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**SB-326 Wildfire safety: fire protection building standards: defensible space requirements: The California Wildfire Mitigation Strategic Planning Act.** (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**SENATE BILL**

**NO. 326**

**Introduced by Senators Becker and Laird  
(Principal coauthor: Senator Stern)  
(Coauthor: Assembly Member Pellerin)**

**February 11, 2025**

An act to add Sections 51182.1 and 51182.2 to, and to add Part 7.4 (commencing with Section 15480) to Division 3 of Title 2 of, the Government Code, to amend Section 13108.5 of the Health and Safety Code, and to amend Sections 4124, 4124.5, and 4291 of the Public Resources Code, relating to wildfire safety.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 326, Becker. Wildfire safety: fire protection building standards: defensible space requirements: The California Wildfire Mitigation Strategic Planning Act.

(1) Existing law establishes the Office of the State Fire Marshal in the Department of Forestry and Fire Protection and establishes the Deputy Director of Community Wildfire Preparedness and Mitigation within the office. Existing law makes the deputy director responsible for fire preparedness and mitigation missions of the department, as provided. Existing law requires the department to establish a local assistance grant program for fire prevention and home hardening education activities in California and specifies

eligible activities under the local assistance grant program, as provided. Under existing law, funding for this local assistance grant program is contingent upon an appropriation by the Legislature.

This bill would require the deputy director, on or before January 1, 2027, and every 3 years thereafter, in consultation with the state hazard mitigation officer, as defined, to prepare a Wildfire Risk Mitigation Planning Framework sufficient to quantitatively evaluate wildfire risk mitigation actions, as provided. The bill would require the framework to allow for geospatial evaluation and comparison of wildfire risk mitigation actions, as described, sufficient to direct coordinated mitigation efforts and long-term collaborative mitigation planning. The bill would require the deputy director to, each year the framework is completed, submit a copy of the framework to the Legislature, the Office of Energy Infrastructure Safety, and the Public Utilities Commission for review and consideration.

This bill would require the deputy director, on or before April 1, 2027, and every 3 years thereafter, in consultation with the state hazard mitigation officer, to prepare a Wildfire Risk Baseline and Forecast for the state delineated on a statewide level and by county, as provided. The bill would require the forecast to include geographic specificity as determined by the deputy director to be sufficient to evaluate targeted wildfire risk mitigation actions, and to accomplish specific things, including establishing key risk metrics for wildfire risk for the state as a whole, by county, and by geographic location. The bill would require the deputy director to, each year the forecast is completed, submit a copy of the forecast to the Legislature, the Office of Energy Infrastructure Safety, and the Public Utilities Commission for review and consideration.

This bill would require the deputy director, on or before August 1, 2027, in consultation with the state hazard mitigation officer, to prepare a Wildfire Mitigation Scenarios Report, to be updated annually. The bill would require the report to contain specified information, including identification of a reasonable range of possible scenarios for overall wildfire risk mitigation spending, as provided.

This bill would require the deputy director to contract with a private consultant with special expertise in quantitative evaluation of specified wildfire risk and risk mitigation topics, as provided, to conduct quantitative wildfire risk modeling and for preparation of reports to accomplish the purposes of this act.

This bill would, contingent upon an annual appropriation by the Legislature in the annual Budget Act, require the department, beginning in the 2029–30 fiscal year and extending to the 2044–45 fiscal year, inclusive, to make funds available through the local assistance grant program for programs to be implemented by local governments to achieve wildfire risk reduction in a cost-effective manner that is maximally consistent with the Wildfire Risk Mitigation Planning Framework.

(2) 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 (A) an occupied dwelling or structure within a very high fire hazard severity zone as designated by a local agency, or (B) a building or structure in the state responsibility area, to comply with specified defensible space requirements, including a requirement to maintain a defensible space of 100 feet from each side and from the front and rear of the structure, and a 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, as provided. Executive Order No. N-18-25 directs the board to complete the formal rulemaking process applicable to these ember-resistant zone requirements no later than December 31, 2025. Under existing law, the requirement for an ember-resistant zone does not take effect for new structures until the board updates the applicable regulations and guidance document, as specified, and does not take effect for existing structures until 3 years after the effective date for the new structures. A violation of these requirements is a crime.

This bill would move up the effective date of the ember-resistant zone requirement for certain existing structures in the state responsibility area, as provided. By expanding the scope of a crime, the bill would impose a state-mandated local program.

This bill would revise and recast the local assistance grant program, described above, by, among other things, authorizing funding from the program to be used for projects to plan and carry out risk-targeted wildfire prevention work within a local government's jurisdiction, including costs necessary to use the above-described Wildfire Risk Mitigation Planning Framework to select, plan, and implement projects, and to implement activities consistent with early implementation of the ember-resistant zone rules, as provided.

This bill would, upon an annual appropriation by the Legislature in the annual Budget Act, require the department, during the 2025–26 to 2028–29 fiscal years, inclusive, to make funds available through the local assistance grant program for programs to be implemented by local agencies to fund wildfire inspector positions sufficient to conduct inspections in very high fire hazard severity zones, in order to facilitate early implementation of the ember-resistant zone rules for existing commercial and residential structures, as provided. As a condition of receiving funds, the bill would require local agencies to adopt the ember-resistant zone regulations, applicable to very high fire hazard severity zones, as provided.

(3) The California Building Standards Law requires any building standard adopted or proposed by state agencies to be submitted to, and approved or adopted by, the California Building Standards Commission before codification. Existing law requires the State Fire Marshal to propose, pursuant to that process, fire protection building standards applicable to buildings in fire hazard severity zones, as provided. Existing law also applies fire protection building standards adopted pursuant to this process to buildings located in urban wildland interface communities, defined as communities identified by the department pursuant to a specified process.

From October 1, 2025, to June 1, 2031, inclusive, existing law prohibits proposed building standards affecting residential units from being considered, approved, or adopted by the California Building Standards Commission or any other adopting agency unless a specified condition is met, including that the building standards are amendments by the State Fire Marshal to building standards within the California Wildland-Urban Interface Code.

This bill would, notwithstanding that prohibition, require the State Fire Marshal, on or before July 1, 2026, and pursuant to the California Building Standards Law process for state agencies proposing building standards, to propose to extend the applicability of the above-described fire protection building standards to all reconstruction of all buildings destroyed within the perimeters of wildfires that occur on or after July 1, 2026.

(4) This bill would incorporate additional changes to Section 4291 of the Public Resources Code proposed by AB 1455 to be operative only if this bill and AB 1455 are enacted and this bill is enacted last.

(5) 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 no reimbursement is required by this act for a specified reason.

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

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

### **SECTION 1.** The Legislature finds and declares all of the following:

(a) Wildfires have caused unacceptable catastrophic losses to local communities, the state, and its residents over the past decade.

(b) Increased wildfire risk is being driven by climate change, drought, and the accumulation of fuels due to historic wildfire suppression.

(c) The California Wildfire and Forest Resilience Task Force has found that more frequent, larger, high-severity wildfires threaten a broad range of communities throughout the state, contributing to the loss of human life and property damage.

(d) Smoke from unplanned wildfires has a detrimental impact on human health and poses an elevated risk to vulnerable populations, such as the elderly, children, pregnant women, those with certain underlying health conditions, and outdoor workers.

(e) Since many of the state's ecosystems are fire adapted, uncharacteristic fire regimes created by historic fire suppression policies threaten ecological health, hinder the ability of ecosystems to support biodiversity and vital ecosystem services, and contribute to soil erosion, diminished water quality, and impeded forest regeneration.

(f) Actions taken by homeowners, communities, and by private and public landowners can reduce the risk of catastrophic fires.

(g) Governor Gavin Newsom and the Legislature have identified the urgent need for utilities to invest in safe and reliable service while minimizing ratepayer impacts and protecting energy affordability.

(h) The Natural Resources Agency, the United States Forest Service, and the United States Bureau of Land Management have identified the urgent need for land managers to invest in stewardship of forests and landscapes to improve wildfire resilience in the face of climate change.

(i) The Department of Insurance and the Insurance Institute for Business and Home Safety have both identified actions that homeowners can take to substantially reduce the risk of home ignition both by reducing the ignition probability of homes and better managing fuels risks posed by gardens during ember-driven wildfire spread.

(j) The January 2021 report from the California Wildfire and Forest Resilience Task Force identified the need for greater landscape-scale treatments to reduce the risk of catastrophic wildfire and recognized the importance of building and maintaining regional approaches to wildfire resilience, reflective of the state's diverse ecosystems and built environment.

(k) The State of California recognizes the unprecedented challenges posed by wildfires and has responded with historic investments to address landscape-scale wildfire resilience since 2017.

(l) Current investments by electric utilities to avoid utility ignitions are much larger than even the recent historic investments in wildfire and forest resilience by the state and federal governments.

(m) Governor Newsom, in Executive Order No. N-18-25, directed the State Board of Forestry and Fire Protection to issue regulations requiring creation of an ember-resistant zone, known as zone zero, as required by Assembly Bill 3074 of the 2019–20 Regular Session, no later than December 31, 2025. These regulations will not apply to existing structures until December 31, 2028, despite the fact that existing structures are the most vulnerable to wildfire.

(n) Implementation of zone zero for existing structures is considered by the insurance industry to be one of, if not the most important risk reduction measures that can be taken to reduce the chances of urban conflagration such as what occurred on January 7, 2025, in Pacific Palisades and Altadena, but will be challenging and require enhanced authority and resources for implementing agencies to conduct education and enforcement activities as well as resources for some property owners.

(o) Early implementation of zone zero for existing structures where practicable is therefore an important step not only to lower the risks of urban conflagration but also to help restore a more healthy insurance market for all Californians.

(p) Wildfire models, including those used to develop the Fire Hazard Severity Zone maps by the Fire and Resource Assessment Program of the Department of Forestry and Fire Protection, are imperfect and may sometimes underestimate risk to structures, as indicated by the destruction by wildfire of large numbers of structures that are not included in those maps.

(q) Therefore, meeting the complex challenges presented by the modern wildfire crisis necessitates greater collaboration and coordination between the various entities tasked with managing wildfire risk and resilience in California in planning for and targeting, removing barriers to, and coordinating wildfire risk mitigation investments.

**SEC. 2.** Part 7.4 (commencing with Section 15480) is added to Division 3 of Title 2 of the Government Code, to read:

#### **PART 7.4. The California Wildfire Mitigation Strategic Planning Act**

**15480.** Unless the context otherwise requires, the following definitions govern construction of this part:

(a) “Deputy director” means the Deputy Director of Community Wildfire Preparedness and Mitigation within the Office of the State Fire Marshal.

(b) “Forecast” means the Wildfire Risk Baseline and Forecast prepared pursuant to Section 15482.

(c) “Framework” means the Wildfire Risk Mitigation Planning Framework prepared pursuant to Section 15481.

(d) “Report” means the Wildfire Mitigation Scenarios Report prepared pursuant to Section 15483.

(e) “Risk to spend efficiency” means the net present value of monetized reduction in wildfire consequences per dollar of risk mitigation expenditure.

(f) “State hazard mitigation officer” means the person designated by the Director of the Office of Emergency Services to serve as the primary point of contact with the Federal Emergency Management Agency, other federal agencies, and local governments in mitigation planning and implementation of mitigation programs and activities required under Chapter 68 of Title 42 of the United State Code.

(g) “Wildfire mitigation plan” means a plan prepared pursuant to Section 8386 of the Public Utilities Code.

(h) “Wildfire risk mitigation action” means an action undertaken by a private or public actor with the stated purpose of reducing either the chances of a wildfire ignition or the consequences of a wildfire ignition after one occurs, excluding fire suppression activities.

**15481.** (a) On or before January 1, 2027, and every three years thereafter, the deputy director, in consultation with the state hazard mitigation officer, shall prepare a Wildfire Risk Mitigation Planning Framework sufficient to quantitatively evaluate wildfire risk mitigation actions as determined by the deputy director.

(b) The framework shall be updated in conjunction with the forecast pursuant to Section 15482.

(c) The framework shall allow for geospatial evaluation and comparison of wildfire risk mitigation actions sufficient to direct coordinated mitigation efforts and long-term collaborative mitigation planning.

(d) The framework may incorporate, for each wildfire mitigation action, including near-term and long-term estimates and projections, as determined to be appropriate by the deputy director, all of the following:

- (1) The entity or entities responsible for the wildfire risk mitigation action.
- (2) Risk events and consequences targeted, including cost and other appropriate metrics of unmitigated damages.
- (3) Cost of the wildfire risk mitigation action.
- (4) Methodologies for evaluating, and estimates of risk to spend efficiency and cost-effectiveness of, the wildfire risk mitigation action.
- (5) Geographic areas to which the wildfire risk mitigation action applies.
- (6) Interactions, cobenefits, and joint impacts with other wildfire risk mitigation activities.
- (7) Interactions and joint impacts with climate change, drought, past wildfires, and other environmental factors and environmental metrics, as appropriate.
- (8) Effects on stakeholders and other affected parties.
- (9) Personnel requirements to effectuate the wildfire risk mitigation action.
- (10) Other factors as determined to be appropriate by the deputy director.

(e) The deputy director shall make the framework available as a planning tool for all entities included in the report pursuant to paragraph (2) of subdivision (b) of Section 15483.

(f) The deputy director shall, each year the framework is completed, submit a copy of the framework to the Legislature notwithstanding Section 10231.5 and in compliance with Section 9795, the Office of Energy Infrastructure Safety, and the Public Utilities Commission for review and consideration.

(g) To the maximum extent possible, the deputy director shall make the factual and analytical basis for the framework available to the public on its internet website.

**15482.** (a) On or before April 1, 2027, and every three years thereafter, the deputy director, in consultation with the state hazard mitigation officer, shall prepare a Wildfire Risk Baseline and Forecast for the State of California delineated on a statewide level and by county, and shall include geographic specificity as determined by the deputy director to be sufficient to evaluate targeted wildfire risk mitigation actions.

(b) The forecast shall be prepared in coordination with the wildfire mitigation plan and local hazard mitigation plans.

(c) The forecast shall accomplish all of the following:

- (1) Contain, at a minimum, estimates of current ignition risk and an evaluation of the consequences of potential ignitions to human life and safety, structures and critical infrastructure, cultural and historic resources, public health, ecosystems and ecosystem services, and any other material consequences as determined by the deputy director.
- (2) Establish key risk metrics for wildfire risk for the state as a whole, by county, and by geographic location.
- (3) Establish reasonable levels of unmitigated planned risk for the state to assume and manage through fire suppression.
- (4) Include an estimated wildfire risk and consequence, in 1-year, 3-year, and 10-year projections, assuming implementation and extension of current wildfire risk mitigation actions.
- (5) Include targets for wildfire risk reduction for the State of California in 1, 3, and 10 years.
- (6) Beginning January 1, 2030, evaluate current wildfire risk relative to targets established according to paragraph (5) in the most recent prior forecast.

(d) The forecast may take into account the contribution to wildfire risk and consequence created by all of the following factors:

- (1) Weather.
- (2) Fuel type and fuel loading.
- (3) Historic fire regimes and changing fire patterns.

(4) Climate change.

(5) Human population and population density.

(6) Development patterns.

(7) Electric infrastructure.

(8) Other factors as determined to be relevant by the deputy director.

(e) The deputy director shall provide recommendations in the report on how to achieve better coordination, risk to spend efficiency, and overall cost-effectiveness, in specific regions and statewide, between utility-related wildfire mitigation investments made pursuant to a wildfire mitigation plan and nonutility wildfire mitigation investments.

(f) The deputy director shall, each year the forecast is completed, submit a copy of the forecast to the Legislature notwithstanding Section 10231.5 and in compliance with Section 9795, the Office of Energy Infrastructure Safety, and the Public Utilities Commission for review and consideration.

(g) To the maximum extent practicable, the deputy director shall make available to the public on its internet website the factual and analytical bases for the wildfire risk and consequence estimates included in the forecast.

**15483.** (a) On or before August 1, 2027, the deputy director, in consultation with the state hazard mitigation officer, shall prepare a Wildfire Mitigation Scenarios Report, to be updated annually.

(b) The report shall contain all of the following information:

(1) Identification of a reasonable range of possible scenarios for overall wildfire risk mitigation spending over the next one-year and three-year periods.

(2) Planned and likely statewide wildfire risk mitigation actions by all of the following entities:

(A) State agencies.

(B) Federal agencies.

(C) Electric utilities.

(D) Municipalities and local governments.

(E) Nongovernmental organizations and private actors seeking state funding.

(F) Other stakeholders as determined appropriate by the deputy director.

(3) A quantification of the overall risk reduction achieved via implementation of all planned and potential wildfire risk mitigation actions relative to the baseline level of unmitigated risk contained in the most recent forecast.

(4) A quantification of the risk-spend efficiency of all planned wildfire risk mitigation actions using the framework.

(5) Using the framework, identification and description, in detail, of one or more cost-effective statewide wildfire risk reduction strategies that are approximately equal in cost to planned spending by all entities identified in the report and that achieve maximum estimated reduction in overall wildfire risk and consequence for the State of California.

(6) Recommendations on how to achieve better coordination, risk to spend efficiency, and overall cost-effectiveness, in specific regions and statewide, between utility-related wildfire mitigation investments made pursuant to a wildfire mitigation plan and nonutility wildfire mitigation investments.

(c) The deputy director shall, each year upon its completion, submit a copy of the report to the Legislature notwithstanding Section 10231.5 and in compliance with Section 9795, and to the Public Utilities Commission, for review and consideration.

(d) To the maximum extent practicable, the deputy director shall make available to the public on its internet website the factual and analytical bases for the report.

**15484.** The deputy director shall contract with a private consultant with special expertise in the quantitative evaluation of the risk reduction benefits of community scale and landscape scale fuel modifications to reduce wildfire risk and a private consultant with special expertise in the quantitative evaluation of the risk reduction benefits of home hardening and defensible space for reducing

expected annual losses to residential and commercial structures in order to conduct quantitative risk modeling and for preparation of reports in order to accomplish the purposes of Sections 15481, 15482, and 15483.

**15484.5.** Contingent upon an annual appropriation by the Legislature in the annual Budget Act, beginning in the 2029–30 fiscal year and extending to the 2044–45 fiscal year, inclusive, the Department of Forestry and Fire Protection shall make funds available through the local assistance grant program pursuant to Section 4124.5 of the Public Resources Code for programs to be implemented by local governments to achieve wildfire risk reduction in a cost-effective manner that is maximally consistent with the framework.

**SEC. 3.** Section 51182.1 is added to the Government Code, to read:

**51182.1.** (a) For purposes of this section, the following definitions apply:

(1) “Deputy director” means the Deputy Director of Community Wildfire Preparedness and Mitigation within the Office of the State Fire Marshal, as described in Section 4209 of the Public Resources Code.

(2) “Early compliance with zone zero regulations” means compliance before the effective date described in subparagraph (B) of paragraph (2) of subdivision (b) of Section 51186.

(3) “Zone zero regulations” means the regulations adopted by the State Board of Forestry and Fire Protection, pursuant to subparagraph (A) of paragraph (1) of subdivision (a) of Section 51182, related to an ember-resistant zone required within 5 feet of a structure.

(b) For fiscal years 2025–26 to 2028–29, inclusive, a local agency may, in order to support early compliance with zone zero regulations, apply for grant funds through the local assistance grant program pursuant to Section 4124.5 of the Public Resources Code to fund wildfire inspector positions sufficient to conduct inspections in very high fire hazard severity zones. As a condition of receiving funds, the local agency shall adopt, by an ordinance that is applicable to existing structures in very high fire hazard severity zones, the zone zero regulations, in a manner that is consistent with this chapter. Adoption of an ordinance pursuant to subdivision (f) of Section 51182, as enacted by Assembly Bill 1455 of the 2025–26 Regular Session, shall satisfy this requirement. Funding pursuant to this section shall be allocated from the appropriation described in Section 51182.2, contingent upon an appropriation being made by the Legislature as described in that section.

(c) Funding pursuant to subdivision (b) shall be limited to funds that are necessary to fund incremental inspector positions at the fully burdened rate plus any vehicles, uniforms, technological resources, and other equipment necessary to carry out inspections. Funding pursuant to subdivision (b) shall not extend to administrative costs, personnel, or equipment to perform activities beyond parcel inspections.

(d) A local agency receiving funding pursuant to subdivision (b) shall submit an annual report to the deputy director that includes all of the following information:

(1) The baseline number of inspections conducted in the prior fiscal year in very high fire hazard severity zones.

(2) The number of additional inspections conducted within very high fire hazard severity zones during the prior fiscal year.

(3) The number of unique parcels inspected during the prior fiscal year.

(4) The number of inspected homes that are fully compliant with defensible space regulations, including zone zero regulations, by the end of the prior fiscal year.

(5) The number of homes and disposition of homes inspected but not compliant by the end of the prior fiscal year.

(e) The deputy director shall post all reports received pursuant to subdivision (d) on the internet website of the Office of the State Fire Marshal within six months of the end of each fiscal year.

(f) The deputy director shall prepare a report evaluating the data collected from local agencies pursuant to subdivision (d), which shall include an examination of the best performing local agencies for each year, and shall post this report on the internet website of the Office of the State Fire Marshal within six months of the end of each fiscal year.

**SEC. 4.** Section 51182.2 is added to the Government Code, to read:

**51182.2.** Contingent upon an appropriation by the Legislature in the annual Budget Act, beginning in the 2025–26 fiscal year and extending to the 2028–29 fiscal year, inclusive, the Department of Forestry and Fire Protection shall make funds available through the local assistance grant program described in Section 4124.5 of the Public Resources Code to facilitate early implementation of

zone zero regulations for existing commercial and residential structures consistent with Section 51182.1, and for other allowable purposes described in Section 51182.1.

**SEC. 5.** Section 13108.5 of the Health and Safety Code is amended to read:

**13108.5.** (a) The State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, shall, pursuant to Section 18930, propose fire protection building standards for roofs, exterior walls, structure projections, including, but not limited to, porches, decks, balconies, and eaves, and structure openings, including, but not limited to, attic and eave vents and windows of buildings in fire hazard severity zones, including very high fire hazard severity zones designated by the State Fire Marshal pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code.

(b) (1) Building standards adopted pursuant to this section shall also apply to buildings located in very high fire hazard severity zones designated pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, and other areas designated by a local agency following a finding supported by substantial evidence in the record that the requirements of the building standards adopted pursuant to this section are necessary for effective fire protection within the area.

(2) Upon identification by the Director of Forestry and Fire Protection pursuant to Section 51178 of the Government Code of high fire hazard severity zones and by a local agency pursuant to Section 51179 of the Government Code, the Office of the State Fire Marshal and the Department of Housing and Community Development shall propose, and the California Building Standards Commission shall adopt, expanded application of the building standards adopted pursuant to this section to high fire hazard severity zones during the next triennially occurring code adoption cycle.

(3) The State Fire Marshal and the Department of Housing and Community Development shall, after consulting with interested stakeholders, including local fire officials, consider if it is appropriate to expand application of the building standards adopted pursuant to this section to moderate fire hazard severity zones. If it is found appropriate, the State Fire Marshal and the Department of Housing and Community Development shall, pursuant to Section 18930, recommend expanding the application of the building standards adopted pursuant to this section to moderate fire hazard severity zones.

(c) Building standards adopted pursuant to this section shall also apply to buildings located in urban wildland interface communities. A local agency may, at its discretion, include in or exclude from the requirements of these building standards any area in its jurisdiction following a finding supported by substantial evidence in the record at a public hearing that the requirements of these building standards are necessary or not necessary, respectively, for effective fire protection within the area. Changes made by a local agency to an urban wildland interface community area following a finding supported by substantial evidence in the record shall be final and shall not be rebuttable.

(d) For purposes of subdivision (c), "urban wildland interface community" means a community listed in "Communities at Risk from Wild Fires," produced by the California Department of Forestry and Fire Protection, Fire and Resource Assessment Program, pursuant to the National Fire Plan, federal Fiscal Year 2001 Department of the Interior and Related Agencies Appropriations Act (Public Law 106-291).

(e) Notwithstanding subdivision (g) of Section 18930, the State Fire Marshal shall, pursuant to subdivisions (a) to (f), inclusive, of Section 18930, and on or before July 1, 2026, propose to extend the applicability of the building standards adopted pursuant to this section to all reconstruction of all buildings destroyed within the perimeters of a wildfire that occurs on or after July 1, 2026.

**SEC. 6.** Section 4124 of the Public Resources Code is amended to read:

**4124.** For the purposes of this article, "fire prevention activities" means those lawful activities that reduce the risk of wildfire in California, including, but not limited to, mechanical vegetation management, prescribed grazing, prescribed burns, creation of defensible space, wildfire risk reduction projects included in the Wildfire Risk Mitigation Planning Framework prepared pursuant to Section 15481 of the Government Code, defensible space inspections pursuant to Section 51182.1 of the Government Code, and retrofitting of structures to increase fire resistance.

**SEC. 7.** 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 California Volunteers 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 State Fire Marshal 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, new technologies, game elements to enhance and accelerate the education of property owners, 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 residents with relevant socioeconomic characteristics, as defined in Section 8654.7 of the Government Code.

(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 training on defensible space and prescribed grazing.

(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.

(11) (A) Projects involving the application of prescribed grazing, which may include the installation of fencing or watering improvements.

(B) Watering improvements described in subparagraph (A) shall not include the creation of a well or replacement of well infrastructure.

(12) Projects to plan and carry out risk-targeted wildfire prevention work within a local government's jurisdiction. Costs for these projects may include the following:

(A) Costs necessary to use the risk targeting framework established pursuant to Part 7.4 (commencing with Section 15480) of Division 3 of Title 2 of the Government Code, once available, to select, plan, and implement projects for both of the following purposes:

(i) Maximum cost-effective wildfire risk reduction value within and near to communities.

(ii) Maximum cost-effective wildfire risk reduction value to wildlands within the state.

(B) Implementation of activities consistent with early zone zero implementation as described in Section 51182.1 of the Government Code, for fiscal years 2025–26 to 2028–29, inclusive.

(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) 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.

(f) (1) The director may authorize advance payments from a grant awarded pursuant to this section. The advance payment 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 or supplies, whichever amount is less, for the purpose of purchasing necessary equipment or supplies.

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

(3) The grantee shall file an accountability report with the department no later than six months from the date of receiving the funds and no later than every six months thereafter.

(g) Until July 1, 2025, the department may authorize advance payments on a grant awarded under this section in accordance with subdivision (d) of Section 11019.1 of the Government Code.

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

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

**SEC. 8.** 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) On or before January 1, 2023, the board, in consultation with the State Fire Marshal, shall update the guidance document to include suggestions for creating an ember-resistant zone within five feet of a 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. Existing and new structures shall meet the same standard for the ember-resistant zone, but regulations 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. 8.5.** 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. 9.** Section 8.5 of this bill incorporates amendments to Section 4291 of the Public Resources Code proposed by this bill and Assembly Bill 1455. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2026, (2) each bill amends Section 4291 of the Public Resources Code, and (3) this bill is enacted after Assembly Bill 1455, in which case Section 4291 of the Public Resources Code, as amended by Assembly Bill 1455, shall remain operative only until the operative date of this bill, at which time Section 8.5 of this bill shall become operative, and Section 8 of this bill shall not become operative.

**SEC. 10.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.