

California State Assembly

COMMITTEES ON NATURAL RESOURCES AND LOCAL GOVERNMENT

ASSEMBLY MEMBERS FRIEDMAN AND AGUIAR-CURRY, CHAIRS



JOINT INFORMATIONAL HEARING

“Improving Fire Prevention in California”

Background

Hearing Goal

To inform members about state and local efforts to prevent wildfires and protect communities from wildfire. The hearing will review state and local defensible space requirements, building standards, and opportunities for additional cooperation. The hearing will also ask fire prevention experts what else the Legislature can do to improve fire prevention and protect communities from wildfire.

Background on State Fire Prevention Programs

The main state agency focused on fire prevention is the Department of Forestry and Fire Protection (CAL FIRE). Fire prevention is part of the core mission of CAL FIRE. Within CAL FIRE the Office of the State Fire Marshal (SFM) and the Board of Forestry (BOF) are primarily responsible for most community fire prevention efforts. BOF determines the areas of the state in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state. This area is known as the State Responsibility Area (SRA). Any property owners within the SRA are required to follow certain rules and regulations including maintaining 100 feet of defensible space from a structure, meeting Chapter 7A building standards for new construction (including ignition resistant roofs, under eaves, siding, windows, and decking), following the BOF’s regulations implementing minimum fire safety standards, and following specified fire hazard local planning requirements. CAL FIRE either directly enforces all of these requirements or reimburses the six contract counties to do so.

In addition to the SRA, the Director of CAL FIRE is required to identify areas where local governments are primarily responsible for fire suppression and prevention of wildfires that are very high fire hazard severity zones (VHFHSZ) based on fuel loading, slope, fire weather, and other relevant factors including winds. The local agencies with the VHFHSZs are required to adopt an ordinance that will enforce the 100 foot defensible space requirements in the VHFHSZ. VHFHSZs also must meet Chapter 7A building standards for new construction, follow the BOF’s regulations implementing minimum fire safety standards, and follow specified fire hazard local planning requirements. Local agencies often enforce these requirements.

ABX1 29 (Blumenfield), Chapter 8, Statutes of 2011-12 [First Extraordinary Session] required BOF to adopt emergency regulations to establish a “fire prevention fee” not to exceed \$150 for each structure on a parcel that is within the SRA. The fee was intended to fill a hole created by a \$50 million General Fund cut to CAL FIRE in the 2011 Budget Bill. The fee generated approximately \$80 million a year in revenue, which was used to enhance statewide fire prevention work, including local assistance fire prevention grants. AB 398 (E. Garcia), Chapter 135, Statutes of 2017, suspended the SRA fee and stated that it was the intent of the Legislature that the SRA fee revenue be replaced with cap and trade auction revenues. AB 398 also declared forest health as a priority for cap and trade auction revenues expenditures. Recent budget bills have replaced the SRA revenue with cap and trade auction revenues and provided \$360 million for forest health and fire prevention grants from Greenhouse Gas Reduction Fund (GGRF). To date CAL FIRE awarded \$79.7 million in local assistance fire prevention grants. The grants have gone to fire departments, resources conservation districts, other special districts, counties, cities, fire safe councils, and the UC Cooperative Extensions. The grants have generally been for fire prevention education, planning, and community fuel reduction.

Other state entities that are involved in fire prevention are the Governor’s Office of Planning and Research (OPR), which provides guidance documents to local governments and the California Conservation Corps, which provides Corps members to provide fuel reduction crews to do community fuel reduction projects.

Background on Local Fire Prevention Programs

Cities and counties are required by law to adopt a safety element, as part of a comprehensive general plan, for protection of the community from unreasonable risks associated with various hazards, including wildfires. The safety element, at certain intervals, must be reviewed and updated as necessary to address the risk of fire for land classified as an SRA and land classified as a VHFHSZ. As part of the safety element update, cities and counties must also take into account the most recent advice contained in OPR’s “Fire Hazard Planning” technical guidance document, as well as fire hazard severity maps from CAL FIRE, historical data on wildfires, information about wildfire hazard areas available from the United States Geological Survey, and the general location and distribution of existing and planned uses of land in VHFHSZs and SRAs. They must also consider local, state and federal agencies with responsibility for fire protection, including special districts and local offices of emergency services, and then create a set of goals, policies, and objectives based on this information for the protection of the community from the unreasonable risk of wildfire. Cities and counties must craft a set of feasible implementation measures to implement these goals, policies and objectives.

Another local planning tool is the Community Wildfire Protection Plan (CWPP), which is a community-based collaborative plan developed by local stakeholders that identifies and prioritizes areas for hazardous fuel reduction treatments to protect communities and infrastructure from wildfire. Local governments, local fire departments, state forestry, and federal land management agencies agree to the plans, per the federal Healthy Forests Restoration Act.

There are many groups at the local level that are involved in fire prevention efforts, including cities and counties, fire protection districts and other types of special districts, resource conservation districts, volunteer fire departments, fire safe councils, firewise foundations, local conservation corps,

tribes, and other non-profit groups. Depending on the region in the state, some or all of these groups may have a role in prevention efforts - many choose to collaborate on their efforts.

Because of the many devastating fires in the last few years, some local groups are making greater efforts to provide education to community members on issues like vegetation management and landscaping, building code enforcement, utilization of ignition-resistant building materials and construction methods for homes (fire hardening), and options for fuel treatment projects. Some local agencies are stepping up efforts to enforce defensible space requirements, with regular property inspections and potential fines for non-compliance. Other options at the local level for prevention efforts include becoming part of a local fire safe council, part of the national Firewise USA program, or becoming a fire-adapted community.

Recent Fire Prevention Legislation

AB 1956 (Limón), Chapter 632, Statutes of 2018, requires CAL FIRE to establish a local grants program and establishes the criteria for those grants, including prioritizing projects that are multi-year. This bill also allows advance payments, as specified.

AB 2911 (Friedman), Chapter 641, Statutes of 2018, makes various changes to fire safety planning efforts, defensible space requirements, and electrical transmission or distribution lines' vegetation clearance requirements with the intent to improve the fire safety of California communities.

SB 465 (Jackson), Chapter 837, Statutes of 2018, expands, until January 1, 2029, Property Assessed Clean Energy (PACE) financing to allow cities and counties with VHFHSZs to authorize contractual assessments for property owners to finance wildfire safety improvements.

SB 901 (Dodd), Chapter 626, Statutes of 2018, establishes a comprehensive framework to address and prevent catastrophic wildfires including prevention and planning by the state's electric utilities, management of the state's forests, chaparrals, and other lands to prevent and defend against wildfires, and standards to stabilize electrical corporations in the event of extensive liability resulting from claims under inverse condemnation.

SB 1260 (Jackson), Chapter 624, Statutes of 2018, is an omnibus fire prevention and forestry management bill with the intent of promoting long-term forest health and wildfire resiliency. It makes various changes related to local fire planning, prescribed fire requirements, and broader fire prevention efforts.

SB 1241 (Kehoe), Chapter 311, Statutes of 2012, requires cities and counties to address fire risk in SRA and VHFHSZs in the safety element of their general plans upon the next revision of the housing element, and requires cities and counties to make certain findings regarding available fire protection and suppression services before approving a tentative map or parcel map.

SB 1595 (Kehoe), Chapter 366, Statutes of 2008, clarifies defensible space requirements and recasts them in terms of fuels management instead of vegetation management, and requires CAL FIRE to map Santa Ana, Mono, and Diablo winds that have been identified as a major cause of wildfire spread.