

Date of Hearing: June 16, 2026

ASSEMBLY COMMITTEE ON JUDICIARY

Ash Kalra, Chair

SB 911 (Becker) – As Amended June 1, 2026

SENATE VOTE: 33-0

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

SYNOPSIS

Following a series of devastating wildfires across the state, in 2019, the Legislature enacted AB 38 (Wood) Chap. 391, Stats. 2019, which updated property sale disclosure requirements for properties within high or very high fire hazard severity zones. In addition to the formal disclosure that a property was within a fire hazard zone, AB 38 required property owners to ensure that the property met the state's defensible space requirements. If a seller had not brought the property into compliance with the defensible space requirements prior to the sale, then the existing law required the buyer and seller to enter into a formal agreement specifying that the buyer would bring the property into compliance with the law within a year. Unfortunately, the formal implementation of AB 38 was somewhat problematic, and several clean-up measures have been needed to implement the disclosure regime.

This bill aims to address one of the few remaining challenges to implementing AB 38 by assisting state and local fire services in enforcing the measure. The bill would require, if the buyer and the seller were forced to enter into a written agreement about defensible space compliance, to notify the county assessor of the agreement at the close of escrow. The bill would task the county assessor with updating the preliminary change of ownership report to facilitate this notification. The bill also provides that the Department of Forestry and Fire Protection as well as local fire protection agencies are permitted access to the assessor's records to determine what properties must submit compliance documentation within one year. Finally, the bill clarifies that the buyer must provide documentation of compliance with the law within one year and tasks the fire service responsible for the jurisdiction in which the property sits with inspecting the property if such documentation cannot be obtained.

This measure is supported by fire safety professionals as well as representatives of the insurance industry. The supporters of the bill note that properly maintained defensible space is one of the most critical factors in protecting structures during a wildfire, and boosting compliance with the defensible space laws will help save lives and property. Recent author's amendments were drafted in consultation with the California Association of Realtors who have now adopted a neutral position on the measure. The recent amendments are now opposed by the California Assessors Association who contend that the requirements placed on the assessors go beyond their area of expertise. Should the bill be approved by this Committee, it will subsequently be referred to the Committee on Revenue and Taxation who has jurisdiction over county assessors and will be better equipped to evaluate the merit of using the assessor notification process to notify state and local fire services of a property's potential implication of the defensible space laws.

SUMMARY: Requires the buyer of real property to disclose whether they have an obligation to obtain documentation with defensible space requirements on a preliminary change of ownership report filed with a county assessor. Specifically, **this bill:**

- 1) Requires the buyer of real property, when entering into a written agreement with the seller of the property that the buyer will obtain documentation of their compliance with the state law regarding defensible space, to disclose whether they have an obligation to obtain documentation of compliance within one year of the date of the close of escrow pursuant to that agreement on the preliminary change of ownership report filed with a county assessor.
- 2) Requires a county assessor to make available to the Department of Forestry and Fire Protection and to local fire agencies the property address of any property, and name of the transferee, for which the transferee indicated on the preliminary change of ownership report that the property is located in a high or very high fire hazard severity zone and that the transferee has an obligation to obtain documentation of compliance within one year of the date of the close of escrow pursuant to a written agreement.
- 3) Requires, in addition to other agencies specified in existing law, county assessors to disclose information, furnish abstracts, or permit access to all records in the assessor's office to the Department of Forestry and Fire Protection, local fire departments and fire protection districts.
- 4) Requires the preliminary change of ownership report filed with a county assessor upon the sale of a property to include a question specifying whether the property is located in a high or very high fire hazard severity zone, as identified by the State Fire Marshal and, if so, whether the buyer has an obligation to obtain documentation of compliance within one year of the date of the close of escrow pursuant to the written agreement specified in 1).
- 5) Requires a local fire department or the Department of Forestry and Fire Protection, as applicable, if the agency has not received documentation of compliance from a qualified entity or otherwise certified compliance within one year of the date of the close of escrow, to conduct a compliance inspection at the property, as specified.

EXISTING LAW:

- 1) Requires a seller of real property that is located in a high or very high fire hazard severity zone, as identified by the Director of Forestry and Fire Protection, to provide to the buyer documentation stating that the property is in compliance with 3) or local vegetation management ordinances as follows:
 - a) In a local jurisdiction that has enacted an ordinance requiring an owner of real property to obtain documentation that the property is in compliance with 3) or a local vegetation management ordinance, the seller must provide the buyer with a copy of the documentation that complies with the requirements of that local ordinance and information on the local agency from which a copy of that documentation may be obtained; or
 - b) In a local jurisdiction that has not enacted an ordinance for an owner of real property to obtain documentation that a property is in compliance with 3) or a local vegetation management ordinance, and if a state or local agency, or other government entity, or other

- qualified nonprofit entity, provides an inspection with documentation for the jurisdiction in which the property is located, the seller must provide the buyer with the documentation obtained in the six-month period preceding the date the seller enters into a transaction to sell that real property and provide information on the local agency from which a copy of that documentation may be obtained. (Civil Code Section 1102.19 (a).)
- 2) Requires if the seller of a real property described in 1) has not obtained documentation of compliance in accordance with a) or b) of 1), the seller and buyer to enter into a written agreement in which the buyer agrees to obtain documentation of compliance 3) as follows:
 - a) In a local jurisdiction that has enacted an ordinance requiring an owner or buyer to obtain documentation of compliance with 3) or a local vegetation management ordinance, the buyer must comply with that ordinance; or
 - b) In a local jurisdiction that has not enacted an ordinance requiring an owner or buyer to obtain documentation of compliance, and if a state or local agency, or other government entity, or other qualified nonprofit entity, provides an inspection with documentation for the jurisdiction in which the property is located, the buyer must obtain documentation of compliance within one year of the date of the close of escrow. (Civil Code Section 1102.19 (b).)
 - 3) Requires a person who owns, leases, controls, operates, or maintains a building or structure in the state responsibility area to at all times do all of the following:
 - 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, as specified;
 - b) Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe;
 - c) Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood;
 - d) Maintain the roof of a structure free of leaves, needles, or other vegetative materials; and
 - e) Before constructing a new building or structure or rebuilding a building or structure damaged by a fire in which the construction or rebuilding of which requires a building permit, the owner must 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 and provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure, as specified. (Public Resources Code Section 4291.)
 - 4) Provides that, except as specified, any information and records in the assessor's office that are not required by law to be kept or prepared by the assessor, disabled veterans' exemption claims, and homeowners' exemption claims are not public documents and are not open to public inspection. (Revenue and Taxation Code Section 408 (a).)
 - 5) Requires, notwithstanding 4), a county assessor to disclose information, furnish abstracts, or permit access to all records in the assessor's office to law enforcement agencies, the county

grand jury, the board of supervisors or their duly authorized agents, employees, or representatives when conducting an investigation of the assessor's office, the county recorder when conducting an investigation to determine whether a documentary transfer tax is imposed, the Controller, employees of the Controller for property tax postponement purposes, probate referees, employees of the Franchise Tax Board for tax administration purposes only, the California Department of Tax and Fee Administration, staff appraisers of the Division of Financial Institutions, the Department of Transportation, the Department of General Services, the High-Speed Rail Authority, the State Board of Equalization, the State Lands Commission, the State Department of Social Services, the Department of Child Support Services, the Department of Water Resources, and other duly authorized legislative or administrative bodies of the state pursuant to their authorization to examine the records. (Revenue and Taxation Code Section 408 (b)(2).)

- 6) Requires, whenever there is a change of ownership of real property, a manufactured home, or a floating home that is subject to local property taxation and is assessed by the county assessor, the transferee to file a signed change in ownership statement in the county where the real property, manufactured home, or floating home is located, as specified. (Revenue and Taxation Code Section 480 (a).)
- 7) Requires, in order to effectuate the statement required by 6), each county assessor and recorder to make available, without charge and upon request, a form entitled "Preliminary Change of Ownership Report," which transferees of real property can complete and file with the recorder concurrent with the recordation of any document effecting a change in ownership. (Revenue and Taxation Code Section 480.3.)
- 8) Requires a change of ownership reported in accordance with 6) and 7) to include, at minimum, a description of the property, the parties to the transaction, the date of acquisition, the amount, if any, of the consideration paid for the property, whether paid in money or otherwise, and the terms of the transaction. (Revenue and Taxation Code Section 480.4.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: Following a series of catastrophic wildfires in the wildland urban interface, in 2019, the Legislature enacted AB 38 (Wood) Chap. 391, Stats. 2019, to require property sellers to disclose to the buyer if the property complied with the state's defensible space mandates. If the property was not in compliance that bill required 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.

As well intentioned as AB 38 was, the bill has faced significant implementation issues. Multiple bills have sought to make the AB 38 process easier to implement, including this Committee's own 2022 omnibus measure (AB 2690 (Committee on Judiciary) Chap. 420, Stats. 2022.) This bill seeks to address several remaining implementation concerns, most notably, ensuring that the Department of Forestry and Fire Protection (CALFIRE) and local fire agencies are aware that a property has been sold and that the mandate to document compliance with the defensible space requirements falls onto a buyer. In support of the bill the author states:

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. Currently it is difficult for state and local fire code enforcement

agencies to know which homes in high and very high fire threat severity zones do and do not comply with the defensive space standards. SB 911 seeks to build upon previous legislation (Chap 391, Stats. 2019) which required compliance with defensive space upon sale of a residence, by ensuring fire enforcement agencies are aware that a sale has taken place and compliance timelines need to be met.

California's defensible space laws help protect homes from the threat of wildfire. Maintaining defensible space around a person's home has been shown to be one of the most effective tools to prevent structure loss in the event of a wildfire. Codified in Public Resources Code Section 4291 as well as regulations promulgated by the Board of Forestry and Fire Protection, the state's defensible space laws generally require a homeowner living within a very high fire hazard severity zone to maintain 100 feet of space from each side and from the front and rear of the structure, but not beyond the property line, that is largely free from fuels for a wildfire. Not having these combustible materials in close proximity to the structure allows fire crews to set up hose lines and other tools to help protect the structure.

To ensure that the defensible space laws are properly implemented, CAL FIRE and local fire agencies can inspect properties within the very high fire severity zone and issue documentation to a homeowner indicating their compliance with the law. These compliance documents are frequently required by insurance companies as a condition of maintaining coverage for the property. However, as noted in a 2021 Legislative Analyst's Office report, only 40 percent of the properties subject to inspection by CAL FIRE were receiving an inspection. (Legislative Analyst's Office, *Reducing the Destructiveness of Wildfires: Promoting Defensible Space in California* (Sept. 30, 2021), available at <https://lao.ca.gov/Publications/Report/4457#current-state-and-local-defensible-space-efforts>.) One potential driver of the underwhelming rate of defensible space inspections appears to be the fire services' lack of ability to determine what properties are due for inspections.

The AB 38 home sale notice process. The first aspect of the AB 38 process requires a seller of real property to disclose to the buyer, as a part of the standardized Real Estate Transfer Disclosure Statement, whether or not the property is in a fire hazard severity zone that would necessitate compliance with the defensible space rules. The law also required the seller to disclose if the property indeed complies with those rules. In the event a property did not meet the defensible space requirements, AB 38 then required the buyer and seller to enter into a written agreement that the buyer would bring the property into compliance with the law within one year.

This statutory requirement that the parties agree that one will fix the problem with a property within a set timeframe differs significantly from the existing property sale process. For example, if a property buyer seeks credit for a deficient roof or outdated water heater the price for those repairs is negotiated as a part of the sale. Even if a seller remits to the buyer some cost for repairs, the law provides no mechanism to mandate that the buyer actually conduct the work. However, in the AB 38 process the law mandated the defensible space be created no matter who was financially responsible. The one-year lag period was clearly designed to avoid having defensible space requirements cause property transactions to fail as a result of disputes between the parties. However, it appears that the statutorily provided lag period has resulted in under enforcement of the law.

Existing law requires specified property sale information to be sent to county assessors. In order to facilitate the orderly recording of property transactions and to ensure that county tax

officials can properly assess parcels, the existing law requires certain documentation to be transmitted to the county assessor upon the close of a property sale. The transmission of this information is largely conducted through the preliminary change of ownership report. In order to streamline the process and make the documentation transmitted to the assessor as uniform as possible, the existing law requires county assessors to develop a standard form that property buyers can fill out. The information that must be provided on the form includes, but is not limited to, a description of the property, the parties to the transaction, the date of acquisition, the amount, if any, of the consideration paid for the property, whether paid in money or otherwise, and the terms of the transaction.

Although the ownership information regarding a specific parcel is public information, in order to protect the privacy of average citizens, significant portions of the information provided to, kept or prepared by the assessor are deemed private and not subject to public disclosure. However, given that these are government records, several governmental entities can access these records including local grand juries, tax officials and several designated state agencies who may need the information to establish rights of way or even to ensure the collection of child support. (Revenue and Taxation Code Section 408.)

This bill utilizes existing property sale notice provisions to alert the state's fire services that a defensible space compliance check may be necessary. This measure seeks to better implement AB 38 in several ways and boost compliance with the state's defensible state laws. First, the bill requires the buyer of real property to disclose whether they have an obligation to obtain documentation of compliance within one year of the date of the close of escrow pursuant to that agreement on the preliminary change of ownership report. To assist home buyers in transmitting the information about the obligation, the standardized preliminary change of ownership report is to be updated by local officials to include a question specifying whether the property is located in a high or very high fire hazard severity zone, as identified by the State Fire Marshal and must comply with AB 38. Finally, to ensure that regulators can access the disclosure information the bill adds the Department of Forestry and Fire Protection, local fire departments, and fire protection districts to the list of entities entitled to access assessor records.

The bill also mandates that the firefighting agency with jurisdiction over the property, either CAL FIRE or a local department, must conduct a defensible space inspection if they do not receive documentation of compliance from the property buyer within the one-year period specified in existing law and authorizes the agency to seek cost recovery.

ARGUMENTS IN SUPPORT: This bill is supported by a coalition of insurance industry advocates and fire safety professionals. In support of the bill a coalition of insurance industry advocates write:

This measure closes a gap in existing law by ensuring that the appropriate enforcement has access to relevant records when a buyer and seller enter into a pre-sale agreement to comply with defensible space requirements. In addition, SB 911 requires a follow-up inspection by the local fire enforcement agency within one year of the sale to confirm that the property meets defensible space standards for fire protection.

The trades have long supported efforts to develop and implement defensible space programs that promote proactive engagement by homeowners, contractors, and local governments. Creating and maintaining defensible space—where vegetation, debris, and other combustible fuels are properly managed—can significantly slow the spread of wildfire to and from a

structure. It remains one of the most effective ways to protect homes and communities. Conversely, a home that does not meet defensible space standards poses an increased risk not only to itself, but also to neighboring properties and first responders.

While establishing and maintaining defensible space can be both costly and time-intensive, the point of sale represents a critical window when financial resources are most available and expectations are clearly defined. Existing law recognizes this moment as an important opportunity to make necessary, and potentially lifesaving, investments. By ensuring that enforcement agencies are notified when a property transfers without documented compliance, SB 911 strengthens this framework and increases the likelihood that required mitigation measures are ultimately completed.

ARGUMENTS IN OPPOSITION: This bill is opposed by the California Assessors' Association. They write:

Current law already requires sellers of real property in high or very high fire hazard severity zones to provide to the buyer documentation demonstrating compliance with applicable fire-safety or vegetation management requirements. SB 911 would require assessors to submit confidential documentation, the Preliminary Change in Ownership Report (PCOR), to the local fire agencies.

The bill's use of the PCOR is inappropriate. The PCOR is an assessment-administration document used exclusively to determine potential reassessment issues after a transfer has been completed. Expanding it to document or verify fire-safety or vegetation-management agreements creates confusion about the assessors' role and misstates the purpose of the form.

REGISTERED SUPPORT / OPPOSITION:

Support

American Property Casualty Insurance Association
California Fire Chiefs Association
Fire Aside, Inc.
Fire Districts Association of California
National Association of Mutual Insurance Companies
Pacific Association of Domestic Insurance Companies
Personal Insurance Federation of California

Opposition

California Assessors' Association (unless amended)

Analysis Prepared by: Nicholas Liedtke / JUD. / (916) 319-2334