



The Mad King strikes again, or at least is claiming to:

President Trump has announced an executive order to allow victims of the Los Angeles wildfires to rebuild without dealing with “unnecessary, duplicative, or obstructive” permitting requirements....

The order calls on the Secretary of Homeland Security and the Federal Emergency Management Agency to “preempt” state and local permitting authorities.

Instead of going through the usual approval process, residents using federal emergency funds to rebuild would need to self-certify to federal authorities that they have complied with local health and safety standards.

This first point is the most obvious: this is blatantly illegal. The President has no authority to pre-empt state and local permitting processes absent a Congressional statute (and maybe not even then). [Trump's EO](#) doesn't even pretend to cite any legal authority for his actions. It's simply:

I DON'T LIKE CALIFORNIA!!
OFF WITH THEIR HEADS!!!

WAAAAH!

The Executive Order hedges a bit, ordering agencies to “consider promulgating regulations that...preempt State or local permitting processes, and other similar pre-approval requirements, that each agency has found to have unduly impeded the timely use of Federal emergency-relief funds by homeowners, businesses, or houses of worship in rebuilding such structures following a disaster.”

So they just have to “consider” things that can preempt. And the kinda sorta legal hook is that they impede Federal funds.

Nice try, but it won’t wash. It might be nice to, you know, identify any federal authority that allows this. It doesn’t, because it can’t.

There is actually even a somewhat deeper legal problem here. In 1991, the Supreme Court held in [Gregory v Ashcroft](#) that Congress must make its intention ‘clear and manifest’ if it intends to pre-empt the historic powers of the states. Conservatives love Ashcroft because it allows them to impair the workings of civil rights and environmental laws. (Or at least, they did until now: now, apparently, Conservative jurisprudence means doing whatever the Dear Leader wants.). But in any event, given the EO’s inability to even identify a single statute that pre-empts state and local regulations here, it is unlikely that any of them will contain the clear and manifest intention to do so.

That isn’t even the half of it. [In the Los Angeles Times](#), I am quoted as saying that the policy underlying it is “childish and irresponsible,” and that is being generous. (The LA Times called me; [Politico called Dan](#)).

If you want Los Angeles (both City and County) to process permits more quickly, then you need people to do that job. But the Regime’s war on California is making it harder to cut through the red tape.

Unlike with previous disasters, Congress, under orders from the White House, has refused to pass a disaster relief package. The Regime itself has threatened to cut federal funding to the state.

It’s even worse than that. Cities like Los Angeles rely substantially on hotel taxes for revenue. Local officials love these kinds of taxes because they are paid by out-of-towners, many of whom are on expense accounts. But between the Regime tariff

policies and the ICE’s Gestapo tactics against visitors, [hotel tax revenues in the City of Los Angeles are down substantially](#), which requires more budget cuts, which means more permitting delays.

And then let’s assume that state and local permitting is pre-empted. Then what? How would that work? What if parts are pre-empted and others not? It’s a recipe for chaos – which might very well be the intention: cause chaos and then blame the victims.

Besides, while I am certainly not one to defend a whole lot of state and local permitting requirements, many of them have their purposes. Building codes are crucial for future fire safety, and in California they are absolutely critical in terms of earthquake preparedness. And now this malignant narcissist thinks he can just wave them all away because...well...because.

In the end, given the EO’s blatant illegality and complete incoherence, it will like have little effect. It is [a tale told by an idiot, full of sound and fury, signifying nothing](#). It would just very nice if that idiot did not have the nuclear codes.