

**Introduced by Senator McGuire  
(Coauthors: Senators Atkins, Caballero, and Dodd)**

December 7, 2020

---

---

An act to amend Sections 65007, 65302, 65584, 65584.04, and 65584.06 of, and to add Sections 65011, 65012, 65013, 65040.18, 65302.11, 65860.2, 65865.6, 65962.3, and 66474.03 to, the Government Code, to amend Section 13132.7 of the Health and Safety Code, and to amend Section 4290 of, and to add Section 4123.6 to, the Public Resources Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 12, as introduced, McGuire. Local government: planning and zoning: wildfires.

(1) The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a housing element and a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic and seismic hazards, flooding, and wildland and urban fires. Existing law requires the housing element to be revised according to a specific schedule. Existing law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element.

Existing law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state,

regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided.

This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse. The bill would also require the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years, to identify new information relating to retrofit updates applicable to the city or county that was not available during the previous revision of the safety element. By increasing the duties of local officials, this bill would create a state-mandated local program.

(2) Existing law requires the general plan to include a land use element that designates the proposed general distribution and general location and extent of the uses of the land for, among other purposes, housing, business, and industry. Existing law additionally requires the general plan to include a housing element and requires each local government to review and revise its housing element, as specified.

This bill would require a city or county that contains a very high fire risk area, as defined, upon each revision of the housing element on or after July 1, 2024, to amend the land use element of its general plan to contain, among other things, the locations of all very high fire risk areas within the city or county and feasible implementation measures designed to carry out specified goals, objectives, and policies relating to the protection of lives and property from unreasonable risk of wildfire. The bill would require the city or county to complete a review of, and make findings related to, wildfire risk reduction standards, as defined, upon each subsequent revision of the housing element, as provided. The bill would require the State Board of Forestry and Fire Protection to review the findings and make recommendations, as provided.

The bill would additionally require the Office of the State Fire Marshal, in consultation with the Office of Planning and Research and the Board of Forestry and Fire Protection, by January 1, 2023, to adopt wildfire risk reduction standards that meet certain requirements and reasonable standards for third-party inspection and certifications for a

specified enforcement program. The bill would also require the Office of the State Fire Marshal to, by January 1, 2024, update the maps of the very high fire hazard severity zones, as specified. The bill would require the Office of the State Fire Marshal to convene a working group of stakeholders, as specified, to assist in this effort and to consider specified national standards.

Existing law requires county or city zoning ordinances to be consistent with the general plan of the county or city, as specified.

This bill would require a city or county that contains a very high fire risk area, within 12 months following the amendment of the city or county's land use element, to adopt a very high fire risk overlay zone or otherwise amend its zoning ordinance so that it is consistent with the general plan, as specified.

This bill would additionally prohibit the legislative body of a city or county that contains a very high fire risk area, upon the effective date of the revision of the city or county's land use element, from entering into a development agreement for property that is located within a very high fire risk area, approving specified discretionary permits or other discretionary entitlements for projects located within a very high fire risk area, or approving a tentative map or a parcel map for which a tentative map was not required for a subdivision that is located within a very high fire risk area, unless the city or county makes specified findings based on substantial evidence in the record.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

(3) Existing law requires the Department of Housing and Community Development, in consultation with each council of governments, to determine each region's existing and projected housing need, as provided. Existing law requires each council of governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county and that furthers specified objectives.

This bill would require the regional housing needs allocation plan to additionally further the objective of reducing development pressure within very high fire risk areas.

(4) Existing law requires the council of governments, or delegate subregion, as applicable, to develop a proposed methodology for distributing the existing and projected regional housing need and, to the extent that sufficient data is available as provided, to include

specified factors to develop the methodology that allocates regional housing needs, including, among other factors, the rate of overcrowding.

This bill would additionally require the council of governments, or delegate subregion, as applicable, to include within those factors for the seventh and subsequent revisions of the housing element, the amount of land in each member jurisdiction that is within a very high fire risk area by allocating a lower proportion of housing if the council of governments or delegate subregion determines, based on specified factors, that it is likely that the jurisdiction would otherwise need to identify lands within a very high fire risk area as adequate sites in order to meet its housing need allocation.

For cities and counties without a council of governments, existing law requires the Department of Housing and Community Development to determine and distribute the existing and projected housing need, unless that responsibility is delegated as provided to cities and counties, based upon available data and in consultation with the cities and counties, taking into consideration, among other things, the availability of suitable sites and public facilities.

This bill would also require the department, for the seventh and subsequent revisions of the housing element, to take into consideration the amount of land in each city and each county that is within a very high fire risk area, as defined, by allocating a lower proportion of housing if the department determines, based on specified factors, that it is likely that the jurisdiction would otherwise need to identify lands within a very high fire risk area as adequate sites in order to meet its housing need allocation.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

(5) Existing law requires the Office of Planning and Research to implement various long-range planning and research policies and goals that are intended to, among other things, encourage the formation and proper functioning of local entities and, in connection with those responsibilities, to adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans.

This bill would require the Office of Planning and Research, on or before January 1, 2023, in collaboration with cities and counties, to identify local ordinances, policies, and best practices relating to land use planning in very high fire risk areas, wildfire risk reduction, and wildfire preparedness and publish these resources on the above-described clearinghouse, as specified.

(6) Existing law requires, until the 2023–24 fiscal year, the amount of \$165,000,000 to be appropriated from the Greenhouse Gas Reduction Fund to the Department of Forestry and Fire Protection for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires.

This bill would establish the Wildfire Risk Reduction Planning Support Grants Program, administered by the Department of Forestry and Fire Protection, for the purpose of providing small jurisdictions, as defined, containing very high fire hazard risk areas with grants for specified planning activities to enable those jurisdictions to meet the requirements set forth in the bill, as described above. Upon appropriation, the bill would require the department to distribute grant funds under the program via a noncompetitive, over-the-counter process, as provided, to small jurisdictions. The bill would require a recipient small jurisdiction to use the allocation solely for wildfire risk reduction planning activities, as specified. The bill would authorize the department to set aside up to 5% of any amount appropriated for these purposes for program administration.

(7) Existing law requires the State Board of Forestry and Fire Protection to adopt regulations implementing minimum fire safety standards that are applicable to lands classified and designated as very high fire hazard severity zones, and requires the regulations to apply to the perimeters and access to all residential, commercial, and industrial building construction within lands classified and designated as very high fire hazard severity zones, as defined, after July 1, 2021.

This bill would specify that the above-described regulations apply to the perimeters and access from the perimeters to all residential, commercial, and industrial building construction within lands classified and designated as very high fire hazard severity zones. The bill would also require the regulations to conform as nearly as practicable with specified existing regulations adopted by the State Fire Marshal.

(8) Existing law requires a common interest development within a very high fire severity zone to allow an owner to install or repair a roof with at least one type of fire retardant roof covering material that meets specified requirements.

This bill would require the one type of fire retardant roof covering material to additionally meet, at a minimum, class B standards, as specified in the International Building Code.

(9) 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 65007 of the Government Code is  
2 amended to read:

3 65007. As used in ~~this title~~, Sections 65302.9, 65860.1,  
4 65865.5, 65962, and 66474.5, the following terms have the  
5 following meanings, unless the context requires otherwise:

6 (a) “Adequate progress” means all of the following:

7 (1) The total project scope, schedule, and cost of the completed  
8 flood protection system have been developed to meet the  
9 appropriate standard of protection.

10 (2) (A) Revenues that are sufficient to fund each year of the  
11 project schedule developed in paragraph (1) have been identified  
12 and, in any given year and consistent with that schedule, at least  
13 90 percent of the revenues scheduled to be received by that year  
14 have been appropriated and are currently being expended.

15 (B) Notwithstanding subparagraph (A), for any year in which  
16 state funding is not appropriated consistent with an agreement  
17 between a state agency and a local flood management agency, the  
18 Central Valley Flood Protection Board may find that the local  
19 flood management agency is making adequate progress in working  
20 toward the completion of the flood protection system.

21 (3) Critical features of the flood protection system are under  
22 construction, and each critical feature is progressing as indicated  
23 by the actual expenditure of the construction budget funds.

24 (4) The city or county has not been responsible for a significant  
25 delay in the completion of the system.

26 (5) The local flood management agency shall provide the  
27 Department of Water Resources and the Central Valley Flood  
28 Protection Board with the information specified in this subdivision  
29 sufficient to determine substantial completion of the required flood  
30 protection. The local flood management agency shall annually

1 report to the Central Valley Flood Protection Board on the efforts  
2 in working toward completion of the flood protection system.

3 (b) “Central Valley Flood Protection Plan” has the same  
4 meaning as that set forth in Section 9612 of the Water Code.

5 (c) “Developed area” has the same meaning as that set forth in  
6 Section 59.1 of Title 44 of the Code of Federal Regulations.

7 (d) “Flood hazard zone” means an area subject to flooding that  
8 is delineated as either a special hazard area or an area of moderate  
9 hazard on an official flood insurance rate map issued by the Federal  
10 Emergency Management—Agency: Agency (*FEMA*). The  
11 identification of flood hazard zones does not imply that areas  
12 outside the flood hazard zones, or uses permitted within flood  
13 hazard zones, will be free from flooding or flood damage.

14 (e) “National Federal Emergency Management Agency standard  
15 of flood protection” means the level of flood protection that is  
16 necessary to withstand flooding that has a 1-in-100 chance of  
17 occurring in any given year using criteria developed by the Federal  
18 Emergency Management Agency *FEMA* for application in the  
19 National Flood Insurance Program.

20 (f) “Nonurbanized area” means a developed area or an area  
21 outside a developed area in which there are fewer than 10,000  
22 residents that is not an urbanizing area.

23 (g) “Project levee” means any levee that is part of the facilities  
24 of the State Plan of Flood Control.

25 (h) “Sacramento-San Joaquin Valley” means lands in the bed  
26 or along or near the banks of the Sacramento River or San Joaquin  
27 River, or their tributaries or connected therewith, or upon any land  
28 adjacent thereto, or within the overflow basins thereof, or upon  
29 land susceptible to overflow therefrom. The Sacramento-San  
30 Joaquin Valley does not include lands lying within the Tulare Lake  
31 basin, including the Kings River.

32 (i) “State Plan of Flood Control” has the same meaning as that  
33 set forth in subdivision (j) of Section 5096.805 of the Public  
34 Resources Code.

35 (j) “Tulare Lake basin” means the Tulare Lake Hydrologic  
36 Region as defined in the California Water Plan Update 2009,  
37 prepared by the Department of Water Resources pursuant to  
38 Chapter 1 (commencing with Section 10004) of Part 1.5 of Division  
39 6 of the Water Code.

1 (k) “Undetermined risk area” means an urban or urbanizing area  
2 within a moderate flood hazard zone, as delineated on an official  
3 flood insurance rate map issued by ~~the Federal Emergency~~  
4 ~~Management Agency~~, *FEMA*, which has not been determined to  
5 have an urban level of protection.

6 (l) “Urban area” means a developed area in which there are  
7 10,000 residents or more.

8 (m) “Urbanizing area” means a developed area or an area outside  
9 a developed area that is planned or anticipated to have 10,000  
10 residents or more within the next 10 years.

11 (n) “Urban level of flood protection” means the level of  
12 protection that is necessary to withstand flooding that has a  
13 1-in-200 chance of occurring in any given year using criteria  
14 consistent with, or developed by, the Department of Water  
15 Resources. “Urban level of flood protection” shall not mean  
16 shallow flooding or flooding from local drainage that meets the  
17 criteria of the national ~~Federal Emergency Management Agency~~  
18 *FEMA* standard of flood protection.

19 (o) “*Very high fire risk area*” has the same meaning as defined  
20 in Section 65011.

21 SEC. 2. Section 65011 is added to the Government Code, to  
22 read:

23 65011. For the purposes of Sections 65302.11, 65860.2,  
24 65865.6, 65962.3, and 66474.03, unless the context requires  
25 otherwise, the following terms have the following meanings:

26 (a) “Adequate progress” means the city or county is taking  
27 concrete steps reasonably calculated to achieve funding and  
28 implementation of the applicable standard with the timeframe  
29 specified in subdivision (b) of Section 65012.

30 (b) “Very high fire risk area” means any lands located within a  
31 very high fire hazard severity zone, as designated pursuant to  
32 subdivisions (a) and (b) of Section 51179, or as indicated on maps  
33 adopted by the Department of Forestry and Fire Protection pursuant  
34 to Section 4202 of the Public Resources Code.

35 SEC. 3. Section 65012 is added to the Government Code, to  
36 read:

37 65012. (a) For the purposes of Sections 65302.11, 65860.2,  
38 65865.6 65962.3, and 66474.03, “wildfire risk reduction standard”  
39 means the following:

40 (1) For a development of any size:



1 (A) The regulations adopted by the State Board of Forestry and  
2 Fire Protection, the State Fire Marshal, and the California Building  
3 Standards Commission regarding defensible space, vegetation  
4 management, fuel modification, and materials and construction  
5 methods for exterior wildfire exposure, including, but not limited  
6 to, all of the following, or the successor provisions:

- 7 (i) Chapter 7A of the California Building Code.
- 8 (ii) Chapter 49 of the California Fire Code.
- 9 (iii) Section R337 of the California Residential Code.
- 10 (iv) Chapter 12-7A of the California Referenced Standards  
11 Code.
- 12 (v) Subchapter 2 (commencing with Section 1270) of Chapter  
13 7 of Division 1.5 of Title 14 of the California Code of Regulations.
- 14 (vi) Article 3 (commencing with Section 1299.01) of Subchapter  
15 3 of Chapter 7 of Division 1.5 of Title 14 of the California Code  
16 of Regulations.

17 (B) A wildland fire hazard assessment and wildfire hazard  
18 mitigation plan approved by the enforcing agency in accordance  
19 with standards adopted by the State Fire Marshal pursuant to  
20 Section 65013.

21 (C) An enforcement program established, funded, and  
22 implemented to verify ongoing compliance of the defensible space,  
23 vegetation management, and fuel modification requirements of  
24 the regulations described in subparagraph (A), and with any  
25 continuing obligations imposed under a fire protection plan or  
26 wildfire hazard mitigation plan established for the project. The  
27 enforcing agency may charge a fee sufficient to cover the costs of  
28 administering the program and providing any inspections conducted  
29 by the enforcing agency. The program shall ensure that compliance  
30 is documented for each affected property or structure at least once  
31 every three years. Acceptable methods of compliance inspection  
32 and documentation shall be determined by the enforcing agency  
33 and may include any of the following:

- 34 (i) The local, state, or federal fire authority or designee  
35 authorized to enforce vegetation management requirements.
- 36 (ii) The enforcing agency.
- 37 (iii) Third-party inspection and certification authorized in  
38 accordance with the regulations adopted by the State Fire Marshal  
39 pursuant to Section 65013.

1 (D) The regulations relating to the organization and deployment  
2 of fire suppression operations, fire protection infrastructure, water  
3 supplies for fire fighting, and reducing ignition hazards from  
4 wildland fire adopted by the State Fire Marshal pursuant to Section  
5 65013.

6 (2) For a development of nine units or more:

7 (A) All of the standards set forth in paragraph (1).

8 (B) A fire protection plan setting forth reasonable site-specific  
9 safety measures to ensure that the development as a whole is  
10 planned and constructed to resist the encroachment of uncontrolled  
11 fire. The fire protection plan may be combined with the wildfire  
12 hazard mitigation plan prepared for the development in accordance  
13 with subparagraph (B) of paragraph (1). The plan shall include,  
14 but not be limited to, all of the following:

15 (i) A development layout that reduces wildfire risk to the greatest  
16 extent practicable, through measures that may include, but are not  
17 limited to, clustering of structures in the lowest risk areas on the  
18 property, while still requiring all structures to be separated by a  
19 safe distance to avoid the spread of fires from structure to structure,  
20 the use of natural and manmade features as fire breaks, and the  
21 establishment of community protection fire breaks on the perimeter  
22 of the property.

23 (ii) Identification of a low-risk fire safety area where community  
24 members can evacuate to and wait until emergency service  
25 providers can reach them.

26 (iii) Mechanisms, including funding, to maintain common areas  
27 and open spaces within the development so that ground fuels do  
28 not promote the spread of wildfire and aerial fuels do not allow  
29 the spread of a fire through the tree canopy.

30 (C) A condition on the development that all parcels within the  
31 development containing structures are subject to an ongoing,  
32 permanent fee, tax, or assessment, an assessment through a  
33 homeowners' association, or a similar funding mechanism  
34 sufficient to ensure that defensible space and vegetation  
35 management maintenance is funded and occurs on a schedule so  
36 as to comply with subparagraph (C) of paragraph (1), and other  
37 requirements for maintaining defensible space and vegetation  
38 management under law, including, but not limited to, Section 4291  
39 of the Public Resources Code.

1 (D) The development shall not be approved unless the city or  
2 county finds, based on substantial evidence in the record, that the  
3 development can be reasonably accessed and served in the case  
4 of a wildfire, with adequate ingress and egress, including, but not  
5 limited to, primary and secondary routes and capacity for  
6 evacuation and emergency response at the same time.

7 (3) For any development subject to this subdivision that includes  
8 100 or more residential dwelling units:

9 (A) All of the standards set forth in paragraphs (1) and (2).

10 (B) Additional wildfire risk reduction standards adopted by the  
11 State Fire Marshal pursuant to clause (ii) of subparagraph (A) of  
12 paragraph (1) of subdivision (a) of Section 65013, or conditions  
13 imposed by the city or county that provide the same practical effect  
14 as the standards and are at least the equivalent of the standards in  
15 reducing the risk to life and property from catastrophic wildfire.

16 (b) For a period of five years following adoption of the zoning  
17 ordinance amendment pursuant to Section 65860.2, a development  
18 shall be deemed in compliance with the wildfire risk reduction  
19 standards set forth in subparagraphs (C) and (D) of paragraph (1)  
20 of subdivision (a) if the city or county finds, based on substantial  
21 evidence in the record, that the responsible state and local agencies  
22 have made adequate progress toward providing protection from  
23 wildfire risk to the level set forth in those standards, or wildfire  
24 protection standards adopted by the city or county that meet or  
25 exceed those standards.

26 (c) Nothing in this section shall be construed to limit the existing  
27 authority of the State Fire Marshal or any other public agency  
28 under any other law from adopting standards that are more  
29 protective of life and property from the risk of wildfire.

30 SEC. 4. Section 65013 is added to the Government Code, to  
31 read:

32 65013. (a) By January 1, 2023, the Office of the State Fire  
33 Marshal, in consultation with the Office of Planning and Research  
34 and the State Board of Forestry and Fire Protection, shall do all of  
35 the following:

36 (1) Adopt wildfire risk reduction standards that meet all of the  
37 following requirements:

38 (A) (i) Account for differences in the size of proposed  
39 developments, consistent with the categories set forth in Section  
40 65012.

- 1 (ii) When adopting standards for developments that include 100  
2 or more residential dwelling units, the Office of the State Fire  
3 Marshal shall incorporate all applicable recommendations included  
4 in the Office of Planning and Research’s most recent publication  
5 of “Fire Hazard Planning–General Plan Technical Advice Series.”
- 6 (B) Include standards for organization and development of fire  
7 suppression operations, fire protection infrastructure, water supplies  
8 for fire fighting, and reducing structure ignition hazards from  
9 wildland fire.
- 10 (C) Include any additional requirements for fire hardening or  
11 similar building standards applicable to structures located in areas  
12 without a secondary egress route that are identified in accordance  
13 with subdivision (a) of Section 4290.5 of the Public Resources  
14 Code.
- 15 (D) Establish community-scale risk reduction measures,  
16 including, but not limited to, both of the following:
- 17 (i) Community design and layout.
- 18 (ii) Location and construction of infrastructure to reduce ignition  
19 potential and ensure availability of water supplies essential for fire  
20 suppression during a wildfire.
- 21 (E) Are designed to reduce the risk of catastrophic loss due to  
22 wildfire based upon a risk model that uses current wildfire hazard  
23 severity information known for the very high fire risk areas. The  
24 Office of the State Fire Marshal shall utilize a risk model that meets  
25 both of the following requirements:
- 26 (i) The risk model is able to quantify the risk for a community  
27 or parcel in a very high fire risk area through the input of mitigating  
28 factors into the model.
- 29 (ii) The model uses the best available science and objective  
30 scientific methodologies.
- 31 (F) Are directly applicable to, and account for, California’s  
32 climate, weather, topography, and development patterns.
- 33 (2) Adopt standards for third-party inspection and certification  
34 conducted pursuant to subparagraph (C) of paragraph (1) of  
35 subdivision (a) of Section 65012.
- 36 (b) (1) By January 1, 2024, the Office of the State Fire Marshal  
37 shall update the maps of the very high fire hazard severity zones  
38 pursuant to Section 51178.
- 39 (2) In updating the maps pursuant to subparagraph (A), the State  
40 Fire Marshal shall identify areas within very high fire hazard

1 severity zones where new residential development poses  
2 exceptional risk to future occupants of the development and to fire  
3 personnel and other public safety personnel that must access the  
4 development during a wildfire.

5 (c) Standards adopted pursuant to this section, regulations and  
6 rules of general applicability adopted pursuant to Section 65012,  
7 and regulations and rules of general applicability adopted by state  
8 or local agencies as necessary to implement those standards, shall  
9 be reasonable, and shall be feasible and achievable for the majority  
10 of developments in each category set forth in subdivision (a) of  
11 Section 65012.

12 (d) In developing the standards required by this section, the  
13 Office of the State Fire Marshal shall do both of the following:

14 (1) Convene a working group of stakeholders, including  
15 representatives of urban, suburban, and rural counties and cities  
16 to assist in this effort.

17 (2) Consider national standards, including, but not limited to,  
18 the following:

19 (A) The ICC International Wildland-Urban Interface Code.

20 (B) NFPA 1141: Standard for Fire Protection Infrastructure for  
21 Land Development and Wildland, Rural, and Suburban Areas.

22 (C) NFPA 1142: Standard on Water Supplies for Suburban and  
23 Rural Fire Fighting.

24 (D) NFPA 1144: Standard for Reducing Structure Ignition  
25 Hazards from Wildland Fire.

26 (E) NFPA 1720: Standards for the Organization and Deployment  
27 of Fire Suppression Operations, Emergency Medical Operations  
28 and Special Operations, to the Public by Volunteer Fire  
29 Departments.

30 (e) The Office of the State Fire Marshal may incorporate some  
31 or all of the wildfire risk reduction standards adopted pursuant to  
32 this section into the building standards developed pursuant to  
33 Section 13108.5 of the Health and Safety Code or the regulations  
34 adopted pursuant to Section 4290 of the Public Resources Code.

35 (f) Standards adopted pursuant to this section shall be adopted  
36 pursuant to the rulemaking provisions of the Administrative  
37 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
38 Part 1 of Division 3 of Title 2).

39 (g) Nothing in this section shall be construed to limit the existing  
40 authority of the State Fire Marshal or any other state or local public

1 agency under any other law from adopting standards that are more  
2 protective of life and property from the risk of wildfire.

3 (h) “Very high fire risk area” has the same meaning as defined  
4 in Section 65011.

5 SEC. 5. Section 65040.18 is added to the Government Code,  
6 to read:

7 65040.18. By January 1, 2023, the Office of Planning and  
8 Research, in collaboration with cities and counties, shall identify  
9 local ordinances, policies, and best practices relating to land use  
10 planning in very high fire risk areas, wildfire risk reduction, and  
11 wildfire preparedness and publish these resources on the  
12 clearinghouse established pursuant to Section 71360 of the Public  
13 Resources Code. The office shall include in the clearinghouse any  
14 comprehensive retrofit strategies submitted pursuant to  
15 subparagraph (E) of paragraph (6) of subdivision (g) of Section  
16 65302. The office shall regularly update the clearinghouse materials  
17 made available pursuant to this section. For purposes of this  
18 section, “very high fire risk area” has the same meaning as defined  
19 in Section 65011.

20 SEC. 6. Section 65302 of the Government Code, as amended  
21 by Section 169 of Chapter 370 of the Statutes of 2020, is amended  
22 to read:

23 65302. The general plan shall consist of a statement of  
24 development policies and shall include a diagram or diagrams and  
25 text setting forth objectives, principles, standards, and plan  
26 proposals. The plan shall include the following elements:

27 (a) A land use element that designates the proposed general  
28 distribution and general location and extent of the uses of the land  
29 for housing, business, industry, open space, including agriculture,  
30 natural resources, recreation, and enjoyment of scenic beauty,  
31 education, public buildings and grounds, solid and liquid waste  
32 disposal facilities, greenways, as defined in Section 816.52 of the  
33 Civil Code, and other categories of public and private uses of land.  
34 The location and designation of the extent of the uses of the land  
35 for public and private uses shall consider the identification of land  
36 and natural resources pursuant to paragraph (3) of subdivision (d).  
37 The land use element shall include a statement of the standards of  
38 population density and building intensity recommended for the  
39 various districts and other territory covered by the plan. The land  
40 use element shall identify and annually review those areas covered

1 by the plan that are subject to flooding identified by flood plain  
2 mapping prepared by the Federal Emergency Management Agency  
3 (FEMA) or the Department of Water Resources. The land use  
4 element shall also do both of the following:

5 (1) Designate in a land use category that provides for timber  
6 production those parcels of real property zoned for timberland  
7 production pursuant to the California Timberland Productivity Act  
8 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1  
9 of Division 1 of Title 5).

10 (2) Consider the impact of new growth on military readiness  
11 activities carried out on military bases, installations, and operating  
12 and training areas, when proposing zoning ordinances or  
13 designating land uses covered by the general plan for land, or other  
14 territory adjacent to military facilities, or underlying designated  
15 military aviation routes and airspace.

16 (A) In determining the impact of new growth on military  
17 readiness activities, information provided by military facilities  
18 shall be considered. Cities and counties shall address military  
19 impacts based on information from the military and other sources.

20 (B) The following definitions govern this paragraph:

21 (i) “Military readiness activities” mean all of the following:

22 (I) Training, support, and operations that prepare the members  
23 of the military for combat.

24 (II) Operation, maintenance, and security of any military  
25 installation.

26 (III) Testing of military equipment, vehicles, weapons, and  
27 sensors for proper operation or suitability for combat use.

28 (ii) “Military installation” means a base, camp, post, station,  
29 yard, center, homeport facility for any ship, or other activity under  
30 the jurisdiction of the United States Department of Defense as  
31 defined in paragraph (1) of subsection (g) of Section 2687 of Title  
32 10 of the United States Code.

33 (b) (1) A circulation element consisting of the general location  
34 and extent of existing and proposed major thoroughfares,  
35 transportation routes, terminals, any military airports and ports,  
36 and other local public utilities and facilities, all correlated with the  
37 land use element of the plan.

38 (2) (A) Commencing January 1, 2011, upon any substantive  
39 revision of the circulation element, the legislative body shall  
40 modify the circulation element to plan for a balanced, multimodal

1 transportation network that meets the needs of all users of streets,  
2 roads, and highways for safe and convenient travel in a manner  
3 that is suitable to the rural, suburban, or urban context of the  
4 general plan.

5 (B) For purposes of this paragraph, “users of streets, roads, and  
6 highways” mean bicyclists, children, persons with disabilities,  
7 motorists, movers of commercial goods, pedestrians, users of public  
8 transportation, and seniors.

9 (c) A housing element as provided in Article 10.6 (commencing  
10 with Section 65580).

11 (d) (1) A conservation element for the conservation,  
12 development, and utilization of natural resources, including water  
13 and its hydraulic force, forests, soils, rivers and other waters,  
14 harbors, fisheries, wildlife, minerals, and other natural resources.  
15 The conservation element shall consider the effect of development  
16 within the jurisdiction, as described in the land use element, on  
17 natural resources located on public lands, including military  
18 installations. That portion of the conservation element including  
19 waters shall be developed in coordination with any countywide  
20 water agency and with all district and city agencies, including  
21 flood management, water conservation, or groundwater agencies  
22 that have developed, served, controlled, managed, or conserved  
23 water of any type for any purpose in the county or city for which  
24 the plan is prepared. Coordination shall include the discussion and  
25 evaluation of any water supply and demand information described  
26 in Section 65352.5, if that information has been submitted by the  
27 water agency to the city or county.

28 (2) The conservation element may also cover all of the  
29 following:

30 (A) The reclamation of land and waters.

31 (B) Prevention and control of the pollution of streams and other  
32 waters.

33 (C) Regulation of the use of land in stream channels and other  
34 areas required for the accomplishment of the conservation plan.

35 (D) Prevention, control, and correction of the erosion of soils,  
36 beaches, and shores.

37 (E) Protection of watersheds.

38 (F) The location, quantity, and quality of the rock, sand, and  
39 gravel resources.



1 (3) Upon the next revision of the housing element on or after  
2 January 1, 2009, the conservation element shall identify rivers,  
3 creeks, streams, flood corridors, riparian habitats, and land that  
4 may accommodate floodwater for purposes of groundwater  
5 recharge and stormwater management.

6 (e) An open-space element as provided in Article 10.5  
7 (commencing with Section 65560).

8 (f) (1) A noise element that shall identify and appraise noise  
9 problems in the community. The noise element shall analyze and  
10 quantify, to the extent practicable, as determined by the legislative  
11 body, current and projected noise levels for all of the following  
12 sources:

13 (A) Highways and freeways.

14 (B) Primary arterials and major local streets.

15 (C) Passenger and freight online railroad operations and ground  
16 rapid transit systems.

17 (D) Commercial, general aviation, heliport, helistop, and military  
18 airport operations, aircraft overflights, jet engine test stands, and  
19 all other ground facilities and maintenance functions related to  
20 airport operation.

21 (E) Local industrial plants, including, but not limited to, railroad  
22 classification yards.

23 (F) Other ground stationary noise sources, including, but not  
24 limited to, military installations, identified by local agencies as  
25 contributing to the community noise environment.

26 (2) Noise contours shall be shown for all of these sources and  
27 stated in terms of community noise equivalent level (CNEL) or  
28 day-night average sound level ( $L_{dn}$ ). The noise contours shall be  
29 prepared on the basis of noise monitoring or following generally  
30 accepted noise modeling techniques for the various sources  
31 identified in ~~paragraphs (1) to (6), inclusive.~~ *subparagraphs (A)*  
32 *to (F), inclusive, of paragraph (1).*

33 (3) The noise contours shall be used as a guide for establishing  
34 a pattern of land uses in the land use element that minimizes the  
35 exposure of community residents to excessive noise.

36 (4) The noise element shall include implementation measures  
37 and possible solutions that address existing and foreseeable noise  
38 problems, if any. The adopted noise element shall serve as a  
39 guideline for compliance with the state's noise insulation standards.

1 (g) (1) A safety element for the protection of the community  
2 from any unreasonable risks associated with the effects of  
3 seismically induced surface rupture, ground shaking, ground  
4 failure, tsunami, seiche, and dam failure; slope instability leading  
5 to mudslides and landslides; subsidence; liquefaction; and other  
6 seismic hazards identified pursuant to Chapter 7.8 (commencing  
7 with Section 2690) of Division 2 of the Public Resources Code,  
8 and other geologic hazards known to the legislative body; flooding;  
9 and wildland and urban fires. The safety element shall include  
10 mapping of known seismic and other geologic hazards. It shall  
11 also address evacuation routes, military installations, peakload  
12 water supply requirements, and minimum road widths and  
13 clearances around structures, as those items relate to identified fire  
14 and geologic hazards.

15 (2) The safety element, upon the next revision of the housing  
16 element on or after January 1, 2009, shall also do the following:

17 (A) Identify information regarding flood hazards, including,  
18 but not limited to, the following:

19 (i) Flood hazard zones. As used in this subdivision, “flood  
20 hazard zone” means an area subject to flooding that is delineated  
21 as either a special hazard area or an area of moderate or minimal  
22 hazard on an official flood insurance rate map issued by FEMA.  
23 The identification of a flood hazard zone does not imply that areas  
24 outside the flood hazard zones or uses permitted within flood  
25 hazard zones will be free from flooding or flood damage.

26 (ii) National Flood Insurance Program maps published by  
27 FEMA.

28 (iii) Information about flood hazards that is available from the  
29 United States Army Corps of Engineers.

30 (iv) Designated floodway maps that are available from the  
31 Central Valley Flood Protection Board.

32 (v) Dam failure inundation maps prepared pursuant to Section  
33 6161 of the Water Code that are available from the Department of  
34 Water Resources.

35 (vi) Awareness Floodplain Mapping Program maps and 200-year  
36 flood plain maps that are or may be available from, or accepted  
37 by, the Department of Water Resources.

38 (vii) Maps of levee protection zones.

39 (viii) Areas subject to inundation in the event of the failure of  
40 project or nonproject levees or floodwalls.

- 1 (ix) Historical data on flooding, including locally prepared maps  
2 of areas that are subject to flooding, areas that are vulnerable to  
3 flooding after wildfires, and sites that have been repeatedly  
4 damaged by flooding.
- 5 (x) Existing and planned development in flood hazard zones,  
6 including structures, roads, utilities, and essential public facilities.
- 7 (xi) Local, state, and federal agencies with responsibility for  
8 flood protection, including special districts and local offices of  
9 emergency services.
- 10 (B) Establish a set of comprehensive goals, policies, and  
11 objectives based on the information identified pursuant to  
12 subparagraph (A), for the protection of the community from the  
13 unreasonable risks of flooding, including, but not limited to:
- 14 (i) Avoiding or minimizing the risks of flooding to new  
15 development.
- 16 (ii) Evaluating whether new development should be located in  
17 flood hazard zones, and identifying construction methods or other  
18 methods to minimize damage if new development is located in  
19 flood hazard zones.
- 20 (iii) Maintaining the structural and operational integrity of  
21 essential public facilities during flooding.
- 22 (iv) Locating, when feasible, new essential public facilities  
23 outside of flood hazard zones, including hospitals and health care  
24 facilities, emergency shelters, fire stations, emergency command  
25 centers, and emergency communications facilities or identifying  
26 construction methods or other methods to minimize damage if  
27 these facilities are located in flood hazard zones.
- 28 (v) Establishing cooperative working relationships among public  
29 agencies with responsibility for flood protection.
- 30 (C) Establish a set of feasible implementation measures designed  
31 to carry out the goals, policies, and objectives established pursuant  
32 to subparagraph (B).
- 33 (3) Upon the next revision of the housing element on or after  
34 January 1, 2014, the safety element shall be reviewed and updated  
35 as necessary to address the risk of fire for land classified as state  
36 responsibility areas, as defined in Section 4102 of the Public  
37 Resources Code, and land classified as very high fire hazard  
38 severity zones, as defined in Section 51177. This review shall  
39 consider the advice included in the Office of Planning and  
40 Research's most recent publication of "Fire Hazard Planning,

1 General Plan Technical Advice Series” and shall also include all  
2 of the following:

3 (A) Information regarding fire hazards, including, but not limited  
4 to, all of the following:

5 (i) Fire hazard severity zone maps available from the Department  
6 of Forestry and Fire Protection.

7 (ii) Any historical data on wildfires available from local agencies  
8 or a reference to where the data can be found.

9 (iii) Information about wildfire hazard areas that may be  
10 available from the United States Geological Survey.

11 (iv) General location and distribution of existing and planned  
12 uses of land in very high fire hazard severity zones and in state  
13 responsibility areas, including structures, roads, utilities, and  
14 essential public facilities. The location and distribution of planned  
15 uses of land shall not require defensible space compliance measures  
16 required by state law or local ordinance to occur on publicly owned  
17 lands or open space designations of homeowner associations.

18 (v) Local, state, and federal agencies with responsibility for fire  
19 protection, including special districts and local offices of  
20 emergency services.

21 (B) A set of goals, policies, and objectives based on the  
22 information identified pursuant to subparagraph (A) for the  
23 protection of the community from the unreasonable risk of wildfire.

24 (C) A set of feasible implementation measures designed to carry  
25 out the goals, policies, and objectives based on the information  
26 identified pursuant to subparagraph (B) including, but not limited  
27 to, all of the following:

28 (i) Avoiding or minimizing the wildfire hazards associated with  
29 new uses of land.

30 (ii) Locating, when feasible, new essential public facilities  
31 outside of high fire risk areas, including, but not limited to,  
32 hospitals and health care facilities, emergency shelters, emergency  
33 command centers, and emergency communications facilities, or  
34 identifying construction methods or other methods to minimize  
35 damage if these facilities are located in a state responsibility area  
36 or very high fire hazard severity zone.

37 (iii) Designing adequate infrastructure if a new development is  
38 located in a state responsibility area or in a very high fire hazard  
39 severity zone, including safe access for emergency response

1 vehicles, visible street signs, and water supplies for structural fire  
2 suppression.

3 (iv) Working cooperatively with public agencies with  
4 responsibility for fire protection.

5 (D) If a city or county has adopted a fire safety plan or document  
6 separate from the general plan, an attachment of, or reference to,  
7 a city or county’s adopted fire safety plan or document that fulfills  
8 commensurate goals and objectives and contains information  
9 required pursuant to this paragraph.

10 (4) Upon the next revision of a local hazard mitigation plan,  
11 adopted in accordance with the federal Disaster Mitigation Act of  
12 2000 (Public Law 106-390), on or after January 1, 2017, or, if a  
13 local jurisdiction has not adopted a local hazard mitigation plan,  
14 beginning on or before January 1, 2022, the safety element shall  
15 be reviewed and updated as necessary to address climate adaptation  
16 and resiliency strategies applicable to the city or county. This  
17 review shall consider advice provided in the Office of Planning  
18 and Research’s General Plan Guidelines and shall include all of  
19 the following:

20 (A) (i) A vulnerability assessment that identifies the risks that  
21 climate change poses to the local jurisdiction and the geographic  
22 areas at risk from climate change impacts, including, but not limited  
23 to, an assessment of how climate change may affect the risks  
24 addressed pursuant to paragraphs (2) and (3).

25 (ii) Information that may be available from federal, state,  
26 regional, and local agencies that will assist in developing the  
27 vulnerability assessment and the adaptation policies and strategies  
28 required pursuant to subparagraph (B), including, but not limited  
29 to, all of the following:

30 (I) Information from the internet-based Cal-Adapt tool.

31 (II) Information from the most recent version of the California  
32 Adaptation Planning Guide.

33 (III) Information from local agencies on the types of assets,  
34 resources, and populations that will be sensitive to various climate  
35 change exposures.

36 (IV) Information from local agencies on their current ability to  
37 deal with the impacts of climate change.

38 (V) Historical data on natural events and hazards, including  
39 locally prepared maps of areas subject to previous risk, areas that  
40 are vulnerable, and sites that have been repeatedly damaged.

1 (VI) Existing and planned development in identified at-risk  
2 areas, including structures, roads, utilities, and essential public  
3 facilities.

4 (VII) Federal, state, regional, and local agencies with  
5 responsibility for the protection of public health and safety and  
6 the environment, including special districts and local offices of  
7 emergency services.

8 (B) A set of adaptation and resilience goals, policies, and  
9 objectives based on the information specified in subparagraph (A)  
10 for the protection of the community.

11 (C) A set of feasible implementation measures designed to carry  
12 out the goals, policies, and objectives identified pursuant to  
13 subparagraph (B) including, but not limited to, all of the following:

14 (i) Feasible methods to avoid or minimize climate change  
15 impacts associated with new uses of land.

16 (ii) The location, when feasible, of new essential public facilities  
17 outside of at-risk areas, including, but not limited to, hospitals and  
18 health care facilities, emergency shelters, emergency command  
19 centers, and emergency communications facilities, or identifying  
20 construction methods or other methods to minimize damage if  
21 these facilities are located in at-risk areas.

22 (iii) The designation of adequate and feasible infrastructure  
23 located in an at-risk area.

24 (iv) Guidelines for working cooperatively with relevant local,  
25 regional, state, and federal agencies.

26 (v) The identification of natural infrastructure that may be used  
27 in adaptation projects, where feasible. Where feasible, the plan  
28 shall use existing natural features and ecosystem processes, or the  
29 restoration of natural features and ecosystem processes, when  
30 developing alternatives for consideration. For purposes of this  
31 clause, “natural infrastructure” means using natural ecological  
32 systems or processes to reduce vulnerability to climate change  
33 related hazards, or other related climate change effects, while  
34 increasing the long-term adaptive capacity of coastal and inland  
35 areas by perpetuating or restoring ecosystem services. This  
36 includes, but is not limited to, the conservation, preservation, or  
37 sustainable management of any form of aquatic or terrestrial  
38 vegetated open space, such as beaches, dunes, tidal marshes, reefs,  
39 seagrass, parks, rain gardens, and urban tree canopies. It also  
40 includes systems and practices that use or mimic natural processes,

1 such as permeable pavements, bioswales, and other engineered  
2 systems, such as levees that are combined with restored natural  
3 systems, to provide clean water, conserve ecosystem values and  
4 functions, and provide a wide array of benefits to people and  
5 wildlife.

6 (D) (i) If a city or county has adopted the local hazard  
7 mitigation plan, or other climate adaptation plan or document that  
8 fulfills commensurate goals and objectives and contains the  
9 information required pursuant to this paragraph, separate from the  
10 general plan, an attachment of, or reference to, the local hazard  
11 mitigation plan or other climate adaptation plan or document.

12 (ii) Cities or counties that have an adopted hazard mitigation  
13 plan, or other climate adaptation plan or document that substantially  
14 complies with this section, or have substantially equivalent  
15 provisions to this subdivision in their general plans, may use that  
16 information in the safety element to comply with this subdivision,  
17 and shall summarize and incorporate by reference into the safety  
18 element the other general plan provisions, climate adaptation plan  
19 or document, specifically showing how each requirement of this  
20 subdivision has been met.

21 (5) Upon the next revision of the housing element on or after  
22 January 1, 2020, the safety element shall be reviewed and updated  
23 as necessary to identify residential developments in any hazard  
24 area identified in the safety element that do not have at least two  
25 emergency evacuation routes.

26 (6) *Upon the next revision of the housing element or the hazard*  
27 *mitigation plan, after July 1, 2024, whichever occurs first, the*  
28 *safety element shall be reviewed and updated as necessary to*  
29 *include a comprehensive retrofit strategy to reduce the risk of*  
30 *property loss and damage during wildfires. The comprehensive*  
31 *retrofit strategy shall include, but is not limited to, all of the*  
32 *following:*

33 (A) *A list of the types of retrofits needed in an area based on*  
34 *fire risk.*

35 (B) *A process for identifying and inventorying structures in need*  
36 *of retrofit for fire hardening. The strategy shall prioritize the*  
37 *identification and inventorying of residential structures in very*  
38 *high fire risk areas.*

39 (C) *Goals and milestones for completing needed retrofit work.*

1 (D) Potential funding sources and financing strategies to pay  
2 for needed retrofits on public and private property.

3 (E) Once adopted, the planning agency shall submit the adopted  
4 comprehensive retrofit strategy to the Office of Planning and  
5 Research for inclusion in the clearinghouse established pursuant  
6 to Section 71360 of the Public Resources Code.

7 ~~(6)~~

8 (7) After the initial revision of the safety element pursuant to  
9 paragraphs (2), (3), (4), ~~and (5)~~, (5), and (6), the planning agency  
10 shall review and, if necessary, revise the safety element upon each  
11 revision of the housing element or local hazard mitigation plan,  
12 but not less than once every eight years, to identify new information  
13 relating to flood and fire ~~hazards and hazards~~, climate adaptation  
14 and resiliency ~~strategies~~ *strategies*, and retrofit updates applicable  
15 to the city or county that was not available during the previous  
16 revision of the safety element.

17 ~~(7)~~

18 (8) Cities and counties that have flood plain management  
19 ordinances that have been approved by FEMA that substantially  
20 comply with this section, or have substantially equivalent  
21 provisions to this subdivision in their general plans, may use that  
22 information in the safety element to comply with this subdivision,  
23 and shall summarize and incorporate by reference into the safety  
24 element the other general plan provisions or the flood plain  
25 ordinance, specifically showing how each requirement of this  
26 subdivision has been met.

27 ~~(8)~~

28 (9) Before the periodic review of its general plan and before  
29 preparing or revising its safety element, each city and county shall  
30 consult the California Geological Survey of the Department of  
31 Conservation, the Central Valley Flood Protection Board, if the  
32 city or county is located within the boundaries of the Sacramento  
33 and San Joaquin Drainage District, as set forth in Section 8501 of  
34 the Water Code, and the Office of Emergency Services for the  
35 purpose of including information known by and available to the  
36 department, the agency, and the board required by this subdivision.

37 ~~(9)~~

38 (10) To the extent that a county's safety element is sufficiently  
39 detailed and contains appropriate policies and programs for  
40 adoption by a city, a city may adopt that portion of the county's



1 safety element that pertains to the city’s planning area in  
2 satisfaction of the requirement imposed by this subdivision.

3 (h) (1) An environmental justice element, or related goals,  
4 policies, and objectives integrated in other elements, that identifies  
5 disadvantaged communities within the area covered by the general  
6 plan of the city, county, or city and county, if the city, county, or  
7 city and county has a disadvantaged community. The  
8 environmental justice element, or related environmental justice  
9 goals, policies, and objectives integrated in other elements, shall  
10 do all of the following:

11 (A) Identify objectives and policies to reduce the unique or  
12 compounded health risks in disadvantaged communities by means  
13 that include, but are not limited to, the reduction of pollution  
14 exposure, including the improvement of air quality, and the  
15 promotion of public facilities, food access, safe and sanitary homes,  
16 and physical activity.

17 (B) Identify objectives and policies to promote civic engagement  
18 in the public decisionmaking process.

19 (C) Identify objectives and policies that prioritize improvements  
20 and programs that address the needs of disadvantaged communities.

21 (2) A city, county, or city and county subject to this subdivision  
22 shall adopt or review the environmental justice element, or the  
23 environmental justice goals, policies, and objectives in other  
24 elements, upon the adoption or next revision of two or more  
25 elements concurrently on or after January 1, 2018.

26 (3) By adding this subdivision, the Legislature does not intend  
27 to require a city, county, or city and county to take any action  
28 prohibited by the United States Constitution or the California  
29 Constitution.

30 (4) For purposes of this subdivision, the following terms shall  
31 apply:

32 (A) “Disadvantaged communities” means an area identified by  
33 the California Environmental Protection Agency pursuant to  
34 Section 39711 of the Health and Safety Code or an area that is a  
35 low-income area that is disproportionately affected by  
36 environmental pollution and other hazards that can lead to negative  
37 health effects, exposure, or environmental degradation.

38 (B) “Public facilities” includes public improvements, public  
39 services, and community amenities, as defined in subdivision (d)  
40 of Section 66000.

1 (C) “Low-income area” means an area with household incomes  
2 at or below 80 percent of the statewide median income or with  
3 household incomes at or below the threshold designated as low  
4 income by the Department of Housing and Community  
5 Development’s list of state income limits adopted pursuant to  
6 Section 50093 of the Health and Safety Code.

7 SEC. 7. Section 65302.11 is added to the Government Code,  
8 to read:

9 65302.11. (a) Upon each revision of the housing element on  
10 or after July 1, 2024, each city or county that contains a very high  
11 fire risk area shall amend the land use element of its general plan  
12 to contain all of the following with respect to lands located within  
13 a very high fire risk area:

14 (1) (A) The goals contained in the most recent Strategic Fire  
15 Plan for California prepared by the Department of Forestry and  
16 Fire Protection.

17 (B) The locations of all very high fire risk areas within the city  
18 or county.

19 (C) The data and analysis described in the Office of Planning  
20 and Research’s most recent publication of “Fire Hazard  
21 Planning—General Plan Technical Advice Series.”

22 (D) The goals of any local hazard mitigation plan, community  
23 wildfire protection plan, and climate adaptation plan that has been  
24 adopted by the governing body of the city or county.

25 (2) Objectives and policies, based on the goals, data, and  
26 analysis identified pursuant to paragraph (1), for the protection of  
27 lives and property from unreasonable risk of wildfire. These  
28 objectives and policies shall take into consideration, and be  
29 consistent with, the information, goals, policies, objectives, and  
30 implementation measures included in the safety element in  
31 accordance with paragraph (3) of subdivision (g) of Section 65302.

32 (3) Feasible implementation measures designed to carry out the  
33 goals, objectives, and policies established pursuant to this  
34 subdivision.

35 (b) (1) After the initial amendment of the land use element  
36 pursuant to subdivision (a), the governing body of the city or  
37 county shall review all of the following upon each subsequent  
38 revision of the housing element, but not less than once every eight  
39 years:

1 (A) The implementation of the wildfire risk reduction standards,  
2 as defined in Section 65012, within the jurisdiction. The governing  
3 body shall make written findings, based upon substantial evidence,  
4 regarding whether the city or county has implemented the wildfire  
5 risk reduction standards during the preceding planning period, or  
6 made adequate progress toward implementing the wildfire risk  
7 reduction standards as provided in subdivision (b) of Section  
8 65012.

9 (B) The designation of lands within the jurisdiction as very high  
10 fire hazard severity zones pursuant to subdivision (b) of Section  
11 51179. The governing body shall make written findings, based  
12 upon substantial evidence, supporting the determinations made in  
13 accordance with that subdivision.

14 (2) The draft findings required under this subdivision shall be  
15 submitted to the State Board of Forestry and Fire Protection and  
16 to every local agency that provides fire protection to territory in  
17 the city or county at least 90 days prior to adoption by the  
18 governing body.

19 (A) The State Board of Forestry and Fire Protection shall, and  
20 a local agency may, review the draft findings and recommend  
21 changes to the city or county within 60 days of its receipt regarding  
22 both of the following:

23 (i) Whether the city or county has implemented the wildfire risk  
24 reduction standards during the preceding planning period, or made  
25 adequate progress toward implementing the wildfire risk reduction  
26 standards as provided in subdivision (b) of Section 65012.

27 (ii) Whether the designation of lands within the jurisdiction as  
28 very high fire hazard severity zones is appropriate.

29 (B) (i) Prior to the adoption of its draft findings, the governing  
30 body shall consider the recommendations, if any, made by the  
31 State Board of Forestry and Fire Protection and any local agency  
32 that provides fire protection to territory in the city or county. If  
33 the governing body determines not to accept all or some of the  
34 recommendations, if any, made by the State Board of Forestry and  
35 Fire Protection or the local agency, the governing body shall  
36 communicate in writing to the State Board of Forestry and Fire  
37 Protection or the local agency, its reasons for not accepting the  
38 recommendations.

39 (ii) If the governing body proposes not to adopt the State Board  
40 of Forestry and Fire Protection's recommendations concerning its

1 draft findings, the State Board of Forestry and Fire Protection,  
2 within 15 days of receipt of the governing body’s written response,  
3 may request in writing a consultation with the governing body to  
4 discuss the State Board of Forestry and Fire Protection’s  
5 recommendations and the governing body’s response. The  
6 consultation may be conducted in person, electronically, or  
7 telephonically. If the State Board of Forestry and Fire Protection  
8 requests a consultation pursuant to this subparagraph, the governing  
9 body shall not approve the draft element or draft amendment until  
10 after consulting with the State Board of Forestry and Fire  
11 Protection. The consultation shall occur within 30 days after the  
12 State Board of Forestry and Fire Protection’s request.

13 (C) The State Board of Forestry and Fire Protection shall notify  
14 the city or county and may notify the Office of the Attorney  
15 General that the city or county is in violation of state law if the  
16 State Board of Forestry and Fire Protection finds that the written  
17 findings do not substantially comply with this section, or that the  
18 city or county has otherwise failed to substantially comply with  
19 this section or with Section 65860.2.

20 (3) Any interested person may bring an action to compel  
21 compliance with the requirements of this subdivision. The action  
22 shall be brought pursuant to Section 1085 of the Code of Civil  
23 Procedure.

24 (c) For purposes of this section, “very high fire risk area” has  
25 the same meaning as defined in Section 65011.

26 SEC. 8. Section 65584 of the Government Code is amended  
27 to read:

28 65584. (a) (1) For the fourth and subsequent revisions of the  
29 housing element pursuant to Section 65588, the department shall  
30 determine the existing and projected need for housing for each  
31 region pursuant to this article. For purposes of subdivision (a) of  
32 Section 65583, the share of a city or county of the regional housing  
33 need shall include that share of the housing need of persons at all  
34 income levels within the area significantly affected by the general  
35 plan of the city or county.

36 (2) It is the intent of the Legislature that cities, counties, and  
37 cities and counties should undertake all necessary actions to  
38 encourage, promote, and facilitate the development of housing to  
39 accommodate the entire regional housing need, and reasonable  
40 actions should be taken by local and regional governments to

1 ensure that future housing production meets, at a minimum, the  
2 regional housing need established for planning purposes. These  
3 actions shall include applicable reforms and incentives in Section  
4 65582.1.

5 (3) The Legislature finds and declares that insufficient housing  
6 in job centers hinders the state’s environmental quality and runs  
7 counter to the state’s environmental goals. In particular, when  
8 Californians seeking affordable housing are forced to drive longer  
9 distances to work, an increased amount of greenhouse gases and  
10 other pollutants is released and puts in jeopardy the achievement  
11 of the state’s climate goals, as established pursuant to Section  
12 38566 of the Health and Safety Code, and clean air goals.

13 (b) The department, in consultation with each council of  
14 governments, shall determine each region’s existing and projected  
15 housing need pursuant to Section 65584.01 at least two years prior  
16 to the scheduled revision required pursuant to Section 65588. The  
17 appropriate council of governments, or for cities and counties  
18 without a council of governments, the department, shall adopt a  
19 final regional housing need plan that allocates a share of the  
20 regional housing need to each city, county, or city and county at  
21 least one year prior to the scheduled revision for the region required  
22 by Section 65588. The allocation plan prepared by a council of  
23 governments shall be prepared pursuant to Sections 65584.04 and  
24 65584.05.

25 (c) Notwithstanding any other provision of law, the due dates  
26 for the determinations of the department or for the council of  
27 governments, respectively, regarding the regional housing need  
28 may be extended by the department by not more than 60 days if  
29 the extension will enable access to more recent critical population  
30 or housing data from a pending or recent release of the United  
31 States Census Bureau or the Department of Finance. If the due  
32 date for the determination of the department or the council of  
33 governments is extended for this reason, the department shall  
34 extend the corresponding housing element revision deadline  
35 pursuant to Section 65588 by not more than 60 days.

36 (d) The regional housing needs allocation plan shall further all  
37 of the following objectives:

38 (1) Increasing the housing supply and the mix of housing types,  
39 tenure, and affordability in all cities and counties within the region  
40 in an equitable manner, which shall result in each jurisdiction

1 receiving an allocation of units for low- and very low income  
2 households.

3 (2) Promoting infill development and socioeconomic equity,  
4 the protection of environmental and agricultural resources, the  
5 encouragement of efficient development patterns, and the  
6 achievement of the region’s greenhouse gas reductions targets  
7 provided by the State Air Resources Board pursuant to Section  
8 65080.

9 (3) Promoting an improved intraregional relationship between  
10 jobs and housing, including an improved balance between the  
11 number of low-wage jobs and the number of housing units  
12 affordable to low-wage workers in each jurisdiction.

13 (4) Allocating a lower proportion of housing need to an income  
14 category when a jurisdiction already has a disproportionately high  
15 share of households in that income category, as compared to the  
16 countywide distribution of households in that category from the  
17 most recent American Community Survey.

18 (5) Affirmatively furthering fair housing.

19 (6) *Promoting resilient communities. Furthering this objective*  
20 *shall include reducing development pressure within very high fire*  
21 *risk areas. This paragraph shall apply only to the regional housing*  
22 *needs allocation plan for the seventh and subsequent revisions of*  
23 *the housing element.*

24 (e) For purposes of this section, “affirmatively furthering fair  
25 housing” means taking meaningful actions, in addition to  
26 combating discrimination, that overcome patterns of segregation  
27 and foster inclusive communities free from barriers that restrict  
28 access to opportunity based on protected characteristics.  
29 Specifically, affirmatively furthering fair housing means taking  
30 meaningful actions that, taken together, address significant  
31 disparities in housing needs and in access to opportunity, replacing  
32 segregated living patterns with truly integrated and balanced living  
33 patterns, transforming racially and ethnically concentrated areas  
34 of poverty into areas of opportunity, and fostering and maintaining  
35 compliance with civil rights and fair housing laws.

36 (f) For purposes of this section, “household income levels” are  
37 as determined by the department as of the most recent American  
38 Community Survey pursuant to the following code sections:

39 (1) Very low ~~incomes~~ *incomes*, as defined by Section 50105 of  
40 the Health and Safety Code.

1 (2) Lower incomes, as defined by Section 50079.5 of the Health  
2 and Safety Code.

3 (3) Moderate incomes, as defined by Section 50093 of the Health  
4 and Safety Code.

5 (4) Above moderate incomes are those exceeding the  
6 moderate-income level of Section 50093 of the Health and Safety  
7 Code.

8 (g) Notwithstanding any other provision of law, determinations  
9 made by the department, a council of governments, or a city or  
10 county pursuant to this section or Section 65584.01, 65584.02,  
11 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08  
12 are exempt from the California Environmental Quality Act  
13 (Division 13 (commencing with Section 21000) of the Public  
14 Resources Code).

15 SEC. 9. Section 65584.04 of the Government Code is amended  
16 to read:

17 65584.04. (a) At least two years ~~before~~ *prior to* a scheduled  
18 revision required by Section 65588, each council of governments,  
19 or delegate subregion as applicable, shall develop, in consultation  
20 with the department, a proposed methodology for distributing the  
21 existing and projected regional housing need to cities, counties,  
22 and cities and counties within the region or within the subregion,  
23 where applicable pursuant to this section. The methodology shall  
24 further the objectives listed in subdivision (d) of Section 65584.

25 (b) (1) No more than six months before the development of a  
26 proposed methodology for distributing the existing and projected  
27 housing need, each council of governments shall survey each of  
28 its member jurisdictions to request, at a minimum, information  
29 regarding the factors listed in subdivision (e) that will allow the  
30 development of a methodology based upon the factors established  
31 in subdivision (e).

32 (2) With respect to the objective in paragraph (5) of subdivision  
33 (d) of Section 65584, the survey shall review and compile  
34 information that will allow the development of a methodology  
35 based upon the issues, strategies, and actions that are included, as  
36 available, in an Analysis of Impediments to Fair Housing Choice  
37 or an Assessment of Fair Housing completed by any city or county  
38 or the department that covers communities within the area served  
39 by the council of governments, and in housing elements adopted

1 pursuant to this article by cities and counties within the area served  
2 by the council of governments.

3 (3) The council of governments shall seek to obtain the  
4 information in a manner and format that is comparable throughout  
5 the region and utilize readily available data to the extent possible.

6 (4) The information provided by a local government pursuant  
7 to this section shall be used, to the extent possible, by the council  
8 of governments, or delegate subregion as applicable, as source  
9 information for the methodology developed pursuant to this section.  
10 The survey shall state that none of the information received may  
11 be used as a basis for reducing the total housing need established  
12 for the region pursuant to Section 65584.01.

13 (5) If the council of governments fails to conduct a survey  
14 pursuant to this subdivision, a city, county, or city and county may  
15 submit information related to the items listed in subdivision (e)  
16 before the public comment period provided for in subdivision (d).

17 (c) The council of governments shall electronically report the  
18 results of the survey of fair housing issues, strategies, and actions  
19 compiled pursuant to paragraph (2) of subdivision (b). The report  
20 shall describe common themes and effective strategies employed  
21 by cities and counties within the area served by the council of  
22 governments, including common themes and effective strategies  
23 around avoiding the displacement of lower income households.  
24 The council of governments shall also identify significant barriers  
25 to affirmatively furthering fair housing at the regional level and  
26 may recommend strategies or actions to overcome those barriers.  
27 A council of governments or metropolitan planning organization,  
28 as appropriate, may use this information for any other purpose,  
29 including publication within a regional transportation plan adopted  
30 pursuant to Section 65080 or to inform the land use assumptions  
31 that are applied in the development of a regional transportation  
32 plan.

33 (d) Public participation and access shall be required in the  
34 development of the methodology and in the process of drafting  
35 and adoption of the allocation of the regional housing needs.  
36 Participation by organizations other than local jurisdictions and  
37 councils of governments shall be solicited in a diligent effort to  
38 achieve public participation of all economic segments of the  
39 community as well as members of protected classes under Section  
40 12955. The proposed methodology, along with any relevant



1 underlying data and assumptions, an explanation of how  
2 information about local government conditions gathered pursuant  
3 to subdivision (b) has been used to develop the proposed  
4 methodology, how each of the factors listed in subdivision (e) is  
5 incorporated into the methodology, and how the proposed  
6 methodology furthers the objectives listed in subdivision (e) of  
7 Section 65584, shall be distributed to all cities, counties, any  
8 subregions, and members of the public who have made a written  
9 or electronic request for the proposed methodology and published  
10 on the council of governments', or delegate subregion's, internet  
11 website. The council of governments, or delegate subregion, as  
12 applicable, shall conduct at least one public hearing to receive oral  
13 and written comments on the proposed methodology.

14 (e) To the extent that sufficient data is available from local  
15 governments pursuant to subdivision (b) or other sources, each  
16 council of governments, or delegate subregion as applicable, shall  
17 include the following factors to develop the methodology that  
18 allocates regional housing needs:

19 (1) Each member jurisdiction's existing and projected jobs and  
20 housing relationship. This shall include an estimate based on  
21 readily available data on the number of low-wage jobs within the  
22 jurisdiction and how many housing units within the jurisdiction  
23 are affordable to low-wage workers as well as an estimate based  
24 on readily available data, of projected job growth and projected  
25 household growth by income level within each member jurisdiction  
26 during the planning period.

27 (2) The opportunities and constraints to development of  
28 additional housing in each member jurisdiction, including all of  
29 the following:

30 (A) Lack of capacity for sewer or water service due to federal  
31 or state laws, regulations or regulatory actions, or supply and  
32 distribution decisions made by a sewer or water service provider  
33 other than the local jurisdiction that preclude the jurisdiction from  
34 providing necessary infrastructure for additional development  
35 during the planning period.

36 (B) The availability of land suitable for urban development or  
37 for conversion to residential use, the availability of underutilized  
38 land, and opportunities for infill development and increased  
39 residential densities. The council of governments may not limit  
40 its consideration of suitable housing sites or land suitable for urban

1 development to existing zoning ordinances and land use restrictions  
2 of a locality, but shall consider the potential for increased  
3 residential development under alternative zoning ordinances and  
4 land use restrictions. The determination of available land suitable  
5 for urban development may exclude lands where the Federal  
6 Emergency Management Agency (FEMA) or the Department of  
7 Water Resources has determined that the flood management  
8 infrastructure designed to protect that land is not adequate to avoid  
9 the risk of flooding.

10 (C) Lands preserved or protected from urban development under  
11 existing federal or state programs, or both, designed to protect  
12 open space, farmland, environmental habitats, and natural resources  
13 on a long-term basis, including land zoned or designated for  
14 agricultural protection or preservation that is subject to a local  
15 ballot measure that was approved by the voters of that jurisdiction  
16 that prohibits or restricts conversion to nonagricultural uses.

17 (D) County policies to preserve prime agricultural land, as  
18 defined pursuant to Section 56064, within an unincorporated area  
19 and land within an unincorporated area zoned or designated for  
20 agricultural protection or preservation that is subject to a local  
21 ballot measure that was approved by the voters of that jurisdiction  
22 that prohibits or restricts its conversion to nonagricultural uses.

23 (3) The distribution of household growth assumed for purposes  
24 of a comparable period of regional transportation plans and  
25 opportunities to maximize the use of public transportation and  
26 existing transportation infrastructure.

27 (4) Agreements between a county and cities in a county to direct  
28 growth toward incorporated areas of the county and land within  
29 an unincorporated area zoned or designated for agricultural  
30 protection or preservation that is subject to a local ballot measure  
31 that was approved by the voters of the jurisdiction that prohibits  
32 or restricts conversion to nonagricultural uses.

33 (5) The loss of units contained in assisted housing developments,  
34 as defined in paragraph (9) of subdivision (a) of Section 65583,  
35 that changed to non-low-income use through mortgage prepayment,  
36 subsidy contract expirations, or termination of use restrictions.

37 (6) The percentage of existing households at each of the income  
38 levels listed in subdivision ~~(e)~~ (f) of Section 65584 that are paying  
39 more than 30 percent and more than 50 percent of their income in  
40 rent.

1 (7) The rate of overcrowding.

2 (8) The housing needs of farmworkers.

3 (9) The housing needs generated by the presence of a private  
4 university or a campus of the California State University or the  
5 University of California within any member jurisdiction.

6 (10) The housing needs of individuals and families experiencing  
7 homelessness. If a council of governments has surveyed each of  
8 its member jurisdictions pursuant to subdivision (b) on or before  
9 January 1, 2020, this paragraph shall apply only to the development  
10 of methodologies for the seventh and subsequent revisions of the  
11 housing element.

12 (11) The loss of units during a state of emergency that was  
13 declared by the Governor pursuant to the California Emergency  
14 Services Act (Chapter 7 (commencing with Section 8550) of  
15 Division 1 of Title 2), during the planning period immediately  
16 preceding the relevant revision pursuant to Section 65588 that  
17 have yet to be rebuilt or replaced at the time of the analysis.

18 (12) The region’s greenhouse gas emissions targets provided  
19 by the State Air Resources Board pursuant to Section 65080.

20 (13) *The amount of land in each member jurisdiction that is*  
21 *within a very high fire risk area, by allocating a lower proportion*  
22 *of housing to a jurisdiction if it is likely that the jurisdiction would*  
23 *otherwise need to identify lands within a very high fire risk area*  
24 *as adequate sites pursuant to Section 65583 in order to meet its*  
25 *housing need allocation. In determining whether it is likely the*  
26 *jurisdiction would otherwise need to identify lands within a very*  
27 *high fire risk area as adequate sites pursuant to Section 65583 in*  
28 *order to meet its housing need allocation, the council of*  
29 *governments, or delegate subregion as applicable, shall consider*  
30 *factors that include, but are not limited to, the following:*

31 (A) (i) *The percentage of land described in subparagraph (B)*  
32 *of paragraph (2) within the jurisdiction that includes a very high*  
33 *fire risk area.*

34 (ii) *Whether suitable alternative sites exist outside the*  
35 *jurisdiction, but within the region, to accommodate the remaining*  
36 *regional housing need.*

37 (B) *Any determination by a council of governments, or delegate*  
38 *subregions, as applicable, to establish, or not establish, a lower*  
39 *allocation under this paragraph for a jurisdiction containing a*  
40 *very high fire risk area shall be supported by a data-driven analysis*

1 *demonstrating that the reduced allocation is, or is not, appropriate,*  
2 *including evidence-based consideration of the factors set forth in*  
3 *clauses (i) and (ii) of subparagraph (A).*

4 *(C) This paragraph shall apply only to the development of*  
5 *methodologies for the seventh and subsequent revisions of the*  
6 *housing element.*

7 *(D) For the purposes of this paragraph, “very high fire risk*  
8 *area” has the same meaning as defined in Section 65011.*

9 ~~(13)~~

10 (14) Any other factors adopted by the council of governments,  
11 that further the objectives listed in subdivision (d) of Section  
12 65584, provided that the council of governments specifies which  
13 of the objectives each additional factor is necessary to further. The  
14 council of governments may include additional factors unrelated  
15 to furthering the objectives listed in subdivision (d) of Section  
16 65584 so long as the additional factors do not undermine the  
17 objectives listed in subdivision (d) of Section 65584 and are applied  
18 equally across all household income levels as described in  
19 subdivision (f) of Section 65584 and the council of governments  
20 makes a finding that the factor is necessary to address significant  
21 health and safety conditions.

22 (f) The council of governments, or delegate subregion, as  
23 applicable, shall explain in writing how each of the factors  
24 described in subdivision (e) was incorporated into the methodology  
25 and how the methodology furthers the objectives listed in  
26 subdivision (d) of Section 65584. The methodology may include  
27 numerical weighting. This information, and any other supporting  
28 materials used in determining the methodology, shall be posted  
29 on the council of governments’, or delegate subregion’s, internet  
30 website.

31 (g) The following criteria shall not be a justification for a  
32 determination or a reduction in a jurisdiction’s share of the regional  
33 housing need:

34 (1) Any ordinance, policy, voter-approved measure, or standard  
35 of a city or county that directly or indirectly limits the number of  
36 residential building permits issued by a city or county.

37 (2) Prior underproduction of housing in a city or county from  
38 the previous regional housing need allocation, as determined by  
39 each jurisdiction’s annual production report submitted pursuant

1 to subparagraph (H) of paragraph (2) of subdivision (a) of Section  
2 65400.

3 (3) Stable population numbers in a city or county from the  
4 previous regional housing needs cycle.

5 (h) Following the conclusion of the public comment period  
6 described in subdivision (d) on the proposed allocation  
7 methodology, and after making any revisions deemed appropriate  
8 by the council of governments, or delegate subregion, as applicable,  
9 as a result of comments received during the public comment period,  
10 and as a result of consultation with the department, each council  
11 of governments, or delegate subregion, as applicable, shall publish  
12 a draft allocation methodology on its internet website and submit  
13 the draft allocation methodology, along with the information  
14 required pursuant to subdivision (e), to the department.

15 (i) Within 60 days, the department shall review the draft  
16 allocation methodology and report its written findings to the  
17 council of governments, or delegate subregion, as applicable. In  
18 its written findings the department shall determine whether the  
19 methodology furthers the objectives listed in subdivision (d) of  
20 Section 65584. If the department determines that the methodology  
21 is not consistent with subdivision (d) of Section 65584, the council  
22 of governments, or delegate subregion, as applicable, shall take  
23 one of the following actions:

24 (1) Revise the methodology to further the objectives listed in  
25 subdivision (d) of Section 65584 and adopt a final regional, or  
26 subregional, housing need allocation methodology.

27 (2) Adopt the regional, or subregional, housing need allocation  
28 methodology without revisions and include within its resolution  
29 of adoption findings, supported by substantial evidence, as to why  
30 the council of governments, or delegate subregion, believes that  
31 the methodology furthers the objectives listed in subdivision (d)  
32 of Section 65584 despite the findings of the department.

33 (j) If the department's findings are not available within the time  
34 limits set by subdivision (i), the council of governments, or delegate  
35 subregion, may act without them.

36 (k) Upon either action pursuant to subdivision (i), the council  
37 of governments, or delegate subregion, shall provide notice of the  
38 adoption of the methodology to the jurisdictions within the region,  
39 or delegate subregion, as applicable, and to the department, and

1 shall publish the adopted allocation methodology, along with its  
2 resolution and any adopted written findings, on its internet website.

3 (l) The department may, within 90 days, review the adopted  
4 methodology and report its findings to the council of governments,  
5 or delegate subregion.

6 (m) (1) It is the intent of the Legislature that housing planning  
7 be coordinated and integrated with the regional transportation plan.  
8 To achieve this goal, the allocation plan shall allocate housing  
9 units within the region consistent with the development pattern  
10 included in the sustainable communities strategy.

11 (2) The final allocation plan shall ensure that the total regional  
12 housing need, by income category, as determined under Section  
13 65584, is maintained, and that each jurisdiction in the region  
14 receive an allocation of units for low- and very low income  
15 households.

16 (3) The resolution approving the final housing need allocation  
17 plan shall demonstrate that the plan is consistent with the  
18 sustainable communities strategy in the regional transportation  
19 plan and furthers the objectives listed in subdivision (d) of Section  
20 65584.

21 SEC. 10. Section 65584.06 of the Government Code is amended  
22 to read:

23 65584.06. (a) For cities and counties without a council of  
24 governments, the department shall determine and distribute the  
25 existing and projected housing need, in accordance with Section  
26 65584 and this section. If the department determines that a county  
27 or counties, supported by a resolution adopted by the board or  
28 boards of supervisors, and a majority of cities within the county  
29 or counties representing a majority of the population of the county  
30 or counties, possess the capability and resources and has agreed  
31 to accept the responsibility, with respect to its jurisdiction, for the  
32 distribution of the regional housing need, the department shall  
33 delegate this responsibility to the cities and county or counties.

34 (b) The distribution of regional housing need shall, based upon  
35 available data and in consultation with the cities and counties, take  
36 into consideration market demand for housing, the distribution of  
37 household growth within the county assumed in the regional  
38 transportation plan where applicable, employment opportunities  
39 and commuting patterns, the availability of suitable sites and public  
40 facilities, the needs of individuals and families experiencing

1 homelessness, agreements between a county and cities in a county  
2 to direct growth toward incorporated areas of the county, or other  
3 considerations as may be requested by the affected cities or  
4 counties and agreed to by the department. As part of the allocation  
5 of the regional housing need, the department shall provide each  
6 city and county with data describing the assumptions and  
7 methodology used in calculating its share of the regional housing  
8 need. Consideration of suitable housing sites or land suitable for  
9 urban development is not limited to existing zoning ordinances  
10 and land use restrictions of a locality, but shall include  
11 consideration of the potential for increased residential development  
12 under alternative zoning ordinances and land use restrictions. The  
13 determination of available land suitable for urban development  
14 may exclude lands where the Federal Emergency Management  
15 Agency (FEMA) or the Department of Water Resources has  
16 determined that the flood management infrastructure designed to  
17 protect that land is not adequate to avoid the risk of flooding.

18 *(c) (1) The distribution of regional housing need pursuant to*  
19 *this section shall also take into consideration the amount of land*  
20 *in each city and each county that is within a very high fire risk*  
21 *area, by allocating a lower proportion of housing to a jurisdiction*  
22 *if it is likely that the jurisdiction would otherwise need to identify*  
23 *lands within a very high fire risk area as adequate sites pursuant*  
24 *to Section 65583 in order to meet its housing need allocation. In*  
25 *determining whether it is likely the jurisdiction would otherwise*  
26 *need to identify lands within a very high fire risk area as adequate*  
27 *sites pursuant to Section 65583 in order to meet its housing need*  
28 *allocation, the department shall consider factors that include, but*  
29 *are not limited to, the following:*

30 *(A) The percentage of land described in subparagraph (B) of*  
31 *paragraph (2) of subdivision (e) of Section 65584.04 within the*  
32 *jurisdiction that includes a very high fire risk area.*

33 *(B) Whether suitable alternative sites exist outside the*  
34 *jurisdiction, but within the region, to accommodate the remaining*  
35 *regional housing need.*

36 *(2) Any determination to establish, or not establish, a lower*  
37 *allocation under this paragraph for a jurisdiction containing a*  
38 *very high fire risk area shall be supported by a data-driven analysis*  
39 *demonstrating that the reduced allocation is, or is not, appropriate,*

1 *including evidence-based consideration of the factors set forth in*  
2 *paragraph (1).*

3 *(3) This paragraph shall apply only to the development of*  
4 *methodologies for the seventh and subsequent revisions of the*  
5 *housing element.*

6 ~~(e)~~

7 *(d) Within 90 days following the department's determination*  
8 *of a draft distribution of the regional housing need to the cities and*  
9 *the county, a city or county may propose to revise the determination*  
10 *of its share of the regional housing need in accordance with criteria*  
11 *set forth in the draft distribution. The proposed revised share shall*  
12 *be based upon comparable data available for all affected*  
13 *jurisdictions, and accepted planning methodology, and shall be*  
14 *supported by adequate documentation.*

15 ~~(e)~~

16 *(e) (1) Within 60 days after the end of the 90-day time period*  
17 *for the revision by the cities or county, the department shall accept*  
18 *the proposed revision, modify its earlier determination, or indicate*  
19 *why the proposed revision is inconsistent with the regional housing*  
20 *need.*

21 *(2) If the department does not accept the proposed revision,*  
22 *then, within 30 days, the city or county may request a public*  
23 *hearing to review the determination.*

24 *(3) The city or county shall be notified within 30 days by*  
25 *certified mail, return receipt requested, of at least one public*  
26 *hearing regarding the determination.*

27 *(4) The date of the hearing shall be at least 10 but not more than*  
28 *15 days from the date of the notification.*

29 *(5) Before making its final determination, the department shall*  
30 *consider all comments received and shall include a written response*  
31 *to each request for revision received from a city or county.*

32 ~~(e)~~

33 *(f) If the department accepts the proposed revision or modifies*  
34 *its earlier determination, the city or county shall use that share. If*  
35 *the department grants a revised allocation pursuant to subdivision*  
36 *(d), the department shall ensure that the total regional housing*  
37 *need is maintained. The department's final determination shall be*  
38 *in writing and shall include information explaining how its action*  
39 *is consistent with this section. If the department indicates that the*  
40 *proposed revision is inconsistent with the regional housing need,*



1 the city or county shall use the share that was originally determined  
2 by the department. The department, within its final determination,  
3 may adjust the allocation of a city or county that was not the subject  
4 of a request for revision of the draft distribution.

5 ~~(f)~~

6 (g) The department shall issue a final regional housing need  
7 allocation for all cities and counties within 45 days of the  
8 completion of the local review period.

9 ~~(g)~~

10 (h) Statutory changes enacted after the date the department  
11 issued a final determination pursuant to this section shall not be a  
12 basis for a revision of the final determination.

13 (i) *For purposes of this section, “very high fire risk area” has*  
14 *the same meaning as defined in Section 65011.*

15 SEC. 11. Section 65860.2 is added to the Government Code,  
16 to read:

17 65860.2. (a) Not more than 12 months following the  
18 amendment of the land use element of a city’s or county’s general  
19 plan pursuant to Section 65302.11, each city or county that contains  
20 a very high fire risk area, as defined in Section 65011, shall adopt  
21 a very high fire risk overlay zone or otherwise amend its zoning  
22 ordinance so that it is consistent with the general plan, as amended.

23 (b) Notwithstanding any other law, the minimum requirements  
24 set forth in this section shall apply to all cities, including charter  
25 cities, and counties that contain a very high fire risk area. The  
26 Legislature finds and declares that establishment of minimum  
27 requirements for wildfire protection in very high fire risk areas is  
28 a matter of statewide concern and not a municipal affair as that  
29 term is used in Section 5 of Article XI of the California  
30 Constitution. Except as expressly stated, it is not the intent of the  
31 Legislature to limit the ordinances, rules, or regulations that a city  
32 or county may otherwise adopt and enforce beyond the minimum  
33 requirements outlined in this section.

34 SEC. 12. Section 65865.6 is added to the Government Code,  
35 to read:

36 65865.6. (a) Notwithstanding any other law and subject to  
37 subdivision (b), after the amendments to the land use element of  
38 the city’s or county’s general plan and zoning ordinances required  
39 by Sections 65302.11 and 65860.2 have become effective, the  
40 legislative body of a city or county that contains a very high fire

1 risk area, as defined in Section 65011, shall not enter into a  
2 development agreement for property that is located within such a  
3 very high fire risk area unless the city or county finds, based on  
4 substantial evidence in the record that the project and all structures  
5 within the project are protected from wildfire risk in accordance  
6 with the wildfire risk reduction standards in effect at the time that  
7 the development agreement is entered into, or wildfire protection  
8 standards adopted by the city or county that meet or exceed the  
9 wildfire risk reduction standards in effect at the time that the  
10 development agreement is entered into.

11 (b) Subdivision (a) shall apply only to a development agreement  
12 entered into on or after the date upon which the statutes of  
13 limitation specified in subdivision (c) of Section 65009 have run  
14 with respect to the amendments to a city's or county's general plan  
15 and zoning ordinances required by Sections 65302.11 and 65860.2  
16 or, if the amendments and any associated environmental documents  
17 are challenged in court, the validity of the amendments and any  
18 associated environmental documents has been upheld in a final  
19 decision.

20 (c) For purposes of this section, "wildfire risk reduction  
21 standards" means the wildfire risk reduction standards set forth in  
22 Section 65012 that are adopted pursuant to Section 65013 or  
23 implemented by the city or county pursuant to subparagraph (B)  
24 or (C) of paragraph (1) or subparagraph (B), (C), or (D) of  
25 paragraph (2) of subdivision (a) of Section 65012.

26 (d) This section shall not be interpreted to change or diminish  
27 the requirements of any other law or ordinance relating to fire  
28 protection. In the event of conflict among the wildfire risk  
29 reduction standards, or between the wildfire risk reduction  
30 standards and the requirements of any other law relating to fire  
31 protection, such conflicts shall be resolved in a manner which on  
32 balance is most protective against potential loss from wildfire  
33 exposure. Nothing in this section shall be construed to limit the  
34 existing authority of a city or county under any other law from  
35 adopting ordinances, rules, or regulations beyond the minimum  
36 requirements outlined in this section.

37 (e) For purposes of this section, "very high fire risk area" has  
38 the same meaning as defined in Section 65011.

39 SEC. 13. Section 65962.3 is added to the Government Code,  
40 to read:

1 65962.3. (a) Notwithstanding any other law, and subject to  
2 subdivision (b), after the amendments to the land use element of  
3 the city's or county's general plan and zoning ordinances required  
4 by Sections 65302.11 and 65860.2 have become effective, a city  
5 or county that contains a very high fire risk area, as defined in  
6 Section 65011, shall not approve a discretionary permit or other  
7 discretionary entitlement that would result in the construction of  
8 a new building or construction that would result in an increase in  
9 allowed occupancy for an existing building, or a ministerial permit  
10 that would result in the construction of a new residence, for a  
11 project that is located within such a very high fire risk area unless  
12 the city or county finds, based on substantial evidence in the record  
13 that the project and all structures within the project are protected  
14 from wildfire risk in accordance with the wildfire risk reduction  
15 standards defined in Section 65012, or wildfire protection standards  
16 in effect at the time the application for the permit or entitlement  
17 is deemed complete, adopted by the city or county that meet or  
18 exceed the wildfire risk reduction standards in effect at the time  
19 the application for the permit or entitlement is deemed complete.  
20 Approval of a final map or parcel map that conforms to a  
21 previously approved tentative map pursuant to Section 66458 shall  
22 not constitute approval of a ministerial permit for purposes of this  
23 section.

24 (b) Subdivision (a) shall only apply to a discretionary permit,  
25 discretionary entitlement, or ministerial permit issued on or after  
26 the date upon which the statutes of limitation specified in  
27 subdivision (c) of Section 65009 have run with respect to the  
28 amendments to a city's or a county's general plan and zoning  
29 ordinances required by Sections 65302.11 and 65860.2 or, if the  
30 amendments and any associated environmental documents are  
31 challenged in court, the validity of the amendments and any  
32 associated environmental documents has been upheld in a final  
33 decision.

34 (c) This section shall not be interpreted to waive or reduce a  
35 city or county's obligation pursuant to Section 65863 to ensure  
36 that its housing element inventory accommodates, at all times  
37 throughout the housing element planning period, its remaining  
38 share of its regional housing need.

39 (d) This section shall not be interpreted to change or diminish  
40 the requirements of any other law or ordinance relating to fire

1 protection. In the event of conflict among the wildfire risk  
2 reduction standards, or between the wildfire risk reduction  
3 standards and the requirements of any other law relating to fire  
4 protection, such conflicts shall be resolved in a manner which on  
5 balance is most protective against potential loss from wildfire  
6 exposure. Nothing in this section shall be construed to limit the  
7 existing authority of a city or county under any other law from  
8 adopting ordinances, rules, or regulations beyond the minimum  
9 requirements outlined in this section.

10 (e) For purposes of this section, “wildfire risk reduction  
11 standards” means those wildfire risk reduction standards set forth  
12 in Section 65012 that are adopted pursuant to Section 65013 or  
13 implemented by the city or county pursuant to subparagraph (B)  
14 or (C) of paragraph (1) of or subparagraph (B), (C), or (D) of  
15 paragraph (2) of subdivision (a) of Section 65012.

16 (f) For purposes of this section, “very high fire risk area” has  
17 the same meaning as defined in Section 65011.

18 SEC. 14. Section 66474.03 is added to the Government Code,  
19 to read:

20 66474.03. (a) Notwithstanding any other law and subject to  
21 subdivision (b), after the amendments to the land use element of  
22 the city’s or county’s general plan and zoning ordinances required  
23 by Sections 65302.11 and 65860.2 have become effective, each  
24 city and each county that contains a very high fire risk area, as  
25 defined in Section 65011, shall deny approval of a tentative map,  
26 or a parcel map for which a tentative map was not required, for a  
27 subdivision that is located within such a very high fire risk area  
28 unless, in addition to any findings required under Section 66474.02,  
29 the city or county finds, based on substantial evidence in the record  
30 that the project and all structures within the project are protected  
31 from wildfire risk in accordance with the wildfire risk reduction  
32 standards in effect at the time the application for the tentative map  
33 or parcel map is deemed complete, or wildfire protection standards  
34 adopted by the city or county that meet or exceed the wildfire risk  
35 reduction standards in effect at the time the application for the  
36 tentative map or parcel map is deemed complete.

37 (b) Subdivision (a) shall only apply to an approval of a tentative  
38 map, or a parcel map for which a tentative map was not required,  
39 on or after the date upon which the statutes of limitation specified  
40 in subdivision (c) of Section 65009 have run with respect to the

1 amendments to the land use element of the city’s or county’s  
2 general plan and zoning ordinances required by Sections 65302.11  
3 and 65860.2 or, if the amendments and any associated  
4 environmental documents are challenged in court, the validity of  
5 the amendments and any associated environmental documents has  
6 been upheld in a final decision.

7 (c) For purposes of this section, “wildfire risk reduction  
8 standards” means those wildfire risk reduction standards set forth  
9 in Section 65012 that are adopted pursuant to Section 65013 or  
10 implemented by the city or county pursuant to subparagraph (B)  
11 or (C) of paragraph (1) or subparagraph (B), (C), or (D) of  
12 paragraph (2) of subdivision (a) of Section 65012.

13 (d) This section shall not be interpreted to change or diminish  
14 the requirements of any other law or ordinance relating to fire  
15 protection. In the event of conflict among the wildfire risk  
16 reduction standards, or between the wildfire risk reduction  
17 standards and the requirements of any other law relating to fire  
18 protection, such conflicts shall be resolved in a manner which on  
19 balance is most protective against potential loss from wildfire  
20 exposure. Nothing in this section shall be construed to limit the  
21 existing authority of a city or county under any other law from  
22 adopting ordinances, rules, or regulations beyond the minimum  
23 requirements outlined in this section.

24 SEC. 15. Section 13132.7 of the Health and Safety Code is  
25 amended to read:

26 13132.7. (a) Within a very high fire hazard severity zone  
27 designated by the Director of Forestry and Fire Protection pursuant  
28 to Article 9 (commencing with Section 4201) of Chapter 1 of Part  
29 2 of Division 4 of the Public Resources Code and within a very  
30 high *fire* hazard severity zone designated by a local agency  
31 pursuant to Chapter 6.8 (commencing with Section 51175) of Part  
32 1 of Division 1 of Title 5 of the Government Code, the entire roof  
33 covering of every existing structure where more than 50 percent  
34 of the total roof area is replaced within any one-year period, every  
35 new structure, and any roof covering applied in the alteration,  
36 repair, or replacement of the roof of every existing structure, shall  
37 be a fire retardant roof covering that is at least class B as defined  
38 in the Uniform Building Code, as adopted and amended by the  
39 State Building Standards Commission.

1 (b) In all other areas, the entire roof covering of every existing  
2 structure where more than 50 percent of the total roof area is  
3 replaced within any one-year period, every new structure, and any  
4 roof covering applied in the alteration, repair, or replacement of  
5 the roof of every existing structure, shall be a fire retardant roof  
6 covering that is at least class C as defined in the Uniform Building  
7 Code, as adopted and amended by the State Building Standards  
8 Commission.

9 (c) Notwithstanding subdivision (b), within state responsibility  
10 areas classified by the State Board of Forestry and Fire Protection  
11 pursuant to Article 3 (commencing with Section 4125) of Chapter  
12 1 of Part 2 of Division 4 of the Public Resources Code, except for  
13 those state responsibility areas designated as moderate fire hazard  
14 responsibility zones, the entire roof covering of every existing  
15 structure where more than 50 percent of the total roof area is  
16 replaced within any one-year period, every new structure, and any  
17 roof covering applied in the alteration, repair, or replacement of  
18 the roof of every existing structure, shall be a fire retardant roof  
19 covering that is at least class B as defined in the Uniform Building  
20 Code, as adopted and amended by the State Building Standards  
21 Commission.

22 (d) (1) Notwithstanding subdivision (a), (b), or (c), within very  
23 high fire hazard severity zones designated by the Director of  
24 Forestry and Fire Protection pursuant to Article 9 (commencing  
25 with Section 4201) of Chapter 1 of Part 2 of Division 4 of the  
26 Public Resources Code or by a local agency pursuant to Chapter  
27 6.8 (commencing with Section 51175) of Part 1 of Division 1 of  
28 Title 5 of the Government Code, the entire roof covering of every  
29 existing structure where more than 50 percent of the total roof area  
30 is replaced within any one-year period, every new structure, and  
31 any roof covering applied in the alteration, repair, or replacement  
32 of the roof of every existing structure, shall be a fire retardant roof  
33 covering that is at least class A as defined in the Uniform Building  
34 Code, as adopted and amended by the State Building Standards  
35 Commission.

36 (2) Paragraph (1) does not apply to any jurisdiction containing  
37 a very high fire hazard severity zone if the jurisdiction fulfills both  
38 of the following requirements:

39 (A) Adopts the model ordinance approved by the State Fire  
40 Marshal pursuant to Section 51189 of the Government Code or an

1 ordinance that substantially conforms to the model ordinance of  
2 the State Fire Marshal.

3 (B) Transmits, upon adoption, a copy of the ordinance to the  
4 State Fire Marshal.

5 (e) The State Building Standards Commission shall incorporate  
6 the requirements set forth in subdivisions (a), (b), and (c) by  
7 publishing them as an amendment to the California Building  
8 Standards Code in accordance with Chapter 4 (commencing with  
9 Section 18935) of Part 2.5 of Division 13.

10 (f) Nothing in this section shall limit the authority of a city,  
11 county, city and county, or fire protection district in establishing  
12 more restrictive requirements, in accordance with current law, than  
13 those specified in this section.

14 (g) This section shall not affect the validity of an ordinance,  
15 adopted prior to the effective date for the relevant roofing standard  
16 specified in subdivisions (a) and (b), by a city, county, city and  
17 county, or fire protection district, unless the ordinance mandates  
18 a standard that is less stringent than the standards set forth in  
19 subdivision (a), in which case the ordinance shall not be valid on  
20 or after the effective date for the relevant roofing standard specified  
21 in subdivisions (a) and (b).

22 (h) Any qualified historical building or structure as defined in  
23 Section 18955 may, on a case-by-case basis, utilize alternative  
24 roof constructions as provided by the State Historical Building  
25 Code.

26 (i) The installer of the roof covering shall provide certification  
27 of the roof covering classification, as provided by the manufacturer  
28 or supplier, to the building owner and, when requested, to the  
29 agency responsible for enforcement of this part. The installer shall  
30 also install the roof covering in accordance with the manufacturer's  
31 listing.

32 (j) No wood roof covering materials shall be sold or applied in  
33 this state unless both of the following conditions are met:

34 (1) The materials have been approved and listed by the State  
35 Fire Marshal as complying with the requirements of this section.

36 (2) The materials have passed at least 5 years of the 10-year  
37 natural weathering test. The 10-year natural weathering test  
38 required by this subdivision shall be conducted in accordance with  
39 standard 15-2 of the 1994 edition of the Uniform Building Code  
40 at a testing facility recognized by the State Fire Marshal.

1 (k) The Insurance Commissioner shall accept the use of fire  
2 retardant wood roof covering material that complies with the  
3 requirements of this section, used in the partial repair or  
4 replacement of nonfire retardant wood roof covering material, as  
5 complying with the requirement in Section 2695.9 of Title 10 of  
6 the California Code of Regulations relative to matching  
7 replacement items in quality, color, and size.

8 (l) No common interest development, as defined in Section 4100  
9 or 6534 of the Civil Code, may require an owner to install or repair  
10 a roof in a manner that is in violation of this section. The governing  
11 documents, as defined in Section 4150 or 6552 of the Civil Code,  
12 of a common interest development within a very high fire severity  
13 zone shall allow for at least one type of fire retardant roof covering  
14 material that meets the requirements of this ~~section~~ *section and*  
15 *that is, at a minimum, class B, as defined in the International*  
16 *Building Code.*

17 SEC. 16. Section 4123.6 is added to the Public Resources Code,  
18 to read:

19 4123.6. (a) For purposes of this section:

20 (1) “Department” means the Department of Forestry and Fire  
21 Protection.

22 (2) “Program” means the Wildfire Risk Reduction Planning  
23 Support Grants Program established by this section.

24 (3) “Small jurisdiction” means either of the following:

25 (A) A county that had a population of less than 250,000 as of  
26 January 1, 2019.

27 (B) A city located within a county described in subparagraph  
28 (A) that contains a very high fire risk area.

29 (b) (1) The Wildfire Risk Reduction Planning Support Grants  
30 Program is hereby established for the purpose of providing small  
31 jurisdictions that contain very high fire risk areas with grants for  
32 planning activities to enable those jurisdictions to meet the  
33 requirements set forth in the act adding this section.

34 (2) Upon appropriation by the Legislature for purposes of this  
35 section, the department shall distribute grant funds under the  
36 program, in accordance with subdivision (e).

37 (c) The department shall administer the program and, consistent  
38 with the requirements of this section, provide grants to jurisdictions  
39 for the purposes described in paragraph (1) of subdivision (b).



1 (d) A small jurisdiction that receives an allocation of grant funds  
2 pursuant to this section shall use that allocation solely for wildfire  
3 risk reduction planning activities, including, but not limited to,  
4 one or more of the following:

5 (1) Updating planning documents and zoning ordinances,  
6 including general plans, community plans, specific plans, local  
7 hazard mitigation plans, community wildfire protection plans,  
8 climate adaptation plans, and local coastal programs to implement  
9 Sections 65302.11 and 65860.2 of the Government Code.

10 (2) Developing and adopting a comprehensive retrofit strategy  
11 in accordance with paragraph (6) of subdivision (g) of Section  
12 65302 of the Government Code.

13 (3) Reviewing and updating the local designation of lands within  
14 the jurisdiction as very high fire hazard severity zones pursuant to  
15 subdivision (b) of Section 51179 of the Government Code.

16 (4) Implementing the wildfire risk reduction standards set forth  
17 in Sections 65012 and 65013 of the Government Code or local  
18 wildfire protection standards that meet or exceed those wildfire  
19 risk reduction standards, including development and adoption of  
20 any appropriate local ordinances, rules, or regulations.

21 (5) Establishing and initial funding of an enforcement program  
22 in accordance with subparagraph (C) of paragraph (1) of  
23 subdivision (a) of Section 65012 of the Government Code.

24 (6) Performing infrastructure planning, including for access  
25 roads, water supplies providing fire protection, or other public  
26 facilities necessary to support the wildfire risk reduction standards  
27 set forth in Sections 65012 and 65013 of the Government Code.

28 (7) Partnering with other local entities to implement wildfire  
29 risk reduction.

30 (8) Updating local planning processes to otherwise support  
31 wildfire risk reduction.

32 (9) Completing any environmental review associated with the  
33 activities described in paragraphs (1) to (8), inclusive.

34 (10) Covering the costs of temporary staffing or consulting  
35 needs associated with the activities described in paragraphs (1) to  
36 (9), inclusive.

37 (e) (1) The amount described in paragraph (2) of subdivision  
38 (b) shall be allocated in each year for which funding is made  
39 available for the program to small jurisdictions in accordance with  
40 this subdivision.

1 (2) The department shall administer a noncompetitive,  
2 over-the-counter application process for grants funded by the  
3 allocation specified in paragraph (1) for wildfire risk reduction  
4 planning activities, as described in subdivision (d), for small  
5 jurisdictions.

6 (3) The department shall award no more than three hundred  
7 fifty thousand dollars (\$350,000), and no less than two hundred  
8 fifty thousand dollars (\$250,000), to a qualifying small jurisdiction.

9 (4) Any qualifying small jurisdiction may submit an application  
10 for funding, in the form and manner prescribed by the department,  
11 in order to receive an allocation of funds pursuant to this  
12 subdivision. An application submitted pursuant to this paragraph  
13 shall include a description of the proposed uses of funds, in  
14 accordance with subdivision (d). The department shall verify  
15 whether each funding request meets the minimum criteria  
16 established by this subdivision and make awards on a continuous  
17 basis based on those criteria.

18 (f) Of any amount appropriated for purposes of this section, up  
19 to 5 percent of those funds may be set aside for program  
20 administration by the department.

21 (g) For purposes of this section, “very high fire risk area” has  
22 the same meaning as defined in Section 65011.

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

25 4290. (a) The board shall adopt regulations implementing  
26 minimum fire safety standards related to defensible space that are  
27 applicable to state responsibility area lands under the authority of  
28 the department, and to lands classified and designated as very high  
29 fire hazard severity zones, as defined in subdivision (i) of Section  
30 51177 of the Government Code. These regulations apply to the  
31 perimeters and access *from the perimeters* to all residential,  
32 commercial, and industrial building construction within state  
33 responsibility areas approved after January 1, 1991, and within  
34 lands classified and designated as very high fire hazard severity  
35 zones, as defined in subdivision (i) of Section 51177 of the  
36 Government Code after July 1, 2021. *The regulations shall conform*  
37 *as nearly as practicable with the regulations adopted by the State*  
38 *Fire Marshal pursuant to Section 65013.* The board may not adopt  
39 building standards, as defined in Section 18909 of the Health and  
40 Safety Code, under the authority of this section. As an integral

1 part of fire safety standards, the State Fire Marshal has the authority  
2 to adopt regulations for roof coverings and openings into the attic  
3 areas of buildings specified in Section 13108.5 of the Health and  
4 Safety Code. The regulations apply to the placement of mobile  
5 homes as defined by National Fire Protection Association  
6 standards. These regulations do not apply where an application  
7 for a building permit was filed prior to January 1, 1991, or to parcel  
8 or tentative maps or other developments approved prior to January  
9 1, 1991, if the final map for the tentative map is approved within  
10 the time prescribed by the local ordinance. The regulations shall  
11 include all of the following:

- 12 (1) Road standards for fire equipment access.
  - 13 (2) Standards for signs identifying streets, roads, and buildings.
  - 14 (3) Minimum private water supply reserves for emergency fire  
15 use.
  - 16 (4) Fuel breaks and greenbelts.
- 17 (b) The board shall, on and after July 1, 2021, periodically  
18 update regulations for fuel breaks and greenbelts near communities  
19 to provide greater fire safety for the perimeters to all residential,  
20 commercial, and industrial building construction within state  
21 responsibility areas and lands classified and designated as very  
22 high fire hazard severity zones, as defined in subdivision (i) of  
23 Section 51177 of the Government Code, after July 1, 2021. These  
24 regulations shall include measures to preserve undeveloped  
25 ridgelines to reduce fire risk and improve fire protection. The board  
26 shall, by regulation, define “ridgeline” for purposes of this  
27 subdivision.
- 28 (c) These regulations do not supersede local regulations which  
29 equal or exceed minimum regulations adopted by the state.
- 30 (d) The board may enter into contracts with technical experts  
31 to meet the requirements of this section.

32 SEC. 18. No reimbursement is required by this act pursuant  
33 to Section 6 of Article XIII B of the California Constitution because  
34 a local agency or school district has the authority to levy service  
35 charges, fees, or assessments sufficient to pay for the program or  
36 level of service mandated by this act, within the meaning of Section  
37 17556 of the Government Code.

O