

Executive Department

State of California

EXECUTIVE ORDER B-43-17

WHEREAS on October 9, 2017, I proclaimed a state of emergency to exist in Butte, Lake, Napa, Orange, Mendocino, Nevada, Sonoma, and Yuba Counties as a result of the numerous wildfires burning in those counties; and

WHEREAS on October 10, 2017, I proclaimed a state of emergency to exist in Solano County as a result of the wildfires burning in that county; and

WHEREAS these wildfires are far from contained and are already some of the most destructive and devastating wildfires in California's history; and

WHEREAS California will require immediate additional resources to assist in responding to, recovering from, and mitigating the effects of these wildfires; and

WHEREAS under the provisions of section 8571 of the Government Code, I find that strict compliance with the various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the wildfires; and

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, and in particular, sections 8567 and 8571 of the Government Code, do hereby issue the following orders to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. The limitation for the period of employment for State Personnel Board emergency appointments, as provided in Government Code section 19888.1 and State Personnel Board Rules 300-303 (California Code of Regulations, title 2, sections 300-303) is waived for positions required for emergency and/or recovery operations. The requirements and period of employment for such appointments will be determined by the Office of Emergency Services, but shall not extend beyond the termination date of the State of Emergency.
2. The Governor's Office of Emergency Services shall ensure adequate state staffing to expedite disaster response and recovery efforts. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and any overtime restrictions for state management and senior supervisors, are suspended. Furthermore, Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.
3. Any firefighters from foreign jurisdictions who are deployed to assist California in fighting these unprecedented wildfires will be covered under the Disaster Service Workers Program, and any provision of the Government Code, Labor Code, or Code of Regulations to the contrary is waived.

4. The Department of Alcoholic Beverage Control shall have the discretion to waive the 500 foot limitation and 180-day time period in Business and Professions Code section 24081 for any businesses that have been forced to relocate as a result of the wildfires. The Department of Alcoholic Beverage Control shall further have the discretion to waive transfer fees beyond the time limitations set forth in Business and Professions Code sections 24081 and 24082.
5. The provisions of California Penal Code section 396 prohibiting price gouging in times of emergency will remain in effect until April 18, 2018 to protect the disaster survivors in the affected counties. The 30-day time period limitation under subsection (b) is hereby waived.
6. At the request of the Sonoma County Registrar of Voters, the County of Sonoma may conduct its November 7, 2017, Consolidated Election wholly by mail, utilizing the procedures set forth in Elections Code section 4100 et seq. The conditions required to conduct an election wholly by mail in Elections Code sections 1500, 4000, 4104, and 4108 are hereby waived. As the November 7, 2017, Consolidated Election, in Sonoma County, will be held wholly by mail, the operation of Division 14 of the Elections Code pertaining to polling place procedures shall also be waived.
7. In order to ensure hospitals and other health facilities remain open, the Director of the State Department of Public Health may waive any of the licensing requirements of division 2 of the Health and Safety Code and accompanying regulations with respect to any hospital or health facility identified in Health and Safety Code section 1250 that is impacted by the fires. Any waiver shall include alternative measures that, under the circumstances, will allow the facilities to remain open while protecting public health and safety. Any facilities being granted a waiver shall be established and operated in accordance with their disaster and mass casualty plan. Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
8. To address the needs for assisted living facilities, adult residential facilities, child care facilities, children's residential facilities, resource family homes, and other similar facilities within the State Department of Social Services' jurisdiction, the Director of the State Department of Social Services may waive any provisions of the Health and Safety Code or Welfare and Institutions Code, and accompanying regulations or written directives, with respect to the use, licensing, or approval of facilities or homes within the Department's jurisdiction set forth in the California Community Care Facilities Act (Health and Safety Code section 1500 et seq.), the California Child Day Care Facilities Act (Health and Safety Code section 1596.70 et seq.), and the California Residential Care Facilities for the Elderly Act (Health and Safety Code section 1569 et seq.). Any waivers granted pursuant to this paragraph shall be posted on the Department's website.
9. Under the Property Tax Postponement program, homeowners who are seniors, blind, or have a disability may defer current-year property taxes on their principal residence if they meet certain criteria, including 40 percent equity in the home and an annual household income of \$35,500 or less. To allow counties time to reappraise the value of the property to account for fire damage, the requirement in Revenue and Taxation Code section 20622 that the homeowner file the claim with the Controller by February 10, 2018 is waived as to homeowners in the affected counties. Claims must instead be filed by June 1, 2018.
10. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by the wildfires with extensions for filing, audits, billing, notices, assessments, and relief from subsequent penalties.

11. State statutes, rules, regulations and requirements set forth in the Mobilehome Parks Act (Health and Safety Code section 18200, et seq., and California Code of Regulations, title 25, section 1000 et seq.), and the Special Occupancy Parks Act (Health and Safety Code section 18860, et seq., and California Code of Regulations, title 25, section 2000 et seq.), are suspended, as these laws pertain to disaster survivors in the impacted counties, for three years after the date of this Executive Order in order to quickly provide housing for those displaced by the fires.
12. The Department of Housing and Community Development and local enforcement agencies with delegated disaster authority will jointly develop permitting, operating, and construction standards to maintain reasonable health and safety standards for the disaster survivors, the residents and the surrounding communities in the impacted areas. Such standards shall provide reasonable consistency with appropriate fire, health, flood, and other factors normally considered in the mobilehome park approval process for the construction of a new mobilehome park or manufactured home installation standards during the three-year suspension authorized by this Executive Order.
13. All fees retained by the state that are imposed by the Mobilehome Parks Act, as required by Health and Safety Code, section 18500 et seq., and the Special Occupancy Parks Act, section 18870 et seq., are suspended and shall be waived by the Department of Housing and Community Development for three years after the date of this Executive Order with regard to manufactured home installation and recreational vehicle use for disaster survivors who are registered owners of a manufactured home or mobilehome, or recreational vehicle, whose home was damaged or destroyed as a result of the fires located in the impacted counties.
14. All fees retained by the state that are imposed by the Mobilehome Parks Act as required by Health and Safety Code section 18503 and California Code of Regulations, title 25, section 1020.1, are suspended and shall be waived by the Department of Housing and Community Development, including fees for any required inspections or plan checking, for any disaster survivors who are a registered owner of a manufactured home or mobilehome whose home was damaged or destroyed as a result of the wildfires located in the impacted counties.
15. All fees retained by the state that are imposed by the Manufactured Housing Act, as required by Health and Safety Code section 18031 and California Code of Regulations, title 25, section 4044, are suspended and shall be waived by the Department of Housing and Community Development, including fees for any required inspections or plan checking, for any registered owner of a manufactured home or mobilehome whose home was damaged or destroyed as a result of the wildfires located in the impacted counties.
16. All fees retained by the state that are imposed by the Manufactured Housing Act, as set forth at Health and Safety Code sections 18114 and 18116, are suspended and fees shall be waived by the Department of Housing and Community Development, including any fees for the late renewal of registration certificate or certificate of title for a manufactured home or mobilehome, by any registered owner that is a disaster survivor and whose home was damaged or destroyed as a result of the wildfires located in the impacted counties.

17. All fees retained by the state that are imposed by the Manufactured Housing Act, as set forth at Health and Safety Code section 18075 and chapter 5 (commencing with Section 5510) of the California Code of Regulations, title 25, related to establishing proof of ownership are suspended and shall be waived for any mobilehome or manufactured home resident whose home was damaged or destroyed by the identified wildfires for three years of the date of this Executive Order. This waiver shall include, but not be limited to, processing fees for duplicate certificates of title or registrations, salvage applications and salvage certificates, the processing fees and costs for establishing registered ownership pursuant to article 3.5 (commencing with section 5535) of the California Code of Regulations, title 25, and other related fees.
18. The planning and zoning requirements for manufactured homes and mobilehome parks, in Government Code sections 65852.3 through 65863.13, are suspended for three years after the date of this Executive Order, with regard to housing project(s) in the impacted counties.
19. Any local government ordinances in the impacted counties which would preclude the placement and use of a manufactured home or recreational vehicle on a private lot for use during the reconstruction of a home, are suspended for three years after the date of this Executive Order for individuals impacted by the fires. Property owners placing manufactured homes or recreational vehicles on lots shall obtain permits as described in paragraph 12 to ensure health and safety standards are met that are consistent with the standards set forth herein.
20. All state agencies with responsibility, regulatory authority or expertise related to recovery efforts in connection with these fires shall cooperate fully and act expeditiously in coordination with the California Resources Agency and the California Environmental Protection Agency, to facilitate the mitigation of the effects of the fires and the environmental restoration of the affected areas.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 18th day of October 2017.




EDMUND G. BROWN, JR.
Governor of California

ATTEST:


ALEX PADILLA
Secretary of State