

Introduced by Senators Stern and AllenDecember 7, 2020

An act to add Section 51182.5 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 55, as introduced, Stern. Very high fire hazard severity zone: state responsibility area: development prohibition.

Existing law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones based on specified criteria. Existing law requires a local agency to designate, by ordinance, very high hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the director. Existing law authorizes a local agency to include areas within its jurisdiction not identified as very high fire hazard severity zones by the director as very high fire hazard severity zones following a specified finding supported by substantial evidence.

Existing law requires the State Board of Forestry and Fire Protection to determine, based on specified criteria, whether an area of the state is one for which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state. Existing law refers to these areas as "state responsibility areas."

This bill would, in furtherance of specified state housing production and wildfire mitigation goals, prohibit the creation or approval of a new development, as defined, in a very high fire hazard severity zone or a state responsibility area. By imposing new duties on local governments with respect to the approval of new developments in very high fire hazard severity zones and state responsibility areas, this bill would impose a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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 no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51182.5 is added to the Government
2 Code, to read:

3 51182.5. (a) Notwithstanding any law, in furtherance of state
4 housing production and wildfire mitigation goals under Assembly
5 Bill 101 (Chapter 159 of the Statutes of 2019), Section 4290 of
6 the Public Resources Code, and subdivision (g) of Section 65088,
7 a new development shall not be created or approved in a very high
8 fire hazard severity zone or a state responsibility area.

9 (b) For purposes of this section, “development” means either
10 of the following:

11 (1) A project containing residential dwellings, including, but
12 not limited to, mobilehomes, accessory dwelling units, and junior
13 accessory dwelling units, of one or more units or a subdivision of
14 land for the purpose of constructing one or more residential
15 dwelling units.

16 (2) A project for commercial, retail, or industrial use.

17 SEC. 2. The Legislature finds and declares that the prohibition
18 on the creation or approval of a new development within a zone
19 of high fire danger as specified in this act is a matter of statewide
20 concern and is not a municipal affair as that term is used in Section
21 5 of Article XI of the California Constitution. Therefore, Section
22 1 of this act adding Section 51182.5 to the Government Code
23 applies to all cities, including charter cities.

24 SEC. 3. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution because
26 a local agency or school district has the authority to levy service
27 charges, fees, or assessments sufficient to pay for the program or

- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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