SENATE THIRD READING
SB 911 (Becker)
As Amended August 13, 2026
Majority vote

SUMMARY

Requires specified fire departments to conduct a compliance inspection at a property to ensure compliance with defensible space requirements, as specified.

Major Provisions

1) 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.

2) Authorizes the local fire department or the Department of Forestry and Fire Protection, as applicable, to seek cost recovery for conducting the inspection specified in 1).

COMMENTS

Following a series of catastrophic wildfires in the wildland urban interface, in 2019, the Legislature enacted AB 38 (Wood) Chapter 391, Statutes of 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 the Judiciary Committee's own 2022 omnibus measure (AB 2690 (Committee on Judiciary) Chapter 420, Statutes of 2022.) This bill seeks to address several remaining implementation concerns, most notably, ensuring that the Department of Forestry and Fire Protection (CAL FIRE) 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.

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% 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 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.

The bill 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. The bill permits the firefighting agency conducting the defensible space compliance review to seek to recover the cost of the inspections and authorizes the agency to delegate the inspection to a qualified third party.

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. 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 (Chapter 391, Statutes of 2019) which required compliance with defensive space upon sale of a residence.

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.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

Costs of an unknown amount to CAL FIRE for positions, vehicles, and other equipment potentially needed to conduct defensible space inspections within the State Responsibility Area (Greenhouse Gas Reduction Fund).

Similarly, costs of an unknown amount across local fire departments to conduct compliance inspections at certain properties. However, since this bill provides that a local fire department may recover the costs of an inspection, such costs are likely non-reimbursable by the state.

VOTES

SENATE FLOOR: 33-0-7
YES: Archuleta, Arreguín, Ashby, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
ABS, ABST OR NV: Allen, Alvarado-Gil, Becker, Hurtado, Niello, Padilla, Stern

ASM JUDICIARY: 12-0-0
YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASM REVENUE AND TAXATION: 7-0-0
YES: Gipson, Sanchez, Carrillo, DeMaio, McKinnor, Quirk-Silva, Michelle Rodriguez

ASM APPROPRIATIONS: 11-0-4
YES: Wicks, Arambula, Calderon, Caloza, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache
ABS, ABST OR NV: Hoover, Dixon, Ta, Tangipa

UPDATED

VERSION: August 13, 2026

CONSULTANT: Nicholas Liedtke / JUD. / (916) 319-2334 FN: 0003500