

AMENDED IN ASSEMBLY JULY 08, 2024
 AMENDED IN ASSEMBLY JUNE 11, 2024
 AMENDED IN ASSEMBLY JUNE 19, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

SENATE BILL

NO. 610

Introduced by Senator Wiener

February 15, 2023

An act to amend ~~Sections 1102.6f, 1102.19, and 1103 of the Civil Code, to amend Section 51177 of, to amend and repeal Sections 51178 and 51179 of, to amend, repeal, and add Section 51182 of, to add Section 51182.1 to, and to repeal Section 51181 of, the Government Code, to amend Section 13108.5 of, and to add Section 13108.4 to, the Health and Safety Code, and to amend Sections 4201, 4202, 4203, 4204, and 4291 of, to amend, repeal, and add Section 4290 of, and to add Section 4290.05 to, the Public Resources Code, Section 51182 of, and to amend and repeal Section 51179 of, the Government Code, and to amend Sections 4201 and 4202 of the Public Resources Code,~~ relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

SB 610, as amended, Wiener. Fire prevention: wildfire mitigation area: defensible space: State Fire ~~Marshal: real property disclosures: fire protection building standards:~~ *Marshal.*

Existing law requires the State Fire Marshal to classify lands within state responsibility areas into fire hazard severity zones and, by regulation, designate fire hazard severity zones and assign to each zone a rating reflecting the degree of severity of fire hazard that is expected to prevail in the zone, as provided. Existing law describes state responsibility areas for these purposes as areas of the state in which the financial responsibility of preventing and suppressing fires has been determined by the State Board of Forestry and Fire Protection to be primarily the responsibility of the state. ~~Existing law also requires the State Fire Marshal to identify areas of the state that are not state responsibility areas as moderate, high, and very high fire hazard severity zones based on specified criteria.~~

This bill would revise and recast these provisions by, among other things, replacing the *requirement that the State Fire Marshal classify lands within state responsibility areas into fire hazard severity zone requirements zones* with a requirement that the State Fire ~~Marshal~~ *Marshal, on or before an unspecified date,* designate, by regulation, a wildfire mitigation area in the state, excluding federal lands. The bill would require the wildfire mitigation area to be based on fuel loading, slope, fire weather, *overall fire hazard severity*, and other relevant factors identified by the Director of Forestry and Fire Protection as a major cause of wildfire spread. *The bill would require the State Fire Marshal to consider and incorporate, as relevant, any local ordinances that designate fire hazard severity on local lands into the wildfire mitigation area designation and provide maps on its internet website that show the new wildfire mitigation area overlaid with the preexisting state and local fire hazard severity zones.*

Existing ~~law,~~ *law requires the State Fire Marshal to identify areas of the state that are not state responsibility areas as moderate, high, and very high fire hazard severity zones based on specified criteria.* Existing law, applicable to lands that are not state responsibility areas, requires a local agency to designate, by ordinance

transmitted to the State Board of Forestry and Fire Protection, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal. *Existing law also requires a local agency to post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the State Fire Marshal.*

This bill would, upon the adoption by the State Fire Marshal of the wildfire mitigation ~~area~~, *area regulations*, repeal the ~~requirement~~ *requirements* that a local agency designate fire hazard severity ~~zones~~, *zones and post a notice of the map provided by the State Fire Marshal.*

~~Existing law, applicable to lands within state responsibility areas, prohibits the State Fire Marshal from adopting the designation of a zone and assignment of a rating until the proposed regulation has been transmitted to the board of supervisors of the county in which the zone is located and a public hearing has been held in that county, as provided. Existing law requires the State Fire Marshal to periodically review designated zones and, as necessary, revise zones or their ratings or repeal the designation of zones.~~

~~This bill would revise and recast these provisions by, among other things, instead requiring the State Fire Marshal, when publishing the notice of proposed action applicable to the designation of the wildfire mitigation area, to also transmit a copy to the board of supervisors of the county and the city council of each city in which the wildfire mitigation area is located, and to conduct at least 3 public hearings during the rulemaking process. The bill would also require the State Fire Marshal to periodically review, and, if necessary, update the wildfire mitigation area, and notwithstanding this requirement, require the State Fire Marshal to annually account for modifications to the state responsibility area as adopted by the State Board of Forestry and Fire Protection, and make any necessary adjustments to the wildfire mitigation area. The bill would exempt these revisions from specified adoption requirements and the Administrative Procedure Act, as provided.~~

Existing law, applicable to lands that are not state responsibility areas, requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by the local agency, to comply with specified defensible space requirements, including maintaining a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. ~~A violation of these requirements is a crime.~~

~~This bill would revise and recast these provisions by, among other things, requiring the State Fire Marshal to adopt, by regulation, defensible space requirements, as provided, and, upon the adoption of those regulations, repealing the above-described defensible space requirements applicable to land with a very high fire hazard severity zone designated by the local agency and replacing those requirements with similar~~ *instead impose the above-described* defensible space requirements ~~applicable to~~ *on* a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within ~~the wildfire mitigation area. By expanding the scope of a crime, the bill would impose a state-mandated local program: a very high fire hazard area as identified by the State Fire Marshal and is not a state responsibility area.~~

~~Existing law also requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material to maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. A violation of these requirements is a crime.~~

~~Existing law requires the persons described above to use more intense fuel reductions between 5 and 30 feet around the structure, and to create an ember-resistant zone within 5 feet of the structure, based on regulations promulgated by the State Board of Forestry and Fire Protection, as provided. Existing law requires the board, in consultation with the State Fire Marshal, to develop, periodically update, and post on its internet website a guidance document on fuels management, as provided. Existing law requires the State Fire Marshal to provide notice to affected residents describing specified components of the specified defensible space requirements before imposing penalties for a violation of these requirements, as provided.~~

~~This bill would revise and recast these provisions by, among other things, replacing the requirement for an ember-resistant zone within 5 feet of the structure with a requirement for more intense fuel reductions to be utilized between 0 and 5 feet of the structure, as provided. By expanding the scope of a crime, the bill would impose a state-mandated local program. The bill would instead require the State Fire Marshal to develop, periodically update, and post on its internet website a guidance document on fuels management, as provided. The bill would also eliminate the State Fire Marshal's above-described duty to make reasonable efforts to provide notice to affected residents, as provided.~~

~~Existing law requires the State Board of Forestry and Fire Protection to adopt regulations implementing minimum fire safety standards related to defensible space, as provided. Under existing law, these regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991, and within lands classified and designated as very high fire hazard severity zones, that are not within state responsibility areas, after July 1, 2021, as provided.~~

~~This bill would instead require the State Fire Marshal to adopt regulations implementing minimum fire safety standards related to lands within the wildfire mitigation area, as provided, and apply these regulations to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991, and within the wildfire mitigation area, as provided. The bill would, upon the adoption of these regulations, repeal the above-described minimum fire safety standards within lands classified and designated as very high fire hazard severity zones, as provided.~~

~~Existing law requires specified sellers of real property that is located in a high or very high fire hazard severity zone, as identified by the Director of Forestry and Fire Protection, to provide specified disclosures and documentation, as provided.~~

~~This bill would instead require the above-described sellers of real property that is located in the wildfire mitigation area, as identified by the State Fire Marshal, to comply with those disclosure and documentation requirements, as provided.~~

~~Under existing law, any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification.~~

~~Existing law requires the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development and pursuant to the above-described process for adopting or proposing building standards, to propose fire protection building standards applicable to fire hazard severity zones, including very high fire hazard severity zones, designated by the State Fire Marshal, and other areas designated by a local agency, as provided. Upon identification of high fire hazard severity zones, existing law requires the Office of the State Fire Marshal and the Department of Housing and Community Development to propose, and the California Building Standards Commission to adopt, expanded application of the building standards adopted pursuant to this process to high fire hazard severity zones during the next triennially occurring California Building Standards Code adoption cycle.~~

~~This bill would revise and recast these provisions by, among other things, instead requiring the State Fire Marshal, in consultation with the Director of Housing and Community Development and pursuant to the above-described process for adopting or proposing building standards, to propose fire protection building standards applicable to buildings in the wildfire mitigation area designated by the State Fire Marshal, as provided. The bill would require the Office of the State Fire Marshal and the Department of Housing and Community Development to propose, and the California Building Standards Commission to adopt, the building standards adopted pursuant to this process to the wildfire mitigation area during the next triennially occurring California Building Standards Code adoption cycle.~~

~~This bill would also require the State Fire Marshal to establish wildfire mitigation measures in the wildfire mitigation area, including Wildland Urban Interface building standards, statewide minimum fire safety regulations, state defensible space requirements, real estate hazard disclosure requirements, defensible space real estate compliance requirements, subdivision review requirements, and safety element review requirements, as~~

~~provided. To the extent these wildfire mitigation measures would impose new duties on local agencies, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.~~

Digest Key

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: ~~yes~~*no*

Bill Text

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 51179 of the Government Code is amended to read:

51179. (a) A local agency shall designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal pursuant to Section 51178.

(b) (1) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the State Fire Marshal, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.

(2) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as moderate and high fire hazard severity zones by the State Fire Marshal, as moderate and high fire hazard severity zones, respectively.

(3) A local agency shall not decrease the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency, and, in exercising its discretion pursuant to paragraph (2), may only increase the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency.

(c) The local agency shall transmit a copy of an ordinance adopted pursuant to subdivision (a) to the State Board of Forestry and Fire Protection within 30 days of adoption.

(d) Changes made by a local agency to the recommendations made by the State Fire Marshal shall be final and shall not be rebuttable by the State Fire Marshal.

(e) The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.

(f) Any ordinance adopted by a local agency pursuant to this section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this section.

(g) A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the State Fire Marshal pursuant to Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of this section, the notice shall instead identify the location of the amended map.

(h) This section is repealed upon the adoption of the wildfire mitigation area regulations pursuant to Section 4202 of the Public Resources Code.

SEC. 2. *Section 51182 of the Government Code is amended to read:*

51182. (a) A person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is *(1) within a very high fire hazard severity zone designated by the local agency pursuant to Section 51179, or, (2) within a very high fire hazard area as identified pursuant to Section 51178,* shall at all times do all of the following:

(1) (A) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in subparagraph (B). The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained and spaced in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This subparagraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation or to interrupt the advance of embers toward a structure. The intensity of fuels management may vary within the 100-foot perimeter of the structure, with more intense fuel reductions being used between 5 and 30 feet around the structure, and an ember-resistant zone being required within 5 feet of the structure, based on regulations promulgated by the State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. Consistent with fuels management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds.

(B) A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation. Fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain 100 feet of defensible space from a structure. Fuel modification on adjacent property shall only be conducted following written consent by the adjacent landowner. Any local ordinance related to fuel modification shall be in compliance with all applicable state laws, regulations, and policies. Any local ordinance may include provisions to allocate costs for any fuel modification beyond the property line.

(C) An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under subparagraph (A) if a fire expert, designated by the fire chief or fire official from the authority having jurisdiction, provides findings that the fuel modification is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.

(2) Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.

(3) Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.

(4) Maintain the roof of a structure free of leaves, needles, or other vegetative materials.

(5) Before constructing a new dwelling or structure that will be occupied or rebuilding an occupied dwelling or occupied structure damaged by a fire in that zone, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building ~~official~~, *official* a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

(b) A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property.

(c) (1) The State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, shall develop, periodically update, and post on its internet website a guidance document on fuels management pursuant to this chapter. The guidance document shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species that are fire resistant or drought tolerant, or both, minimize erosion, minimize the spread of flammable nonnative grasses and weeds, minimize water consumption, and permit trees and shrubs near homes for shade, aesthetics, and habitat; and suggestions to minimize or eliminate the risk of flammability of nonvegetative sources of combustion such as woodpiles, propane tanks, decks, and outdoor lawn furniture.

(2) On or before January 1, 2023, the State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, shall update the guidance document to include suggestions for creating an ember-resistant zone within five feet of a structure based on regulations promulgated by the State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers.

(d) For purposes of this section, a structure for the purpose of an ember-resistant zone shall include any attached deck. This section does not limit the authority of the State Board of Forestry and Fire Protection or the Office of the State Fire Marshal to require the removal of fuel or vegetation on top of or underneath a deck pursuant to this section.

SEC. 3. Section 4201 of the Public Resources Code is amended to read:

4201. The purpose of this article is to provide for the classification of lands within ~~state responsibility areas~~ *the state* in accordance with the ~~severity of fire~~ *wildfire* hazard present for the purpose of identifying *mitigation* measures to be taken to ~~retard the rate of spreading and to reduce the potential intensity~~ *prepare communities for the potential intensity* of uncontrolled fires that threaten to destroy resources, life, or property.

SEC. 4. Section 4202 of the Public Resources Code is amended to read:

4202. ~~The (a) On or before _____, the State Fire Marshal shall classify lands within state responsibility areas into fire hazard severity zones. Each zone shall embrace relatively homogeneous lands and designate, by regulation, a wildfire mitigation area within the state, excluding federal lands. The wildfire mitigation area shall be based on fuel loading, slope, fire weather, overall fire hazard severity, and other relevant factors present, including areas where winds have been identified by the department director as a major cause of wildfire spread. The State Fire Marshal shall consider and incorporate, as relevant, any local ordinances that designate fire hazard severity on local lands into the wildfire mitigation area designation.~~

(b) The State Fire Marshal shall provide maps on its internet website that show the new wildfire mitigation area overlaid with the preexisting state and local fire hazard severity zones to show the geographic change in fire mitigation areas.

(c) The State Fire Marshal shall, within two business days of the approval of the regulations by the Office of Administrative Law, provide notice on its internet website that the regulations have been adopted. The State Fire Marshal shall notify the Secretary of State when regulations have been adopted in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

~~SECTION 1. Section 1102.6f of the Civil Code is amended to read:~~

~~1102.6f.(a) On or after January 1, 2021, in addition to any other disclosure required pursuant to this article, the seller of any real property subject to this article that is located in a high or very high fire hazard severity zone, as identified by the Director of Forestry and Fire Protection pursuant to Section 51178 of the Government Code or Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, or in the wildfire mitigation area, as identified by the State Fire Marshal pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, as applicable, shall provide a disclosure notice to the buyer, if the home was constructed before January 1, 2010, that includes the following information:~~

~~(1)(A) If the State Fire Marshal has not adopted the wildfire mitigation area regulations pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, a statement as follows: "This home is located in a high or very high fire hazard severity zone and this home was built before the implementation of the Wildfire Urban Interface building codes which help to fire harden a home. To better protect your home from wildfire, you might need to consider improvements. Information on fire hardening, including current building standards and information on minimum annual vegetation management standards to protect homes from wildfires, can be obtained on the internet website <http://www.readyforwildfire.org>."~~

~~(B) Upon the adoption of the wildfire mitigation area regulations pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, a statement as follows: "This home is located in the wildfire mitigation area and this home was built before the implementation of the Wildfire Urban Interface building codes that help to fire harden a home. To better protect your home from wildfire, you might need to consider improvements. Information on fire hardening, including current building standards and information on minimum annual vegetation management standards to protect homes from wildfires, can be obtained on the internet website <http://www.readyforwildfire.org>."~~

~~(2) On or after July 1, 2025, a list of low-cost retrofits developed and listed pursuant to Section 51189 of the Government Code. The notice shall disclose which listed retrofits, if any, have been completed during the time that the seller has owned the property:~~

~~(3) A list of the following features that may make the home vulnerable to wildfire and flying embers. The notice shall disclose which of the listed features, if any, that exist on the home of which the seller is aware:~~

~~(A) Eave, soffit, and roof ventilation where the vents have openings in excess of one-eighth of an inch or are not flame and ember resistant.~~

~~(B) Roof coverings made of untreated wood shingles or shakes.~~

~~(C) Combustible landscaping or other materials within five feet of the home and under the footprint of any attached deck.~~

~~(D) Single pane or nontempered glass windows.~~

~~(E) Loose or missing bird stopping or roof flashing.~~

~~(F) Rain gutters without metal or noncombustible gutter covers.~~

~~(b) If, pursuant to Section 51182 of the Government Code, a seller has obtained a final inspection report described in that section, the seller shall provide to the buyer a copy of that report or information on where a copy of the~~

~~report may be obtained.~~

~~(e)This section shall not be construed as a requirement, instruction, or consideration for present or future building code formulation, including, but not limited to, the Wildland Urban Interface building standards (Chapter 7A (commencing with Section 701A.1) of Part 2 of Title 24 of the California Code of Regulations).~~

~~SEC. 2. Section 1102.19 of the Civil Code is amended to read:~~

~~1102.19.(a)On and after July 1, 2021, a seller of a real property subject to this article that is located in a high or very high fire hazard severity zone, as identified by the Director of Forestry and Fire Protection pursuant to Section 51178 of the Government Code or Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, or in the wildfire mitigation area, as identified by the State Fire Marshal pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, as applicable, shall provide to the buyer documentation stating that the property is in compliance with Section 4291 of the Public Resources Code or local vegetation management ordinances, as follows:~~

~~(1)In a local jurisdiction that has enacted an ordinance requiring an owner of real property to obtain documentation that the property is in compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance, the seller shall provide the buyer with a copy of the documentation that complies with the requirements of that local ordinance and information on the local agency from which a copy of that documentation may be obtained.~~

~~(2)In a local jurisdiction that has not enacted an ordinance for an owner of real property to obtain documentation that a property is in compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance, and if a state or local agency, or other government entity, or other qualified nonprofit entity, provides an inspection with documentation for the jurisdiction in which the property is located, the seller shall provide the buyer with the documentation obtained in the six-month period preceding the date the seller enters into a transaction to sell that real property and provide information on the local agency from which a copy of that documentation may be obtained.~~

~~(b)On and after July 1, 2021, if the seller of a real property described in subdivision (a) has not obtained documentation of compliance in accordance with paragraph (1) or (2) of subdivision (a), the seller and the buyer shall enter into a written agreement pursuant to which the buyer agrees to obtain documentation of compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance as follows:~~

~~(1)In a local jurisdiction that has enacted an ordinance requiring an owner or buyer to obtain documentation of compliance with Section 4291 of the Public Resources Code or a local vegetation management ordinance, the buyer shall comply with that ordinance.~~

~~(2)In a local jurisdiction that has not enacted an ordinance requiring an owner or buyer to obtain documentation of compliance, and if a state or local agency, or other government entity, or other qualified nonprofit entity, provides an inspection with documentation for the jurisdiction in which the property is located, the buyer shall obtain documentation of compliance within one year of the date of the close of escrow.~~

~~(c)Nothing in this section, including the existence of an agreement between a buyer and seller pursuant to subdivision (b), shall limit the ability of a state or local agency to enforce defensible space requirements pursuant to Section 51182 of the Government Code, Section 4291 of the Public Resources Code, or other applicable statutes, regulations, and local ordinances.~~

~~SEC. 3. Section 1103 of the Civil Code is amended to read:~~

~~1103.(a)For purpose of this article, the definitions in Chapter 1 (commencing with Section 10000) of Part 1 of Division 4 of the Business and Professions Code shall apply.~~

~~(b)Except as provided in Section 1103.1, this article applies to a sale, exchange, real property sales contract, as~~

~~defined in Section 2985, lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements, of any single-family residential real property.~~

~~(c) This article shall apply to the transactions described in subdivision (b) only if the seller or the seller's agent is required by one or more of the following to disclose the property's location within a hazard zone:~~

~~(1) A seller's agent for a seller of real property that is located within a special flood hazard area (any type Zone "A" or "V") designated by the Federal Emergency Management Agency, or the seller if the seller is acting without a seller's agent, shall disclose to any prospective buyer the fact that the property is located within a special flood hazard area if either:~~

~~(A) The seller, or the seller's agent, has actual knowledge that the property is within a special flood hazard area.~~

~~(B) The local jurisdiction has compiled a list, by parcel, of properties that are within the special flood hazard area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.~~

~~(2) A seller's agent for a seller of real property that is located within an area of potential flooding designated pursuant to Section 6161 of the Water Code, or the seller if the seller is acting without a seller's agent, shall disclose to any prospective buyer the fact that the property is located within an area of potential flooding if either:~~

~~(A) The seller, or the seller's agent, has actual knowledge that the property is within an inundation area.~~

~~(B) The local jurisdiction has compiled a list, by parcel, of properties that are within the inundation area and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the parcel list.~~

~~(3) A seller of real property that is located within a very high fire hazard severity zone, designated pursuant to Section 51178 of the Government Code, or within the wildfire mitigation area designated pursuant to Section 4202 of the Public Resources Code, as applicable, or the seller's agent, shall disclose to any prospective buyer the fact that the property is located within a very high fire hazard severity zone or within the wildfire mitigation area, as applicable, and is subject to the requirements of Section 51182 of the Government Code if either:~~

~~(A) The seller or the seller's agent, has actual knowledge that the property is within a very high fire hazard severity zone or within the wildfire mitigation area, as applicable.~~

~~(B) A map that includes the property has been provided to the local agency pursuant to Section 51178 of the Government Code or Section 4202 of the Public Resources Code, as applicable, and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the local agency.~~

~~(4) A seller's agent for a seller of real property that is located within an earthquake fault zone, designated pursuant to Section 2622 of the Public Resources Code, or the seller, if the seller is acting without an agent, shall disclose to any prospective buyer the fact that the property is located within a delineated earthquake fault zone if either:~~

~~(A) The seller, or the seller's agent, has actual knowledge that the property is within a delineated earthquake fault zone.~~

~~(B) A map that includes the property has been provided to the city or county pursuant to Section 2622 of the Public Resources Code and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.~~

~~(5) A seller's agent for a seller of real property that is located within a seismic hazard zone, designated pursuant~~

~~to Section 2696 of the Public Resources Code, or the seller if the seller is acting without an agent, shall disclose to any prospective buyer the fact that the property is located within a seismic hazard zone if either:~~

~~(A)The seller, or the seller's agent, has actual knowledge that the property is within a seismic hazard zone.~~

~~(B)A map that includes the property has been provided to the city or county pursuant to Section 2696 of the Public Resources Code and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.~~

~~(6)A seller of real property that is located within a state responsibility area determined by the board, pursuant to Section 4125 of the Public Resources Code, or the seller's agent, shall disclose to any prospective buyer the fact that the property is located within a wildland area that may contain substantial forest fire risks and hazards and is subject to the requirements of Section 4291 of the Public Resources Code if either:~~

~~(A)The seller, or the seller's agent, has actual knowledge that the property is within a wildland fire zone.~~

~~(B)A map that includes the property has been provided to the city or county pursuant to Section 4125 of the Public Resources Code and a notice has been posted at the offices of the county recorder, county assessor, and county planning agency that identifies the location of the map and any information regarding changes to the map received by the county.~~

~~(d)Any waiver of the requirements of this article is void as against public policy.~~

~~SEC. 4. Section 51177 of the Government Code is amended to read:~~

~~51177. As used in this chapter:~~

~~(a)“Defensible space” means the area adjacent to a structure or dwelling where wildfire prevention or protection practices are implemented to provide defense from an approaching wildfire or to minimize the spread of a structure fire to wildlands or surrounding areas.~~

~~(b)“Director” means the Director of Forestry and Fire Protection.~~

~~(c)“Fuel” means any combustible material, including petroleum-based products, cultivated landscape plants, grasses, and weeds, and wildland vegetation.~~

~~(d)“Fuel management” means the act or practice of controlling flammability and reducing resistance to control of fuels through mechanical, chemical, biological, or manual means or by fire, in support of land management objectives.~~

~~(e)“Local agency” means a city, county, city and county, or district responsible for fire protection within a very high fire hazard severity zone or within the wildfire mitigation area, as applicable.~~

~~(f)“Single specimen tree” means any live tree that stands alone in the landscape so as to be clear of buildings, structures, combustible vegetation, or other trees, and that does not form a means of rapidly transmitting fire from the vegetation to an occupied dwelling or structure or from an occupied dwelling or structure to vegetation.~~

~~(g)“State responsibility areas” means those areas identified pursuant to Section 4102 of the Public Resources Code.~~

~~(h)“Vegetation” means all plants, including trees, shrubs, grass, and perennial or annual plants.~~

~~(i)(1)“Very high fire hazard severity zone” means an area designated as a very high fire hazard severity zone by the State Fire Marshal pursuant to Section 51178 that is not a state responsibility area.~~

~~(2)Lands designated as very high fire hazard severity zones pursuant to paragraph (1) shall retain that~~

~~identification until the State Fire Marshal adopts the wildfire mitigation area regulations pursuant to Section 4202 of the Public Resources Code.~~

~~(j)“Wildfire” means an unplanned, unwanted wildland fire, including unauthorized human-caused fires, escaped wildland fire use events, escaped prescribed fire projects, and all other wildland fires where the objective is to extinguish the fire.~~

~~(k)“Wildfire mitigation area” means an area designated as a wildfire mitigation area by the State Fire Marshal pursuant to Section 4202 of the Public Resources Code.~~

~~SEC. 5. Section 51178 of the Government Code is amended to read:~~

~~51178.(a)The State Fire Marshal shall identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Moderate, high, and very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors including areas where winds have been identified by the Office of the State Fire Marshal as a major cause of wildfire spread.~~

~~(b)Areas identified in the state as moderate, high, or very high fire hazard severity zones shall retain that identification until the State Fire Marshal adopts the wildfire mitigation area regulations pursuant to Section 4202 of the Public Resources Code.~~

~~(c)This section is repealed upon adoption of the wildfire mitigation area regulations pursuant to Section 4202 of the Public Resources Code.~~

~~SEC. 6. Section 51179 of the Government Code is amended to read:~~

~~51179.(a)A local agency shall designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal pursuant to Section 51178.~~

~~(b)(1)A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the State Fire Marshal, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.~~

~~(2)A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as moderate and high fire hazard severity zones by the State Fire Marshal, as moderate and high fire hazard severity zones, respectively.~~

~~(3)A local agency shall not decrease the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency, and, in exercising its discretion pursuant to paragraph (2), may only increase the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency.~~

~~(e)The local agency shall transmit a copy of an ordinance adopted pursuant to subdivision (a) to the State Board of Forestry and Fire Protection within 30 days of adoption.~~

~~(d)Changes made by a local agency to the recommendations made by the State Fire Marshal shall be final and shall not be rebuttable by the State Fire Marshal.~~

~~(e)The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.~~

~~(f)Any ordinance adopted by a local agency pursuant to this section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this section.~~

~~(g)A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the State Fire Marshal pursuant to Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of this section, the notice shall instead identify the location of the amended map.~~

~~(h)This section is repealed upon the adoption of the wildfire mitigation area regulations pursuant to Section 4202 of the Public Resources Code.~~

~~SEC. 7. Section 51181 of the Government Code is repealed.~~

~~SEC. 8. Section 51182 of the Government Code is amended to read:~~

~~51182.(a)A person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within a very high fire hazard severity zone designated by the local agency pursuant to Section 51179, shall at all times do all of the following:~~

~~(1)(A)Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in subparagraph (B). The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained and spaced in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This subparagraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation or to interrupt the advance of embers toward a structure. The intensity of fuels management may vary within the 100-foot perimeter of the structure, with more intense fuel reductions being used between 5 and 30 feet around the structure, and an ember-resistant zone being required within 5 feet of the structure, based on regulations promulgated by the State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. Consistent with fuels management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds.~~

~~(B)A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation. Fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain 100 feet of defensible space from a structure. Fuel modification on adjacent property shall only be conducted following written consent by the adjacent landowner. Any local ordinance related to fuel modification shall be in compliance with all applicable state laws, regulations, and policies. Any local ordinance may include provisions to allocate costs for any fuel modification beyond the property line.~~

~~(C)An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under subparagraph (A) if a fire expert, designated by the fire chief or fire official from the authority having jurisdiction, provides findings that the fuel modification is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.~~

~~(2)Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.~~

~~(3)Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.~~

~~(4)Maintain the roof of a structure free of leaves, needles, or other vegetative materials.~~

~~(5)Before constructing a new dwelling or structure that will be occupied or rebuilding an occupied dwelling or occupied structure damaged by a fire in that zone, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as~~

~~proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.~~

~~(b) A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property.~~

~~(c)(1) The State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, shall develop, periodically update, and post on its internet website a guidance document on fuels management pursuant to this chapter. The guidance document shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species that are fire resistant or drought tolerant, or both, minimize erosion, minimize the spread of flammable nonnative grasses and weeds, minimize water consumption, and permit trees and shrubs near homes for shade, aesthetics, and habitat; and suggestions to minimize or eliminate the risk of flammability of nonvegetative sources of combustion such as woodpiles, propane tanks, decks, and outdoor lawn furniture.~~

~~(2) On or before January 1, 2023, the State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, shall update the guidance document to include suggestions for creating an ember-resistant zone within five feet of a structure based on regulations promulgated by the State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers.~~

~~(d) For purposes of this section, a structure for the purpose of an ember-resistant zone shall include any attached deck. This section does not limit the authority of the State Board of Forestry and Fire Protection or the Office of the State Fire Marshal to require the removal of fuel or vegetation on top of or underneath a deck pursuant to this section.~~

~~(e) This section is repealed upon the adoption of regulations pursuant to Section 51182.1.~~

~~SEC. 9. Section 51182 is added to the Government Code, to read:~~

~~51182.(a) A person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining a mountainous area, forest-covered land, shrub-covered land, grass-covered land, or land that is covered with flammable material, which area or land is within the wildfire mitigation area, shall at all times do all of the following:~~

~~(1)(A) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line except as provided in subparagraph (B). The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained and spaced in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This subparagraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation or to interrupt the advance of embers toward a structure. The intensity of fuels management may vary within the 100-foot perimeter of the structure, with more intense fuel reductions being used between 5 and 30 feet around the structure, and an ember-resistant zone being required within 5 feet of the structure, based on regulations promulgated by the State Fire Marshal, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. Consistent with fuels management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds.~~

~~(B)A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation. Fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain 100 feet of defensible space from a structure. Fuel modification on adjacent property shall only be conducted following written consent by the adjacent landowner. Any local ordinance related to fuel modification shall be in compliance with all applicable state laws, regulations, and policies. Any local ordinance may include provisions to allocate costs for any fuel modification beyond the property line.~~

~~(C)An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under subparagraph (A) if a fire expert, designated by the fire chief or fire official from the authority having jurisdiction, provides findings that the fuel modification is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.~~

~~(2)Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.~~

~~(3)Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.~~

~~(4)Maintain the roof of a structure free of leaves, needles, or other vegetative materials.~~

~~(5)Before constructing a new dwelling or structure that will be occupied or rebuilding an occupied dwelling or occupied structure damaged by a fire in that zone, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.~~

~~(b)A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property.~~

~~(e)The State Fire Marshal shall develop, periodically update, and post on its internet website a guidance document on fuels management pursuant to this chapter. The guidance document shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species that are fire resistant or drought tolerant, or both, minimize erosion, minimize the spread of flammable nonnative grasses and weeds, minimize water consumption, and permit trees and shrubs near homes for shade, aesthetics, and habitat; suggestions to minimize or eliminate the risk of flammability of nonvegetative sources of combustion such as woodpiles, propane tanks, decks, and outdoor lawn furniture; and suggestions for creating an ember-resistant zone within five feet of a structure based on regulations promulgated by the State Fire Marshal to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers.~~

~~(d)For purposes of this section, a structure for the purpose of an ember-resistant zone shall include any attached deck. This section does not limit the authority of the State Fire Marshal to require the removal of fuel or vegetation on top of or underneath a deck pursuant to this section.~~

~~(e)This section shall become operative upon the adoption of the regulations pursuant to Section 51182.1.~~

~~SEC. 10. Section 51182.1 is added to the Government Code, to read:~~

~~51182.1. The State Fire Marshal shall adopt regulations to implement Section 51182, as added by Senate Bill 610 of the 2023–24 Regular Session. The State Fire Marshal shall, within two business days of the adoption of the~~

~~regulations, provide notice on its internet website that the regulations have been adopted.~~

~~SEC. 11. Section 13108.4 is added to the Health and Safety Code, to read:~~

~~13108.4. The State Fire Marshal shall establish wildfire mitigation measures in the wildfire mitigation area, as designated by the State Fire Marshal pursuant to Section 4202 of the Public Resources Code. Wildfire mitigation measures required under this section shall include, but not be limited to, all of the following:~~

~~(a) Wildland-Urban Interface building standards, as part of the process described in Section 13108.5.~~

~~(b) Statewide minimum fire safety regulations, pursuant to Sections 4290 and 4290.1 of the Public Resources Code.~~

~~(c) State defensible space requirements, pursuant to Section 4291 of the Public Resources Code.~~

~~(d) Real estate hazard disclosure requirements.~~

~~(e) Defensible space real estate compliance requirements, pursuant to Section 1102.19 of the Civil Code.~~

~~(f) Subdivision review requirements.~~

~~(g) Safety element review requirements, pursuant to Section 65302.5 of the Government Code.~~

~~SEC. 12. Section 13108.5 of the Health and Safety Code is amended to read:~~

~~13108.5.(a) The State Fire Marshal, before the adoption of the wildfire mitigation area regulations pursuant to Section 4202 of the Public Resources Code, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the State Fire Marshal pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.~~

~~(b)(1) Building standards adopted pursuant to this section before the adoption of the building standards described in subdivision (d) shall also apply to buildings located in very high fire hazard severity zones designated pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, and other areas designated by a local agency following a finding supported by substantial evidence in the record that the requirements of the building standards adopted pursuant to this section are necessary for effective fire protection within the area.~~

~~(2) Before the adoption of the wildfire mitigation area pursuant to Section 4202 of the Public Resources Code, and upon identification by the Director of Forestry and Fire Protection pursuant to Section 51178 of the Government Code of high fire hazard severity zones and by a local agency pursuant to Section 51179 of the Government Code, the Office of the State Fire Marshal and the Department of Housing and Community Development shall propose, and the California Building Standards Commission shall adopt, expanded application of the building standards adopted pursuant to this section to high fire hazard severity zones during the next triennially occurring code adoption cycle.~~

~~(3) The State Fire Marshal and the Department of Housing and Community Development shall, after consulting with interested stakeholders, including local fire officials, and before the adoption of the wildfire mitigation area pursuant to Section 4202 of the Public Resources Code, consider if it is appropriate to expand application of the building standards adopted pursuant to this section to moderate fire hazard severity zones. If it is found appropriate, the State Fire Marshal and the Department of Housing and Community Development shall, pursuant to Section 18930, recommend expanding the application of the building standards adopted pursuant to this section to moderate fire hazard severity zones.~~

~~(e)(1) Those building standards adopted pursuant to this section before the adoption of the standards described in subdivision (d) shall also apply to buildings located in urban wildland interface communities. A local agency may, at its discretion, include in or exclude from the requirements of these building standards any area in its jurisdiction following a finding supported by substantial evidence in the record at a public hearing that the requirements of these building standards are necessary or not necessary, respectively, for effective fire protection within the area. Changes made by a local agency to an urban wildland interface community area following a finding supported by substantial evidence in the record shall be final and shall not be rebuttable.~~

~~(2) For purposes of this subdivision, "urban wildland interface community" means a community listed in "Communities at Risk from Wild Fires," produced by the California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, pursuant to the National Fire Plan, federal Fiscal Year 2001 Department of the Interior and Related Agencies Appropriations Act (Public Law 106-291).~~

~~(d)(1) The State Fire Marshal, in consultation with the Director of Housing and Community Development, shall, pursuant to Section 18930, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in the wildfire mitigation area designated by the State Fire Marshal pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.~~

~~(2) The Office of the State Fire Marshal and the Department of Housing and Community Development shall propose, and the California Building Standards Commission shall adopt, the building standards adopted pursuant to this subdivision to the wildfire mitigation area during the next triennially occurring code adoption cycle.~~

~~SEC. 13. Section 4201 of the Public Resources Code is amended to read:~~

~~4201. The purpose of this article is to provide for the classification of lands within the state in accordance with the wildfire hazard present for the purpose of identifying mitigation measures to be taken to prepare communities for the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.~~

~~SEC. 14. Section 4202 of the Public Resources Code is amended to read:~~

~~4202. The State Fire Marshal shall designate, by regulation, a wildfire mitigation area within the state, excluding federal lands. The wildfire mitigation area shall be based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified by the director as a major cause of wildfire spread. The State Fire Marshal shall, within two business days of the adoption of the regulations, provide notice on its internet website that the regulations have been adopted.~~

~~SEC. 15. Section 4203 of the Public Resources Code is amended to read:~~

~~4203. (a) When the State Fire Marshal publishes the notice of proposed action concerning the wildfire mitigation area described in Section 4202 in the California Notice Register, the State Fire Marshal shall also transmit a copy to the board of supervisors of the county and the city council of each city in which the wildfire mitigation area is located.~~

~~(b) The State Fire Marshal shall conduct at least three public hearings during the rulemaking process.~~

~~SEC. 16. Section 4204 of the Public Resources Code is amended to read:~~

~~4204. (a) The State Fire Marshal shall periodically review, and, if necessary, update the wildfire mitigation area. Any revision of the wildfire mitigation area shall conform to the requirements of Section 4203. In addition, any update to the wildfire mitigation area may be petitioned pursuant to Sections 11340.6 and 11340.7 of the Government Code.~~

~~(b) Notwithstanding subdivision (a), the State Fire Marshal shall annually account for modifications to the state responsibility area as adopted by the board, pursuant to Section 4125, and make any necessary adjustments to the wildfire mitigation area. Any revisions to the wildfire mitigation area from the annual review are not subject to~~

~~the adoption requirements of this chapter, nor the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).~~

~~SEC. 17. Section 4290 of the Public Resources Code is amended to read:~~

~~4290.(a) The board shall adopt regulations implementing minimum fire safety standards related to defensible space that are applicable to state responsibility area lands under the authority of the department, and to lands classified and designated as very high fire hazard severity zones, as defined in subdivision (i) of Section 51177 of the Government Code. These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991, and within lands classified and designated as very high fire hazard severity zones, as defined in subdivision (i) of Section 51177 of the Government Code after July 1, 2021. The board may not adopt building standards, as defined in Section 18909 of the Health and Safety Code, under the authority of this section. As an integral part of fire safety standards, the State Fire Marshal has the authority to adopt regulations for roof coverings and openings into the attic areas of buildings specified in Section 13108.5 of the Health and Safety Code. The regulations apply to the placement of mobile homes as defined by National Fire Protection Association standards. These regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance. The regulations shall include all of the following:~~

- ~~(1) Road standards for fire equipment access.~~
- ~~(2) Standards for signs identifying streets, roads, and buildings.~~
- ~~(3) Minimum private water supply reserves for emergency fire use.~~
- ~~(4) Fuel breaks and greenbelts.~~

~~(b) The board shall, on and after July 1, 2021, periodically update regulations for fuel breaks and greenbelts near communities to provide greater fire safety for the perimeters to all residential, commercial, and industrial building construction within state responsibility areas and lands classified and designated as very high fire hazard severity zones, as defined in subdivision (i) of Section 51177 of the Government Code, after July 1, 2021. These regulations shall include measures to preserve undeveloped ridgelines to reduce fire risk and improve fire protection. The board shall, by regulation, define "ridgeline" for purposes of this subdivision.~~

~~(c) These regulations do not supersede local regulations that equal or exceed minimum regulations adopted by the state.~~

~~(d) The board may enter into contracts with technical experts to meet the requirements of this section.~~

~~(e) This section is repealed upon the adoption of regulations pursuant to Section 4290.05.~~

~~SEC. 18. Section 4290 is added to the Public Resources Code, to read:~~

~~4290.(a) The State Fire Marshal shall adopt regulations implementing minimum fire safety standards related to lands within the wildfire mitigation area, as designated pursuant to Section 4202. These regulations apply to the perimeters and access to all residential, commercial, and industrial building construction within state responsibility areas approved after January 1, 1991, and within the wildfire mitigation area, as designated pursuant to Section 4202. As an integral part of fire safety standards, the State Fire Marshal has the authority to adopt regulations for roof coverings and openings into the attic areas of buildings specified in Section 13108.5 of the Health and Safety Code. The regulations apply to the placement of mobile homes as defined by National Fire Protection Association standards. These regulations do not apply where an application for a building permit was filed prior to January 1, 1991, or to parcel or tentative maps or other developments approved prior to January 1, 1991, if the final map for the tentative map is approved within the time prescribed by the local ordinance. The regulations shall include all of the following:~~

~~(1) Road standards for fire equipment access.~~

~~(2) Standards for signs identifying streets, roads, and buildings.~~

~~(3) Minimum private water supply reserves for emergency fire use.~~

~~(4) Fuel breaks and greenbelts.~~

~~(b) The State Fire Marshal shall periodically update regulations for fuel breaks and greenbelts near communities to provide greater fire safety for the perimeters to all residential, commercial, and industrial building construction within the wildfire mitigation area, as designated pursuant to Section 4202.~~

~~(c) These regulations do not supersede local regulations that equal or exceed minimum regulations adopted by the state.~~

~~(d) The State Fire Marshal may enter into contracts with technical experts to meet the requirements of this section.~~

~~(e) This section shall become operative upon the adoption of regulations pursuant to Section 4290.05.~~

~~SEC. 19. Section 4290.05 is added to the Public Resources Code, immediately following Section 4290, to read:~~

~~4290.05. The State Fire Marshal shall adopt regulations to implement Section 4290, as added by Senate Bill 610 of the 2023–24 Regular Session. The State Fire Marshal shall, within two business days of the adoption of the regulations, provide notice on its internet website that the regulations have been adopted.~~

~~SEC. 20. Section 4291 of the Public Resources Code is amended to read:~~

~~4291. (a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:~~

~~(1) (A) Maintain defensible space of 100 feet from each side and from the front and rear of the structure, but not beyond the property line, except as provided in subparagraph (B). The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained and spaced in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This subparagraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation or to interrupt the advance of embers toward a structure. The intensity of fuels management may vary within the 100-foot perimeter of the structure, with more intense fuel reductions being utilized between 0 and 5 feet of the structure and between 5 and 30 feet around the structure. Consistent with fuels management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds. For purposes of this subparagraph, “fuel” means any combustible material, including petroleum-based products, cultivated landscape plants, grasses, and weeds, and wildland vegetation.~~

~~(B) A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation. Fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain 100 feet of defensible space from a structure. Fuel modification on adjacent property shall only be conducted following written consent by the adjacent landowner. Any local ordinance related to fuel modification shall be in compliance with all applicable state laws, regulations, and policies. Any local ordinance may include provisions to allocate costs for any fuel modification beyond the property line.~~

~~(C) An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under subparagraph (A) if a fire expert, designated by the director, provides findings that the~~

~~fuel modification is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.~~

~~(2) Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.~~

~~(3) Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.~~

~~(4) Maintain the roof of a structure free of leaves, needles, or other vegetative materials.~~

~~(5) Before constructing a new building or structure or rebuilding a building or structure damaged by a fire in an area subject to this section, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.~~

~~(b) A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property.~~

~~(c) The State Fire Marshal shall, in consultation with the board, adopt regulations implementing defensible space standards related to lands within the wildfire mitigation area, as designated pursuant to Section 4202.~~

~~(d)(1) Except as provided in Section 18930 of the Health and Safety Code, the State Fire Marshal may adopt regulations exempting a structure with an exterior constructed entirely of nonflammable materials, or, conditioned upon the contents and composition of the structure, the director may vary the requirements respecting the removing or clearing away of flammable vegetation or other combustible growth with respect to the area surrounding those structures.~~

~~(2) An exemption or variance under paragraph (1) shall not apply unless and until the occupant of the structure, or if there is not an occupant, the owner of the structure, files with the State Fire Marshal, in a form as the State Fire Marshal shall prescribe, a written consent to the inspection of the interior and contents of the structure to ascertain whether this section and the regulations adopted under this section are complied with at all times.~~

~~(e) The State Fire Marshal may authorize the removal of vegetation that is not consistent with the standards of this section. The State Fire Marshal may prescribe a procedure for the removal of that vegetation and make the expense a lien upon the building, structure, or grounds, in the same manner that is applicable to a legislative body under Section 51186 of the Government Code.~~

~~(f) The State Fire Marshal shall develop, periodically update, and post on its internet website a guidance document on fuels management pursuant to this chapter. The guidance document shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species that are fire resistant or drought tolerant, or both, minimize erosion, minimize water consumption, and permit trees near homes for shade, aesthetics, and habitat; suggestions to minimize or eliminate the risk of flammability of nonvegetative sources of combustion, such as woodpiles, propane tanks, decks, outdoor furniture, barbecue equipment, and outdoor fire pits.~~

~~(g) For purposes of this section, a structure for the purpose of an ember-resistant zone shall include any attached~~

~~deck. This section does not limit the authority of the State Fire Marshal to require the removal of fuel or vegetation on top of or underneath a deck pursuant to this section.~~

~~(h) As used in this section, "person" means a private individual, organization, partnership, limited liability company, or corporation.~~

~~SEC. 21. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~

~~However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~