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SB-896 Wildfires: defensible space: grant programs: local governments. (2021-2022)

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Date Published: 08/30/2022 04:00 AM

Senate Bill No. 896

CHAPTER 222

An act to amend Sections 4124.5 and 4291.5 of the Public Resources Code, relating to fire prevention.

[Approved by Governor August 29, 2022. Filed with Secretary of State August 29, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

SB 896, Dodd. Wildfires: defensible space: grant programs: local governments.

Existing law requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material to maintain defensible space of 100 feet from each side. Existing law requires the Director of Forestry and Fire Protection to establish a statewide program to allow qualified entities, including counties and other political subdivisions of the state, to support and augment the Department of Forestry and Fire Protection in its defensible space and home hardening assessment and education efforts. Existing law requires the director to establish a common reporting platform that allows defensible space and home hardening assessment data, collected by the qualified entities, to be reported to the department.

This bill would require any local governmental entity that is qualified to conduct these defensible space assessments in very high and high fire hazard severity zones, as specified, and that reports that information to the department, to report that information using the common reporting platform. The bill would require the department, on December 31, 2023, and annually thereafter, to report to the Legislature all defensible space data collected through the common reporting platform, as provided.

Existing law requires the department to establish a local assistance grant program for fire prevention and home hardening education activities and provides that local agencies, among others, are eligible for these grants.

This bill would require the department, when reviewing applications for the local assistance grant program, to give priority to any local governmental entity qualified to perform defensible space assessments in very high and high fire hazard severity zones, as specified, for using the common reporting platform to report that information.

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

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

SECTION 1. Section 4124.5 of the Public Resources Code is amended to read:

4124.5. (a) The department shall establish a local assistance grant program for fire prevention and home hardening education activities in California. Groups eligible for grants shall include, but are not limited to, local agencies, resource conservation districts, fire safe councils, the California Conservation Corps, certified community conservation corps as defined in Section 14507.5, University of California Cooperative Extension, the Board of Commissioners under CaliforniaVolunteers described in

Section 8411 of the Government Code, Native American tribes, and qualified nonprofit organizations. The department may establish a cost-share requirement for one or more categories of projects.

(b) (1) The local assistance grant program shall establish a robust year-round fire prevention effort in and near fire threatened communities that focuses on increasing the protection of people, structures, and communities. To the maximum extent practicable, the grants shall be designed to be durable and adaptively managed so that while improving resiliency to wildfire, the projects, when on forest land, retain a mixture of species and sizes of trees to protect habitat values. The department shall prioritize, to the extent feasible, projects that are multiyear efforts.

(2) For purposes of this subdivision, "fire threatened communities" means those communities in high and very high fire hazard severity zones, identified by the director pursuant to Section 51178 of the Government Code, or Article 9 (commencing with Section 4201) of this code, or on the "Fire Risk Reduction Community" list maintained by the board pursuant to Section 4290.1.

(c) Eligible activities shall include, but not be limited to, all of the following:

(1) Development and implementation of public education and outreach programs. Programs may include technical assistance, workforce recruitment and training, and equipment purchases.

(2) Fire prevention activities as defined in Section 4124.

(3) Projects to improve compliance with defensible space requirements as required by Section 4291 through increased inspections, assessments, and assistance for low-income residents.

(4) Technical assistance to local agencies to improve fire prevention and reduce fire hazards.

(5) Creation of additional "Firewise USA" communities in the state or other community planning or certification programs deemed as appropriate by the department.

(6) Projects to improve public safety, including, but not limited to, access to emergency equipment and improvements to public evacuation routes.

(7) Vegetation management along roadways and driveways to reduce fire risk. Where appropriate, the Department of Transportation shall be consulted if state infrastructure will be affected. Those projects shall remain consistent with paragraph (1) of subdivision (b).

(8) Public education outreach regarding making homes and communities more wildfire resilient, including defensible space training.

(9) Projects to reduce the flammability of structures and communities to prevent their ignition from wind-driven embers.

(10) Development of a risk reduction checklist for communities that includes defensible space criteria, structural vulnerability potential, and personal evacuation plans.

(d) The department may consider the fire risk of an area, the geographic balance of projects, and whether the project is complementary to other fire prevention or forest health activities when awarding local assistance grants.

(e) (1) Until January 1, 2024, the director may authorize advance payments from a grant awarded pursuant to this section. The advance shall not exceed 25 percent of the total grant award. The director may authorize a greater amount, not to exceed 50 percent of either the total grant award or the cost of equipment, whichever amount is less, for the purpose of purchasing necessary equipment.

(2) The grantee shall expend the funds from the advance payment within 6 months of receipt, unless the department waives this requirement.

(3) The grantee shall file an accountability report with the department four months from the date of receiving the funds and every four months thereafter.

(f) When reviewing applications for the grant program created pursuant to this section, the department shall give priority to any local governmental entity qualified to perform defensible space assessments pursuant to Section 4291.5 in very high and high fire hazard severity zones, as identified by the State Fire Marshal pursuant to Section 51178 of the Government Code or Article 9 (commencing with Section 4201) of this chapter or by a local agency pursuant to Section 51179 of the Government Code for using the common reporting platform created pursuant to subdivision (c) of Section 4291.5 to report that information.

(g) The department may expand or amend an existing grant program to meet the requirements of this section.

(h) Funding for the local assistance grant program created pursuant to this section shall be made upon appropriation by the Legislature.

SEC. 2. Section 4291.5 of the Public Resources Code is amended to read:

4291.5. (a) For purposes of this section, the following definitions apply:

(1) "Home hardening" means the replacement or repair of structural features that are affixed to the property with features that are in compliance with Chapter 7A (commencing with Section 701A.1) of Title 24 of the California Code of Regulations.

(2) "Qualified entities" means the following entities that have completed the program developed and received a certification, pursuant to Section 4291.6:

(A) Counties, state conservancies, special districts, and other political subdivisions of the state.

(B) Members of the California Conservation Corps, the Board of Commissioners under California Volunteers described in Section 8411 of the Government Code, local conservation corps, resource conservation districts, fire safe councils, and Firewise USA organizations.

(C) University of California fire advisors.

(D) Registered Professional Foresters.

(E) Other entities or individuals deemed appropriate by the director.

(3) "Wildfire safety improvements" mean wildfire resilience and fire safety improvements, including measures for home hardening, the creation of defensible space, and other appropriate fuel reduction activities, to residential, commercial, industrial, agricultural, or other real property identified by the State Fire Marshal, in consultation with the director.

(b) The director shall establish a statewide program to allow qualified entities to support and augment the department in its defensible space and home hardening assessment and education efforts. Qualified entities participating in the program shall be authorized by the director to conduct defensible space assessments to assess compliance with Section 4291 within the state responsibility area, educate property owners about wildfire safety improvements that may be undertaken to harden a structure and make it more resistant to fire, and assess whether wildfire safety improvements have been completed in or on a structure.

(c) (1) The director shall establish a common reporting platform that allows defensible space and home hardening assessment data, collected by the qualified entities, to be reported to the department and shall establish any necessary quality control measure to ensure that the assessment data is accurate and reliable.

(2) The department shall compile the data submitted pursuant to paragraph (1).

(d) The director may use the defensible space and home hardening assessment data to do any of the following:

(1) Direct inspection and enforcement resources away from landowners who meet or exceed the department's standards and regulations for maintaining defensible space.

(2) Direct inspection and enforcement resources toward landowners who do not meet the department's standards and regulations for maintaining defensible space.

(3) Direct educational resources toward landowners who own or maintain structures that can be hardened to make them more resistant to fire.

(4) Assist in estimating defensible space compliance in the state responsibility area.

(e) The department may expand or amend existing programs for the implementation of this section.

(f) This section does not grant any right of entry onto private land or regulatory or enforcement authority to participating qualified entities.

(g) Any local governmental entity that is qualified to conduct defensible space assessments pursuant to this section in very high and high fire hazard severity zones, as identified by the State Fire Marshal pursuant to Section 51178 of the Government Code or Article 9 (commencing with Section 4201) of this chapter or by a local agency pursuant to Section 51179 of the Government Code and reports that information to the department, shall report that information using the common reporting platform established pursuant to subdivision (c).

(h) (1) On December 31, 2023, and annually thereafter, the department shall report to the Legislature all defensible space data collected pursuant paragraph (2) of subdivision (c). The report may include information on the proportion of unique parcels that

were inspected, the degree of compliance with requirements set forth in Section 4291, any enforcement actions that may have been taken for noncompliant parcels, and the proportion of parcels that were found to be in compliance across jurisdictions. At minimum, the report shall include data with sufficient detail to facilitate comparisons of community compliance with the requirements of Section 4291 between local governmental entities qualified to conduct defensible space assessments pursuant to this section and local governmental entities that are not.

(2) A report submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(i) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.