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AB-301 State responsibility areas: fire prevention fees. (2015-2016)

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Assembly Bill No. 301

CHAPTER 104

An act to amend Section 4213.1 of, and to add Section 4213.2 to, the Public Resources Code, relating to fire prevention.

[Approved by Governor July 15, 2015. Filed with Secretary of State July 15, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 301, Bigelow. State responsibility areas: fire prevention fees.

Existing law requires the State Board of Forestry and Fire Protection to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged annually on each habitable structure on a parcel that is within a state responsibility area. Existing law requires the fee to be levied upon the owner of a habitable structure if that person owns the structure on July 1 of the year for which the fee is due.

This bill would permit the owner of a property with one or more habitable structures subject to the fire prevention fee to, when selling the property, negotiate as one of the terms of the sale the apportionment between the parties of liability for payment of the fee, as specified. This bill would require the Department of Forestry and Fire Protection to notify an owner subject to a fire prevention fee that the owner may, when selling the habitable structure or structures, negotiate the apportionment of liability for payment of the fee between the parties as one of the terms of the sale.

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

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

SECTION 1. Section 4213.1 of the Public Resources Code is amended to read:

4213.1. (a) (1) The fire prevention fee imposed pursuant to Section 4212 shall be levied upon the owner of a habitable structure identified by the department as located within the state responsibility area, if that person owns the habitable structure on July 1 of the year for which the fee is due.

(2) The department shall notify an owner, upon whom a fire prevention fee is imposed pursuant to Section 4212, through the fee billing process that if the owner sells the habitable structure or structures, the apportionment of the fire prevention fee may be negotiated as one of the terms of the sale. However, payment of the total fire prevention fee liability remains the responsibility of the person who owns the habitable structure on July 1 of the year for which the fee is due.

(b) The board may exempt from the fire prevention fee any habitable structure that is subsequently deemed uninhabitable as a result of a natural disaster during the year for which the fee is due, as well as one subsequent year if the habitable structure has not been repaired or rebuilt. The board shall consider granting an exemption only if both of the following conditions are met:

(1) The owner of the habitable structure certifies that the structure is not habitable as a result of a natural disaster.

(2) The owner of the habitable structure either documents that the habitable structure passed a defensible space inspection conducted by the department or by one of its agents within one year of the date the structure was damaged or destroyed or certifies that clearance as required under Section 4291 was in place at the time that the structure was damaged or destroyed as a result of a natural disaster.

(c) The board shall prepare forms for purposes of the certification requirements in subdivision (b).

SEC. 2. Section 4213.2 is added to the Public Resources Code, to read:

4213.2. If an owner of a property with one or more habitable structures subject to the fire prevention fee imposed pursuant to Section 4212 sells the property, the apportionment of the fire prevention fee may be negotiated as one of the terms of the sale. However, payment of the total fire prevention fee liability remains the responsibility of the person who owns the habitable structure on July 1 of the year for which the fee is due.