed by the LA Fires is unenforceable until January 2028.

For people who lost their homes or whose homes were rendered substandard, as a result of the LA Fires, and who want to live in an approved modular home, prefabricated unit, or accessory dwelling unit while the affected property is being rebuilt or repaired, A.B. 818 establishes a short time frame for local review of a building permit application for the temporary structure.⁷⁰ In those circumstances, a city, county, or city and county must approve or deny a complete building permit application within 10 business days of receipt.⁷¹

The Legislature also added protections for people who moved into hotels or motels after their homes were destroyed or substantially damaged in the fires. A.B. 299 provides that a guest residing in a hotel or motel shall not be considered a tenant for purposes of an unlawful detainer action until they have resided there for 270 days, if the guest is residing there due to a disaster that substantially damaged, destroyed, or otherwise made uninhabitable their prior housing.⁷² Unless other action is taken, these provisions will repeal on January 1, 2031.⁷³

E. Tenant Protections

In addition to negatively impacting the owners who experienced a total loss of, or damage to, their homes, the LA Fires also damaged and destroyed properties subject to residential tenancies. S.B. 610 requires that, in the event a lease or mobilehome tenancy is terminated due to damage or destruction of the property as a result of a disaster, the landlord or management, respectively, must return any advance rental payments made by the tenant.⁷⁴ Further, the bill discharges a tenant's obligation to pay rent during any period that a tenant or homeowner is unable to occupy their rental unit due to a mandatory evacuation order.⁷⁵

F. Other Provisions Relevant to Housing and Recovery

Two other bills relevant to recovery do not fall neatly into the categories above, but do warrant mention. The first is A.B. 851, which prohibits unsolicited offers to purchase residential real property in certain ZIP Codes in the County of Los Angeles affected by the LA Fires.⁷⁶

Second, S.B. 610 amends existing requirements for proposing a change in use of a mobilehome park following a disaster.⁷⁷ Generally speaking, a person or

entity proposing a change in use (i.e., conversion, closure, or cessation of use) of a mobilehome park must file a report on the impact of the change, including a replacement and relocation plan, and pay displaced residents the in-place market value of their mobilehomes, as provided.⁷⁸ If the change in use is the result of damage or destruction of the mobilehome park by a disaster, S.B. 610 requires that the impact report must also include a technical service inspection report from the Department of Housing and Community Development that identifies the observed condition within the park.⁷⁹ Disaster is defined to mean a natural or manmade emergency resulting from, among other things, an earthquake, fire, flood, or pandemic, or other natural or manmade disaster for which the President or the Governor has declared a state of emergency,⁸⁰ so these new rules apply beyond the context of the LA Fires. The bill further provides when the change of use is related to damage or destruction by a disaster, the person or entity proposing the change need not pay the in-place market value to a displaced resident.⁸¹

LOOKING AHEAD: PLANNING FOR FUTURE RESILIENCE

For the most part, the last legislative term saw new laws designed to speed rebuilding efforts and provide support to homeowners and tenants affected by the disaster. The focus seemed more on recovery than planning for the future. Two proposed bills regarding wildfire mitigation programs failed to become law.⁸²

However, a notable exception is A.B. 130, which, as mentioned above, froze residential building codes until June 1, 2031. That bill created exceptions for wildfire mitigation strategies like home hardening; to that extent, it does allow for continued development of wildfire mitigation strategies.⁸³ Also in furtherance of resilient planning, the Legislature enacted CEQA exemptions for projects designed to risk reduction projects, such as prescribed burns, vegetation clearance near evacuation routes, defensible space improvements, and fuel breaks.⁸⁴

The Legislature also passed A.B. 888, which created the “California Safe Homes” grant program with the goals of reducing future wildfire losses, improving insurability and resilience of vulnerable communities, and home hardening of insurable properties to mitigate risk.⁸⁵ The law directs that certain projects, such as replacement of roofs or creation of five-foot buffers to align with existing regulations and projects that improve communitywide mitigation risk,

should be prioritized.⁸⁶ So, steps are being taken to promote planning for future resistance.

California does already have several laws in place designed to encourage thoughtful planning and mitigation to lessen the potential destruction when future fires occur. A full analysis of existing laws that promote resilient development is beyond the scope of this article, but one critical law to note is CEQA. When an environmental impact report (EIR) is required for a project, potentially significant wildfire-related impacts must be considered.⁸⁷

A recent California court of appeal case addressed the requisite analysis. In *Bonta v. County of Lake*,⁸⁸ the court found the county violated CEQA where an errata disclosed that the project could exacerbate wildfire ignition risks over existing conditions by introducing thousands of people into a largely undeveloped rural area, but the final EIR contained conclusory findings that the potential impact was less than significant based on the project's design features and mitigation measures.⁸⁹ The court found the analysis did not attempt to quantify the increased risk and was too conclusory to satisfy CEQA's disclosure and analysis requirements.⁹⁰ General reference to a wildfire prevention plan and project design features, without an analysis of *how* they reduced the risk to a less-than-significant level, was insufficient.⁹¹ Following *Bonta v. County of Lake*, open questions remain regarding what does constitute a sufficient analysis, but the case makes clear that an analysis is required when a project involves potentially significant wildfire-related impacts.

Whether for legal reasons, business or marketing purposes, or otherwise, some developers are choosing to adopt resilient planning strategies. For example, KB Home designed its new Dixon Trail community in Escondido, California to meet Insurance Institute for Business and Home Safety's "Wildfire Prepared Home Plus" standards.⁹² It is referred to as "the nation's first wildfire-resilient neighborhood," and includes use of defensible space and home hardening measures.⁹³ Employing these types of measures helps make homes and communities fire resilient, with the goal of avoiding catastrophic wildfires like those in the Los Angeles area.

CONCLUSION

Following the LA Fires in January 2025, the government's attention has focused largely on quick recovery and expediting reconstruction, including insurance coverage, mortgage and financial assistance, toxic cleanup, temporary

housing, and reconstruction. That makes logical sense given the significant losses experienced throughout the Los Angeles area and the limited availability of housing. But the government should be careful not to trade speed for short-sighted planning. As time passes and some of the more immediate needs are addressed, it is also important to look beyond the recovery stage and consider what the law *should* require in terms of planning for future resilience with the goal of avoiding, or at least limiting, the scale of destruction in the future.

ENDNOTES:

¹Wildfires like the 2025 LA Fires can lead to a multitude of damages and costs, as well as potential liability. For example, following the LA Fires, the City of Los Angeles sued Southern California Edison alleging inverse condemnation based on a series of cases related to flooding. See LA County Recovers, <https://recovery.lacounty.gov/2025/03/05/sue-edison-eaton-fire/> (last accessed on Feb. 4, 2026) and complaint linked therein. Theories of liability bear mention but are beyond the scope of this article.

²CAL FIRE, Eaton Fire, <https://www.fire.ca.gov/incidents/2025/1/7/eaton-fire> (last accessed on Feb. 2, 2026).

³CAL FIRE, Palisades Fire, <https://www.fire.ca.gov/incidents/2025/1/7/palisades-fire> (last accessed on Feb. 2, 2026).

⁴Proclamation of State of Emergency, https://www.caloes.ca.gov/wp-content/uploads/Legal-Affairs/Documents/Proclamations/1.7.2025-SOE_Palisades-Fire_Formatted.pdf (last accessed on Feb. 3, 2026).

⁵Executive Order N-2-25, <https://www.caloes.ca.gov/wp-content/uploads/Legal-Affairs/Documents/Proclamations/1.8.2025-LA-Fires-EO-N-2-25.pdf> (last accessed on Feb. 3, 2026).

⁶CAL FIRE, Statistics: Top 20 Most Destructive Wildfires, <https://www.fire.ca.gov/our-impact/statistics> (last accessed on Feb. 3, 2026); see also 2025 Stats., ch. 119 (S.B. 254), § 1(b) (findings).

⁷*Id.*

⁸Cal. Dept. of Housing and Community Development, Addressing a Variety of Housing Challenges, <https://www.hcd.ca.gov/policy-and-research/addressing-variety-housing-challenges> (last accessed Feb. 3, 2026).

⁹Gavin Newsom, Governor of California, Californians Strongly Support the Governor's Strategy to Create More Housing (Aug. 26, 2025), <https://www.gov.ca.gov/2025/08/26/californians-strongly-support-the-governors-strategy-to-create-more-housing/> (last accessed Feb. 3, 2026).

¹⁰See, e.g., Hernandez, The Fair Housing Problem with Accessory Dwelling Units, 25 Chap. L. Rev. 415, 426-430 (Spring 2022); Jensen, Reforming Property Taxation to Solve California's Housing Deficit, 61 Cal. W. L. Rev. 535,

549-555 (Spring 2025) (noting that research suggests zoning regulations are often “responsible for high housing costs,” but “[t]he California Home Act and Senate Bill 10’s limited success indicates zoning is not the main cause of California’s housing production issues”).

¹¹Klein & Thompson, *Abundance* (2025); Gavin Newsom, Governor of California, Governor Newsom Signs into Law Groundbreaking Reforms to Build More Housing, Boost Affordability (June 30, 2025), <https://www.gov.ca.gov/2025/06/30/governor-newsom-signs-into-law-groundbreaking-reforms-to-build-more-housing-affordability/> (last accessed Feb. 3, 2026) (citing *Abundance Agenda* as basis for housing reforms that removed regulatory hurdles to development).

¹²See 2025 Stats., ch. 119 (S.B. 254), § 1(d) (findings).

¹³*Another Planet Entertainment, LLC v. Vigilant Ins. Co.*, 15 Cal. 5th 1106, 320 Cal. Rptr. 3d 843, 548 P.3d 303 (2024).

¹⁴*Id.* at 1117.

¹⁵*Id.*

¹⁶*Id.* at 1140.

¹⁷*Gharibian v. Wawanesa General Ins. Co.*, 108 Cal. App. 5th 730, 329 Cal. Rptr. 3d 574 (2d Dist. 2025).

¹⁸*Id.* at 738.

¹⁹*Id.*

²⁰Cal. Dept. of Insurance, DOI Bulletin 25-7 (March 7 2025), available at <https://www.insurance.ca.gov/0250-insurers/0300-insurers/0200-bulletins/bulletin-notices-commiss-opinion/upload/Bulletin-2025-7-Insurance-Coverage-for-Smoke-Damage-and-Guidance-for-Proper-Handling-of-Smoke-Damage-Claims-for-Properties-Located-in-or-near-California-Wildfire-Areas.pdf> (last accessed Feb. 4, 2026).

²¹*Id.*

²²*Id.*

²³*Id.*

²⁴*Id.*

²⁵Ruling on Submitted Matter, *Aliff v. California FAIR Plan Assn.*, L.A. Super. Ct. Case No. 21STCV20095 (June 24, 2025).

²⁶*Id.* at pp. 11-18.

²⁷*Id.*

²⁸2025 Stats., ch. 128 (A.B. 238) (adding Title 19.1 (commencing with Section 3273.20) to Part 4 of Division 3 of the Civil Code).

²⁹*Id.*

³⁰*Id.*

³¹2025 Stats., ch. 547 (S.B. 610).

³²2025 Stats., ch. 103 (A.B. 493).

³³*Id.*

³⁴*Id.*

³⁵*Id.*

³⁶Science Friday, <https://www.sciencefriday.com/segments/la-fires-anniversary-toxic-fallout/> (last accessed on Feb. 4, 2026).

³⁷Executive Order N-2-25, <https://www.caloes.ca.gov/wp-content/uploads/Legal-Affairs/Documents/Proclamations/1.8.2025-LA-Fires-EO-N-2-25.pdf> (last accessed on Feb. 3, 2026).

³⁸LA County Recovers, <https://recovery.lacounty.gov/debris-removal-original/phase-1/#:~:text=The%20EPA's%20phase%201%20hazardous,as%20of%20February%2027%2C%202025.&text=The%20U.S.%20Environmental%20Protection%20Agency,properties%20impacted%20by%20the%20fires> (last accessed Feb. 4, 2026); Gavin Newsom, Governor of California, Los Angeles wildfire hazardous debris cleanup reaches substantial completion in record time, <https://www.gov.ca.gov/2025/02/25/los-angeles-wildfire-hazardous-debris-cleanup-reaches-substantial-completion-in-record-time/> (last accessed Feb. 4, 2026).

³⁹Science Friday, <https://www.sciencefriday.com/segments/la-fires-anniversary-toxic-fallout/> (last accessed on Feb. 4, 2026).

⁴⁰Belcher, Pasadena Settles with Tenants over Wildfire Contamination Inspections, Daily Journal, Jan. 29, 2026.

⁴¹2025 Stats., ch. 547 (S.B. 610).

⁴²*Id.*

⁴³*Id.* For a more general discussion regarding tenantability issues, see Miller & Starr, California Real Estate (4th ed. 2025) § 34:89 (Landlord's statutory duties of habitability, safety, and maintenance).

⁴⁴*Id.*

⁴⁵*Id.*

⁴⁶Belcher, Pasadena Settles with Tenants over Wildfire Contamination Inspections, Daily Journal, Jan. 29, 2026.

⁴⁷Executive Order N-2-25, <https://www.caloes.ca.gov/wp-content/uploads/Legal-Affairs/Documents/Proclamations/1.8.2025-LA-Fires-EO-N-2-25.pdf> (last accessed on Feb. 3, 2026).

⁴⁸2025 Stats., ch. 548 (S.B. 625).

⁴⁹*Id.* For additional discussion regarding other limits on local discretion and streamlined procedures applicable to housing developments, see Miller & Starr, California Real Estate (4th ed. 2025) § 21:12 (The Housing Accountability Act and related limits on local discretion).

⁵⁰2025 Stats., ch. 548 (S.B. 625).

⁵¹*Id.*

⁵²*Id.*

⁵³*Id.*

⁵⁴*Id.*

⁵⁵*Id.*

⁵⁶*Id.*

⁵⁷2025 Stats., ch. 550 (S.B. 676) (adding Pub. Resources Code, § 21168.6.2).

⁵⁸*Id.*

⁵⁹*Id.*

⁶⁰See generally California Building Standards Code; Cal. Code of Regs., tit. 24; see also Miller & Starr, California Real Estate (4th ed. 2025) §§ 25:1 (Building Codes—Introduction and overview), 25:5 (Local modification of state standards; effect of local conditions).

⁶¹Health & Saf. Code, § 17958, subd. (b) (as amended, 2025 Stats., ch. 22 (A.B. 130)).

⁶²2025 Stats., ch. 22 (A.B. 130).

⁶³*Id.*

⁶⁴*Id.*

⁶⁵2025 Stats., ch. 491 (A.B. 462) (amending Gov. Code, §§ 66328, 66329).

⁶⁶*Id.*

⁶⁷*Id.*

⁶⁸2025 Stats., ch. 548 (S.B. 625).

⁶⁹*Id.* (adding Civ. Code, §§ 4752, 4766 and Gov. Code, §§ 65914.200, et seq.).

⁷⁰2025 Stats., ch. 534 (A.B. 818) (adding Gov. Code, § 65946.1).

⁷¹*Id.*

⁷²2025 Stats., ch. 531 (A.B. 299) (adding Civ. Code, § 1954.071).

⁷³*Id.*

⁷⁴2025 Stats., ch. 547 (S.B. 610). For a discussion of the tenant's obligation to pay rent under other circumstances, see Miller & Starr, California Real Estate (4th ed. 2025) § 34:69 (Nature of and obligation to pay rent).

⁷⁵*Id.*

⁷⁶2025 Stats., ch. 535 (A.B. 851).

⁷⁷2025 Stats., ch. 547 (S.B. 610).

⁷⁸Miller & Starr, California Real Estate (4th ed. 2025) § 27:51 (Termina-

tion and conversion to another use).

⁷⁹2025 Stats., ch. 547 (S.B. 610).

⁸⁰*Id.*

⁸¹*Id.*

⁸²See, e.g., S.B. 326; A.B. 441. The Legislature did pass other laws aimed at reducing wildfire risk, but those go beyond the scope of this article. See, e.g., 2025 Stats., ch. 119 (S.B. 254) (amending rules regarding electrical corporation's wildfire mitigation plans); 2025 Stats., ch. 541 (S.B. 429) (creating Wildfire Safety and Risk Mitigation Program to fund the development of a public wildfire catastrophe model and provide grant funding).

⁸³2025 Stats., ch. 22 (A.B. 130). The bill also excepted certain all-electric construction incentives from the freeze. To the extent the transition to electric energy is aimed at slowing climate change, that could arguably have an effect on the severity of future fires, though the relationship to planning for resilience is not as clear-cut as with wildfire mitigation.

⁸⁴2025 Stats., ch. (S.B. 131) (adding Pub. Resources Code, § 21080.44, subd. (i)).

⁸⁵2025 Stats., ch. 536 (A.B. 888).

⁸⁶*Id.* (adding Ins. Code, § 2033, subd. (d)).

⁸⁷See Miller & Starr, California. Real Estate (4th ed. 2025) § 26:15 (Contents of the environmental impact report).

⁸⁸*People ex rel. Bonta v. County of Lake*, 105 Cal. App. 5th 1222, 326 Cal. Rptr. 3d 555 (1st Dist. 2024).

⁸⁹*Id.* at 1233-1235.

⁹⁰*Id.*

⁹¹*Id.*

⁹²Lerner, *Escondido, Calif., a Showcase for Fire-Resilient Building*, New York Times, Aug. 27, 2025.

⁹³*Id.*