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SB-190 Fire safety: building standards: defensible space program. (2019-2020)

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Senate Bill No. 190

CHAPTER 404

An act to amend Section 51189 of the Government Code, and to amend Section 18931.7 of, and to add Section 13159.5 to, the Health and Safety Code, relating to fire safety.

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

LEGISLATIVE COUNSEL'S DIGEST

SB 190, Dodd. Fire safety: building standards: defensible space program.

(1) Existing law requires a person, as defined, who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in, upon, or adjoining specified types of land areas within a very high fire hazard severity zone to maintain defensible space around the structure, as specified.

Existing law also requires the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, to recommend updated building standards 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, as provided.

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

This bill would require the Office of the State Fire Marshal to develop, in consultation with representatives from local, state, and federal fire services, local government, building officials, utility companies, the building industry, insurers and insurance research organizations, and the environmental community, a model defensible space program to be made available for use by a city, county, or city and county in the enforcement of the defensible space provisions. The bill would set forth required components of the program. The bill would require the model defensible space program to be updated when the guidance documents specified above are substantially updated, as provided.

(2) Existing law requires the Director of Forestry and Fire Protection to identify areas in the state, except as specified, as very high fire hazard severity zones based on specified criteria in order to enable public officials to identify measures that will retard the rate of spread and reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property and to require that those measures be taken. Existing law requires the State Fire Marshal to prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones. Existing law also requires the State Fire Marshal to annually review, revise as necessary, and administer the California Fire Service Training and Education Program. Existing law requires a local agency to designate, by ordinance, very high fire hazard severity zones within its jurisdiction.

This bill would require the Office of the State Fire Marshal to develop and make available on its internet website a Wildland-Urban Interface Fire Safety Building Standards Compliance training intended for use in the training of local building officials, builders,

and fire service personnel. The bill would also require the office to develop and update on a regular basis a Wildland-Urban Interface Products listing of products and construction assemblies that comply with specified fire safety building standards, as provided.

(3) Existing law establishes the Building Standards Administration Special Revolving Fund in the State Treasury. Existing law provides that moneys in the fund, which include building permit applicant fees, shall be available, upon appropriation, to the Office of the State Fire Marshal, among other state entities, for expenditure in carrying out various provisions relating to building and housing standards, as provided.

This bill would additionally provide that, upon appropriation, moneys in the fund may be available for purposes of carrying out the requirements described in (1) and (2) above, as provided.

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

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

SECTION 1. Section 51189 of the Government Code is amended to read:

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

(b) No later than January 31, 2020, the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930 of the Health and Safety Code, recommend updated building standards 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, based on information learned from the 2017 wildfire season.

(c) (1) No later than January 31, 2020, the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall 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. The department shall incorporate the list in its fire prevention education and outreach efforts.

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

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

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

(B) Suggested minimum qualifications needed for enforcement personnel.

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

(i) Site inspections.

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

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

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

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

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

(3) The model defensible space program required pursuant to this subdivision shall be updated whenever the department substantially updates the guidance documents created pursuant to subdivision (c) of Section 51182 of this code and subdivision (e) of Section 4291 of the Public Resources Code.

(4) In order to develop and implement this subdivision and support any required update of the guidance documents identified in subdivision (c) of Section 51182 of this code and subdivision (e) of Section 4291 of the Public Resources Code, the Office of the State Fire Marshal is authorized to expend funds from the Building Standards Administration Special Revolving Fund, upon an appropriation by the Legislature, pursuant to Section 18931.7 of the Health and Safety Code.

SEC. 2. Section 13159.5 is added to the Health and Safety Code, to read:

13159.5. (a) The Office of the State Fire Marshal shall develop and make available on its internet website a Wildland-Urban Interface Fire Safety Building Standards Compliance training intended for use in the training of local building officials, builders, and fire service personnel. This training shall be updated as changes are made to 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, and shall include any pertinent mandates for emergency power backup, including, but not limited to, battery backup requirements for automatic garage door openers.

(b) The Office of the State Fire Marshal shall develop and update on a regular basis a Wildland-Urban Interface Products listing of products and construction assemblies that comply 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, for products such as the following:

- (1) Exterior wall siding and sheathing.
- (2) Exterior windows, skylights, and doors.
- (3) Vents, including eave and cornice vents.
- (4) Decking.
- (5) Treated lumber and ignition-resistant materials.
- (6) Roofing materials.
- (7) Emergency battery power backup for automatic garage door openers.

(c) In researching and developing the products listing and the educational and training provisions under this section, the Office of the State Fire Marshal is authorized to expend funds from the Building Standards Administration Special Revolving Fund, upon an appropriation by the Legislature, pursuant to Section 18931.7.

SEC. 3. Section 18931.7 of the Health and Safety Code is amended to read:

18931.7. (a) All funds received by the commission under this part shall be deposited in the Building Standards Administration Special Revolving Fund, which is hereby established in the State Treasury.

(b) Moneys deposited in the fund shall be available, upon appropriation, to the commission, the department, and the Office of the State Fire Marshal for expenditure in carrying out this part, the provisions of Part 1.5 (commencing with Section 17910) that relate to building standards, as defined in Section 18909, and the requirements in Section 13159.5 of this code and subdivision (d) of Section 51189 of the Government Code, with emphasis placed on the development, adoption, publication, and updating of green building standards, the updating of verification guidelines for Tier 1 or Tier 2 green building standards and educational efforts, including, but not limited to, training for local building officials associated with green building standards.