



TOWN OF PORTOLA VALLEY
Ad Hoc Wildfire Preparedness Committee
Tuesday, July 21, 2020 4:30 P.M.
Virtual Meeting via Zoom

CoVID-19 DISEASE Advisory Notice

The San Mateo County Health Officer, in conjunction with colleagues from five other Bay Area Counties, has issued legal orders to help stop the spread of the coronavirus. These legal orders include directing all residents to shelter in place, with exceptions for visits to essential service providers such as grocery stores, gas stations, and pharmacies.

This meeting will be conducted in compliance with the Governor's Executive Order N-25-20 issued on March 12, 2020, and N-29-20 issued on March 18, 2020, allowing for deviation of teleconference rules required by the Brown Act. On Thursday, March 19, Governor Gavin Newsom issued a statewide stay-at-home order to protect the health and well-being of all Californians. In an effort to reduce the risk of spreading Coronavirus (COVID-19), members of the Committee and staff will all participate via teleconference. The purpose of this is to provide the safest environment for officials, staff, and the public while allowing for public participation.

We encourage anyone who has the ability to join the meeting online to do so. You will have access to any presentations that will be shown on your screen and can easily ask questions in the Q&A.

<p><u>Join Zoom Meeting Online:</u></p> <p>Join Zoom Meeting https://zoom.us/j/99303552919</p> <p>Meeting ID: 993 0355 2919 One tap mobile +16699006833,,99303552919# US (San Jose)</p>	<p><u>Remote Public Comments:</u></p> <p>Meeting participants are encouraged to submit public comments in writing in advance of the meeting. Please send an email to jdennis@portolavalley.net by 5:00 PM on the day of the meeting. All received questions and comments will be read by the Chair and addressed and will be included in the public record.</p> <p>The Committee will take questions by using the Q&A button. If you can only call in and you did not send in questions and comments ahead of time, you can press *9 on your phone to "raise your hand" The town council will call on people to speak by the phone number that is calling in.</p>
--	---

Meeting Agenda

1. Call to Order
2. Open Communications
3. Approval of Minutes: Regular Meeting, April 23, 2020

4. Zonehaven Presentation
5. Stanford student presentation, Los Trancos Woods Incentive Program for Defensible Space
6. Woodside Fire Protection District discussion- description of authorities, process and procedures for vegetation management on private property
7. Status Update from Subcommittees
8. Staff Updates
 - a. PSPS Updates
 - b. Quarterly Report, Wildfire Preparedness Committee Recommendations (presented to Town Council July 22)
 - c. Moritz Map – questions from Committee
 - i. Relevant Links
 1. Safety Element update, page [52](#)
 2. [Moritz Report](#)
 - d. Grant updates
 - e. Right of Way Clearance updates
 - f. Legislation update
9. Adjournment



TOWN OF PORTOLA VALLEY
Ad Hoc Wildfire Preparation Committee
Thursday, April 23, 5:00 PM
Historic Schoolhouse
765 Portola Road, Portola Valley, CA 94028

COMMITTEE MEETING ACTION MINUTES

Call to Order: The meeting was called to order at 4:00 pm

Oral Communications: Both at this time and during item 3 below, public comments were made in regards to the presentation from Member Youstra, the Stanford Wedge project and the Town's Safety Element/Moritz fire map.

New Business:

1. New member – the Committee welcomed Jennifer Youstra as a new member
2. Consider Funding Concept for Risk-Based Vegetation Management Plan (Member Youstra) – the Committee had a robust discussion following a presentation by Member Youstra regarding private property vegetation management and how to support such activities. There was no committee consensus on next steps, although many members supported the concept that fundraising may be necessary to support continue vegetation management work. Member Youstra indicated she would continue to refine her ideas.
3. Subcommittee updates: No substantial updates from committee

Adjournment: 5:48 pm

Igniting a Culture of Change:

Evaluating the Los Trancos County Maintenance District Home Hardening and Defensible Space Incentive Program



Brandon Alvarez, Patrick Kurzner, Jessica Reynoso, Matthew Sun

Public Policy Senior Practicum, Spring 2020

Our Team



Jessica Reynoso
Project Manager



Brandon Alvarez
Client Lead



Patrick Kurzner
Qualitative Lead



Matthew Sun
Analytical Lead



Presentation Roadmap

- 1. Policy Question**
- 2. Evaluative Criteria**
- 3. Methodology and Sources**
- 4. Findings**
- 5. Recommendations**

**How has the program
affected homeowner behavior
and how might the program
be improved?**

Evaluative Criteria

1. Program Demand
 2. Resource Usage
 3. Effectiveness of Projects Funded
 4. Reaching the Right People
 5. User Experience
 6. Home Improvements Caused by the Program
-



Key Findings

1. A significant share of homeowners **have participated** in the program
2. Homeowner project choices **could be significantly more aligned** with their risk assessment priorities, particular in home hardening
3. **Outreach can be improved** for high risk homes and people most in need of the financial incentive
4. Opportunities for **more education and peer influence**
5. **Limited evidence** to be able to determine amount of additional mitigation occurring because of the incentive program

Methodology and Sources





Mixed Methods Strategy

1. Literature Review
2. Survey
3. Stakeholder Interviews
4. Data Analysis

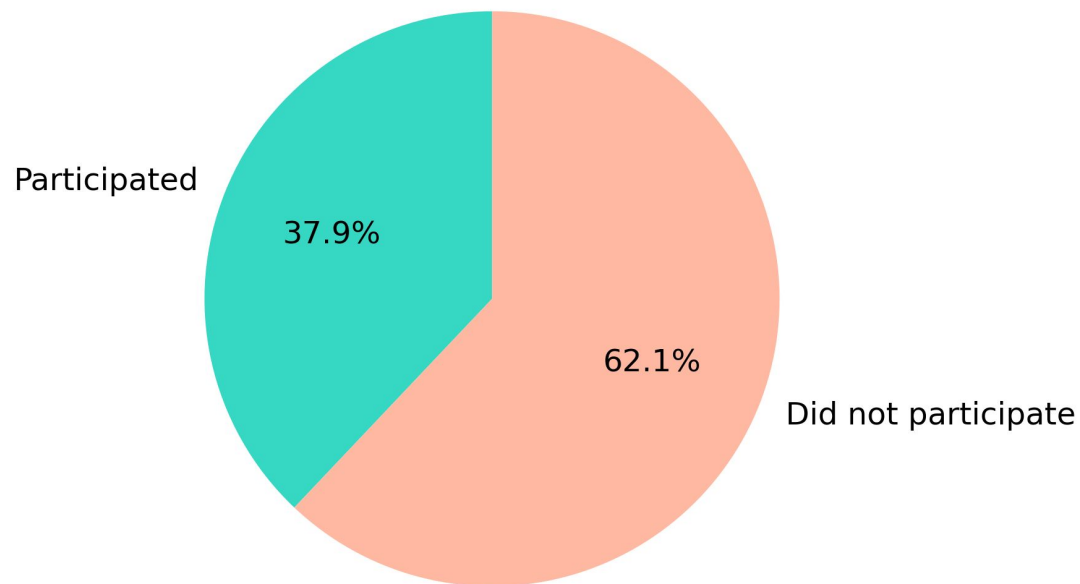
Findings

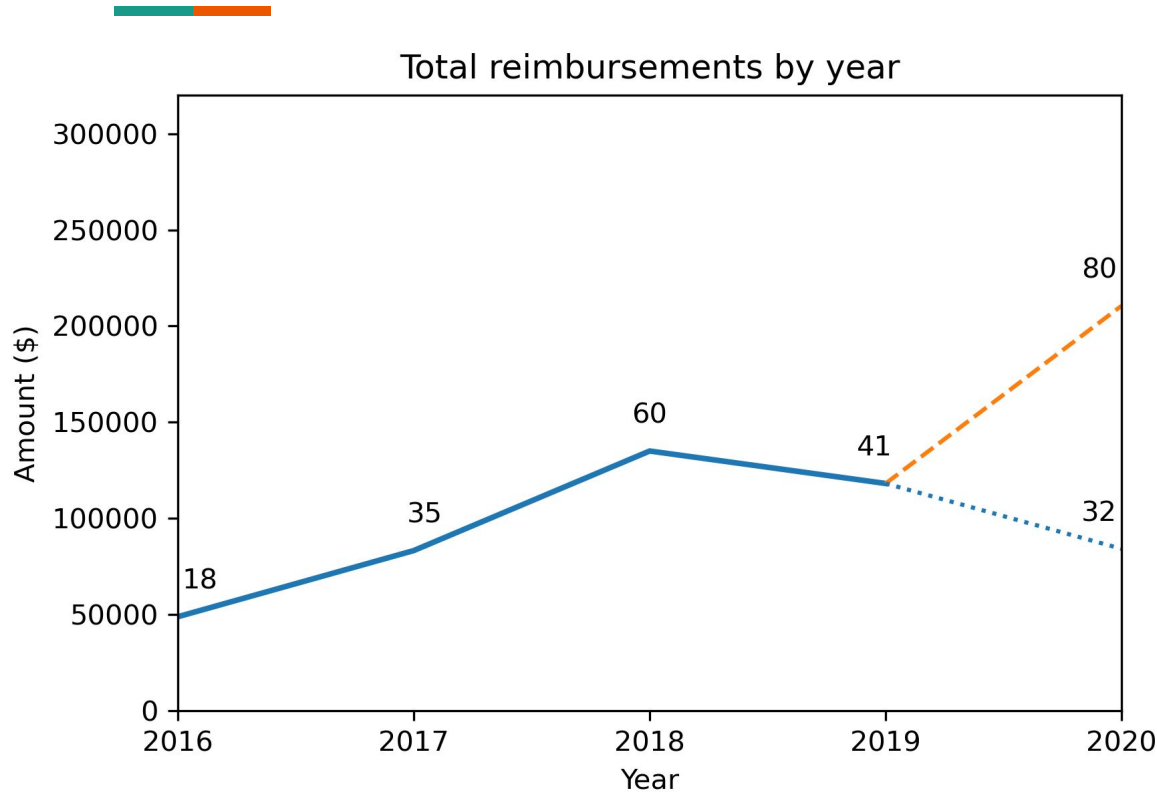
I. Program Demand II. Resource Usage III. Effectiveness of Projects Funded
IV. Reaching the Right People V. User Experience VI. Home Improvements Caused by Program



Program Demand

Participation in LTCMD Incentive Program





**Program usage
is trending up.**



Perspectives on Resource Usage

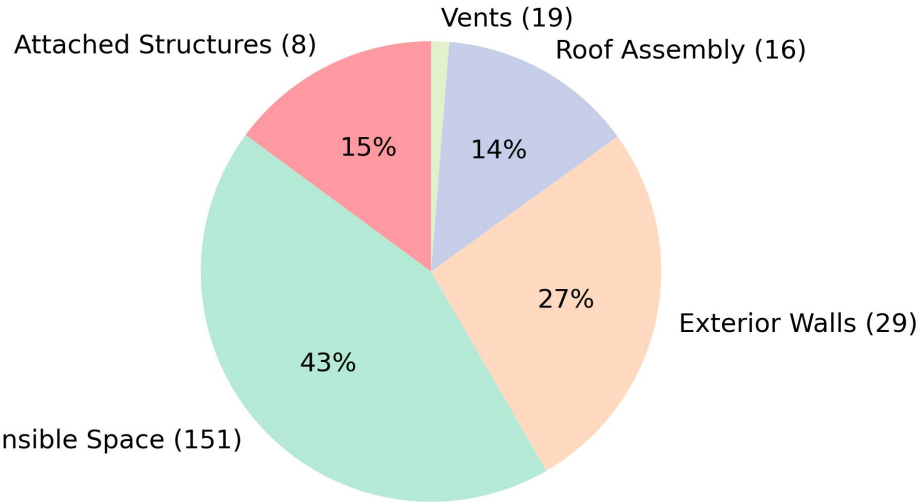
- Amount budgeted for program has increased over time due to growth in demand
 - FY 2016: \$45K, FY 2017-19: \$80K/yr, FY 2020-21: \$100K/yr
- Concerns about sustainability
 - COVID-19 concerns



Effectiveness of Projects Funded

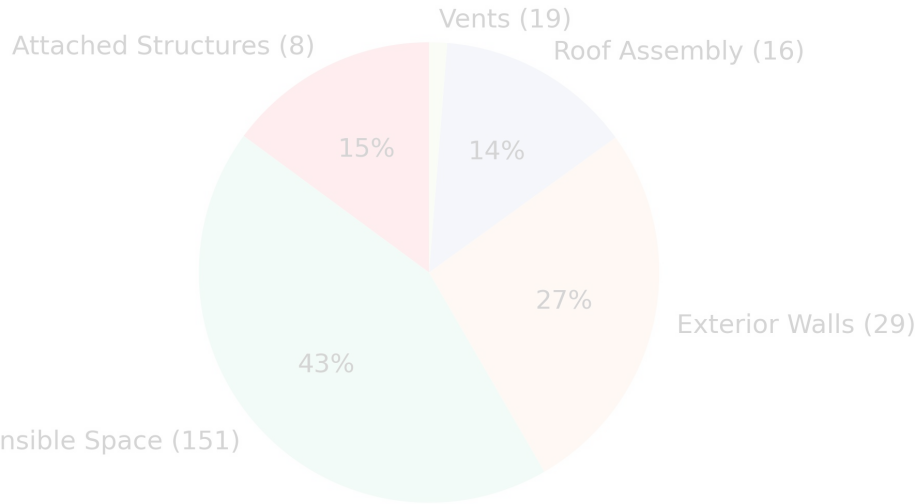
- What kinds of projects are being funded through the program?
- Are the projects implemented by homeowners aligned with the priorities from the risk assessments?

Homeowner Spending from 2016-2020 Breakdown by Category



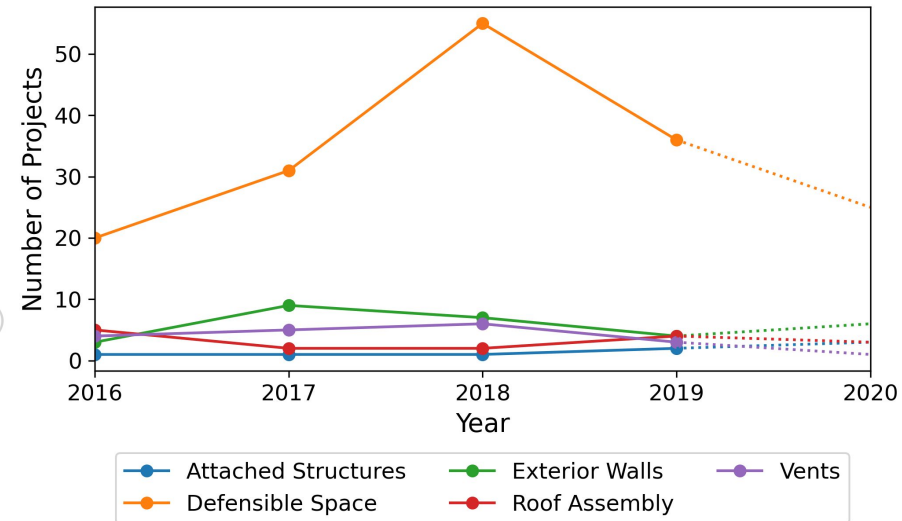
A large share of projects & spending is directed towards **defensible space...**

Homeowner Spending from 2016-2020 Breakdown by Category



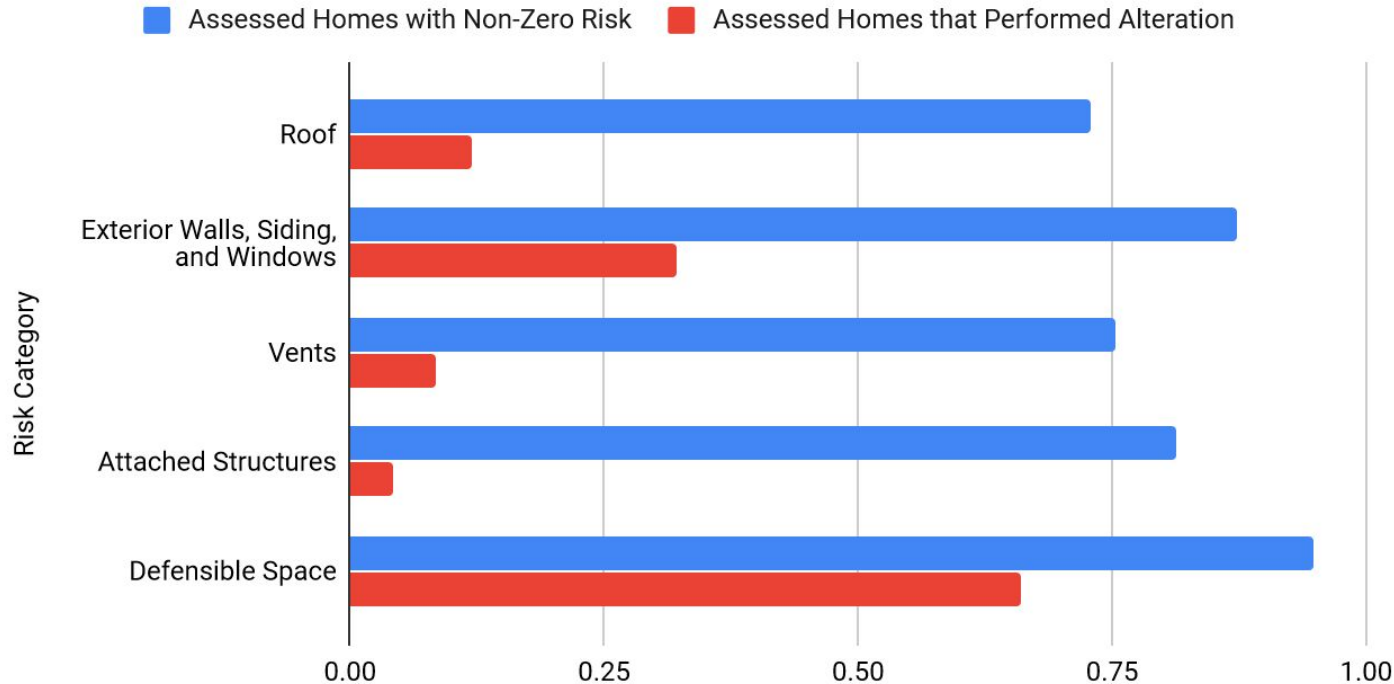
A large share of projects & spending is directed towards defensible space...

Number of Projects by Category 2016-2020



...and **defensible space** projects are driving increased numbers of projects over time

Risk Prevalence and Alterations Performed by Assessed Homes



There seems to be the least amount of alignment between risk and projects performed in home hardening categories.

Defensible space (fuel management) is overwhelmingly popular. Why?

- Price
- Recurring needs
- Aesthetics



Reaching the Right People: Participation

- Who are the “right people”?
 - Riskiest homes
 - People most in need of an incentive to do mitigation
- Older homes tend to be **more risky**, but don’t participate in the incentive program at higher rates
- Properties with lower assessed values (**proxy for overall wealth**) do **participate at higher rates**

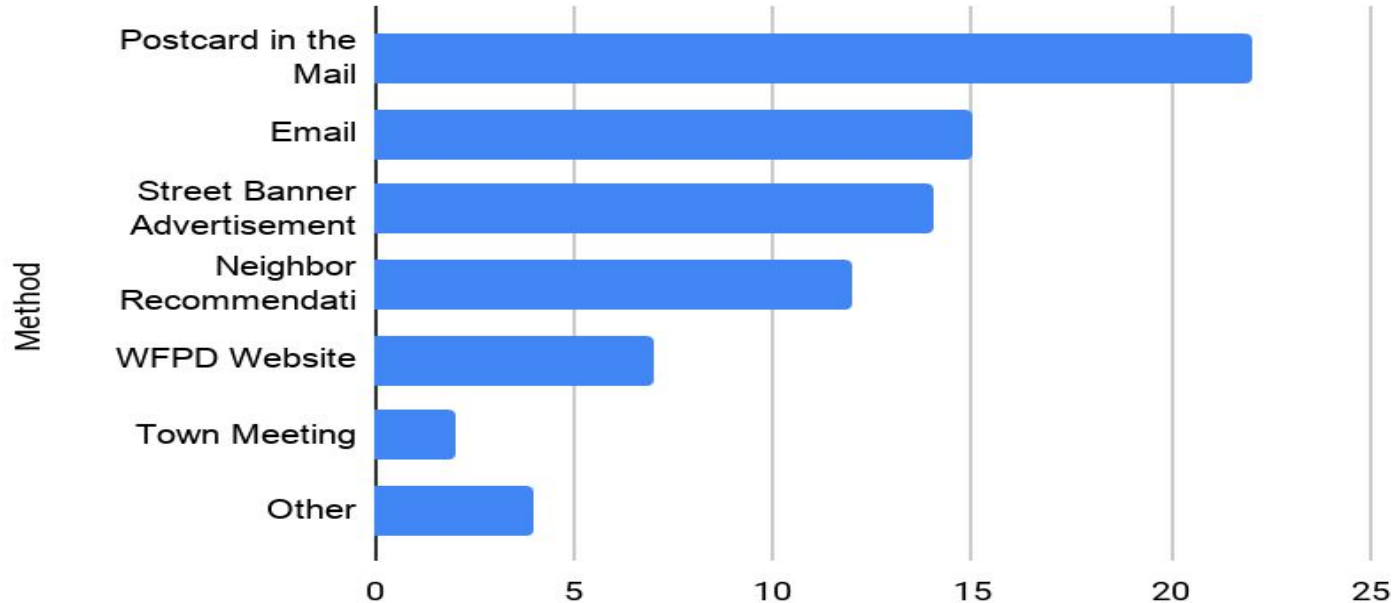


User Experience: Survey Findings

- 106 received, 36 responded
- Fire Risk Education
 - Most participants feel well-informed
 - 25% indicate they need to learn significantly more
- Community Culture
 - Desire to have community accountability
 - Peer to Peer interaction a driver of the program (1/3 of participants)



Survey Findings - Program Marketing





User Experience: Survey Findings

Additional Key Takeaways:

- Cost-sharing is rated as a very important reason for participation by ~30% of participants
- Almost all participants have done risk mitigation before the program, outside the program, and intend to do so in the future
- The fire risk assessment is a major factor in project choice
 - What homeowners self-report & what we see in the data are not totally consistent



Building a Campaign Beyond Education

A Two-Step Process

Education → Community
Interfacing

Develop an **evolving,**
long-term campaign narrative

“People don’t know what to do and who to do it with, or even who to hire”

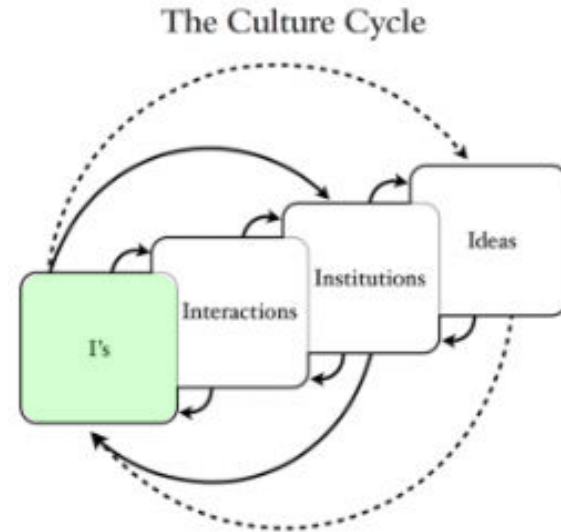


Highlight Trialability and Observability

Innovation Adoption Characteristic	Definition
Trialability	To what degree can someone test out an innovation?
Observability	How apparent are the benefits of adopting an innovation?
Compatibility	How consistent is the innovation with the needs, experiences, lifestyle, and values of the community ?
Relative Advantage	What is the benefit of this innovation compared to the status quo ?
Complexity	How difficult is the innovation to understand and use ?

Build Better Networks of Two-Way Communication

Strong connections between WFPD and the “I” (individuals), but **more** facilitation is needed in the other categories





Home Improvements Caused By Program

- Not enough information to make a strong conclusion
- Permit data in AH & LTCMD significantly different
- Evidence we do have is inconclusive
- In future: could have a pilot program

Recommendations





Main Recommendation Areas

Education and Outreach

- Building strong community networks
- Expanding on available resources

Program Design

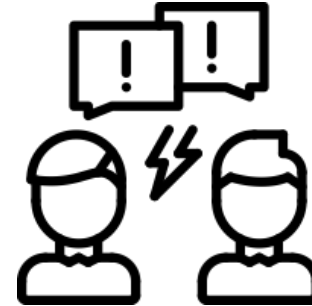
- Ensure projects funded align with greatest risk

Expanding on available resources

Present risk assessment recommendations more strategically

Develop digital resources modeling home-hardening/defensible space

Develop communication templates/guidelines for inter-resident conflict

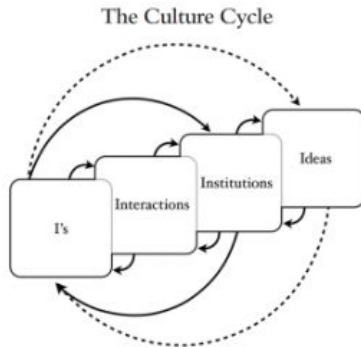


Building strong community networks

Establish an online forum

Hold scheduled community events

Build a participant network of community liaisons



By **facilitating** networks of interaction between residents, **WFPD strengthens its influence** as an institution



Program Design

- How can we ensure that funds are spent on the most relevant projects?



Per-category reimbursement changes

- Home hardening measures are less popular than hazardous fuel management
- WFPD could encourage more home hardening renovations by **increasing the reimbursement for home hardening categories** and/or relative to hazardous fuel management



Per-household reimbursement cap

- Could be based on total risk
- Possibilities
 - Allow households to “pool” \$5000/yr across years to increase effective spending cap
- Potential tradeoff with possible number of participants
 - Preference for people who haven’t participated before



Considerations for Portola Valley

Can't develop solid programming without institutional supports

Build political coalitions with local leaders

Home Characteristic	Average in LTCMD	Average in Alpine Hills
Lot Size (sq. ft.)	19,559	53,612
Land Value	\$892,467	\$1,835,428
Improvements Value	\$557,646	\$1,160,629
# Bedrooms	2.9	3.8
# Stories	1.2	1.2
Year Built	1953	1966

**How has the program
affected homeowner behavior
and how might the program
be improved?**

Acknowledgements

Thank you to our clients, Fire Marshal Don Bullard and Town Manager Jeremy Dennis, for going above and beyond to provide us with data and answer our questions. Many thanks as well to the teaching team of Larry Litvak, Preeti Hehmeyer, Isabelle Foster, Len Materman, and Len Ortolano for guiding us and for the incredibly valuable feedback on our work.

Questions?



Appendix



Qualitative Methodology - Literature Review

- Comparable Incentive Programs
- Community Culture
- Homeowner Behavior

Qualitative Methodology - Survey

Q12 Woodside Fire Protection District is asking for feedback in collaboration with the Stanford Public Policy Program. Will you help us by filling out a 10 question survey (~5 min)?
No personally identifiable information will ever be published.
Please complete by **Wednesday, May 27**.

If you have any questions, please email Fire Marshall Don Bullard at DJBullard@WoodsideFire.org. For more information about the program, please visit <https://www.woodsidefire.org/prevention/los-trancos-vista-verde-defensible-space>

Q1 Please indicate the importance of the following factors in your decision to use the program.

	0	1	2	3	4	5
Program Financial Incentive						
Concern over Fire Risk						
Being a Good Community Member						

- Intentions
- Process
- Analysis
- Limitations

Qualitative Methodology - Interviews/Literary Synthesis

Stakeholder Interviews



Data Sources

- LTCMD Incentive Program Records
 - Risk assessments
 - Reimbursements
- San Mateo County Tax Assessor
 - Property characteristics
- Permit records
 - PV
 - San Mateo County online portal

VARIABLES	(1) total.projects	(2) total.projects
total_score_bin	0.154** (0.0670)	0.156** (0.0737)
year_built		0.00700 (0.0129)
bedrooms		0.101 (0.277)
stories		-0.0827 (0.276)
sq_feet_usable		3.76e-06 (1.03e-05)
gross_building_sqft		-0.000338 (0.000374)
land_value		-6.90e-07* (3.93e-07)
improvement_value		8.67e-07 (7.89e-07)
Constant	1.060* (0.571)	-12.25 (25.21)
Observations	89	89
R-squared	0.057	0.106

Standard errors in parentheses

*** p<0.01, ** p<0.05, * p<0.1



Directions: Answer each question using assigned point values as it applies to the home. If the question does not apply, score it as a zero. Total the points to determine the risk level for the home.

Home			
Condition found	Recommendation	Points	35
Home Access:			
The home has good emergency vehicle Access. The address is visible, reflective and noncombustible and property has adequate turnaround space.		0	
The home has no visible address from the street.	Ensure property is clearly marked with reflective non-combustible material and	5	
The home has a locked gate blocking emergency vehicle access.	Provide local fire department and/or emergency responder with gate access.	5	
The home has overgrown vegetation obstructing the driveway.	Make sure driveway is clear of overhanging trees and vegetation is cleared at least 5 feet on each side of the driveway.	5	5
The home does not have an adequate turnaround.	Consider creating a turnaround for emergency vehicles.	5	
The home has a bridge that is not rated/posted.	Consider having the bridge rated/posted by an engineer.	5	
Roof Assembly:			
The roof material is noncombustible (metal, composition, tile) with no areas for fire embers to intrude (i.e. has bird stops, flashing at valleys, and blocking).		0	
The roof has wood shakes or areas for fire embers to intrude.	Replace wood shake with Class A roof assembly with approved "blocking material". Eliminate intrusion areas.	20	0
Chimneys:			
All chimneys have spark arrestors.		0	
Some chimneys do not have spark arrestors.	Install spark arrestors with 1/4 in. noncombustible mesh screening.	5	0
Gutters:			
All gutters and roof are clear of combustible debris		0	
Some gutters and/or roof have combustible debris present.	Clear all combustible debris from roof and gutters. Install screens on gutters to reduce the accumulation of combustible debris.	5	
Eaves:			
All eaves are boxed to prevent ember collection and intrusion underneath the		0	
Some eaves are not boxed	Plug openings in open-eave areas with durable caulking. Install a noncombustible covering over blocking to eliminate openings	5	0
Exterior Walls and Siding:			
The home has all noncombustible siding (brick, stucco, metal).		0	

LOS TRANCOS COUNTY WATER DISTRICT HOMEOWNER REIMBURSEMENTS DUE

September 1, 2017



Portola Valley, Ca. 94028

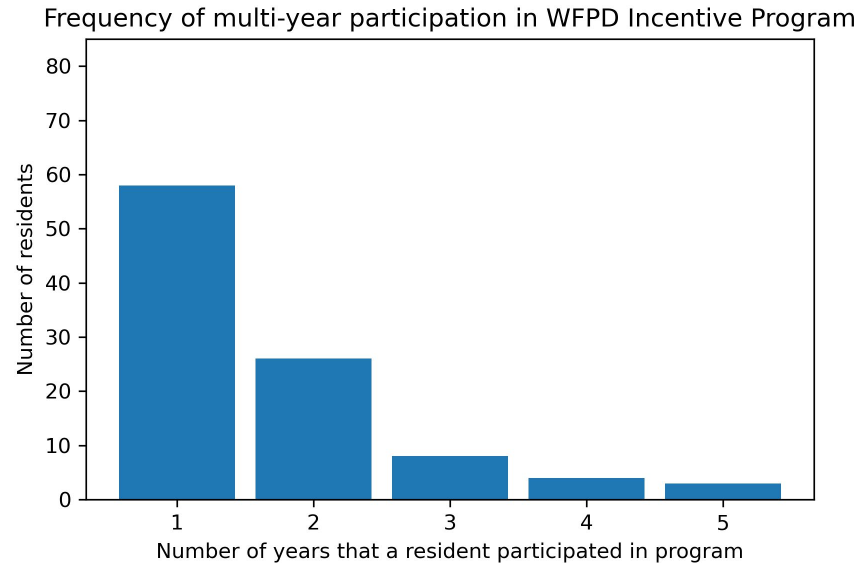
Roof Assembly: (Replacement with Non-Combustible Materials)	0
Exterior Walls, Siding and Windows: (Improve and/or Replace with Non-Combustible Materials)	0
Vents: (Ember Resistant Installation)	0
Attached Structures: (Balcony, Carport, Decking and Fencing Replaced with Non-Combustible Materials)	0
Ember Resistant Defensible Space Zone (Within 0-10 Feet of Structures)	0
Hazardous Fuel Removal- (Within 0-100 Feet of Structures)	\$3,000.00
TOTAL DUE @ 50% Cost Share -	\$1,500.00



Quantitative Analytical Strategy

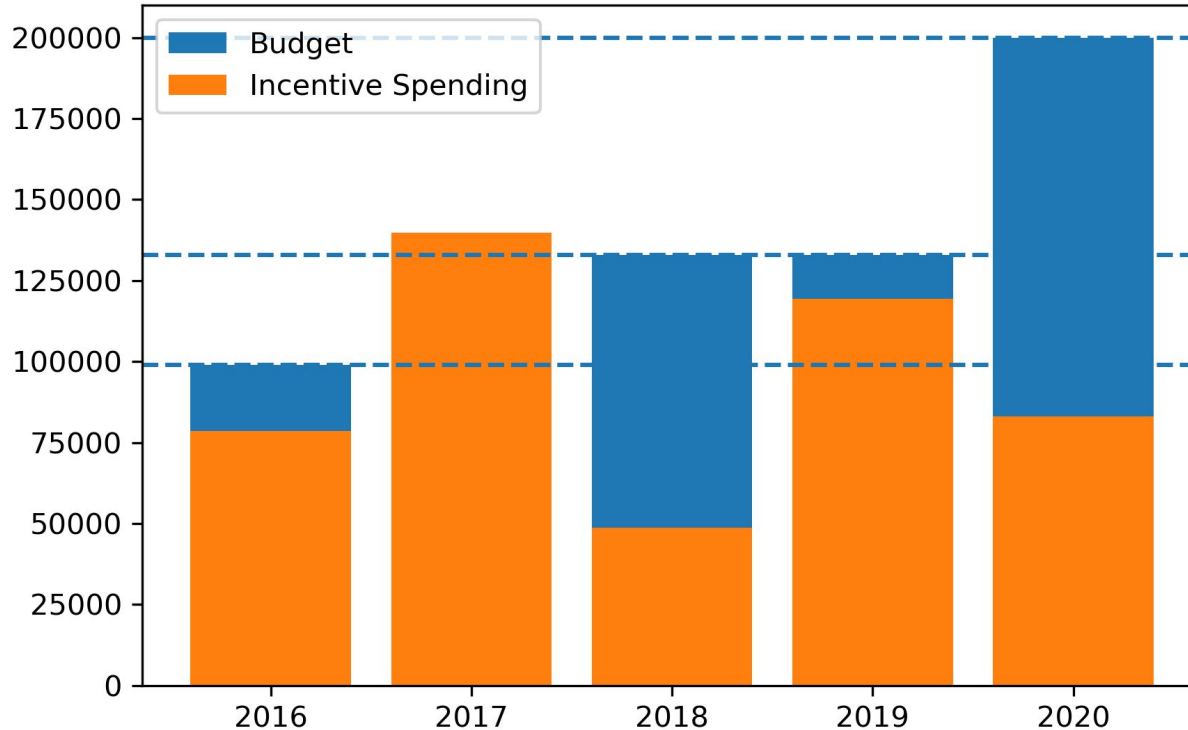
- Descriptive analysis
 - Basic summary statistics
 - What are the trends in the data
 - Testing for statistical relationships between variables
- Hypothetical analysis
 - What would have happened in the absence of the program?

Program usage is recurring.

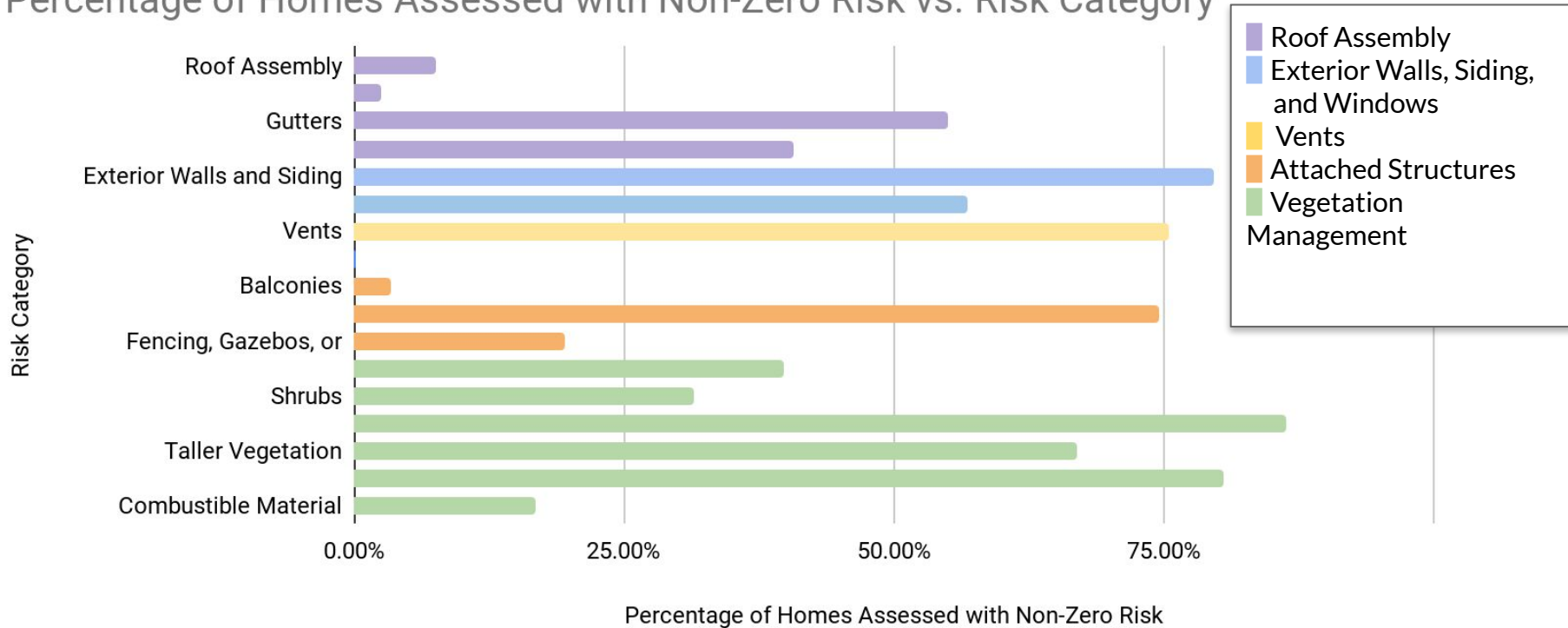




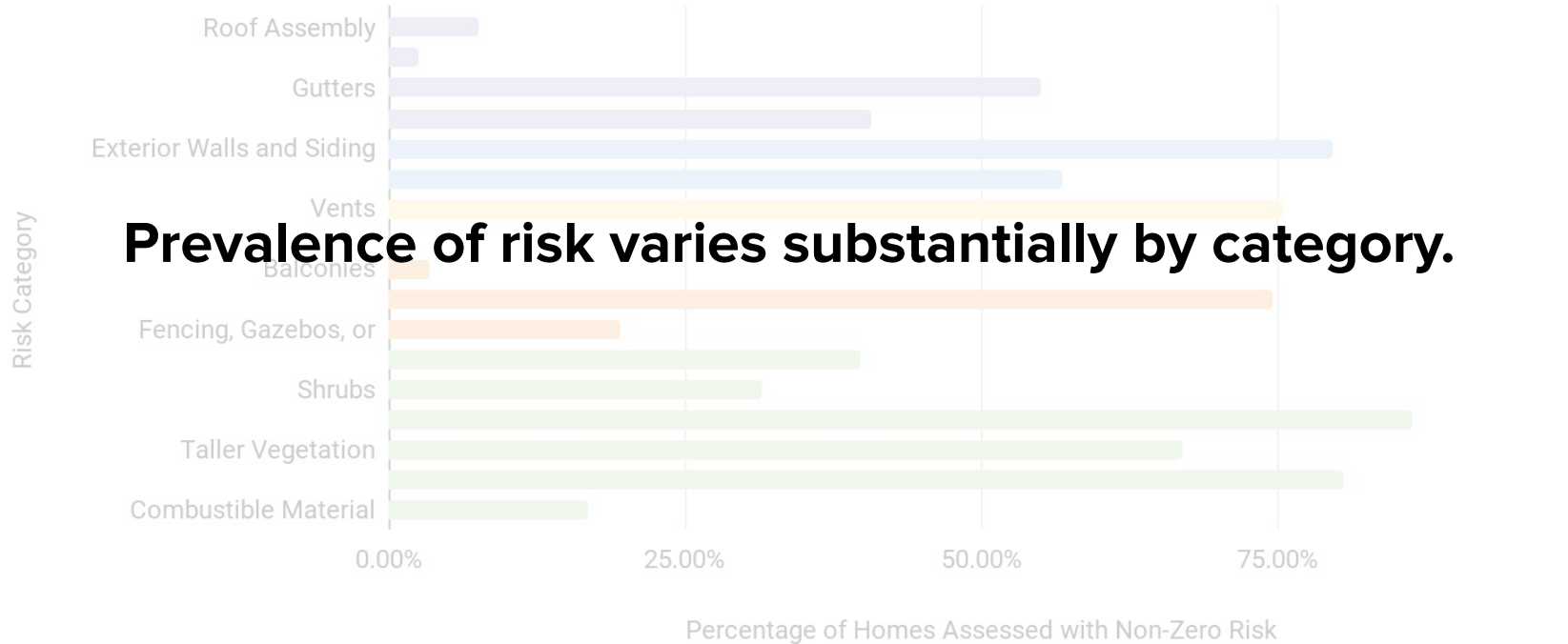
WFPD Yearly Budget vs. Incentive Program Spending



Percentage of Homes Assessed with Non-Zero Risk vs. Risk Category



Percentage of Homes Assessed with Non-Zero Risk vs. Risk Category





Explaining Results

- Why does defensible space seem so popular, despite significant risk prevalence in other categories?
 - Price
 - Invasiveness
 - Aesthetics
 - Fire Risk Assessment



Risk vs. Spending / Alterations

- No relationship between total risk and total spending
 - People not incentivized to spend beyond \$5,000 reimbursement cap
- Significant relationship between total alterations and total risk
 - Encouraging evidence that risk assessments are important in motivating home hardening behavior
 - But the type of alterations may not be the most urgent!
- Only roof risk score & window risk score related to # of projects



Reaching the Right People: Riskiness

- Models show that **year home was built** is predictive of total risk
- Homes with higher assessed values tend to be at increased risk in vegetation-related categories
- Property characteristics increase risk in some categories, decrease risk in others, or have no bearing on some categories



Education and Outreach

Expanding on available resources

- I. **Strategically present risk assessment recommendations**
- II. **Develop digital resources modeling home-hardening/defensible space**
- III. **Develop communication guidelines/templates for inter-resident conflict**

Building strong community networks

- IV. **Establish an online forum**
- V. **Hold scheduled community events**
- VI. **Build a participant network of community liaisons**

Recommendations & Criteria

Rec. #	Program Demand	Project Effectiveness	Resource Usage	Homeowner Participation	User Experience	Improvements Caused by Program
1		+			+	+
2					+	
3					+	
4					+	+
5					+	+
6					+	+
7		+		+		
8				+		



TOWN OF PORTOLA VALLEY

STAFF REPORT

TO: Portola Valley Town Council

FROM: Jeremy Dennis, Town Manager

DATE: July 21, 2020

RE: Wildfire Preparedness Committee Recommendations – Quarterly Report

RECOMMENDATION

Staff recommends that the Town Council accept this quarterly report on the status of recommendations adopted by the Council from the Wildfire Preparedness Committee in December.

BACKGROUND

The Town of Portola Valley exists within a wildland urban interface (WUI), where land use patterns transition between essentially unoccupied lands to areas of more intense development. Areas in a WUI are prone to wildfires due to the presence of increased vegetation alongside development, including homes. Recognizing the dangers of wildfires, the Town has addressed these concerns historically in the following ways:

- Firewise Community certification
- Participation in the local Fire Safe Council
- Maintenance of a WUI code
- Adoption of a Hazard Mitigation Plan
- Strong relationship with the Woodside Fire Protection District

As climate change has affected weather patterns and the environment, the risk of wildfires has greatly increased in Northern California. Recent notable wildfire-related activities include:

- A 2108 San Mateo County Grand Jury Report on the risk of wildfires in parts of the County, including Portola Valley

- The inclusion of portions of the Town in the CPUC/CalFire-developed Very High Fire Severity Zone, which has led to an active enhanced vegetation management effort by PG&E around its power infrastructure
- Increased non-renewals and some steep price increases for fire insurance
- An increase in Red Flag Days

On April 10, 2019, the Town Council created the ad hoc Wildfire Preparedness Committee (the Committee) to address outstanding wildfire resiliency issues. Its charter, adopted in May 2019, states the following: *“Given the inherent risk of wildfire in Portola Valley and the changing character of wildfires due to climate change, the Ad Hoc Committee on Wildfire Preparedness shall advise the Town Council, on a limited duration basis, on ways to reduce wildfire danger, and increase resident resiliency in a wildfire emergency.”*

The Committee met three times, and delegated its work to three subcommittees:

- Communications, Evacuation and Outreach
- Home Hardening/Insurance/Infrastructure Back-up
- Vegetation Management/Defensible Space

The three subcommittee met multiple times, many times with outside partners and experts, and prepared a list of short-, medium- and long-term recommendations for the Council’s consideration.

At their October 21 meeting, the Committee finalized their recommendations to the Council. The Committee presented their recommendations at the November 13 Council meeting, and were adopted at the December 11 Council meeting.

DISCUSSION

Per the direction of the Town Council, a quarterly report will be issued to provide a status update on recommendation implementation. The Wildfire Preparedness Committee will receive this report on July 21 (any recommendations from that meeting will be discussed orally at the Town Council meeting).

Completed

Underway

Underway, continuous

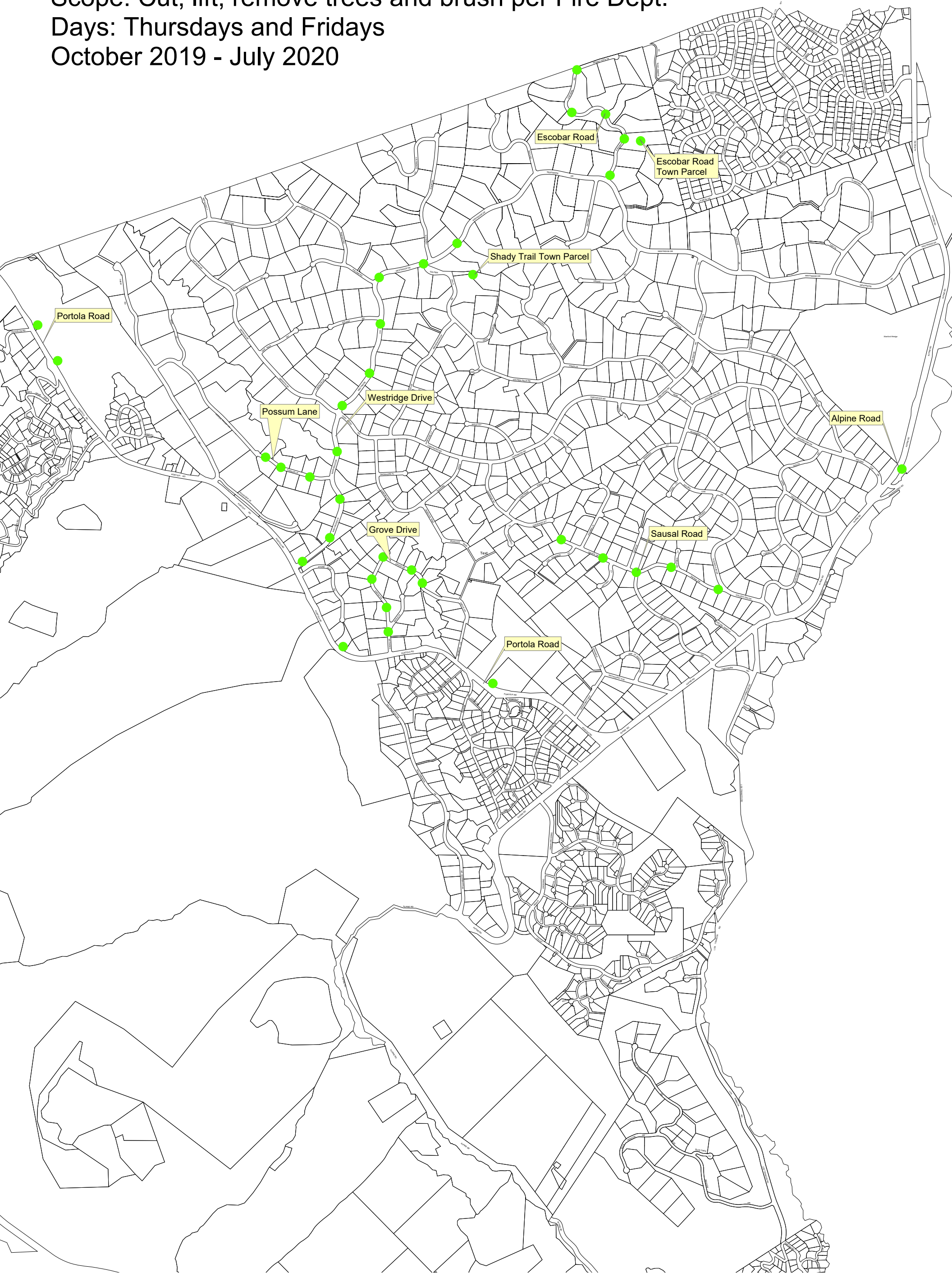
Has not begun

1. Short-term (implemented in calendar year 2020)
 - a. Identify Public Right-of-Way ignition sources by producing a list of target hazard trees and ladder fuel sites for future removal
 - b. Increase outreach and education to residents on vegetation management on their properties
 - c. Publish a list of highly flammable plants and fire-resistant plants in cooperation with the WFPD
 - d. Send letter to Mid-Peninsula Open Space District signed by PV Council

- e. Prohibit construction, landscaping and gardening activities on Red Flag/PSPS events
 - f. Insure Town Hall internet access during an emergency/PSPS (already underway)
 - g. Open Town EOC and Communications Room during PSPS events
 - h. Update evacuation plans with new exit routes, emergency gates, and updates from ongoing evacuation planning efforts led by regional fire chiefs, and approve such a plan when available for review
 - i. Work with Town institutions to understand their evacuation plans
 - j. Prioritize vegetation management on the Town's main evacuation routes to insure egress in an emergency – work is underway
 - k. Work with wireless carriers to insure 36 hours of battery back-up on Town cell sites
 - l. Support Town AM radio as a secondary notification system for emergencies, with financial and staff support as necessary
 - m. Educate residents on the Town's emergency communications efforts, including the AM radio
 - n. Promote wildfire resiliency efforts with regular "tips of the month"
 - o. Adopt a fire reach code that addresses the following for new construction:
 - i. Ban all combustible roofing materials
 - ii. Require ember-resistant vents
 - iii. For decks attached to homes, require their construction with non-combustible materials
 - iv. Require that all attached structures to homes, including fences and gates, be made of a non-combustible material
 - v. Require non-combustible siding
 - vi. Require enclosed eaves
 - vii. Install multi-pane tempered glass windows and skylights (which should have mesh screens)
 - p. Work with insurance companies when drafting new building codes
2. Medium-Term (implemented starting in calendar year 2020; some items are multi-year efforts)
- a. Increase the number of available "Chipper" days (to be determined on a need basis with WFPD)
 - b. Support WFPD proposed ordinance for an ignition-free zone 0-5 feet from a dwelling, and made part of the town's Design Guidelines
 - c. Produce and maintain shaded fuel breaks (shaded canopy) as defined by WFPD (100 feet at both sides of the road) along roadways with large adjacent parcels of land
 - d. Working with Town emergency preparation partners, such as WPV-Ready, WPV-CERT and the WFPD via neighborhood watch programs to educate residents on self-reliance and emergency preparedness
 - e. Work with our state and federal partners to support power back-up on cell sites for at least 36 hours

- f. Replace town emergency gates with breakaway mechanism and improve signage
- g. Encourage annual emergency evacuation drills for each WPV-Ready Division
- h. Update the Design Guidelines to consider fire resiliency, including:
 - i. House placement away from long and/or steep slopes
 - ii. Keep roof lines simple to avoid litter accumulation
 - iii. Incorporate the WFPD ordinance for an ignition-free 0-5 feet zone
 - iv. Consider appropriate plant distribution on site
- i. Encourage the retrofit of existing homes to accommodate fire resiliency, including:
 - i. Non-combustible roofing
 - ii. Ember-resistant vents
 - iii. Non-combustible or IPE decking and fencing
 - iv. Non-combustible or IPE wood siding
 - v. Fire-resistant windows and skylights with mesh screens

● Fire Mitigation Work in right of way or Town land
by Town Public Works and Fire Dept Crew
Scope: Cut, lift, remove trees and brush per Fire Dept.
Days: Thursdays and Fridays
October 2019 - July 2020




[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

AB-38 Fire safety: low-cost retrofits: regional capacity review: wildfire mitigation. (2019-2020)

SHARE THIS:



Date Published: 10/02/2019 09:00 PM

Assembly Bill No. 38

CHAPTER 391

An act to add Sections 1102.6f and 1102.19 to the Civil Code, to add and repeal Article 16.5 (commencing with Section 8654.2) of Chapter 7 of Division 1 of Title 2 of the Government Code, and to add Section 4123.7 to the Public Resources Code, relating to fire safety.

[Approved by Governor October 02, 2019. Filed with Secretary of State October 02, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 38, Wood. Fire safety: low-cost retrofits: regional capacity review: wildfire mitigation.

(1) Existing law requires the Director of Forestry and Fire Protection to designate specified areas as very high fire hazard severity zones and requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material to take specified measures to protect that building or structure from wildfires.

This bill would require the Natural Resources Agency, by July 1, 2021, and in consultation with the State Fire Marshal and the Forest Management Task Force, to review the regional capacity of each county that contains a very high fire hazard severity zone to improve forest health, fire resilience, and safety, as specified. The bill would require the Natural Resources Agency to make the review publicly available on its internet website. On or after July 1, 2021, the bill would require a seller of real property located in a high or very high fire hazard severity zone to provide specified documentation to the buyer that the real property is in compliance with the wildfire protection measures described above or a local vegetation management ordinance, or enter into an agreement with the buyer pursuant to which the buyer will obtain documentation of compliance, as provided.

(2) Existing law requires the State Fire Marshal, by January 31, 2020, to develop a list of low-cost retrofits that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading from adjacent structures or vegetation and to protect vegetation from fires spreading from adjacent structures.

This bill, on or after January 1, 2021, would require the seller of any real property located in a high or very high fire hazard severity zone to provide a prescribed disclosure notice to the buyer, if the home was constructed before January 1, 2020, of information relating to fire hardening improvements on the property and a list of specified features that may make the home vulnerable to wildfire and flying embers and which features, if any, that exist on the home of which the seller is aware. The bill, on or after July 1, 2025, would require the disclosure notice to also include the State Fire Marshal's list of low-cost retrofits. The bill would also require a seller who has obtained a specified final inspection report to provide to the buyer a copy of that report or information on where a copy may be obtained.

(3) Existing law establishes, within the office of the Governor, the Office of Emergency Services, under the direction of the Director of Emergency Services. Existing law charges the Office of Emergency Services with coordinating various emergency activities within the state.

The Joint Exercise of Powers Act authorizes 2 or more public agencies, if authorized by their legislative or other governing bodies, to enter into an agreement to jointly exercise any power common to the contracting parties, as provided. That act requires, among other things, that the agreement state the purpose of agreement or power to be exercised and provides for the method by which the purpose will be accomplished or the manner in which the power will be exercised.

This bill would require the Office of Emergency Services to enter into a joint powers agreement pursuant to the Joint Exercise of Powers Act with the Department of Forestry and Fire Protection to develop and administer a comprehensive wildfire mitigation program to, among other things, encourage cost-effective structure hardening and retrofitting to create fire-resistant homes, businesses, and public buildings. The bill would require the State Fire Marshal, in consultation with specified state officials, to identify building retrofits and structure hardening measures, and the Department of Forestry and Fire Protection to identify defensible space, vegetation management, and fuel modification activities, that are eligible for financial assistance under the program. The bill would specify the types of designated wildfire hazard areas eligible for funding under the program. The bill would authorize the joint powers authority administering the program to accept federal funds for the bill's purposes. The bill would require the joint powers authority to develop criteria and a scoring methodology to prioritize financial assistance provided through the program based on specific factors. The bill would impose specified reporting requirements on the joint powers authority and authorize it to enter into cooperative agreements with other federal, state, regional, and local agencies. The bill would make the operation of the program contingent upon an appropriation by the Legislature and would repeal the program's provisions on July 1, 2025.

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

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

SECTION 1. The Legislature finds and declares all of the following:

(a) Climate change has resulted in higher year-long temperatures and increasing dry weather conditions in California, resulting in extended, sometimes multiyear, droughts; extended wildfire seasons throughout the year, with higher temperatures during dry season conditions; and impacts on vegetation wildfire fuel loads and increasing decay and loss of vegetation due to insect infestations and plant diseases.

(b) Wildfires have grown larger and have increased in intensity over the last several decades. As compared with 1986, wildfires in the western United States have occurred nearly four times more often, burning more than six times the land area and lasting almost five times as long. Through the end of the 2017 calendar year, 11 of the 20 most destructive wildfires in California have occurred in the last 10 years. The 2018 calendar year witnessed the most destructive wildfires in California history in terms of the loss of life and structures.

(c) In terms of the size of wildfires, in the last decade, enormous wildfires have consumed vast areas, including the 2013 Rim Fire impacting national park and national forest lands, the 2017 Napa Valley, Sonoma Valley, and Santa Rosa wildfires, the 2017 Thomas Fire impacting 200,000 acres, and the 2018 Camp Fire.

(d) Wildfires, which have impacted occupied areas, have resulted in enormous human and financial costs, including the following:

(1) The 1991 Berkeley-Oakland Tunnel Fire, which resulted in 25 deaths, the loss of more than 3,000 homes, and a total financial loss of \$1.5 billion in 1991 United States dollars.

(2) The 2003 San Diego Cedar Fire, which resulted in 15 deaths and the loss of 2,000 structures.

(3) The 2017 Tubbs Fire, which resulted in 22 deaths, the loss of 5,643 structures, and a total financial loss of approximately \$1.3 billion in 2017 United States dollars.

(4) The 2017 Thomas Fire, which resulted in two deaths, the loss of more than 1,000 homes, and a total financial loss of approximately \$2.2 billion in 2018 United States dollars.

(5) The 2018 Camp Fire, which resulted in 89 deaths, the loss of 18,804 structures, and at least \$12.4 billion in 2018 United States dollars in insured losses.

(e) More than 2,000,000 California households, approximately one in four residential structures in California, are located within or in wildfire movement proximity of "high" or "very high" fire hazard severity zones identified on maps drawn by the Department of Forestry and Fire Protection. Additionally, areas subject to seismic risks confront the likelihood that wildfires could result from downed power lines and ruptures of natural gas lines caused by earthquakes.

(f) There is a pressing need for wildfire prevention and minimization strategies, on an area-specific basis, that combine increased wildfire resistance within developed areas to minimize wildfire impacts with comprehensive vegetation management measures in wildlands to prevent or severely limit large-scale wildfires from developing and spreading as follows:

(1) Wildfire minimization programs. Developed areas need to carry out comprehensive urban vegetation management programs to reduce vegetation wildfire fuel loads within developed areas. Further, there is a need to provide funding for the hardening of homes and other structures to increase their resistance to wildfires.

(2) Wildfire prevention programs. Comprehensive wildlands vegetation management, responsive to the widely varying vegetation conditions throughout California, is required to reduce vegetation wildfire fuel loads, in relation to the flammability of different vegetation types, to the maximum extent feasible to prevent or severely limit the spread of wildfires.

(3) Wildfire response planning. Area-specific plans should include measures needed to include planning for safe wildlands access for firefighters to the maximum extent feasible.

(g) The diversity of vegetation and development patterns through the state necessitate a geographic approach to planning and implementing wildfire prevention and minimization strategies with fire prevention management agencies covering the geographic areas in which wildfires have or may occur.

(h) Local public agencies have made efforts to prevent wildfires, but, in many instances, lack the expertise, authority, or the financial resources to undertake or complete the tasks at hand.

(i) Wildfires do not respect jurisdictional boundaries or property lines.

SEC. 2. Section 1102.6f is added to the Civil Code, to read:

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

(1) A statement as follows: "This home is located in a high or very high fire hazard severity zone and this home was built before the implementation of the Wildfire Urban Interface building codes which help to fire harden a home. To better protect your home from wildfire, you might need to consider improvements. Information on fire hardening, including current building standards and information on minimum annual vegetation management standards to protect homes from wildfires, can be obtained on the internet website <http://www.readyforwildfire.org>."

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

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

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

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

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

(D) Single pane or nontempered glass windows.

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

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

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

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

SEC. 3. Section 1102.19 is added to the Civil Code, to read:

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

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

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

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

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

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

SEC. 4. Article 16.5 (commencing with Section 8654.2) is added to Chapter 7 of Division 1 of Title 2 of the Government Code, to read:

Article 16.5. California Wildfire Mitigation Financial Assistance Program

8654.2. The Legislature finds and declares the following:

(a) Catastrophic threats exist to lives, property, and resources in California including wildfire. Climate change, an epidemic of dead and dying trees, and the proliferation of new homes in the wildland urban interface magnify this threat and place substantially more people and property at risk than in preceding decades. More than 25 million acres of California wildlands are classified as under very high or extreme fire threat, extending that risk to over one-half the state.

(b) Certain populations in our state are particularly vulnerable to wildfire threats. These Californians live in communities that face near-term public safety threats given their location. Some residents in these areas are made further vulnerable due to factors such as age and lack of mobility. The tragic loss of life and property in the Town of Paradise during the 2018 Camp Fire demonstrates such vulnerability.

(c) While California has stringent building standards for new construction and requirements for the maintenance of defensible space in wildfire hazard areas, California must develop statewide options to encourage cost-effective structure hardening to create fire resistant homes, businesses, and public buildings within wildfire hazard areas and with a focus on vulnerable communities.

(d) It is the intent of the Legislature to offer financial assistance through a statewide program to communities for all-hazards in support of a comprehensive mitigation strategy and reduce or eliminate potential risks and impacts of disasters in order to promote faster recovery after disasters and, overall, a more resilient state.

(e) It is further the intent of the Legislature to develop a comprehensive financial assistance program to help property owners, whole communities and local governments retrofit existing housing, commercial, and public properties in wildfire hazard areas to a cost-effective standard that provides comprehensive risk reduction to protect structures from fires spreading from adjacent structures or vegetation, and to prevent vegetation from spreading fires to adjacent structures.

8654.3. For purposes of this section:

(a) "Joint powers authority" means the agency or entity designated or created pursuant to a joint powers agreement between the Office of Emergency Services and the Department of Forestry and Fire Protection, entered into pursuant to Section 8654.4, to implement this article.

(b) "Structure hardening" means the installation, replacement, or retrofitting of building materials, systems, or assemblies used in the exterior design and construction of existing nonconforming structures with features that are in compliance with Chapter 7A (commencing with Section 701A.1) of Title 24 of the California Code of Regulations, or any appropriate successor regulatory code with the primary purpose of reducing risk to structures from wildfire or conforming to the low-cost retrofit list, and updates to that list developed pursuant to paragraph (1) of subdivision (c) of Section 51189.

8654.4. The Office of Emergency Services shall enter into a joint powers agreement, in accordance with the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1) and this article, with the Department of Forestry and Fire Protection to develop and administer a comprehensive wildfire mitigation program to do both of the following:

(a) Encourage cost-effective structure hardening and retrofitting that creates fire-resistant homes, businesses, and public buildings.

(b) Facilitate vegetation management, the creation and maintenance of defensible space, and other fuel modification activities that provide neighborhood or communitywide benefits against wildfire.

8654.5. (a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, consistent with Section 8654.2, identify building retrofits and structure hardening measures eligible for financial assistance under the wildfire mitigation program that are both cost-effective and provide for appropriate site or structure fire risk reduction.

(b) The Department of Forestry and Fire Protection shall identify defensible space, vegetation management, and fuel modification activities eligible for financial assistance under the wildfire mitigation program that are both cost-effective and reduce the risk of wildfire for entire neighborhoods and communities.

8654.6. Designated wildfire hazard areas eligible for financial assistance under the wildfire mitigation program shall include all of the following:

(a) Local responsibility areas located within a very high fire hazard severity zone, as designated pursuant to subdivisions (a) and (b) of Section 51179.

(b) State responsibility areas located within any fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.

(c) Any other lands designated by the joint powers authority as consistent with the purposes of this article.

8654.7. (a) The joint powers authority may accept any federal funds granted, by act of Congress or by executive order, for all or any of the purposes of this chapter.

(b) The joint powers authority shall develop criteria and a scoring methodology to prioritize financial assistance provided under the wildfire mitigation program to areas and communities based upon criteria that include, but are not limited to, all of the following:

(1) Area and community vulnerability to wildfire.

(2) The impact of future climate risk factors on area and community wildfire vulnerability assessments.

(3) Factors that lead some populations to experience a greater risk to wildfire, adverse health outcomes, or an inhibited ability to respond to a wildfire, including socioeconomic characteristics of the areas or communities that would be protected by financial assistance. For purposes of this paragraph "relevant socioeconomic characteristics" may include, among other things, data on poverty levels, residents with disabilities, language barriers, residents over 65 or under 5 years of age, and households without a car.

(c) Subdivision (b) shall apply to all financial assistance provided under the wildfire mitigation program unless the joint powers authority determines that all, or a portion of, subdivision (b) should not apply to an award of federal funds on the basis of terms and conditions imposed by the federal government on that award of federal funds.

8654.8. (a) The joint powers authority shall develop eligibility criteria for property owners, community organizations, and local governments who may receive financial assistance under the wildfire mitigation program in accordance with this article.

(b) The joint powers authority may also establish financial assistance limits and matching funding or other recipient contribution requirements, as necessary, to ensure the viability and efficient operation of the wildfire mitigation program and to maximize the program's impact on reducing wildfire risk in California.

8654.9. (a) The joint powers authority may enter into cooperative agreements with any of the following eligible entities to perform those functions eligible for financial assistance under the wildfire mitigation program in lieu of, or in addition to, an award of financial assistance.

(1) The California Conservation Corps.

(2) University of California fire advisors.

(3) Regional conservation corps.

(4) Resource conservation districts.

(5) Fire safe councils.

(6) Fire protection districts.

(7) State conservancies.

(8) Cities.

(9) Counties.

(10) Any other qualified state and local agencies.

(b) The Department of Forestry and Fire Protection may specify the required training, experience, or other qualifications necessary before a person may perform those functions eligible for financial assistance under the wildfire mitigation program pursuant to a cooperative agreement.

8654.10. (a) The operation of this article is contingent upon an appropriation by the Legislature in the annual Budget Act or another statute for purposes of this article.

(b) No later than July 1, 2024, the joint powers authority shall submit a report to the Legislature, in compliance with Section 9795, regarding the implementation of the wildfire mitigation financial assistance program administered pursuant to this chapter. The report shall include, but is not limited to, all of the following:

- (1) An evaluation of the cost-effectiveness of the wildfire mitigation program compared to other structure hardening, defensible space, vegetation management, and fuel reduction incentive programs.
 - (2) An evaluation of the overall wildfire risk reduction achieved statewide through awards of financial assistance under the wildfire mitigation program.
 - (3) Detailed information about the quantity, monetary value, geographic distribution, and categories of awards of financial assistance made under the wildfire mitigation program.
 - (4) Detailed information about the sources and amounts of funds appropriated or granted to the wildfire mitigation program.
 - (5) Detailed information about barriers encountered to completing work awarded financial assistance under the wildfire mitigation program, including state, regional, or local permitting requirements.
 - (6) Any other information the office determines is necessary or convenient to evaluate the financial assistance awarded under the program.
- (c) This article shall remain in effect only until July 1, 2025, and as of that date is repealed.

SEC. 5. Section 4123.7 is added to the Public Resources Code, to read:

4123.7. (a) On or before July 1, 2021, the Natural Resources Agency, in consultation with the State Fire Marshal and the Forest Management Task Force, shall review the regional capacity of each county that contains a very high fire hazard severity zone, as identified by the director pursuant to Section 51178 of the Government Code or Article 9 (commencing with Section 4201), to improve forest health, fire resilience, and safety. The review shall include, but not be limited to, all of the following:

- (1) Identification of local or regional entities engaged in fire prevention work, such as resource conservation districts, fire safe councils, state conservancies, and other local agencies.
 - (2) A review of fire prevention organizational or capacity deficits within each county subject to the review.
 - (3) Recommendations to improve regional capacity and collaboration within the counties subject to review, including, but not limited to, the development of new organizations or regional districts.
- (b) The Natural Resources Agency shall make the review required pursuant to subdivision (a) publicly available on its internet website.


[Home](#)
[Bill Information](#)
[California Law](#)
[Publications](#)
[Other Resources](#)
[My Subscriptions](#)
[My Favorites](#)

AB-3074 Fire prevention: wildfire risk: defensible space: ember-resistant zones. (2019-2020)

SHARE THIS:



Date Published: 07/02/2020 09:00 PM

AMENDED IN SENATE JULY 02, 2020

AMENDED IN ASSEMBLY MAY 04, 2020

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

ASSEMBLY BILL

NO. 3074

Introduced by Assembly Member Friedman

February 21, 2020

An act to amend Sections 51182 and 51186 of the Government Code, and to amend Section 4291 of the Public Resources Code, relating to fire prevention.

LEGISLATIVE COUNSEL'S DIGEST

AB 3074, as amended, Friedman. Fire prevention: wildfire risk: defensible space: ember-resistant zones.

Existing law requires the Director of Forestry and Fire Protection to identify areas in the state as very high fire hazard severity zones based on specified criteria and the severity of the fire hazard. 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. A violation of these requirements is a crime.

This bill would require a person described above to use more intense fuel reductions between 5 and 30 feet around the structure, and to create an ember-resistant zone within 5 feet of the structure, as provided. Because a violation of these provisions would be a crime or expand the scope of an existing crime, the bill would impose a state-mandated local program.

The bill would require each local agency having jurisdiction of property upon which conditions that are regulated by the defensible space provisions described above apply and the Department of Forestry and Fire Protection to make reasonable efforts to provide notice to affected residents of the above requirements before imposing penalties for a violation of those requirements. By expanding the duty of a local agency, the bill would impose a state-mandated local program.

Existing law requires the Department of Forestry and Fire Protection to develop, periodically update, and post on its internet website a guidance document on fuels management, as provided.

This bill would instead require the State Board of Forestry and Fire Protection, in consultation with the department, to develop, periodically update, and post on its internet website the guidance document. The bill would require, on or before January 1, 2023, the state board, in consultation with the department, to update the guidance document to include suggestions for creating an ember-resistant zone within 5 feet of a structure, as provided.

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

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

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

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

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Catastrophic wildfires pose an urgent threat to lives, properties, and resources in California. The state experienced the deadliest and most destructive wildfires in its history in 2017 and 2018. Fueled by five years of drought, unprecedented buildup of dry vegetation, and extreme winds, the size and intensity of recent wildfires caused the loss of more than 100 lives, the destruction of tens of thousands of homes and businesses, and the exposure of millions of urban and rural Californians to unhealthy air. Compared with fire activities in 1986, recent wildfires in the western United States have occurred nearly four times more often, burned more than six times the land area, and lasted almost five times as long.

(2) Climate change, an epidemic of dead and dying trees, a century of fire exclusion, and the proliferation of new homes in the wildland-urban interface magnify this threat and place substantially more people and property at risk than in preceding decades. More than 25,000,000 acres of California wildlands are classified as under very high or extreme fire threat, extending that risk over one-half of the state. More than 2,000,000 California households and approximately one in four residential structures in California are located within or near "high" or "very high" fire hazard severity zones identified on maps drawn by the Department of Forestry and Fire Protection.

(3) Certain populations in the state are particularly vulnerable to wildfire. These Californians live in communities that face near-term public safety threats given their location and geography. Some residents in these areas are made further vulnerable due to factors such as age and lack of mobility. The tragic loss of life and property in the Town of Paradise during the 2018 Camp Fire demonstrates that vulnerability.

(4) While California has stringent building standards for new construction and requirements for the maintenance of defensible space in wildfire hazard areas, the intensity of the wildfire threat in California warrants higher levels of action and fortitude. California must develop scalable statewide options to encourage cost-effective structure hardening to create fire-resistant homes, businesses, and public buildings within wildfire hazard areas, with a focus on vulnerable communities.

(5) California must also increase the pace and scale of defensible space assessments, inspections, and community education across the state. Creating and maintaining defensible space is essential for increasing a home's chance of surviving a wildfire. California should encourage and use all available resources, including community organizations and local governments, to help homeowners and businesses understand how to create and maintain defensible space around their properties.

(6) Ember ignitions are responsible for the majority of wildland fire home ignitions. Establishing a five-foot ember-resistant zone around a structure to eliminate specified materials near structures that will likely be ignited by embers provides important new protections that enhance a home's chance of surviving a wildfire.

(b) It is the intent of the Legislature that the amendments made by this act to Sections 51182 and 51186 of the Government Code and Section 4291 of the Public Resources Code, which create a requirement for an ember-resistant zone five feet from a structure, should be phased in over time for existing structures.

(c) It is the intent of the Legislature that the Department of Forestry and Fire Protection pursue collaborative approaches to achieve compliance with new defensible space requirements, taking into account property owners' financial resources and the scope of work necessary to achieve compliance.

(d) It is the intent of the Legislature that the Department of Forestry and Fire Protection take enforcement actions on violations as a last resort in seeking compliance with the ember-resistant zone requirements for existing structures.

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

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

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

(B) A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the state law, local ordinance, rule, or regulation includes findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. Clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.

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

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

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

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

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

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

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

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

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

SEC. 3. Section 51186 of the Government Code is amended to read:

51186. (a) The local agency having jurisdiction of property upon which conditions regulated by Section 51182 are being violated shall notify the owner of the property to correct the conditions. If the owner fails to correct the conditions, the local agency may cause the corrections to be made, and the expenses incurred shall become a lien on the property that is the subject of the corrections when recorded in the county recorder's office in the county in which the real property is located. The priority of the lien shall be as of the date of recording. The lien shall contain the legal description of the real property, the assessor's parcel number, and the name of the owner of record as shown on the latest equalized assessment roll.

(b) (1) Each local agency having jurisdiction of property upon which conditions that are regulated by Section 51182 apply shall make reasonable efforts to provide notice to affected residents within the jurisdiction of the local agency describing the requirements added by the amendments to paragraph (1) of subdivision (a) of Section 51182 made in Assembly Bill 3074 of the 2019–20 Regular Session before the imposition of penalties for violating those requirements.

(2) (A) The requirement for an ember-resistant zone pursuant to Section 51182 shall not take effect for new structures until the State Board of Forestry and Fire Protection updates the guidance document pursuant to paragraph (2) of subdivision (c) of Section 51182.

(B) The requirements for an ember-resistant zone pursuant to Section 51182 shall take effect for existing structures one year after the effective date for the new structures.

SEC. 4. Section 4291 of the Public Resources Code is amended to read:

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

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

erosion. For the purposes of this subparagraph, "fuel" means any combustible material, including petroleum-based products and wildland fuels.

(B) A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation. Clearance beyond the property line may only be required if the state law, local ordinance, rule, or regulation includes findings that the clearing is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. Clearance on adjacent property shall only be conducted following written consent by the adjacent landowner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) (i) The requirement for an ember-resistant zone pursuant to paragraph (1) of subdivision (a) shall not take effect for new structures until the board updates the guidance document pursuant to paragraph (2) of subdivision (e).

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

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

~~(g)~~

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

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

H.R.3836 - Wireless Infrastructure Resiliency during Emergencies and Disasters Act

116th Congress (2019-2020) | [Get alerts](#)

Sponsor: [Rep. Eshoo, Anna G. \[D-CA-18\]](#) (Introduced 07/18/2019)
Committees: House - Energy and Commerce
Committee Meetings: [02/27/20 10:30AM](#)
Latest Action: House - 02/27/2020 Subcommittee Hearings Held. ([All Actions](#))
Tracker: **Introduced** Passed House Passed Senate To President Became Law

Summary(1) **Text(1)** Actions(4) Titles(3) Amendments(0) Cosponsors(19) Committees(1) Related Bills(0)

There is one version of the bill.

Text available as: XML/HTML | [XML/HTML \(new window\)](#) | [TXT](#) | [PDF](#) (PDF provides a complete and accurate display of this text.) [?]

Shown Here:
Introduced in House (07/18/2019)

116TH CONGRESS
1ST SESSION

H. R. 3836

To amend section 332 of the Communications Act of 1934 to include public safety requirements in terms and conditions States may require of mobile services.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2019

Ms. ESHOO (for herself, Mr. THOMPSON of California, Mr. HUFFMAN, Mrs. DAVIS of California, Mr. KHANNA, Ms. SPEIER, Mr. RUIZ, Mr. ROUDA, Ms. BROWNLEY of California, Mr. COX of California, Ms. ROYBAL-ALLARD, Mr. PANETTA, Ms. HILL of California, Mr. CISNEROS, Ms. LEE of California, and Mr. MCNERNEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend section 332 of the Communications Act of 1934 to include public safety requirements in terms and conditions States may require of mobile services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Wireless Infrastructure Resiliency during Emergencies and Disasters Act” or the “WIRED Act”.

SEC. 2. REGULATORY TREATMENT OF MOBILE SERVICES.

Section 332(c)(3)(A) of the Communications Act of 1934 ([47 U.S.C. 332\(c\)\(3\)\(A\)](#)) is amended by inserting after “other terms and conditions of commercial mobile services” the following: “including reasonable requirements to promote resilient wireless communications infrastructure for situational awareness during a natural disaster (as such term is defined in section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act ([42 U.S.C. 5195a\(a\)\(2\)](#)))”.