
THIRD READING

Bill No: SB 896
Author: Dodd (D), et al.
Amended: 5/5/22
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 9-0, 3/8/22
AYES: Stern, Jones, Allen, Eggman, Grove, Hertzberg, Hueso, Laird, Limón

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SUBJECT: Wildfires: defensible space: grant programs: local governments

SOURCE: Author

DIGEST: This bill incentivizes and improves defensible space assessment data collection and reporting by local government entities, and requires the California Department of Forestry and Fire Protection to annually provide a defensible space report to the Legislature, as provided.

Senate Floor Amendments of 5/5/22 clarify eligible lands the bill applies to and additional technical changes.

ANALYSIS:

Existing law:

- 1) Establishes the California Department of Forestry and Fire Protection (CAL FIRE) in the California Natural Resources Agency, and the Office of the State Fire Marshal at CAL FIRE.
- 2) Requires the Board of Forestry and Fire Protection to classify all lands within the state for the purpose of determining areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state. This is the state responsibility area (SRA).

- a) The SRA includes about 31 million acres of which about 1/3 is categorized as very high risk, 1/3 is high risk, and another 8% is of moderate risk.
- 3) Requires the State Fire Marshal to identify areas of the state outside of the SRA as moderate, high, and very high fire hazard severity zones (VHFHSZ) based upon specified criteria. Local agencies may identify additional areas to be recognized as VHFHSZ. The VHFHSZ in the local responsibility area (LRA) is about 705,000 acres.
- 4) Requires a person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining land that is covered with flammable material in the SRA or VHFHSZ/LRA, as designated by a local agency, to maintain a defensible space of 100 feet from each side and from the front and rear of the structure, as specified. The most intensive fuels management is required within 30 feet of a structure, and there will be additional regulations and a guidance document developed for the five-foot ember-resistant zone around a structure.
- 5) Requires CAL FIRE to establish a local assistance grant program for fire prevention activities in the state, as provided. (Public Resources Code (PRC) §4124.5)
 - a) The local assistance grant program shall establish a robust year-round fire prevention effort in and near fire-threatened communities, including the SRA, high fire hazard severity zone and VHFHSZ in the LRA, and communities listed on the “Fire Risk Reduction Community” list. The grant program focuses on increasing the protection of people, structures, and communities.
 - b) Groups eligible for the grants include local agencies, resource conservation districts, fire safe councils, UC Cooperative Extension, Native American tribes and qualified nonprofit organizations, among others.
- 6) Requires the Office of the State Fire Marshal to develop a model defensible space program that must be made available for use by a city, county, or city and county in the enforcement of defensible space provisions.
- 7) Requires CAL FIRE, until January 1, 2026, to develop a statewide defensible space and home hardening assessment and education program by trained representatives of fire safe councils, UC fire advisors, registered professional foresters, resources conservation districts, and others, as specified, in the SRA. (PRC §4291.5)

- a) Qualified entities participating in the program shall be authorized by the CAL FIRE director to conduct defensible space assessments to assess compliance with defensible space requirements within the SRA, educate property owners about wildfire safety improvements that may be undertaken to harden a structure and make it more resistant to fire, and assess whether wildfire safety improvements have been completed in or on a structure.
 - b) CAL FIRE is required to establish a common reporting platform that allows the defensible space and home hardening assessment data conducted by qualified entities to be reported. CAL FIRE is also required to compile the reported assessment data and the director may use it to inform certain efforts, as provided.
- 8) Requires CAL FIRE, until January 1, 2026, to develop and implement a training pilot program to train individuals to support and augment CAL FIRE's defensible space and home hardening assessment and public education efforts. CAL FIRE shall issue a certificate of completion to individuals who successfully complete the training program.

This bill incentivizes and improves defensible space assessment data collection and reporting by local government entities, and requires the CAL FIRE to annually provide a defensible space report to the Legislature, as provided. Specifically, this bill:

- 1) Requires CAL FIRE to prioritize applications to its local grant assistance program from local governmental entity qualified to perform defensible space assessments in the very high and high fire hazard severity zones in the LRA and SRA, and that submit information using the common reporting platform established for the SRA.
- 2) Requires that any local governmental entity qualified to conduct defensible space assessments in very high and high fire hazard severity zones in the LRA and SRA use the common reporting platform to report the assessment to CAL FIRE.
- 3) Requires CAL FIRE to report on December 31, 2023, and annually thereafter on all defensible space data compiled from the common reporting platform.
 - a) The report shall contain data with sufficient detail to facilitate comparison of community compliance with defensible space requirements between those with qualified local government entities to conduct the assessments and those that do not.

- b) The report may also contain certain information about the inspections (e.g. compliance and enforcement), as provided.

Background

Catastrophic and devastating wildfires have occurred repeatedly in the state in recent years. In 2021 alone, preliminary data show almost 9,000 wildland fires burned almost 2.6 million acres in the state. Slightly fewer wildland fires in 2020 burned almost 4.4 million acres – a modern record. The 2020 August Complex Fire in northern California – the largest fire in California’s modern history – burned over one million acres by itself. The 2021 Dixie fire also almost reached one million acres. Two wildland fires in the last year burned over the crest of the Sierras which had not been previously observed. Nine of the 20 largest and seven of the 20 most destructive wildland fires in state history occurred in 2020 and 2021. Thousands of firefighters have been deployed to fight these fires and the state’s wildland fire suppression costs in the last three fiscal years total on the order of \$3.5 billion. In the last five years from wildland fire, tens of thousands of structures – almost entirely homes – have been destroyed, insured losses incurred are in the billions of dollars, prime habitat has been destroyed or damaged, and, tragically, hundreds of lives have been lost. In addition, millions of Californians have been exposed to unhealthy air quality due to the wildfires. In 2020, the Air Resources Board estimates that approximately 112 million metric tons of carbon dioxide were emitted from trees and other vegetation burned in that year’s wildfires.

An important and widely-recognized method to minimize the risk that a home will ignite from a wildland fire is the creation and maintenance of defensible space around the structure. Defensible space requirements include the clearing of dead vegetation, and maintenance, such as the trimming of overhanging tree branches, for live vegetation within 100 feet of a structure. These requirements are more stringent within 30 feet of a structure. AB 3074 (Friedman, Chapter 259, Statutes of 2020) created another zone – the ember-resistant zone – within five5 feet of structures, although the implementing regulations and guidance document for this zone are not yet complete. In a recent review of its data, CAL FIRE found that the odds of a structure being destroyed by wildfire were roughly five times higher for structures that did not comply with defensible space requirements compared to those that did. Homeowners are generally responsible for maintaining defensible space around their homes. In the SRA – where CAL FIRE is responsible for fighting wildland fires – CAL FIRE personnel perform defensible space inspections of state requirements. Local agencies may enforce stricter defensible

space requirements in VHFHSZ in LRAs under their jurisdiction (VHFHSZ/LRA), and also perform compliance inspections.

In September 2021, the Legislative Analyst's Office (LAO) released a report about defensible space. The report emphasized the value of defensible space in moderating the destructive impact of wildfires by reducing the chance a home would ignite and therefore also reducing the chance that a burning home would spark fires in nearby homes in the community. However, the report noted that achieving compliance with defensible space regulations varied significantly between locations. CAL FIRE aims to conduct approximately 250,000 inspections annually and to inspect each of the roughly 768,000 applicable parcels in the SRA once every three years. The inspection rates for different CAL FIRE units across the state, however, varied from less than 20% to 100% or higher (reflecting multiple visits to a single property) annually. Local agencies who responded to LAO's survey also reported a wide range of defensible space inspection rates. While the defensible space compliance rates observed during these reported inspections appeared to be relatively high overall, compliance rates also varied widely. LAO also found that there was a lack of consistent statewide data on defensible space inspections and compliance. The data gaps and observed variability in the data reported make evaluation of the effectiveness of varying elements of defensible space requirements difficult. The LAO recommended improving data collection, and the sharing and quality of the collected data to ensure consistency and comparability. The LAO also recommended that both state and local agencies report inspection data to a centralized system.

Comments

This bill seeks to address an identified need. As noted recently by the LAO, the summary data reported by CAL FIRE for defensible space inspections conducted in the SRA are limited. Inspection efforts by CAL FIRE lag in some locations when personnel are needed for higher priority activities. There have been efforts to train non-CAL FIRE personnel to perform defensible space assessments in order to help focus defensible space inspections by CAL FIRE personnel on properties in need of additional help to achieve compliance. This bill takes advantage of and builds upon a new statewide program at CAL FIRE instituted by SB 63 (Stern, Chapter 382, Statutes of 2021) that provides for the training of certain qualified entities, as defined, to support and augment CAL FIRE's defensible space and home hardening assessment and education efforts. This bill is consistent with the recent emphasis on building local capacity for fire prevention efforts. This bill also provides an incentive – in the form of the scoring bonus in the evaluation of local assistance grants – for participation by local government entities in the

defensible space assessment program in the SRA and to provide assessment data to a common reporting platform.

Providing for prioritization in state programs is an established practice. In some instances, existing law and program guidelines provide scoring preferences for applicants that incorporate certain elements in their application for a grant or bid proposal. For example, the Ocean Protection Council is required to give preference to public agencies that meet certain goals related to the use of scientific information for coastal- and ocean-relevant decision-making, as specified. (PRC §35621) Proposition 68 also provides preference in certain programs for those who use the state or local conservation corps. (PRC §80016)

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 5/5/22)

California Insurance Commissioner Ricardo Lara
Association of California Water Agencies
California Forestry Association
Personal Insurance Federation of California
Solano County Board of Supervisors

OPPOSITION: (Verified 5/5/22)

None received

ARGUMENTS IN SUPPORT: The author states, “According to the Legislative Analyst, there is no comprehensive statewide data on defensible space activities – such as inspections and compliance – reported for both state and local inspection programs. CAL FIRE reports summary data on its inspections by unit based on data collected by its inspectors (including in contract counties). There is, however, no centralized collection or reporting of activities undertaken in the LRA or by other local agencies in the SRA.

“A lack of consistent statewide data on defensible space inspections and compliance makes it difficult to (a) identify where gaps in or overlapping inspections programs are occurring, (2) fully understand the extent to which homeowners are out of compliance with defensible space regulations in different communities, and (3) assess the effectiveness of programs at improving compliance.

“Comprehensive reporting of defensible space inspection data can also assist in property owners obtaining property casualty insurance as insurers become aware of

neighborhoods and communities which achieve area wide defensive space standards.”

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