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GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 1. GENERAL [8000 - 8899.95] (Division 1 enacted by Stats. 1943, Ch. 134.)

CHAPTER 7. California Emergency Services Act [8550 - 8669.87] (Chapter 7 added by Stats. 1970, Ch. 1454.)

ARTICLE 16.5. California Wildfire Mitigation Financial Assistance Program [8654.2 - 8654.10] (Article 16.5 added by Stats. 2019, Ch. 391, Sec. 4.)

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 of 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.

(Amended by Stats. 2020, Ch. 370, Sec. 129. (SB 1371) Effective January 1, 2021. Conditionally operative as prescribed by Section 8654.10. Repealed as of July 1, 2029, pursuant to Section 8654.10.)

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 Part 2 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.

(Amended by Stats. 2020, Ch. 370, Sec. 130. (SB 1371) Effective January 1, 2021. Conditionally operative as prescribed by Section 8654.10. Repealed as of July 1, 2029, pursuant to Section 8654.10.)

8654.4. (a) 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:

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

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

(b) The Department of Forestry and Fire Protection shall delegate its duties and responsibilities for this program to the Office of the State Fire Marshal.

(Amended by Stats. 2021, Ch. 225, Sec. 2. (AB 9) Effective January 1, 2022. Conditionally operative as prescribed by Section 8654.10. Repealed as of July 1, 2029, pursuant to Section 8654.10.)

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.

(Amended by Stats. 2020, Ch. 370, Sec. 131. (SB 1371) Effective January 1, 2021. Conditionally operative as prescribed by Section 8654.10. Repealed as of July 1, 2029, pursuant to Section 8654.10.)

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.

(Added by Stats. 2019, Ch. 391, Sec. 4. (AB 38) Effective January 1, 2020. Conditionally operative as prescribed by Section 8654.10. Repealed as of July 1, 2029, pursuant to Section 8654.10.)

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 article.

(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) applies 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.

(Amended by Stats. 2020, Ch. 370, Sec. 132. (SB 1371) Effective January 1, 2021. Conditionally operative as prescribed by Section 8654.10. Repealed as of July 1, 2029, pursuant to Section 8654.10.)

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 advisers.
- (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.

(Amended by Stats. 2020, Ch. 370, Sec. 133. (SB 1371) Effective January 1, 2021. Conditionally operative as prescribed by Section 8654.10. Repealed as of July 1, 2029, pursuant to Section 8654.10.)

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, 2028, 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 article. 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 of Emergency Services 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, 2029, and as of that date is repealed.

(Amended by Stats. 2024, Ch. 402, Sec. 2. (AB 2469) Effective January 1, 2025. Repealed as of July 1, 2029, by its own provisions. Note: Repeal affects Article 16.5, commencing with Section 8654.2.)

