
THIRD READING

Bill No: AB 1455
Author: Bryan (D)
Amended: 9/3/25 in Senate
Vote: 27 - Urgency

SENATE NATURAL RES. & WATER COMMITTEE: 6-0, 7/8/25
AYES: Limón, Seyarto, Grove, Hurtado, Laird, Stern
NO VOTE RECORDED: Allen

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 72-1, 6/3/25 - See last page for vote

SUBJECT: State Board of Forestry and Fire Protection: defensible space requirements: ember-resistant zones: emergency regulations: California Environmental Quality Act

SOURCE: Author

DIGEST: This bill would require the State Board of Forestry and Fire Protection (Board) to adopt regulations to implement the Zone 0 defensible regulations in the State Responsibility Area (SRA) and very high fire hazard severity zone (VHFHSZ) in the Local Responsibility Area (LRA). This bill authorizes the Board to adopt those regulations as emergency regulations.

Senate Floor Amendments of 9/3/25 establish criteria for local government adoption of the Board's regulations, establish that these regulations are exempt from the California Environmental Quality Act (CEQA), and establish an urgency clause.

Senate Floor amendments of 9/5/25 provide greater specificity to local governments wishing to adopt defensible space standards that are different from the Board's, and eliminate conflicts with SB 326 (Becker) if both bills are chaptered.

ANALYSIS:

Existing law:

- 1) Requires the Board 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 SRA.
- 2) Requires the Department to identify certain areas as fire hazard severity zones (FHSZ) based upon statewide criteria and the severity of the fire hazard that is expected in those areas.
- 3) Requires a person who owns, leases, controls, operators, or maintains a building or structure on land that is covered with flammable material in the SRA or LRA VHFHSZ to maintain 100 feet of defensible space around the structure.
 - a) The most intense fuels management is required within 30 feet of the structure.
 - b) Within the first five feet around a structure, the Board is required to consider eliminating materials that are likely to be ignited by embers.
- 4) Requires the Board, in consultation with the state fire marshal (SFM), to develop a guidance document on fuels management that addresses:
 - a) Regionally appropriate vegetation management suggestions that preserve and restore native species that are fire resistant or drought tolerant, or both,
 - b) The minimization of erosion, minimize water consumption, and permit trees near homes for shade, aesthetics, and habitat; and
 - c) 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.
- 5) Establishes that an ember-resistant zone shall not take effect for existing structures until three years after the effective date for new structures.
 - a) The regulations establishing the ember-resistant zone may also allow for the staging of work for existing structures to address the costs of compliance.

This bill:

- 1) Requires the Board to write regulations to establish defensible space standards for an ember resistant zone in the first five feet around a structure in the LRA VHFHSZ and SRA.
- 2) Authorizes the Board to adopt those regulations as emergency regulations.
 - a) Specifies the Board may readopt any emergency regulation under this bill that is the same as or substantially equivalent to an emergency regulation previously adopted under this bill.
 - b) Specifies that emergency regulations adopted or readopt pursuant to this bill shall remain in effect under revised by the Board.
- 3) Establishes criteria for local governments responsible for fire protection wishing to designate defensible space requirements by ordinance.
 - a) Those requirements may include alternative practices to the Board's regulations if those practices provide for "substantially similar practical effects" as the Board's.
 - b) Those requirements may be more stringent than the Board's.
- 4) Exempts the Board's regulations from the California Environmental Quality Act (CEQA).
- 5) Establishes this bill will take effect as an urgency measure.
- 6) Makes nonsubstantive conforming changes.

Background

Zone 0, Los Angeles Wildfires, and Executive Order (EO) N-18-25. Defensible space in California generally consists of two zones: Zone 1 extends from the structure out to 30 feet, and Zone 2 extends from the edge of Zone 1 to 100 feet from the structure. The closer the zones are to the structure, the less vegetation is allowed.

AB 3074 (Friedman, Chapter 259, Statutes of 2020) added a new "Zone 0" to defensible space requirements. In Zone 0, property owners are required to remove flammable materials likely to be ignited by embers in the first five feet around a structure. The Board was required to write regulations establishing the standards for Zone 0 and update a guidebook to incorporate those new standards by January 1, 2023.

When the January 2025 Palisades and Eaton Fires burned in Los Angeles City and County, respectively, they burned approximately 16,000 structures. At the time, the Zone 0 regulations and guidebook had not yet been completed. The media drew

attention to this delay, and Governor Newsom issued EO N-18-25, requiring the Board to finalize the regulations by the end of this year. When the EO was issued on February 6, the Board was still holding public meetings to revise and refine the amendments. In particular, the Board was taking pains to navigate the balance between effective fire safety and costs to home and landowners.

As of this writing, the Board has not submitted regulations to the office of administrative law (OAL) to begin the regular rulemaking process. At a minimum, the regular rulemaking process takes three months, and can take up to a year.

The process for the Board's regulations was initially delayed due to responding to the COVID-19 pandemic, and then was further postponed as the Board conferred with the public, the SFM's defensible space program, fire and engineering scientists, insurance industry experts, and local governments. The Board created several workgroups and held workshops and public meetings attended by hundreds of people. This engagement was happening at all levels of the state's Administration.

Existing lack of clarity causes confusion. Although the Board writes defensible space regulations under its implicit authority to adopt regulations applicable to the SRA under Division 4 of the PRC, it is unclear whether the Board's authority extends to writing defensible space regulations for the LRA VHFHSZ under GOV §51182. This bill would make changes to specify that the Board's regulations regarding the new "ember-resistant zone" promulgated pursuant to AB 3074 (Friedman, Chapter 259, Statutes of 2020) extend to the LRA VHFHSZ.

Cannot continue the delay. As noted by the author, the Board is two years behind – almost three – on delivering the Zone 0 ember resistant zone regulations.

In acknowledgment of the substantial public engagement to this point, and the directive in EO N-18-25, the emergency rulemaking process is the most appropriate method by which to adopt these regulations.

This bill authorizes the Board to use the emergency rulemaking process and aligns the required guidance document updates with the deadline established in EO N-18-25 to reduce confusion and provide greater clarity to the Board. Senate floor amendments of September 3, 2025, also specify that these regulations are exempt from analysis under CEQA, providing clarity to the Board regarding the regulations' status as a "project" under CEQA.

Author addresses urgency of the issue. Given that the Governor, in EO N-18-25, directed the Board to adopt regulations by December 31, 2025, and this bill authorizing emergency regulations will not be in effect until January 1, 2026, the Senate floor amendments of September 3, 2025, add an urgency clause.

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

SUPPORT: (Verified 9/5/25)

None received

OPPOSITION: (Verified 9/5/25)

None received

ARGUMENTS IN SUPPORT: According to the author, “The state is more than two years past the deadline for having regulations in place to protect homes from flying embers. That’s two years too late. If these regulations had been in place, imagine the homes that could have been better protected or even saved during the LA fires last January. After the fires, the [G]overnor called on the Board of Forestry to promulgate those regulations by the end of this year. To facilitate meeting that deadline, AB 1455 will authorize the Board to adopt emergency regulations [...]”

ASSEMBLY FLOOR: 72-1, 6/3/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Connolly, Davies, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Jackson, Kalra, Krell, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: DeMaio

NO VOTE RECORDED: Castillo, Jeff Gonzalez, Irwin, Lackey, Sanchez, Ta

Prepared by: Edith Hannigan / N.R. & W. / (916) 651-4116

9/8/25 21:44:06

**** END ****