
SENATE COMMITTEE ON LOCAL GOVERNMENT

Senator María Elena Durazo, Chair

2025 - 2026 Regular

Bill No: SB 911
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Version: 3/10/26

Hearing Date: 4/22/26
Fiscal: Yes
Consultant: Favorini-Csorba

TRANSFER OF REAL PROPERTY: FIRE HAZARD SEVERITY ZONES: COMPLIANCE DOCUMENTATION

Requires sellers to notify the applicable fire agency of a buyer's obligation to document defensible space compliance, and mandates inspection by the applicable fire agency if no documentation is provided.

Background

Fire Hazard Severity Zones. The California Department of Forestry and Fire Protection (CALFIRE) provides wildland fire protection on non-federal lands outside cities. To meet this duty, the State Board of Forestry and Fire Protection (Board) designates the State Responsibility Area (SRA) every five years. Within SRA lands, CALFIRE designates moderate, high, and very high fire hazard severity zones (FHSZs). After the 1991 Oakland-Berkeley firestorm, the Legislature required CALFIRE to designate the very high FHSZ in the Local Responsibility Area (LRA). Following two devastating wildfire seasons in 2018 and 2020, which included the August Complex Fire that consumed over one million acres in 2020, the Legislature expanded the requirements for the LRA maps to include moderate and high FHSZs, consistent with the SRA. In 2024 and 2025, CALFIRE updated the SRA and LRA maps for the first time since 2007.

Defensible space requirements. Landowners in the SRA and the very high FHSZ must follow specified fire prevention practices and meet standards developed by the Board (AB 337, Bates, 1992). These practices and standards include maintaining “defensible space” of 100 feet around structures, with additional, more strict requirements for the zones within 30 feet and five feet of the home. Landowners must also perform certain activities to reduce the amount of flammable material near and on structures. AB 3074 (Friedman, 2020) established an ember-resistant zone within 5 feet of a structure as part of revised defensible space requirements for structures located in FHSZs (known as “Zone 0”).

Creating defensible space reduces the wildfire risk to residences and businesses. Defensible space acts as a barrier to slow or halt the progress of fire that would otherwise engulf a property. It also helps to ensure the safety of firefighters defending structures. CALFIRE conducts defensible space inspections in the SRA, where CALFIRE has primary responsibility for wildfire protection. In the LRA, local agencies, such as fire districts, cities, or counties, conduct those inspections.

According to the Legislative Analyst's Office (LAO) report “Reducing the Destructiveness of Wildfires: Promoting Defensible Space in California,” inspections are the main type of activity state and local agencies take related to defensible space. During inspections, inspectors visit

properties to assess their compliance with defensible space requirements. State and local agencies vary in how they conduct inspections, which properties are prioritized for inspections, and the training provided to inspectors. At the time of the 2021 report, CALFIRE had identified about 768,000 parcels within the SRA subject to defensible space inspections. Additionally, 35 local fire agencies provided data to the LAO showing an average inspection rate of roughly 35%. As with Cal FIRE, the inspection rates vary considerably across jurisdictions, with reported rates ranging from 3% to 100%.

Real estate transfer disclosures. When an owner sells a single-family residential property, they generally must provide the buyer with certain disclosures that outline the conditions and issues with the property of which the seller is aware. Many of these disclosures are made on the Real Estate Transfer Disclosure Statement (TDS), including any known significant defects in the insulation, roof, foundation, plumbing, and electrical systems, among others. The TDS also includes an extensive questionnaire relating to specific dangers or issues known about the property.

In addition to the disclosures included in the TDS, state law requires other disclosures and notices. A seller must disclose to a potential buyer whether the property is located in a designated high or very high FHSZ and must provide a natural hazard disclosure statement disclosing whether the property is located in various disaster areas.

In 2019, the Legislature enacted AB 38 (Wood), which requires that homeowners make certain disclosures to a prospective buyer of their home regarding the home's compliance with state defensible space requirements. Specifically, it requires a seller of a single-family home located within a high or very high FHSZ to provide a buyer with documentation stating that the property is in compliance with state and local defensible space requirements. If the seller has not obtained documentation of compliance, AB 38 requires the seller and buyer to enter into a written agreement in which the buyer agrees to obtain documentation of compliance in accordance with a local ordinance if such an ordinance exists, or otherwise within one year of the close of escrow.

Because fire agencies may not know when a property has been sold, they may be unaware that such an agreement has been made. The author wants to ensure greater compliance with defensible space standards.

Proposed Law

Senate Bill 911 requires, in cases where the buyer assumes the obligation to document compliance with defensible space requirements, the seller to notify the local fire department or CALFIRE, as applicable, of the written agreement and the buyer's obligation.

If the local fire department or CALFIRE has not received documentation of compliance within one year of the date of the close of escrow, the fire department or CALFIRE must inspect the property. The local fire department or CALFIRE can delegate the responsibility to conduct a compliance check to a third-party, nonprofit entity that it or the State Fire Marshal deems qualified to conduct defensible space programs and compliance inspections and reinspections. The bill allows inspections and reinspections to be conducted in person or remotely, as specified, or by documentation of completed work. A local fire department can prioritize inspections as needed and charge fees to cover the cost of the program.

SB 911 provides that it does not modify the immunities granted to a local fire department under any provision of law, and states that this provision is declaratory of existing law.

Comments

1. Purpose of the bill. According to the author, “Ensuring existing homes that are located in high and very high fire threat severity zones comply with defensive space standards is essential to protecting life and property in the face of a catastrophic wildfire. Overwhelming data suggest the two most important factors in protecting homes from wildfire are selection of building materials and the maintenance of vegetation and other flammable materials in order to establish adequate defensible space. Existing law requires a seller of a real property that is located in a high or very high fire hazard severity zone to provide to the buyer documentation stating that the property is in compliance with specified fire safety requirements or local vegetation management ordinances. If the seller of a real property has not obtained that documentation, existing law allows the seller and the buyer to enter into a written agreement pursuant to which the buyer agrees to bring the home compliance within one year of the transaction. Currently it is difficult for state and local fire code enforcement agencies to know which homes have such agreements. SB 911 seeks to provide a mechanism to ensure fire enforcement agencies are aware that a sale has taken place and compliance timelines need to be met.”

2. Step up. Under current law, homeowners within the SRA and very high FHSZ must meet defensible space requirements at all times. While some local agencies and CALFIRE periodically inspect homes for defensible space, the frequency of those inspections varies widely across the state. In some jurisdictions, homes may never be inspected for compliance. Existing law’s requirements for documenting compliance around the time of sale provide some measure of assurance that defensible space is being maintained, but this requirement is triggered infrequently and therefore is limited in its ability to force ongoing compliance. SB 911 makes that tool marginally more useful by requiring notice to the relevant fire agency when a real estate transaction occurs where the buyer is responsible for showing that their property meets defensible space requirements, and requires fire agencies to inspect those properties if they haven’t received the required documentation. However, SB 911 may not significantly improve defensible space compliance: the bill does not impose fines or other consequences if a seller fails to notify the fire agency as required by SB 911, nor on the fire agency if it fails to conduct the required inspection. To truly ensure that homeowners maintain defensible space continually, as required by law, the Legislature may need to direct fire agencies to implement regular inspection and enforcement programs.

3. Previous legislation. SB 629 (Durazo, 2025) would have required CALFIRE and local agencies to conduct annual defensible space inspections and established a process for designating post-wildfire safety areas to ensure compliance with defensible space and other requirements that apply in very high FHSZs. SB 629 was amended in the Assembly Appropriations Committee to remove the requirement for annual defensible space inspections. Subsequently, Governor Newsom vetoed SB 629 with the following message:

“I am returning Senate Bill 629 without my signature.

“This bill would, among other things, create a newly defined post-wildfire safety area designation and would require the Office of the State Fire Marshal of the California Department of Forestry and Fire Protection to include new criteria when mapping Fire Hazard Severity Zones (FHSZs).

“Wildfire risk and hazard modeling are crucial tools for informing wildfire mitigation strategies and allocating resources to prevent ignitions and effectively respond to wildfires before they become catastrophic. Since 2019, my Administration, in partnership with the Legislature, has invested over \$5 billion in wildfire mitigation, response, and forest resilience. All of which have been guided by leading-edge science and modeling, with most of it developed right here in California.

“I remain strongly supportive of this work and the work of OSFM to enhance its modeling capabilities and maintain updated, robust FHSZs to further inform wildfire mitigation measures. This work is actively underway, and though I find this bill’s intent laudable, it presents new, ongoing, and significant costs to the state not accounted for in this year’s budget.

“For these reasons, I cannot sign this bill.”

4. Mandate. The California Constitution requires the state to reimburse local governments for the costs of new or expanded state mandated local programs. Because SB 911 adds to the duties of local entities, Legislative Counsel says the bill imposes a new state mandate. SB 911 disclaims the state’s responsibility for providing reimbursement by citing local governments’ authority to charge for the costs of implementing the bill’s provisions.

5. Charter city. The California Constitution allows cities that adopt charters to control their own “municipal affairs.” In all other matters, charter cities must follow the general, statewide laws. Because the Constitution doesn’t define “municipal affairs,” the courts determine whether a topic is a municipal affair or whether it’s an issue of statewide concern. SB 911 says that it applies to all cities, including charter cities. To support this assertion, the bill includes a legislative finding and declaration that the prevention of wildland fires is a matter of statewide concern.

6. Incoming! The Senate Rules Committee ordered a double referral of SB 911: first to the Committee on Judiciary, which approved the bill at its April 7th hearing on a vote of 12-0, and second to the Committee on Local Government.

Support and Opposition (4/17/2026)

Support: American Property Casualty Insurance Association
Fire Aside, INC
National Association of Mutual Insurance Companies
Pacific Association of Domestic Insurance Companies
Personal Insurance Federation of California

Opposition: California Association of Realtors

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