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UNFINISHED BUSINESS

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Bill No: SB 63  
Author: Stern (D), et al.  
Amended: 9/7/21  
Vote: 21

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SENATE NATURAL RES. & WATER COMMITTEE: 8-0, 3/16/21  
AYES: Laird, Allen, Eggman, Grove, Hertzberg, Hueso, Limón, Stern  
NO VOTE RECORDED: Jones

SENATE HOUSING COMMITTEE: 8-0, 4/29/21  
AYES: Wiener, Caballero, Cortese, McGuire, Ochoa Bogh, Skinner, Umberg,  
Wieckowski  
NO VOTE RECORDED: Bates

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/20/21  
AYES: Portantino, Bates, Bradford, Jones, Kamlager, Laird, Wieckowski

SENATE FLOOR: 38-0, 5/28/21  
AYES: Allen, Archuleta, Bates, Becker, Borgeas, Bradford, Caballero, Cortese,  
Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso,  
Hurtado, Jones, Kamlager, Laird, Leyva, McGuire, Melendez, Min, Newman,  
Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg,  
Wieckowski, Wiener, Wilk  
NO VOTE RECORDED: Atkins, Limón

ASSEMBLY FLOOR:  
(ROLL CALL NOT AVAILABLE)

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**SUBJECT:** Fire prevention: vegetation management: public education: grants:  
defensible space: fire hazard severity zones

**SOURCE:** Author

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**DIGEST:** This bill makes multiple changes to state law to enhance fire prevention efforts by the California Department of Forestry and Fire Prevention, including among other things, improved vegetation management, and expanding the areas where enhanced fire safety building standards apply.

*Assembly Amendments* remove named winds from the factors used in determining fire hazard severity zones in local responsibility areas; revise reporting language; revise the terms for advance payments from awarded grants; remove Good Neighbor Authority agreements; add chaptering-out amendments; and make additional technical and conforming changes, among other things.

**ANALYSIS:**

Existing law:

- 1) Establishes the California Department of Forestry and Fire Prevention (CAL FIRE) in the California Natural Resources Agency. The Director of Forestry and Fire Protection (director) is CAL FIRE's executive officer. (Public Resources Code (PRC) §701)
- 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).
- 3) Requires the director to identify areas of the state outside of the SRA as very high fire hazard severity zone (VHFHSZ) based upon specified criteria.
- 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, 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.
  - a) Vegetation clearance on an adjacent property shall only be conducted following the written consent of the adjacent property's owner.
  - b) The most intensive fuels management is required within 30 feet of a structure, and there will be additional regulations developed for the newly-established 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. (PRC §4124.5)

- a) The local assistance grant program shall establish a robust year-round fire prevention effort in and near fire-threatened communities.
  - b) The director may provide advance payments, not exceeding 25% of the total grant award, from a grant awarded in this program. The grantee must expend these funds from the advance payment within six months of receipt, as provided.
- 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) Appropriates certain monies to CAL FIRE for the purposes of healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires and to complete prescribed fire and other fuel reduction projects, as provided.
- 8) Requires the director to provide grants to, or enter into contracts or other cooperative agreements with, specified entities for the implementation and administration of projects and programs to improve forest health and reduce greenhouse gas emissions.
- a) Specified entities include private or nongovernmental entities, Native American tribes, local, state, and federal public agencies.
- 9) Establishes the California Building Standards Law.
- a) This law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval and adoption. In the absence of a designated state agency, the commission is required to adopt specific building standards, as prescribed.
  - b) The commission is required to publish, or cause to be published, editions of the building standards code in its entirety once every three years.

This bill makes multiple changes to state law to enhance fire prevention efforts by CAL FIRE, including among other things, improved vegetation management, and expanding the areas where enhanced fire safety building standards apply. Specifically, this bill:

- 1) Requires the director to identify moderate and high fire hazard severity zones and require that local agencies make information regarding these zones available for public review and comment within 30 days, as specified.
- 2) Revises the definition of “fuel” to include cultivated landscape plants, grasses, and weeds.
- 3) Provides that fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain the 100 feet of defensible space, as provided.
- 4) Requires CAL FIRE to include in its fuels management guidance the minimization of flammable nonnative grasses and weeds.
- 5) Requires the model defensible space program to include provisions for fuel modification beyond the property line, including on unimproved lots, in order to maintain 100 feet of defensible space from a structure.
- 6) Requires the Office of the State Fire Marshal and the Department of Housing and Community Development to propose, and the Building Standards Commission to adopt, expanded application of building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fire risk in high fire severity zones during the next regularly occurring building code adoption cycle.
  - a) Similarly, upon identification of moderate fire hazard severity zones, the State Fire Marshal and the Department of Housing and Community Development are required to consider, after consultation with interested stakeholders, the expanded application of building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fire risk, as specified. The Office of the State Fire Marshal and the Department of Housing and Community Development shall recommend the expansion to the Building Standards Commission, as applicable.
- 7) Requires, on or before January 1, 2026, CAL FIRE, in consultation with the State Air Resources Board and the Wildfire and Forest Resilience Task Force, to report to the relevant fiscal and policy committees of the Legislature on monies spent pursuant to SB 901 (Dodd, Chapter 626, Statutes of 2018). The report is required to include, at a minimum, the following information:
  - a) The outcomes of projects implemented including, but not limited to, a description of the benefits for public safety, fire prevention, habitat, climate

resiliency, and protection of important natural resources including water quality and water supply;

- b) A description of the projected greenhouse gas emissions and carbon sequestration impacts for the year of implementation of a project and for five year intervals thereafter to at least 50 years after implementation;
  - c) Recommendations for modifying the forest health grant program and local assistance grant program to improve outcomes, benefits, durability of benefits, and statewide benefits; and
  - d) An assessment of the potential benefits, including unmet need, for continuing the specified commitment made pursuant to SB 901, as provided.
  - e) CAL FIRE is required to appear annually before the appropriate legislative policy and fiscal committees to provide information on the outcomes of projects completed pursuant to SB 901.
  - f) Sunsets this item, 7), on January 1, 2030.
- 8) Expands eligible activities for CAL FIRE's local assistance grant program in and near fire-threatened communities for fire prevention to include home hardening education. Requires the program to additionally focus on increasing the protection of people, structures and communities, as provided. Newly eligible activities include vegetation management along roadways and driveways to reduce fire risk, and the development of a risk reduction checklist for communities, among others, as provided.
- a) "Fire threatened communities" mean those communities in high and very high fire severity zones in the LRA or SRA or on the Fire Risk Reduction Community List.
- 9) Increases the percentage of advance payments that CAL FIRE is authorized to provide for the local assistance grant program from 25% to not more than 50% for the purpose of purchasing necessary equipment, as provided.
- 10) 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, University of California fire advisors, registered professional foresters, resource conservation districts and others, as specified, in the SRA.

- a) CAL FIRE shall establish a common reporting platform that allows the defensible space and home hardening assessment data to be reported. CAL FIRE shall compile the data and the director may use it to inform certain efforts, as provided.
- 11) 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.
  - a) CAL FIRE shall issue a certificate of completion to individuals who successfully complete the training program.
- 12) Makes various additional technical and conforming changes, adds chaptering out amendments with AB 9 (Wood, 2021), imposes a state-mandated local program and provides, as specified, for reimbursement, as applicable.

NOTE: Additional discussion can be found in the Senate policy committees' bill analyses.

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

According to the Assembly Appropriations Committee:

- 1) First year costs of \$11.6 million and ongoing annual costs of \$5.8 million (General Fund (GF) or GGRF), for CAL FIRE to implement the provisions of this bill.
- 2) The California Air Resources Board (ARB) estimates ongoing costs of \$445,000 annually (GGRF) to update existing quantification methodologies and create new quantification methodologies for GHG reductions for GGRF expenditures, as well as to produce and analyze data for the report required by this bill.
- 3) Unknown Department of Housing and Community Development costs (GF or special fund) to propose the building standards in high fire hazard severity zones, recommend adoption of standards in moderate fire hazard severity zones, discuss building code updates with the State Fire Marshal, meet with stakeholders, and assist jurisdictions with the changes.
- 4) To the extent the Commission on State Mandates determines the provisions of this bill create a new program or impose a higher level of service, unknown costs (GF) to reimburse local government claims made pursuant to existing statutory provisions.

To the extent this bill encourages activities that reduce the occurrence or severity of catastrophic wildfires from what otherwise would have occurred, this bill will result in potentially significant savings due to avoided fire suppression costs (GF).

**SUPPORT:** (Verified 9/2/21)

American Planning Association, California Chapter  
American Property Casualty Insurance Association  
Breathe California  
Building Owners and Managers Association of California  
BuildStrong Coalition  
California Apartment Association  
California Association of Local Conservation Corps  
California Association of Resource Conservation Districts  
California Building Industry Association  
California Business Properties Association  
California Fire Chiefs Association  
California Fire Safe Council  
California State Association of Counties  
City of Thousand Oaks  
East Bay Municipal Utility District  
Fire Districts Association of California  
International Council of Shopping Centers  
NAIOP of California, the Commercial Real Estate Development Association  
National Fire Protection Association  
Pacific Gas and Electric Company  
Personal Insurance Federation of California  
Southern California Edison  
Stronger California  
Tree Care Industry Association

**OPPOSITION:** (Verified 9/2/21)

City of Rancho Palos Verdes

**ARGUMENTS IN SUPPORT:** As a result of the 2020 wildfire season, according to the author, “the risk of a deadly fire season is forcing communities in the wildland-urban interface to face a treacherous future. A combination of higher temperatures and underbrush accumulation is a ticking time bomb waiting to be ignited. California’s population is estimated to reach 44 million by 2030 and developments have continued to build out in more rural and high-fire risk areas.

“We must reduce California’s wildfire risk and empower organizations and trained volunteers in their fire prevention efforts. SB 63 will increase home and community wildfire resiliency by using CAL FIRE grants to fund residential vegetation management programs, including defensible space training, and public wildfire resistance education outreach. Managing and monitoring vegetation on each residential property will help slow or stop an active wildfire from growing while simultaneously protecting a building from catching fire.

“Vegetation management and creating defensible space are proven and cost-effective tools to reduce fire danger in California.”

**ARGUMENTS IN OPPOSITION:** Writing in opposition, the City of Rancho Palos Verdes objects to a “one-size-fits-all approach to determining defensible space and home hardening assessment.

“Although well intended, SB 63, as currently written, amends existing law to mandate that all local ordinances regulating fuel modification standards adopted by local jurisdictions be in compliance with Cal Fire’s established statewide program. [...] we ask that you keep in mind the wide-reaching implications of its current form and consider an approach that does not preempt local control authority and remove decision-making authority to apply a one-size-fits-all application to the entire state.”

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9/10/21 19:22:18

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