

§ 65852.25. **Multifamily dwellings damaged or destroyed by fire, catastrophic events, or public enemies; reconstruction, restoration, or rebuilding**

(a) **No** local agency shall enact or enforce any ordinance, regulation, or resolution **that** would prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that is involuntarily damaged or destroyed by fire, other catastrophic event, or the public enemy.

(b) Notwithstanding subdivision (a), a local agency may prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that **is** involuntarily **damaged** or destroyed **by** fire, other catastrophic event, or the public enemy, if the local **agency** determines that:

(1) The reconstruction, restoration, or rebuilding will be **detrimental** or injurious **to the health**, safety, or general welfare of persons residing or working in the neighborhood, or will be detrimental or injurious to property and improvements in the neighborhood.

(2) The existing **nonconforming** use of the building or structure would be more appropriately moved to a zone in which the **use** is permitted, or that there no longer exists a zone in which the existing nonconforming use is permitted.

(c) The dwelling may be reconstructed, restored, or rebuilt up to **its** predamaged size and number of dwelling units, and **its nonconforming** use, if any, may be resumed.

(d) Any reconstruction, restoration, or rebuilding undertaken pursuant to this section shall conform to **a!!** of the following:

(1) The California Building Standards Code **as** that code was in-effect at the time **of** reconstruction, restoration, or rebuilding.

(2) Any more restrictive local building standards authorized pursuant to Sections 13869.7, 17958.7, and 18941.5 of the Health and Safety Code, as those standards were in effect at the time of reconstruction, restoration, or rebuilding.

(3) The State Historical Building Code (Pan 2.7 (commencing with Section 18950) of Division 13 of the Health and Safety Code) for work on qualified historical buildings or structures.

(4) Local zoning ordinances, so long as the predamage size and number of dwelling units are maintained.

(5) Architectural regulations and standards, so long as the predamage size and number of dwelling units are maintained.

(6) A building permit which shall be obtained within two years after the date of the damage or destruction.

(e) A local agency may enact or enforce an ordinance, regulation, or resolution that grants greater or more permissive rights to restore, reconstruct, or rebuild a multifamily dwelling.

(f) Notwithstanding subdivision (a), a local agency may prohibit the reconstruction, restoration, or rebuilding of a multifamily dwelling that **is** involuntarily damaged or destroyed by fire, other catastrophic event, or by the public enemy, if the building is located in an industrial zone.

(g) For purposes of this section, "multifamily dwelling" is defined as any structure designed for human habitation that **is** divided into two or more independent living quarters.

(Added by Stats. 1994, c. 743 (S.B.2112), §1.)