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AB-1455 State Board of Forestry and Fire Protection: defensible space requirements: ember-resistant zones: emergency regulations: California Environmental Quality Act. (2025-2026)

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Date Published: 10/14/2025 02:00 PM

Assembly Bill No. 1455

CHAPTER 731

An act to amend Section 51182 of, and to add Section 51182.4 to, the Government Code, and to amend Section 4291 of the Public Resources Code, relating to fire prevention, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 13, 2025. Filed with Secretary of State October 13, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1455, Bryan. State Board of Forestry and Fire Protection: defensible space requirements: ember-resistant zones: emergency regulations: California Environmental Quality Act.

Existing law requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and the severity of the fire hazard. Existing law requires a person who owns, leases, controls, operates, or maintains (1) a building or structure in the state responsibility area, or (2) an occupied dwelling or structure within a very high fire hazard severity zone as designated by a local agency, to, among other defensible space requirements, maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. Under existing law, one of these defensible space requirements is the requirement to create an ember-resistant zone within 5 feet of the structure, based on regulations promulgated by the State Board of Forestry and Fire Protection, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers, as provided. A violation of these defensible space requirements is a crime.

This bill would revise and recast the defensible space requirements applicable to a very high fire hazard severity zone as designated by a local agency by explicitly requiring the state board to adopt regulations to implement all of the above-described defensible space requirements. The bill would authorize local agencies responsible for fire protection to designate, by ordinance, defensible space requirements based on the defensible space regulations promulgated by the state board, as provided, and would authorize the local agency to consider local variations in local fire hazards, geography, development, and other conditions and authorize alternative practices to those in the state board regulations, if the alternative practices provide for substantially similar practical effects as those stated in the state board regulations. The bill would provide that a property owner, as defined, in compliance with the applicable alternative practices adopted by the local agency shall not be deemed to have violated the defensible space requirements adopted by the state board, as provided. To the extent that this expands the duties of a local agency, the bill would impose a state-mandated local program.

Existing law, known as the Administrative Procedure Act, governs the procedures for the adoption, amendment, or repeal of regulations by state agencies and for the review of those regulatory actions by the Office of Administrative Law. Existing law establishes procedures for the adoption of emergency regulations, including requiring that the state agency make a finding that the adoption of a regulation or order of repeal is necessary to address an emergency, as defined. Under existing law, a regulation,

amendment, or order of repeal adopted as an emergency regulatory action may only remain in effect for up to 180 days, unless the adopting agency complies with specified requirements relating to notice of regulatory action and public comment.

By Executive Order No. N-18-25, Governor Gavin Newsom directed the state board to complete the formal rulemaking process applicable to these ember-resistant zone requirements no later than December 31, 2025. Existing law requires the state board, on or before January 1, 2023, and in consultation with the Office of the State Fire Marshal, to update a guidance document on fuels management to include suggestions for creating an ember-resistant zone within 5 feet of a structure based on regulations promulgated by the state board, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would require the state board to adopt regulations to implement the above-described defensible space requirements for an ember-resistant zone required within 5 feet of a structure in the state responsibility area and a very high fire hazard severity zone as designated by a local agency, as specified. If adopting the regulations through the regular rulemaking process of the Administrative Procedure Act would inhibit compliance with the deadline in Executive Order No. N-18-25, the bill would require the regulations to be adopted as emergency regulations and would require the Office of Administrative Law to consider the adoption of initial regulations as necessary for the immediate preservation of the public peace, health, safety, and general welfare. The bill would authorize the state board to readopt any of these emergency regulations, as provided, and would make any of these adopted or readopted emergency regulations effective until revised by the state board. The bill would provide that the adoption or readoption of these regulations does not constitute a project for purposes of CEQA. The bill would revise and recast the provisions applicable to the guidance document by requiring the state board, no later than one year after adopting regulations in compliance with the deadline in Executive Order No. N-18-25, to update the guidance document to reflect the new regulations.

This bill would incorporate additional changes to Section 4291 of the Public Resources Code proposed by SB 326 to be operative only if this bill and SB 326 are enacted and this bill is enacted last.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 51182 of the Government Code is amended to read:

51182. (a) The State Board of Forestry and Fire Protection shall adopt regulations to implement the rules described in this subdivision. Pursuant to these regulations, a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure 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 and spaced in a condition so that a wildfire 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 or to interrupt the advance of embers toward a structure. 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 Office of the State Fire Marshal, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. The regulations may also alter the fuel reduction required between 5 and 30 feet to integrate the ember-resistant zone into the requirements of this section. Consistent with fuels management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds.

(B) A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation. Fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain 100 feet of defensible space from a structure. Fuel modification on adjacent property shall only be conducted following written consent by the adjacent landowner. Any local ordinance related to fuel modification shall be in compliance with all applicable state laws, regulations, and policies. Any local ordinance may include provisions to allocate costs for any fuel modification beyond the property line.

(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 fuel modification 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 Office of the State Fire Marshal, 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 the spread of flammable nonnative grasses and weeds, minimize water consumption, and permit trees and shrubs 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) No later than one year after the State Board of Forestry and Fire Protection adopts regulations in compliance with the deadline in Executive Order No. N-18-25, the State Board of Forestry and Fire Protection shall, in consultation with the Office of the State Fire Marshal, update the guidance document to reflect the new regulations.

(d) Existing and new structures shall meet the same standard for the ember-resistant zone, but the regulations adopted by the State Board of Forestry and Fire Protection pursuant to this section shall allow the staging of work for existing structures to support implementation of the ember-resistant zone and address the costs of compliance.

(e) 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 Office of the State Fire Marshal to require the removal of fuel or vegetation on top of or underneath a deck pursuant to this section.

(f) (1) A local agency responsible for fire protection may designate, by ordinance, defensible space requirements based on regulations promulgated by the State Board of Forestry and Fire Protection pursuant to subdivision (a). In developing the ordinance, a local agency may, in order to meet the intent of the State Board of Forestry and Fire Protection regulations, consider local variations in local fire hazards, geography, development, and other conditions and authorize alternative practices to those in the State Board of Forestry and Fire Protection regulations, if the alternative practices provide for substantially similar practical effects as those stated in the State Board of Forestry and Fire Protection regulations. This subdivision does not preclude a local agency from adopting an ordinance designating defensible space requirements that are more stringent than the regulations adopted by the State Board of Forestry and Fire Protection pursuant to subdivision (a).

(2) For purposes of Sections 51185, 51186, 51187, and any other laws imposing penalties for violations of this section, or any other laws otherwise requiring compliance with this section, a property owner in compliance with the applicable alternative practices adopted by that property owner's local agency in an ordinance described in paragraph (1) shall not be deemed to have violated this section.

(3) For purposes of this subdivision, "property owner" means a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure within a very high fire hazard severity zone designated by the local agency pursuant to Section 51179, as described in subdivision (a).

SEC. 2. Section 51182.4 is added to the Government Code, to read:

51182.4. (a) The State Board of Forestry and Fire Protection shall adopt regulations to implement defensible space requirements for an ember-resistant zone required within five feet of a structure in the state responsibility area pursuant to Section 4291 of the Public Resources Code and a very high fire hazard severity zone pursuant to Section 51182 of this code.

(b) If adopting the regulations described in subdivision (a) through the regular rulemaking process pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 would inhibit compliance with the December 31, 2025, deadline in Executive Order No. N-18-25, the regulations shall instead be adopted as emergency regulations, in which case the adoption of initial regulations shall be deemed in response to an emergency and the Office of Administrative Law shall consider the adoption of initial regulations as necessary for the immediate preservation of the public peace, health, safety, and general welfare.

(c) The State Board of Forestry and Fire Protection may readopt any emergency regulation authorized by this section that is the same as or substantially equivalent to an emergency regulation previously adopted pursuant to this section.

(d) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2, any emergency regulations adopted or readopted pursuant to this section shall remain in effect until revised by the State Board of Forestry and Fire Protection.

(e) The adoption or readoption of the regulations described in this section shall not constitute a project for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

SEC. 3. 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 the state responsibility area 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 and spaced in a condition so that a wildfire 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 or to interrupt the advance of embers toward a structure. 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. The regulations may also alter the fuel reduction required between 5 and 30 feet to integrate the ember-resistant zone into the requirements of this section. Consistent with fuels management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds. For purposes of this subparagraph, "fuel" means any combustible material, including petroleum-based products, cultivated landscape plants, grasses, and weeds, and wildland vegetation.

(B) A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation. Fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain 100 feet of defensible space from a structure. Fuel modification on adjacent property shall only be conducted following written consent by the adjacent landowner. Any local ordinance related to fuel modification shall be in compliance with all applicable state laws, regulations, and policies. Any local ordinance may include provisions to allocate costs for any fuel modification beyond the property line.

(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 fuel modification 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 State Fire Marshal 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 State Fire Marshal, in a form as the State Fire Marshal 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 State Fire Marshal may authorize the removal of vegetation that is not consistent with the standards of this section. The State Fire Marshal 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 State Fire Marshal, 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, outdoor furniture, barbecue equipment, and outdoor fire pits.

(2) No later than one year after the board adopts regulations in compliance with the deadline in Executive Order No. N-18-25, the board shall, in consultation with the State Fire Marshal, update the guidance document to reflect the new regulations. Existing and new structures shall meet the same standard for the ember-resistant zone, but regulations adopted by the board pursuant to this section shall allow the staging of work for existing structures to support implementation of the ember-resistant zone and address the costs of compliance.

(f) The State Fire Marshal 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) 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.

(g) (1) 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 regulations, pursuant to paragraph (1) of subdivision (a), and the guidance document, pursuant to paragraph (2) of subdivision (e).

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

(h) The department shall not change defensible space inspection practices and forms or enforcement to implement the requirement for an ember-resistant zone until the State Fire Marshal makes a written finding, which the State Fire Marshal shall post on the department's internet website, that the Legislature has appropriated sufficient resources to do so.

(i) 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 to require the removal of fuel or vegetation on top of or underneath a deck pursuant to this section.

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

SEC. 3.5. 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 the state responsibility area 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 and spaced in a condition so that a wildfire 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 or to interrupt the advance of embers toward a structure. 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. The regulations may also alter the fuel reduction required between 5 and 30 feet to integrate the ember-resistant zone into the requirements of this section. Consistent with fuels management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds. For purposes of this subparagraph, "fuel" means any combustible material, including petroleum-based products, cultivated landscape plants, grasses, and weeds, and wildland vegetation.

(B) A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation. Fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain 100 feet of defensible space from a structure. Fuel modification on adjacent property shall only be conducted following written consent by the adjacent landowner. Any local ordinance related to fuel modification shall be in compliance with all applicable state laws, regulations, and policies. Any local ordinance may include provisions to allocate costs for any fuel modification beyond the property line.

(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 fuel modification 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 State Fire Marshal 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 State Fire Marshal, in a form as the State Fire Marshal 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 State Fire Marshal may authorize the removal of vegetation that is not consistent with the standards of this section. The State Fire Marshal 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 State Fire Marshal, 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, outdoor furniture, barbecue equipment, and outdoor fire pits.

(2) No later than one year after the board adopts regulations in compliance with the deadline in Executive Order No. N-18-25, the board shall, in consultation with the State Fire Marshal, update the guidance document to reflect the new regulations. Existing and new structures shall meet the same standard for the ember-resistant zone, but regulations adopted by the board pursuant to this section shall allow the staging of work for existing structures to support implementation of the ember-resistant zone and address the costs of compliance.

(f) The State Fire Marshal 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) 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.

(g) (1) The requirement for an ember-resistant zone pursuant to paragraph (1) of subdivision (a) shall not take effect for a new structure until the board updates the regulations, pursuant to paragraph (1) of subdivision (a), and the guidance document, pursuant to paragraph (2) of subdivision (e).

(2) (A) The requirement for an ember-resistant zone pursuant to paragraph (1) of subdivision (a) shall take effect for an existing structure three years after the effective date for a new structure, as described in paragraph (1).

(B) Notwithstanding subparagraph (A), for existing structures described in this subparagraph, the requirement for an ember-resistant zone pursuant to paragraph (1) of subdivision (a) shall take effect as follows:

(i) For an existing structure for sale that is not used as a rental property, once the requirement for an ember-resistant zone pursuant to paragraph (1) of subdivision (a) takes effect for new structures, the requirement for an ember-resistant zone pursuant to paragraph (1) of subdivision (a) shall apply either upon the sale of the existing structure or three years after the effective date for a new structure, as described in paragraph (1), whichever comes first.

(ii) For an existing structure that is used as a rental property, the requirement for an ember-resistant zone pursuant to paragraph (1) of subdivision (a) shall take effect upon the effective date for a new structure, as described in paragraph (1).

(h) The department shall not change defensible space inspection practices and forms or enforcement to implement the requirement for an ember-resistant zone until the State Fire Marshal makes a written finding, which the State Fire Marshal shall post on the department's internet website, that the Legislature has appropriated sufficient resources to do so.

(i) 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 to require the removal of fuel or vegetation on top of or underneath a deck pursuant to this section.

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

SEC. 4. Section 3.5 of this bill incorporates amendments to Section 4291 of the Public Resources Code proposed by both this bill and Senate Bill 326. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2026, but this bill becomes operative first, (2) each bill amends Section 4291 of the Public Resources Code, and (3) this bill is enacted after Senate Bill 326, in which case Section 4291 of the Public Resources Code, as amended by Section 3 of this bill, shall remain operative only until the operative date of Senate Bill 326, at which time Section 3.5 of this bill shall become operative.

SEC. 5. If the Commission on State Mandates determines that this act contains 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.

SEC. 6. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

The Governor's Executive Order No. N-18-25 directs the State Board of Forestry and Fire Protection to complete the formal rulemaking process for the ember-resistant (Zone 0) defensible space regulations by December 31, 2025. In the absence of an urgency clause, the provisions of this bill that further govern that formal rulemaking process would not go into effect until January 1, 2026. These provisions are necessary to protect homes from windborne embers and reduce the risk of structural damage by wildfire to the greatest extent possible.