

**Introduced by Senator Stern**December 7, 2020

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An act to amend Sections 51177, 51178, 51178.5, 51182, and 51189 of the Government Code, to amend Section 13108.5 of the Health and Safety Code, and to amend Sections 4124.5 and 4291 of, to add Section 4799.05.5 to, and to add and repeal Sections 4123.8, 4291.5, and 4291.6 of, the Public Resources Code, relating to fire prevention.

## LEGISLATIVE COUNSEL'S DIGEST

SB 63, as introduced, Stern. Fire prevention: vegetation management: public education: grants: defensible space: fire hazard severity zones: forest management.

(1) Existing law requires the Director of Forestry and Fire Protection to identify areas of the state as very high fire hazard severity zones based on specified criteria. Existing law requires a local agency, within 30 days after receiving a transmittal from the director that identifies very high fire hazard severity zones, to make the information available for public review, as provided.

This bill, among other things, would also require the director to identify areas of the state as moderate and high fire hazard severity zones and would require a local agency to make this information available for public review and comment, as provided. By expanding the responsibility of a local agency, the bill would impose a state-mandated local program.

(2) Existing law requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or structure in, upon, or adjoining a mountainous area, forest-covered land, brush-covered land, grass-covered land, or land that is covered with flammable material that is within a very high fire hazard severity zone, as designated by a local

agency, or a building or structure in, upon, or adjoining those areas or lands within a state responsibility area, to maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. Existing law authorizes a greater distance than specified above on the specified land in a very high fire hazard severity zone. Existing law specifies that clearance beyond the property line may only be required if state law, local ordinance, rule, or regulation includes certain findings and specifies that clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.

This bill, among other things, would instead provide that fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain the 100 feet of defensible space.

This bill would also require the Director of Forestry and Fire Protection to establish a statewide program to allow qualified entities, as defined, to support and augment the Department of Forestry and Fire Protection in its defensible space and home hardening assessment and education efforts and to establish a common reporting platform for participating qualified entities to report defensible space and home hardening assessment data to the department. The bill would repeal this provision on January 1, 2026.

Existing law requires the Office of the State Fire Marshal to develop a model defensible space program that is required to be made available for use by a city, county, or city and county in the enforcement of the above defensible space provisions. The program is required to have specified components, including general guidelines for creating and maintaining defensible space around structures, as provided.

This bill would also include as a component of the model defensible space program, provisions for fuel modifications beyond the property line, as provided.

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption. In the absence of a designated state agency, the commission is required to adopt specific building standards, as prescribed. Existing law requires the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community development, to propose specified fire

protection building standards in fire hazard severity zones, including very high fire hazard severity zones, in state responsibility areas.

This bill would require the State Fire Marshal and the Department of Housing and Community Development to propose, and the State Building Standards Commission to adopt, expanded application of the above-described specified building standards to high fire hazard severity zones. The bill would also require the State Fire Marshal and the Department of Housing and Community Development to consider, if it is appropriate, expanding application of these building standards to moderate fire hazard severity zones.

This bill would also make other related changes.

(3) Existing law appropriates specified moneys to the Department of Forestry and Fire Protection for purposes of healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires and to complete prescribed fire and other fuel reduction projects, as provided.

This bill would require, on or before January 1, 2023, the department, in consultation with the State Air Resources Board and the California Forest Management Task Force, to report to the relevant fiscal and policy committees of the Legislature on moneys spent pursuant to the above provision, as provided.

(4) Existing law requires the Department of Forestry and Fire Protection to establish a local assistance grant program for fire prevention activities in the state. Existing law requires the local assistance grant program to establish a robust year-round fire prevention effort in and near fire threatened communities. Existing law requires that the eligible activities include, among other things, fire prevention activities, as provided. Existing law permits the Director of Forestry and Fire Protection to authorize advance payments, not exceeding 25% of the total grant award, from a grant awarded pursuant to the local assistance grant program. Existing law requires the grantee to expend these funds from the advance payment within 6 months of receipt, as provided.

This bill, among other things, would specify that the above-described fire prevention effort in and near fire threatened communities focus on increasing the protection of people, structures, and communities, as provided. The bill would define “fire threatened communities” as provided. The bill would specifically include vegetation management along roadways and driveways to reduce fire risk, public education outreach regarding making homes and communities more wildfire

resilient, projects to reduce the flammability of structures and communities to prevent their ignition from wind-driven embers, and developing a risk reduction checklist for communities as part of the eligible activities, among other things, as provided. The bill would instead authorize an advance payment not exceeding 50% of the total grant award and would instead require the grantee to expend these funds within 12 months.

This bill would require the department to develop and implement a training program, as provided, to train individuals to support and augment the department in its defensible space and home hardening assessment and public education efforts. The bill would require the department to issue a certification of completion to individuals who have successfully completed the training program. The bill would repeal these provisions on January 1, 2026.

(5) Existing law requires the Director of Forestry and Fire Protection to provide grants to, or enter into contracts or other cooperative agreements with, specified entities for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions.

This bill would require the Department of Forestry and Fire Protection, under Good Neighbor Authority agreements entered into between the state and the federal government, as provided, to establish a program for purposes of conducting landscape scale ecological restoration and fire resiliency projects on national forest lands, including the development of specified federal and state environmental protection documents for landscape scale ecological restoration and fire resiliency projects on national forest lands that are at least 25,000 acres. The bill would authorize the department to contract with Native American tribes, local governments, forest collaboratives, and qualified nongovernmental organizations to conduct restoration activities on federal forest lands and to develop the federal documents.

(6) 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 51177 of the Government Code is  
2 amended to read:

3 51177. As used in this chapter:

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

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

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

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

18 (e) “Local agency” means a city, county, city and county, or  
19 district responsible for fire protection within a very high fire hazard  
20 severity zone.

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

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

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

31 (i) “Very high fire hazard severity zone” means an area  
32 designated by the director pursuant to Section 51178 that is not a  
33 state responsibility area.

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

1 SEC. 2. Section 51178 of the Government Code is amended  
2 to read:

3 51178. The director shall identify areas in the state as *moderate*,  
4 *high*, and very high fire hazard severity zones based on consistent  
5 statewide criteria and based on the severity of fire hazard that is  
6 expected to prevail in those areas. ~~Very Moderate, high, and very~~  
7 high fire hazard severity zones shall be based on fuel loading,  
8 slope, fire weather, and other relevant factors including areas where  
9 Santa Ana, Mono, and Diablo winds have been identified by the  
10 Department of Forestry and Fire Protection as a major cause of  
11 wildfire spread.

12 SEC. 3. Section 51178.5 of the Government Code is amended  
13 to read:

14 51178.5. Within 30 days after receiving a transmittal from the  
15 director that identifies ~~very high~~ fire hazard severity ~~zones~~, *zones*  
16 *pursuant to Section 51178*, a local agency shall make the  
17 information available for public ~~review~~; *review and comment*. The  
18 information shall be presented in a format that is understandable  
19 and accessible to the general public, including, but not limited to,  
20 maps.

21 SEC. 4. Section 51182 of the Government Code is amended  
22 to read:

23 51182. (a) A person who owns, leases, controls, operates, or  
24 maintains an occupied dwelling or occupied structure in, upon, or  
25 adjoining a mountainous area, forest-covered land, ~~brush-covered~~  
26 *shrub-covered* land, grass-covered land, or land that is covered  
27 with flammable material, which area or land is within a very high  
28 fire hazard severity zone designated by the local agency pursuant  
29 to Section 51179, shall at all times do all of the following:

30 (1) (A) Maintain defensible space of 100 feet from each side  
31 and from the front and rear of the structure, but not beyond the  
32 property line except as provided in subparagraph (B). The amount  
33 of fuel modification necessary shall consider the flammability of  
34 the structure as affected by building material, building standards,  
35 location, and type of vegetation. Fuels shall be maintained *and*  
36 *spaced* in a condition so that a wildfire burning under average  
37 weather conditions would be unlikely to ignite the structure. This  
38 subparagraph does not apply to single specimens of trees or other  
39 vegetation that are well-pruned and maintained so as to effectively  
40 manage fuels and not form a means of rapidly transmitting fire

1 from other nearby vegetation to a structure or from a structure to  
2 other nearby ~~vegetation~~. *vegetation or to interrupt the advance of*  
3 *embers toward a structure.* The intensity of fuels management  
4 may vary within the 100-foot perimeter of the structure, with more  
5 intense fuel reductions being used between 5 and 30 feet around  
6 the structure, and an ember-resistant zone being required within  
7 5 feet of the structure, based on regulations promulgated by the  
8 State Board of Forestry and Fire Protection, in consultation with  
9 the Department of Forestry and Fire Protection, to consider the  
10 elimination of materials in the ember-resistant zone that would  
11 likely be ignited by embers. The promulgation of these regulations  
12 by the State Board of Forestry and Fire Protection is contingent  
13 upon an appropriation by the Legislature in the annual Budget Act  
14 or another statute for this purpose. Consistent with fuels  
15 management objectives, steps should be taken to minimize ~~erosion~~.  
16 *erosion, soil disturbance, and the spread of flammable nonnative*  
17 *grasses and weeds.*

18 (B) A greater distance than that required under subparagraph  
19 (A) may be required by state law, local ordinance, rule, or  
20 regulation. ~~Clearance~~ *Fuel modification* beyond the property line  
21 may only be required ~~if the~~ *by* state law, local ordinance, rule, or  
22 regulation ~~includes findings that the clearing is necessary to~~  
23 ~~significantly reduce the risk of transmission of flame or heat~~  
24 ~~sufficient to ignite the structure, and there is no other feasible~~  
25 ~~mitigation measure possible to reduce the risk of ignition or spread~~  
26 ~~of wildfire to the structure.~~ *Clearance on adjacent property shall*  
27 ~~only be conducted following written consent by the adjacent~~  
28 ~~landowner.~~ *in order to maintain 100 feet of defensible space from*  
29 *a structure. Fuel modification on adjacent property shall only be*  
30 *conducted following written consent by the adjacent landowner*  
31 *or pursuant to a local ordinance. Any local ordinance shall require*  
32 *notification of the adjacent landowner prior to the fuel modification*  
33 *and shall be in compliance with all applicable state laws,*  
34 *regulations, and policies. Any local ordinance may include*  
35 *provisions to allocate costs for any fuel modification beyond the*  
36 *property line.*

37 (C) An insurance company that insures an occupied dwelling  
38 or occupied structure may require a greater distance than that  
39 required under subparagraph (A) if a fire expert, designated by the  
40 fire chief or fire official from the authority having jurisdiction,

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

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

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

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

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

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

36 (c) (1) The State Board of Forestry and Fire Protection, in  
37 consultation with the Department of Forestry and Fire Protection,  
38 shall develop, periodically update, and post on its internet website  
39 a guidance document on fuels management pursuant to this chapter.  
40 The guidance document shall include, but not be limited to,



1 regionally appropriate vegetation management suggestions that  
2 preserve and restore native species that are fire resistant or drought  
3 tolerant, or both, minimize erosion, minimize *the spread of*  
4 *flammable nonnative grasses and weeds*, minimize water  
5 consumption, and permit trees *and shrubs* near homes for shade,  
6 aesthetics, and habitat; *suggestions for fuel modification beyond*  
7 *the property line in order to maintain 100 feet of defensible space*  
8 *from a structure*; and suggestions to minimize or eliminate the  
9 risk of flammability of nonvegetative sources of combustion such  
10 as woodpiles, propane tanks, decks, and outdoor lawn furniture.

11 (2) On or before January 1, 2023, the State Board of Forestry  
12 and Fire Protection, in consultation with the Department of Forestry  
13 and Fire Protection, shall update the guidance document to include  
14 suggestions for creating an ember-resistant zone within five feet  
15 of a structure based on regulations promulgated by the State Board  
16 of Forestry and Fire Protection, in consultation with the Department  
17 of Forestry and Fire Protection, to consider the elimination of  
18 materials in the ember-resistant zone that would likely be ignited  
19 by embers. The implementation of this paragraph is contingent  
20 upon an appropriation by the Legislature in the annual Budget Act  
21 or another statute for this purpose.

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

28 SEC. 5. Section 51189 of the Government Code is amended  
29 to read:

30 51189. (a) The Legislature finds and declares that site and  
31 structure defensibility is essential to reduce the risk of structure  
32 ignition as well as for effective fire suppression by firefighters.  
33 This need to establish defensibility extends beyond the site fuel  
34 management practices required by this chapter, and includes, but  
35 is not limited to, measures that increase the likelihood of a structure  
36 withstanding ignition, such as building design and construction  
37 requirements that use fire resistant building materials, and standards  
38 for reducing fire risks on structure projections, including, but not  
39 limited to, porches, decks, balconies and eaves, and structure

1 openings, including, but not limited to, attic, foundation, and eave  
2 vents, doors, and windows.

3 (b) No later than January 31, 2020, the State Fire Marshal, in  
4 consultation with the director and the Director of Housing and  
5 Community Development, shall, pursuant to Section 18930 of the  
6 Health and Safety Code, recommend updated building standards  
7 that provide for comprehensive site and structure fire risk reduction  
8 to protect structures from fires spreading from adjacent structures  
9 or vegetation and to protect vegetation from fires spreading from  
10 adjacent structures, based on information learned from the 2017  
11 wildfire season.

12 (c) (1) No later than January 31, 2020, the State Fire Marshal,  
13 in consultation with the director and the Director of Housing and  
14 Community Development, shall develop a list of low-cost retrofits  
15 that provide for comprehensive site and structure fire risk reduction  
16 to protect structures from fires spreading from adjacent structures  
17 or vegetation and to protect vegetation from fires spreading from  
18 adjacent structures. The Department of Forestry and Fire Protection  
19 shall incorporate the list in its fire prevention education and  
20 outreach efforts.

21 (2) In addition to the requirements of paragraph (1), the list shall  
22 include a guidance document, including regionally appropriate  
23 vegetation management suggestions that preserve and restore native  
24 plant species that are fire resistant or drought tolerant, or both.

25 (d) (1) The Office of the State Fire Marshal shall develop a  
26 model defensible space program that shall be made available for  
27 use by a city, county, or city and county in the enforcement of the  
28 defensible space provisions of Section 51182 of this code and  
29 subdivision (a) of Section 4291 of the Public Resources Code. In  
30 the development of this program, the State Fire Marshal shall  
31 consult with representatives from local, state, and federal fire  
32 services, local government, building officials, utility companies,  
33 the building industry, insurers and insurance research organizations,  
34 and the environmental community. Components of the program  
35 shall include, but not be limited to, all of the following:

36 (A) General guidelines for creating and maintaining defensible  
37 space around specified structures, including appropriate guidelines  
38 and definitions for vegetation management.

1 (B) Provisions for fuel modification beyond the property line,  
2 including on unimproved lots, in order to maintain 100 feet of  
3 defensible space from a structure.

4 ~~(B)~~

5 (C) Suggested minimum qualifications needed for enforcement  
6 personnel.

7 ~~(C)~~

8 (D) Enforcement mechanisms for compliance with and  
9 maintenance of defensible space requirements, including, but not  
10 limited to, the following:

11 (i) Site inspections.

12 (ii) Procedures for notifying a property owner of a violation.

13 (iii) Timelines for corrective action by a property owner and  
14 for reinspection.

15 (iv) Citations requiring abatement of a violation and subsequent  
16 removal of a fire hazard within the defensible space boundaries.

17 (v) Suggested administrative procedures that allow for appeal  
18 of the citation by the property owner.

19 (2) If a defensible space program is adopted, the local agency  
20 for enforcement of this program may recover the actual cost of  
21 abatement and may cause a notice of abatement lien to be recorded  
22 in the county in which the real property is located. The notice shall,  
23 at a minimum, identify the record owner or possessor of the  
24 property, set forth the last known address of the record owner or  
25 possessor, set forth the date upon which abatement was ordered  
26 by the local agency and the date the abatement was completed,  
27 and include a description of the real property subject to the lien  
28 and the amount of the abatement cost.

29 (3) The model defensible space program required pursuant to  
30 this subdivision shall be updated whenever the State Board of  
31 Forestry and Fire Protection substantially updates the guidance  
32 documents created pursuant to subdivision (c) of Section 51182  
33 of this code and subdivision (e) of Section 4291 of the Public  
34 Resources Code.

35 (4) In order to develop and implement this subdivision and  
36 support any required update of the guidance documents identified  
37 in subdivision (c) of Section 51182 of this code and subdivision  
38 (e) of Section 4291 of the Public Resources Code, the Office of  
39 the State Fire Marshal is authorized to expend funds from the  
40 Building Standards Administration Special Revolving Fund, upon

1 an appropriation by the Legislature, pursuant to Section 18931.7  
2 of the Health and Safety Code.

3 SEC. 6. Section 13108.5 of the Health and Safety Code is  
4 amended to read:

5 13108.5. (a) The State Fire Marshal, in consultation with the  
6 Director of Forestry and Fire Protection and the Director of  
7 Housing and Community Development, shall, pursuant to Section  
8 18930, propose fire protection building standards for roofs, exterior  
9 walls, structure projections, including, but not limited to, porches,  
10 decks, balconies, and eaves, and structure openings, including, but  
11 not limited to, attic and eave vents and windows of buildings in  
12 fire hazard severity zones, including very high fire hazard severity  
13 zones designated by the Director of Forestry and Fire Protection  
14 pursuant to Article 9 (commencing with Section 4201) of Chapter  
15 1 of Part 2 of Division 4 of the Public Resources Code.

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

24 (2) *Upon identification by the Director of Forestry and Fire*  
25 *Protection pursuant to Section 51178 of the Government Code of*  
26 *high fire hazard severity zones and by a local agency pursuant to*  
27 *Section 51179 of the Government Code, the Office of the State*  
28 *Fire Marshal and the Department of Housing and Community*  
29 *Development shall propose, and the Building Standards*  
30 *Commission shall adopt, expanded application of the building*  
31 *standards adopted pursuant to this section to high fire hazard*  
32 *severity zones during the next regularly occurring code adoption*  
33 *cycle.*

34 (3) *The State Fire Marshal and the Department of Housing and*  
35 *Community Development shall, after consulting with interested*  
36 *stakeholders, including local fire officials, consider if it is*  
37 *appropriate to expand application of the building standards*  
38 *adopted pursuant to this section to moderate fire hazard severity*  
39 *zones. If it is found appropriate, the State Fire Marshal and the*  
40 *Department of Housing and Community Development shall,*

1 *pursuant to Section 18930, recommend expanding the application*  
2 *of the building standards adopted pursuant to this section to*  
3 *moderate fire hazard severity zones.*

4 (c) Building standards adopted pursuant to this section shall  
5 also apply to buildings located in urban wildland interface  
6 communities. A local agency may, at its discretion, include in or  
7 exclude from the requirements of these building standards any  
8 area in its jurisdiction following a finding supported by substantial  
9 evidence in the record at a public hearing that the requirements of  
10 these building standards are necessary or not necessary,  
11 respectively, for effective fire protection within the area. Changes  
12 made by a local agency to an urban wildland interface community  
13 area following a finding supported by substantial evidence in the  
14 record shall be final and shall not be rebuttable.

15 (d) For purposes of subdivision (c), “urban wildland interface  
16 community” means a community listed in “Communities at Risk  
17 from Wild Fires,” produced by the California Department of  
18 Forestry and Fire Protection, Fire and Resource Assessment  
19 Program, pursuant to the National Fire Plan, federal Fiscal Year  
20 2001 Department of the Interior and Related Agencies  
21 Appropriations Act (Public Law 106-291).

22 SEC. 7. Section 4123.8 is added to the Public Resources Code,  
23 immediately following Section 4123.7, to read:

24 4123.8. (a) On or before January 1, 2023, the department, in  
25 consultation with the State Air Resources Board and the California  
26 Forest Management Task Force, shall report to the relevant fiscal  
27 and policy committees of the Legislature on funds spent pursuant  
28 to Section 45 of Senate Bill 901 (Chapter 626, Statutes of 2018).  
29 The report shall include, but not be limited to, all of the following  
30 information:

31 (1) The outcomes of the projects implemented, including, but  
32 not limited to, a description of the benefits for public safety, fire  
33 prevention, habitat, climate resiliency, and protection of important  
34 natural resources, including water quality and water supply.

35 (2) A description of the projected greenhouse gas emission and  
36 carbon sequestration impacts for the year of implementation of a  
37 project and for 5-year intervals thereafter to at least 50 years after  
38 implementation.

39 (3) Recommendations for modifying the forest health grant  
40 program, established pursuant to Section 4799.05, and the local

1 assistance grant program, established pursuant to Section 4124.5,  
2 to improve outcomes, benefits, durability of benefits, and statewide  
3 benefits.

4 (4) An assessment of the potential benefits, including unmet  
5 need, for continuing the commitment made pursuant to Section 45  
6 of Senate Bill 901 (Chapter 626, Statutes of 2018) beyond the  
7 2023–24 fiscal year.

8 (b) Pursuant to Section 10231.5 of the Government Code, this  
9 section is repealed on January 1, 2027.

10 SEC. 8. Section 4124.5 of the Public Resources Code is  
11 amended to read:

12 4124.5. (a) The department shall establish a local assistance  
13 grant program for fire prevention *and home hardening education*  
14 activities in California. Groups eligible for grants shall include,  
15 but are not limited to, local agencies, resource conservation  
16 districts, fire safe councils, the California Conservation Corps,  
17 ~~certified local conservation corps~~, *community conservation corps*  
18 *as defined in Section 14507.5*, University of California Cooperative  
19 Extension, Native American tribes, and qualified nonprofit  
20 organizations. The department may establish a cost-share  
21 requirement for one or more categories of projects.

22 (b) (1) The local assistance grant program shall establish a  
23 robust year-round fire prevention effort in and near fire threatened  
24 *communities that focuses on increasing the protection of people,*  
25 *structures, and communities. To the maximum extent practicable,*  
26 *the grants shall be designed to be durable and adaptively managed*  
27 *so that while improving resiliency to wildfire, the projects, when*  
28 *on forest land, retain a mixture of species and sizes of trees to*  
29 *protect habitat values.* The department shall prioritize, to the extent  
30 feasible, projects that are multiyear efforts.

31 (2) *For purposes of this subdivision, “fire threatened*  
32 *communities” means those communities in high and very high fire*  
33 *hazard severity zones, identified by the director pursuant to Section*  
34 *51178 of the Government Code, or Article 9 (commencing with*  
35 *Section 4201) of this code, or on the “Fire Risk Reduction*  
36 *Community” list maintained by the board pursuant to Section*  
37 *4290.1.*

38 (c) Eligible activities shall include, but not be limited to, all of  
39 the following:

1 (1) Development and implementation of public education and  
2 outreach programs. Programs may include technical assistance,  
3 workforce recruitment and training, and equipment purchases.

4 (2) Fire prevention activities as defined in Section 4124.

5 (3) Projects to improve compliance with defensible space  
6 requirements as required by Section 4291 through increased  
7 ~~inspections~~ *inspections, assessments*, and assistance for low-income  
8 residents.

9 (4) Technical assistance to local agencies to improve fire  
10 prevention and reduce fire hazards.

11 (5) Creation of additional “Firewise USA” communities in the  
12 state or other community planning or certification programs  
13 deemed as appropriate by the department.

14 (6) Projects to improve public safety, including, but not limited  
15 to, access to emergency equipment and improvements to public  
16 evacuation routes.

17 (7) *Vegetation management along roadways and driveways to*  
18 *reduce fire risk. Where appropriate, the Department of*  
19 *Transportation shall be consulted if state infrastructure will be*  
20 *affected. Those projects shall remain consistent with paragraph*  
21 *(1) of subdivision (b).*

22 (8) *Public education outreach regarding making homes and*  
23 *communities more wildfire resilient, including defensible space*  
24 *training.*

25 (9) *Projects to reduce the flammability of structures and*  
26 *communities to prevent their ignition from wind-driven embers.*

27 (10) *Development of a risk reduction checklist for communities*  
28 *that includes defensible space criteria, structural vulnerability*  
29 *potential, and personal evacuation plans.*

30 (d) The department may consider the fire risk of an area, the  
31 geographic balance of projects, and whether the project is  
32 complementary to other fire prevention or forest health activities  
33 when awarding local assistance grants.

34 (e) (1) Until January 1, 2024, the director may authorize  
35 advance payments from a grant awarded pursuant to this section.  
36 The advance shall not exceed ~~25~~ 50 percent of the total grant award.

37 (2) The grantee shall expend the funds from the advance  
38 payment within ~~six~~ 12 months of receipt, unless the department  
39 waives this requirement.

1 (3) The grantee shall file an accountability report with the  
 2 department four months from the date of receiving the funds and  
 3 every four months thereafter.

4 (f) The department may expand or amend an existing grant  
 5 program to meet the requirements of this section.

6 (g) Funding for the local assistance grant program created  
 7 pursuant to this section shall be made upon appropriation by the  
 8 Legislature.

9 SEC. 9. Section 4291 of the Public Resources Code is amended  
 10 to read:

11 4291. (a) A person who owns, leases, controls, operates, or  
 12 maintains a building or structure in, upon, or adjoining a  
 13 mountainous area, forest-covered lands, ~~brush-covered~~  
 14 *shrub-covered* lands, grass-covered lands, or land that is covered  
 15 with flammable material, shall at all times do all of the following:

16 (1) (A) Maintain defensible space of 100 feet from each side  
 17 and from the front and rear of the structure, but not beyond the  
 18 property line, except as provided in subparagraph (B). The amount  
 19 of fuel modification necessary shall consider the flammability of  
 20 the structure as affected by building material, building standards,  
 21 location, and type of vegetation. Fuels shall be maintained *and*  
 22 *spaced* in a condition so that a wildfire burning under average  
 23 weather conditions would be unlikely to ignite the structure. This  
 24 subparagraph does not apply to single specimens of trees or other  
 25 vegetation that are well-pruned and maintained so as to effectively  
 26 manage fuels and not form a means of rapidly transmitting fire  
 27 from other nearby vegetation to a structure or from a structure to  
 28 other nearby ~~vegetation~~. *vegetation or to interrupt the advance of*  
 29 *embers toward a structure*. The intensity of fuels management  
 30 may vary within the 100-foot perimeter of the structure, with more  
 31 intense fuel reductions being utilized between 5 and 30 feet around  
 32 the structure, and an ember-resistant zone being required within  
 33 5 feet of the structure, based on regulations promulgated by the  
 34 board, in consultation with the department, to consider the  
 35 elimination of materials in the ember-resistant zone that would  
 36 likely be ignited by embers. The promulgation of these regulations  
 37 by the board is contingent upon an appropriation by the Legislature  
 38 in the annual Budget Act or another statute for this purpose.  
 39 Consistent with fuels management objectives, steps should be  
 40 taken to minimize ~~erosion~~. *For the erosion, soil disturbance, and*



1 *the spread of flammable nonnative grasses and weeds. For*  
2 *purposes of this subparagraph, “fuel” means any combustible*  
3 *material, including petroleum-based products and wildland fuels.*  
4 *products, cultivated landscape plants, grasses, and weeds, and*  
5 *wildland vegetation.*

6 (B) A greater distance than that required under subparagraph  
7 (A) may be required by state law, local ordinance, rule, or  
8 regulation. ~~Clearance~~ *Fuel modification* beyond the property line  
9 may only be required ~~if the~~ by state law, local ordinance, rule, or  
10 regulation ~~includes findings that the clearing is necessary to~~  
11 ~~significantly reduce the risk of transmission of flame or heat~~  
12 ~~sufficient to ignite the structure, and there is no other feasible~~  
13 ~~mitigation measure possible to reduce the risk of ignition or spread~~  
14 ~~of wildfire to the structure. Clearance on adjacent property shall~~  
15 ~~only be conducted following written consent by the adjacent~~  
16 ~~landowner. in order to maintain 100 feet of defensible space from~~  
17 ~~a structure. Fuel modification on adjacent property shall only be~~  
18 ~~conducted following written consent by the adjacent landowner~~  
19 ~~or pursuant to a local ordinance. Any local ordinance shall require~~  
20 ~~notification of the adjacent landowner prior to the fuel modification~~  
21 ~~and shall adhere to all applicable state laws, regulations, and~~  
22 ~~policies. Any local ordinance may include provisions to allocate~~  
23 ~~costs for any fuel modification beyond the property line.~~

24 (C) An insurance company that insures an occupied dwelling  
25 or occupied structure may require a greater distance than that  
26 required under subparagraph (A) if a fire expert, designated by the  
27 director, provides findings that the ~~clearing~~ *fuel modification* is  
28 necessary to significantly reduce the risk of transmission of flame  
29 or heat sufficient to ignite the structure, and there is no other  
30 feasible mitigation measure possible to reduce the risk of ignition  
31 or spread of wildfire to the structure. The greater distance may not  
32 be beyond the property line unless allowed by state law, local  
33 ordinance, rule, or regulation.

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

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

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

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

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

24 (c) (1) Except as provided in Section 18930 of the Health and  
25 Safety Code, the director may adopt regulations exempting a  
26 structure with an exterior constructed entirely of nonflammable  
27 materials, or, conditioned upon the contents and composition of  
28 the structure, the director may vary the requirements respecting  
29 the removing or clearing away of flammable vegetation or other  
30 combustible growth with respect to the area surrounding those  
31 structures.

32 (2) An exemption or variance under paragraph (1) shall not  
33 apply unless and until the occupant of the structure, or if there is  
34 not an occupant, the owner of the structure, files with the  
35 department, in a form as the director shall prescribe, a written  
36 consent to the inspection of the interior and contents of the structure  
37 to ascertain whether this section and the regulations adopted under  
38 this section are complied with at all times.

39 (d) The director may authorize the removal of vegetation that  
40 is not consistent with the standards of this section. The director

1 may prescribe a procedure for the removal of that vegetation and  
2 make the expense a lien upon the building, structure, or grounds,  
3 in the same manner that is applicable to a legislative body under  
4 Section 51186 of the Government Code.

5 (e) (1) The board, in consultation with the department, shall  
6 develop, periodically update, and post on its internet website a  
7 guidance document on fuels management pursuant to this chapter.  
8 The guidance document shall include, but not be limited to,  
9 regionally appropriate vegetation management suggestions that  
10 preserve and restore native species that are fire resistant or drought  
11 tolerant, or both, minimize erosion, minimize water consumption,  
12 and permit trees near homes for shade, aesthetics, and habitat;  
13 *suggestions for fuel modification beyond the property line in order*  
14 *to maintain 100 feet of defensible space from a structure;* and  
15 suggestions to minimize or eliminate the risk of flammability of  
16 nonvegetative sources of ~~combustion~~ *combustion*, such as  
17 woodpiles, propane tanks, decks, *outdoor furniture, barbecue*  
18 *equipment, and outdoor lawn furniture.* ~~fire pits.~~

19 (2) On or before January 1, 2023, the board, in consultation  
20 with the department, shall update the guidance document to include  
21 suggestions for creating an ember-resistant zone within five feet  
22 of a structure, based on regulations promulgated by the board, in  
23 consultation with the department, to consider the elimination of  
24 materials in the ember-resistant zone that would likely be ignited  
25 by embers. The implementation of this paragraph is contingent  
26 upon an appropriation by the Legislature in the annual Budget Act  
27 or another statute for this purpose.

28 (f) (1) The department shall do both of the following:

29 (A) Recommend to the board the types of vegetation or fuel  
30 that are to be excluded from an ember-resistant zone based on the  
31 probability that vegetation and fuel will lead to ignition by ember  
32 of a structure as a part of the update to the guidance document  
33 pursuant to paragraph (2) of subdivision (e).

34 (B) Make reasonable efforts to provide notice to affected  
35 residents describing the requirements added by the amendments  
36 to paragraph (1) of subdivision (a) made in Assembly Bill 3074  
37 of the 2019–20 Regular Session before the imposition of penalties  
38 for violating those requirements.

1 (2) The implementation of this subdivision is contingent upon  
2 an appropriation by the Legislature in the annual Budget Act or  
3 another statute for this purpose.

4 (g) (1) The requirement for an ember-resistant zone pursuant  
5 to paragraph (1) of subdivision (a) shall not take effect for new  
6 structures until the board updates the regulations, pursuant to  
7 paragraph (1) of subdivision (a), and the guidance document,  
8 pursuant to paragraph (2) of subdivision (e).

9 (2) The requirement for an ember-resistant zone pursuant to  
10 paragraph (1) of subdivision (a) shall take effect for existing  
11 structures one year after the effective date for the new structures.

12 (h) The department shall not change defensible space inspection  
13 practices and forms or enforcement to implement the requirement  
14 for an ember-resistant zone until the director makes a written  
15 finding, which the director shall post on the department's internet  
16 website, that the Legislature has appropriated sufficient resources  
17 to do so.

18 (i) For purposes of this section, a structure for the purpose of  
19 an ember-resistant zone shall include any attached deck. This  
20 section does not limit the authority of the board or the department  
21 to require the removal of fuel or vegetation on top of or underneath  
22 a deck pursuant to this section.

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

25 SEC. 10. Section 4291.5 is added to the Public Resources Code,  
26 to read:

27 4291.5. (a) For purposes of this section, the following  
28 definitions apply:

29 (1) "Home hardening" means the replacement or repair of  
30 structural features that are affixed to the property with features  
31 that are in compliance with Chapter 7A (commencing with Section  
32 701A.1) of Title 24 of the California Code of Regulations.

33 (2) "Qualified entities" means the following entities that have  
34 completed the program developed and received a certification,  
35 pursuant to Section 4291.6:

36 (A) Counties, state conservancies, special districts, and other  
37 political subdivisions of the state.

38 (B) Members of the California Conservation Corps, local  
39 conservation corps, resource conservation districts, fire safe  
40 councils, and Firewise USA organizations.

- 1 (C) University of California fire advisors.
- 2 (D) Registered Professional Foresters.
- 3 (E) Other entities or individuals deemed appropriate by the
- 4 director.

5 (3) “Wildfire safety improvements” mean wildfire resilience  
6 and fire safety improvements, including measures for home  
7 hardening, the creation of defensible space, and other appropriate  
8 fuel reduction activities, to residential, commercial, industrial,  
9 agricultural, or other real property identified by the State Fire  
10 Marshal, in consultation with the director.

11 (b) The director shall establish a statewide program to allow  
12 qualified entities to support and augment the department in its  
13 defensible space and home hardening assessment and education  
14 efforts. Qualified entities participating in the program shall be  
15 authorized by the director to conduct defensible space assessments  
16 to assess compliance with Section 4291 within the state  
17 responsibility area, educate property owners about wildfire safety  
18 improvements that may be undertaken to harden a structure and  
19 make it more resistant to fire, and assess whether wildfire safety  
20 improvements have been completed in or on a structure.

21 (c) (1) The director shall establish a common reporting platform  
22 that allows defensible space and home hardening assessment data,  
23 collected by the qualified entities, to be reported to the department  
24 and shall establish any necessary quality control measure to ensure  
25 that the assessment data is accurate and reliable.

26 (2) The department shall compile the data submitted pursuant  
27 to paragraph (1).

28 (d) The director may use the defensible space and home  
29 hardening assessment data to do any of the following:

30 (1) Direct inspection and enforcement resources away from  
31 landowners who meet or exceed the department’s standards and  
32 regulations for maintaining defensible space.

33 (2) Direct inspection and enforcement resources toward  
34 landowners who do not meet the department’s standards and  
35 regulations for maintaining defensible space.

36 (3) Direct educational resources toward landowners who own  
37 or maintain structures that can be hardened to make them more  
38 resistant to fire.

39 (4) Assist in estimating defensible space compliance in the state  
40 responsibility area.

1 (e) The department may expand or amend existing programs  
2 for the implementation of this section.

3 (f) This section does not grant any right of entry onto private  
4 land or regulatory or enforcement authority to participating  
5 qualified entities.

6 (g) This section shall remain in effect only until January 1, 2026,  
7 and as of that date is repealed.

8 SEC. 11. Section 4291.6 is added to the Public Resources Code,  
9 to read:

10 4291.6. (a) (1) The Legislature finds and declares that the use  
11 of trained volunteers to assist homeowners and fire agencies in  
12 achieving compliance with defensible space requirements will  
13 provide multiple benefits, including all of the following:

14 (A) Creating a significant public benefit by reducing the risk of  
15 the spread of wildfire.

16 (B) Creating significant savings for fire agencies by increasing  
17 general compliance with defensible space requirements, and  
18 thereby reducing the volume of inspections required by public  
19 agencies.

20 (C) Allowing fire agencies to focus their defensible space  
21 regulatory enforcement on landowners who are not in compliance  
22 after suggestions for voluntary compliance from trained volunteers.

23 (2) It is further the intent of the Legislature that the department  
24 do both of the following:

25 (A) Establish a pilot program using trained volunteers with any  
26 costs for the pilot project coming from the existing available  
27 greenhouse gas funds allocated to the department

28 (B) Consider using the services of the California Fire Sciences  
29 Consortium and the Regional Forestry and Fire Capacity program  
30 at the Natural Resources Agency to implement this section.

31 (b) The department shall develop and implement a training  
32 program to train individuals to support and augment the department  
33 in its defensible space and home hardening assessment and public  
34 education efforts. The training program shall do both of the  
35 following:

36 (1) Provide for consistent training for third-party assessors who  
37 shall function to provide nonregulatory assistance to homeowners  
38 to reduce fire risk and to achieve compliance with defensible space  
39 requirements.

1 (2) Ensure that all defensible space and home hardening  
2 assessment and education programs undertaken by the department  
3 and by third parties are conducted to the same standard and use  
4 coordinated messaging, including messages at  
5 [www.readyforwildfire.org](http://www.readyforwildfire.org) or a successor internet website, as  
6 updated by the department.

7 (c) Upon an individual’s successful completion of the training  
8 program, the department shall issue a certification of completion  
9 to the individual.

10 (d) This section shall remain in effect only until January 1, 2026,  
11 and as of that date is repealed.

12 SEC. 12. Section 4799.05.5 is added to the Public Resources  
13 Code, immediately following Section 4799.05, to read:

14 4799.05.5. Under Good Neighbor Authority agreements entered  
15 into between the state and the federal government pursuant to  
16 Section 2113a of Title 16 of the United States Code, the department  
17 shall establish a program for purposes of conducting landscape  
18 scale ecological restoration and fire resiliency projects on national  
19 forest lands, including the development of federal National  
20 Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.)  
21 documents, and documents prepared pursuant to the California  
22 Environmental Quality Act (Division 13 (commencing with Section  
23 21000)), for landscape scale ecological restoration and fire  
24 resiliency projects on national forest lands that are at least 25,000  
25 acres. The department may contract with Native American tribes,  
26 local governments, forest collaboratives, and qualified  
27 nongovernmental organizations to conduct restoration activities  
28 on federal forest lands and to develop the federal documents.

29 SEC. 13. If the Commission on State Mandates determines  
30 that this act contains costs mandated by the state, reimbursement  
31 to local agencies and school districts for those costs shall be made  
32 pursuant to Part 7 (commencing with Section 17500) of Division  
33 4 of Title 2 of the Government Code.

O