

Attachment 1

State of California

GOVERNMENT CODE

Section 51178

51178. The State Fire Marshal shall identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Moderate, high, and very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors including areas where winds have been identified by the Office of the State Fire Marshal as a major cause of wildfire spread.

(Amended by Stats. 2021, Ch. 382, Sec. 2.5. (SB 63) Effective January 1, 2022.)

State of California

GOVERNMENT CODE

Section 51179

51179. (a) A local agency shall designate, by ordinance, moderate, high, and very high fire hazard severity zones in its jurisdiction within 120 days of receiving recommendations from the State Fire Marshal pursuant to Section 51178.

(b) (1) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as very high fire hazard severity zones by the State Fire Marshal, as very high fire hazard severity zones following a finding supported by substantial evidence in the record that the requirements of Section 51182 are necessary for effective fire protection within the area.

(2) A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as moderate and high fire hazard severity zones by the State Fire Marshal, as moderate and high fire hazard severity zones, respectively.

(3) A local agency shall not decrease the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency, and, in exercising its discretion pursuant to paragraph (2), may only increase the level of fire hazard severity zone as identified by the State Fire Marshal for any area within the jurisdiction of the local agency.

(c) The local agency shall transmit a copy of an ordinance adopted pursuant to subdivision (a) to the State Board of Forestry and Fire Protection within 30 days of adoption.

(d) Changes made by a local agency to the recommendations made by the State Fire Marshal shall be final and shall not be rebuttable by the State Fire Marshal.

(e) The State Fire Marshal shall prepare and adopt a model ordinance that provides for the establishment of very high fire hazard severity zones.

(f) Any ordinance adopted by a local agency pursuant to this section that substantially conforms to the model ordinance of the State Fire Marshal shall be presumed to be in compliance with the requirements of this section.

(g) A local agency shall post a notice at the office of the county recorder, county assessor, and county planning agency identifying the location of the map provided by the State Fire Marshal pursuant to Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of this section, the notice shall instead identify the location of the amended map.

(Amended by Stats. 2022, Ch. 574, Sec. 10. (AB 211) Effective September 27, 2022.)

State of California

GOVERNMENT CODE

Section 51182

51182. (a) A person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure within a very high fire hazard severity zone designated by the local agency pursuant to Section 51179, shall at all times do all of the following:

(1) (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 except as provided in subparagraph (B). The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained and spaced in a condition so that a wildfire would be unlikely to ignite the structure. This subparagraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation or to interrupt the advance of embers toward a structure. The intensity of fuels management may vary within the 100-foot perimeter of the structure, with more intense fuel reductions being used between 5 and 30 feet around the structure, and an ember-resistant zone being required within 5 feet of the structure, based on regulations promulgated by the State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. The regulations may also alter the fuel reduction required between 5 and 30 feet to integrate the ember-resistant zone into the requirements of this section. Consistent with fuels management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds.

(B) A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation. Fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain 100 feet of defensible space from a structure. Fuel modification on adjacent property shall only be conducted following written consent by the adjacent landowner. Any local ordinance related to fuel modification shall be in compliance with all applicable state laws, regulations, and policies. Any local ordinance may include provisions to allocate costs for any fuel modification beyond the property line.

(C) An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under subparagraph (A) if a fire expert, designated by the fire chief or fire official from the authority having jurisdiction, provides findings that the fuel modification is necessary to significantly reduce the risk of transmission of flame or heat sufficient to ignite the structure, and

there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.

(2) Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.

(3) Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.

(4) Maintain the roof of a structure free of leaves, needles, or other vegetative materials.

(5) Before constructing a new dwelling or structure that will be occupied or rebuilding an occupied dwelling or occupied structure damaged by a fire in that zone, the construction or rebuilding of which requires a building permit, the owner shall 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, including those described in subdivision (b) of Section 51189, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

(b) A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property.

(c) (1) The State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, shall develop, periodically update, and post on its internet website a guidance document on fuels management pursuant to this chapter. The guidance document shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species that are fire resistant or drought tolerant, or both, minimize erosion, minimize the spread of flammable nonnative grasses and weeds, minimize water consumption, and permit trees and shrubs near homes for shade, aesthetics, and habitat; and suggestions to minimize or eliminate the risk of flammability of nonvegetative sources of combustion such as woodpiles, propane tanks, decks, and outdoor lawn furniture.

(2) On or before January 1, 2023, the State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, shall update the guidance document to include suggestions for creating an ember-resistant zone within five feet of a structure based on regulations promulgated by the State Board of Forestry and Fire Protection, in consultation with the Office of the State Fire Marshal, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. Existing and new structures shall meet the same standard for the ember-resistant zone, but regulations shall allow the staging of work for existing

structures to support implementation of the ember-resistant zone and address the costs of compliance.

(d) For purposes of this section, a structure for the purpose of an ember-resistant zone shall include any attached deck. This section does not limit the authority of the State Board of Forestry and Fire Protection or the Office of the State Fire Marshal to require the removal of fuel or vegetation on top of or underneath a deck pursuant to this section.

(Amended by Stats. 2024, Ch. 982, Sec. 1. (SB 504) Effective January 1, 2025.)

CALIFORNIA BUILDING CODE – MATRIX ADOPTION TABLE

CHAPTER 7A – MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR WILDFIRE EXPOSURE

(Matrix Adoption Tables are nonregulatory, intended only as an aid to the code user.
See Chapter 1 for state agency authority and building applications.)

Adopting agency	BSC	BSC- CG	SFM	HCD			DSA			OSHDPD					BSCC	DPH	AGR	DWR	CEC	CA	SL	SLC
				1	2	1/AC	AC	SS	SS/CC	1	1R	2	3	4	5							
Adopt entire chapter			X																			
Adopt entire chapter as amended (amended sections listed below)																						
Adopt only those sections that are listed below																						
Chapter / Section																						

CHAPTER 7A [SFM]

MATERIALS AND CONSTRUCTION METHODS FOR EXTERIOR WILDFIRE EXPOSURE

SECTION 701A SCOPE, PURPOSE AND APPLICATION

701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a Wildland-Urban Interface (WUI) Fire Area as defined in Section 702A.

701A.2 Purpose. The purpose of this chapter is to establish minimum standards for the protection of life and property by increasing the ability of a building located in any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland-Urban Interface (WUI) Fire Area to resist the intrusion of flames or burning embers projected by a vegetation fire and contributes to a systematic reduction in conflagration losses.

701A.3 Application. New buildings located in any Fire Hazard Severity Zone or any Wildland-Urban Interface (WUI) Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter. This shall include all new buildings with residential, commercial, educational, institutional or similar occupancy type use, which shall be referred to in this chapter as "applicable building(s)" (see definition in Section 702A), as well as new buildings and structures accessory to those applicable buildings (see Exceptions 1 and 4).

Exceptions:

- Group U occupancy accessory buildings of any size located at least 50 feet (15 240 mm) from an applicable building on the same lot.
- Group U occupancy agricultural buildings, as defined in Section 202 of this code of any size located at least 50 feet (15 240 mm) from an applicable building.

- Group C occupancy special buildings conforming to the limitations specified in Section 450.4.1.
- New accessory buildings and miscellaneous structures specified in Section 710A shall comply only with the requirements of that section.
- Additions to and remodels of buildings originally constructed prior to July 1, 2008.

701A.3.1 Application date and where required. New buildings for which an application for a building permit is submitted on or after July 1, 2008 located in any Fire Hazard Severity Zone or Wildland Interface Fire Area shall comply with all sections of this chapter, including all of the following areas:

- All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Area (SRA) including:
 - Moderate Fire Hazard Severity Zones.
 - High Fire Hazard Severity Zones.
 - Very-High Fire Hazard Severity Zones.
- Land designated as Very-High Fire Hazard Severity Zone by cities and other local agencies.
- Land designated as Wildland Interface Fire Area by cities and other local agencies.

Exceptions:

- New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas, for which an application for a building permit is submitted on or after January 1, 2008, shall comply with all sections of this chapter.

2. New buildings located in any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland Interface Fire Area designated by cities and other local agencies for which an application for a building permit is submitted on or after December 1, 2005 but prior to July 1, 2008, shall only comply with the following sections of this chapter:

2.1. Section 705A – Roofing.

2.2. Section 706A – Attic Ventilation.

701A.4 Inspection and certification. Building permit applications and final completion approvals for buildings within the scope and application of this chapter shall comply with the following:

1. Building permit issuance. The local building official shall, prior to construction, provide the owner or applicant a certification that the building as proposed to be built complies with all applicable state and local building standards, including those for materials and construction methods for wildfire exposure as described in this chapter. Issuance of a building permit by the local building official for the proposed building shall be considered as complying with this section.
2. Building permit final. The local building official shall, upon completion of construction, provide the owner or applicant with a copy of the final inspection report that demonstrates the building was constructed in compliance with all applicable state and local building standards, including those for materials and construction methods for wildfire exposure as described in this chapter. Issuance of a certificate of occupancy by the local building official for the proposed building shall be considered as complying with this section.

701A.5 Vegetation management compliance. Prior to building permit final approval, the property shall be in compliance with the vegetation management requirements prescribed in California Fire Code Section 4906, including California Public Resources Code 4291 or California Government Code Section 51182. Acceptable methods of compliance inspection and documentation shall be determined by the enforcing agency and shall be permitted to include any of the following:

1. Local, state or federal fire authority or designee authorized to enforce vegetation management requirements.
2. Enforcing agency.
3. Third party inspection and certification authorized to enforce vegetation management requirements.
4. Property owner certification authorized by the enforcing agency.

SECTION 702A DEFINITIONS

For the purposes of this chapter, certain terms are defined below:

APPLICABLE BUILDING. A building that has residential, commercial, educational, institutional or similar occupancy type use.

DIRECTOR. Director of the California Department of Forestry and Fire Protection (CAL FIRE).

EXTERIOR WALL ASSEMBLY. A system or assembly of exterior wall components, including exterior wall covering materials, that provides protection of the building structural members, including framing and sheathing materials, and conditioned interior space, from the detrimental effects of the exterior environment.

EXTERIOR WALL COVERING. A material or assembly of materials applied on the exterior side of exterior walls for the purpose of providing a weather-resisting barrier, insulation or for aesthetics, including but not limited to veneers, siding, exterior insulation and finish systems, architectural trim, and embellishments such as cornices, soffits, fascias, gutters and leaders.

FIRE HAZARD SEVERITY ZONES. Geographical areas designated pursuant to California Public Resources Codes Sections 4201 through 4204 and classified as Very High, High or Moderate in State Responsibility Areas or as Local Responsibility Areas in Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189. See California Fire Code Chapter 49.

The California Code of Regulations, Title 14, Section 1280, entitles the maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California."

FIRE PROTECTION PLAN. A document prepared for a specific project or development proposed for a Wildland-Urban Interface (WUI) Fire Area. It describes ways to minimize and mitigate potential for loss from wildfire exposure.

The Fire Protection Plan shall be in accordance with this chapter and the California Fire Code, Chapter 49.

FIRE-RESISTANT VEGETATION. Plants, shrubs, trees and other vegetation that exhibit properties, such as high moisture content, little accumulation of dead vegetation, and low sap or resin content, that make them less likely to ignite or contribute heat or spread flame in a fire than native vegetation typically found in the region.

Note: The following sources contain examples of types of vegetation that can be considered as fire-resistant vegetation. (Fire-resistant Plants for Home Landscapes, A Pacific Northwest Extension publication; Home Landscaping for Fire, University of California Division of Agriculture and Natural Resources; Sunset Western Garden Book)

IGNITION-RESISTANT MATERIAL. A type of building material that complies with the requirements in Section 704A.2.

LOCAL RESPONSIBILITY AREA (LRA). Areas of the state in which the financial responsibility of preventing and suppressing fires is the primary responsibility of a city, county, city and county, or district.

LOG WALL CONSTRUCTION. A type of construction in which exterior walls are constructed of solid wood members and where the smallest horizontal dimension of each solid wood member is at least 6 inches (152 mm).

RAFTER TAIL. The portion of roof rafter framing in a sloping roof assembly that projects beyond and overhangs an exterior wall.

ROOF EAVE. The lower portion of a sloping roof assembly that projects beyond and overhangs an exterior wall at the lower end of the rafter tails. Roof eaves may be either "open" or "enclosed." Open roof eaves have exposed rafter tails and an unenclosed space on the underside of the roof deck. Enclosed roof eaves have a boxed-in roof eave soffit with a horizontal underside or sloping rafter tails with an exterior covering applied to the underside of the rafter tails.

ROOF EAVE SOFFIT. An enclosed boxed-in soffit under a roof eave with exterior covering material applied to the soffit framing creating a horizontal surface on the exposed underside.

STATE RESPONSIBILITY AREA (SRA). Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing forest fires is primarily the responsibility of the state.

WILDFIRE. Any uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property or resources as defined in Public Resources Code Sections 4103 and 4104.

WILDFIRE EXPOSURE. One or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.

WILDLAND-URBAN INTERFACE (WUI). A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires.

SECTION 703A STANDARDS OF QUALITY

703A.1 General. Building material, systems, assemblies and methods of construction used in this chapter shall be in accordance with Section 703A.

703A.2 Qualification by testing. Material and material assemblies tested in accordance with the requirements of Section 703A shall be accepted for use when the results and conditions of those tests are met. Product evaluation testing of material and material assemblies shall be approved or

listed by the State Fire Marshal, or identified in a current report issued by an approved agency.

703A.3 Approved agency. Product evaluation testing shall be performed by an approved agency as defined in Section 1702. The scope of accreditation for the approved agency shall include building product compliance with this code.

703A.4 Labeling. Material and material assemblies tested in accordance with the requirements of Section 703A shall bear an identification label showing the fire test results. That identification label shall be issued by a testing and/or inspecting agency approved by the State Fire Marshal.

1. Identification mark of the approved testing and/or inspecting agency.
2. Contact and identification information of the manufacturer.
3. Model number or identification of the product or material.
4. Pre-test weathering specified in this chapter.
5. Compliance standard as described under Section 703A.7.

703A.5 Weathering and surface treatment protection.

703A.5.1 General. Material and material assemblies tested in accordance with the requirements of Section 703A shall maintain their fire test performance under conditions of use, when installed in accordance with the manufacturers instructions.

703A.5.2 Weathering. Fire-retardant-treated wood and fire-retardant-treated wood shingles and shakes shall meet the fire test performance requirements of this chapter after being subjected to the weathering conditions contained in the following standards, as applicable to the materials and the conditions of use.

703A.5.2.1 Fire-retardant-treated wood. Fire-retardant-treated wood shall be tested in accordance with ASTM D2898 (Method A) and the requirements of Section 2303.2.

703A.5.2.2 Fire-retardant-treated wood shingles and shakes. Fire-retardant-treated wood shingles and shakes shall be approved and listed by the State Fire Marshal in accordance with Section 208(c), Title 19 California Code of Regulations.

703A.5.3 Surface treatment protection. The use of paints, coatings, stains or other surface treatments are not an approved method of protection as required in this chapter.

703A.6 Alternates for materials, design, tests and methods of construction. The enforcing agency is permitted to modify the provisions of this chapter for site-specific conditions in accordance with Section 1.11.2.4. When required by the enforcing agency for the purposes of granting modifications, a fire protection plan shall be submitted in accordance with the California Fire Code, Chapter 49.

703A.7 Standards of quality. The State Fire Marshal standards for exterior wildfire exposure protection listed below and as referenced in this chapter are located in the Califor-

nia Referenced Standards Code, Part 12 and Chapter 35 of this code.

SFM Standard 12-7A-1, Exterior Wall Siding and Sheathing. A fire resistance test standard consisting of a 150 kW intensity direct flame exposure for a 10-minute duration.

SFM Standard 12-7A-2, Exterior Windows. A fire resistance test standard consisting of a 150 kW intensity direct flame exposure for an 8-minute duration.

SFM Standard 12-7A-3, Horizontal Projection Underside A fire resistance test standard consisting of a 300 kW intensity direct flame exposure for a 10-minute duration.

SFM Standard 12-7A-4, Decking. A two-part test consisting of a heat release rate (Part A) deck assembly combustion test with an under deck exposure of 80 kW intensity direct flame for a 3-minute duration, and a (Part B) sustained deck assembly combustion test consisting of a deck upper surface burning ember exposure with a 12 mph wind for 40 minutes using a 2.2lb (1kg) burning "Class A" size 12" x 12" x 2.25" (300 mm x 300 mm x 57 mm) roof test brand.

SFM Standard 12-7A-4A, Decking Alternate Method A. A heat release rate deck assembly combustion test with an under deck exposure of 80 kW intensity direct flame for a 3-minute duration.

ASTM D2898 Standard Practice for Accelerated Weathering of Fire-Retardant-Treated Wood for Fire Testing.

ASTM D3909/D3909M Standard Specification for Asphalt Roll Roofing (Glass Felt) Surfaced with Mineral Granules.

ASTM E84 Standard Test Method for Surface Burning Characteristics of Building Materials.

ASTM E119 Standard Test Methods for Fire Tests of Building Construction and Materials.

ASTM E2632/E2632M Standard Test Method for Evaluating the Under-Deck Fire Test Response of Deck Materials.

ASTM E2707 Standard Test Method for Determining Fire Penetration of Exterior Wall Assemblies Using a Direct Flame Impingement Exposure.

ASTM E2726/E2726M Standard Test Method for Evaluating the Fire Test Response of Deck Structures to Burning Brands.

ASTM E2768 Standard Test Method for Extended Duration Surface Burning Characteristics of Building Materials (30-minute Tunnel Test).

ASTM E2886/E2886M Standard Test Method for Evaluating the Ability of Exterior Vents to Resist the Entry of Embers and Direct Flame Impingement.

ASTM E2957 Standard Test Method for Resistance to Wildfire Penetration of Eaves, Soffits and Other Projections.

NFPA 257 Standard on Fire Test for Window and Glass Block Assemblies.

UL 263 Standard for Fire Tests of Building Construction and Materials.

UL 723 Standard for Test for Surface Burning Characteristics of Building Materials.

SECTION 704A IGNITION-RESISTANT CONSTRUCTION

704A.1 General. The materials prescribed herein for ignition resistance shall conform to the requirements of this chapter.

704A.2 Ignition-resistant materials. Ignition-resistant materials shall comply with one of the following:

1. The requirements in Section 704A.3, or
2. One of the alternative methods in Section 704A.4.

704A.3 Conditions of acceptance for ignition-resistant materials. The material shall comply with the conditions of acceptance in Items 1 and 2 below or with the conditions of acceptance of ASTM E2768.

1. The material shall exhibit a listed flame spread index not exceeding 25 when tested in accordance with ASTM E84 or UL 723.
2. Additionally, the ASTM E84 or UL 723 test shall be continued for an additional 20-minute period, and the material shall exhibit a flame front that does not progress more than 10¹/₂ feet (3200 mm) beyond the centerline of the burner at any time during the test period.

704A.3.1 Fire testing of wood structural panels. Wood structural panels shall be tested with a ripped or cut longitudinal gap of ¹/₈ inch (3.2 mm).

704A.4 Alternative methods for determining ignition-resistant material. Any one of the following shall be accepted as meeting the definition of ignition-resistant material:

1. Noncombustible material. Material that complies with the definition for noncombustible materials in Section 202.
2. Fire-retardant-treated wood. Fire-retardant-treated wood identified for exterior use that complies with the requirements of Section 2303.2.
3. Fire-retardant-treated wood shingles and shakes. Fire-retardant-treated wood shingles and shakes, as defined in Section 1505.6 and listed by State Fire Marshal for use as "Class B" roof covering, shall be accepted as an ignition-resistant wall covering material when installed over solid sheathing.

SECTION 705A ROOFING

705A.1 General. Roofs shall comply with the requirements of Chapter 7A and Chapter 15. Roofs shall have a roofing assembly installed in accordance with its listing and the manufacturer's installation instructions. Roof assemblies in the Fire Hazard Severity Zones shall be Class A rating when tested in accordance with ASTM E108 or UL790.

705A.2 Roof coverings. Where the roofing profile has an airspace under the roof covering, installed over a combustible deck, a 72 lb. (32.7 kg) cap sheet complying with ASTM D3909 Standard Specification for "Asphalt Rolled Roofing (Glass

Felt) Surfaced with Mineral Granules," shall be installed over the roof deck. Bird stops shall be used at the eaves when the profile fits, to prevent debris at the eave. Hip and ridge caps shall be mudded in to prevent intrusion of fire or embers.

Exception: Cap sheet is not required when no less than 1" of mineral wool board or other noncombustible material is located between the roofing material and wood framing or deck.

Alternately, a Class A fire rated roof underlayment, tested in accordance with ASTM E108, shall be permitted to be used. If the sheathing consists of exterior fire-retardant-treated wood, the underlayment shall not be required to comply with a Class A classification. Bird stops shall be used at the eaves when the profile fits, to prevent debris at the eave. Hip and ridge caps shall be mudded in to prevent intrusion of fire or embers.

705A.3 Roof valleys. Where valley flashing is installed, the flashing shall be not less than 0.019-inch (0.48 mm) No. 26 gage galvanized sheet corrosion-resistant metal installed over not less than one layer of minimum 72 pound (32.4 kg) mineral-surfaced nonperforated cap sheet complying with ASTM D3909, at least 36-inch-wide (914 mm) running the full length of the valley.

705A.4 Roof gutters. Roof gutters shall be provided with the means to prevent the accumulation of leaves and debris in the gutter.

SECTION 706A VENTS

706A.1 General. Where provided, ventilation openings for enclosed attics, gable ends, ridge ends, under eaves and cornices, enclosed eave soffit spaces, enclosed rafter spaces formed where ceilings are applied directly to the underside of roof rafters, underfloor ventilation, foundations and crawl spaces, or any other opening intended to permit ventilation, either in a horizontal or vertical plane, shall be in accordance with Section 1202 and Sections 706A.1 through 706A.2 to resist building ignition from the intrusion of burning embers and flame through the ventilation openings.

706A.2 Requirements. Ventilation openings shall be fully covered with Wildfire Flame and Ember Resistant vents approved and listed by the California State Fire Marshal, or WUI vents tested to ASTM E2886 and listed, by complying with all of the following requirements:

1. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.
2. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.
3. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

706A.2.1 Off ridge and ridge vents. Vents that are installed on a sloped roof, such as dormer vents, shall comply with all of the following:

1. Vents shall be covered with a mesh where the dimensions of the mesh therein shall be a minimum of $\frac{1}{16}$ -inch (1.6 mm) and shall not exceed $\frac{1}{8}$ -inch (3.2 mm) in diameter.

2. The mesh material shall be noncombustible.
3. The mesh material shall be corrosion resistant.

SECTION 707A EXTERIOR COVERING

707A.1 Scope. The provisions of this section shall govern the materials and construction methods used to resist building ignition and/or safeguard against the intrusion of flames resulting from small ember and short-term direct flame contact exposure.

707A.2 General. The following exterior covering materials and/or assemblies shall comply with this section:

1. Exterior wall coverings.
2. Exterior wall assemblies.
3. Exterior exposed underside of roof eave overhangs.
4. Exterior exposed underside of roof eave soffits.
5. Exposed underside of exterior porch ceilings.
6. Exterior exposed underside of floor projections.
7. Exterior underfloor areas.

Exceptions to Section 707A.2:

1. Exterior wall architectural trim, embellishments, fascias and gutters.
2. Roof or wall top cornice projections and similar assemblies.
3. Deck walking surfaces shall comply with Section 709A.4 only.

707A.3 Exterior wall coverings. The exterior wall covering shall comply with one or more of the following requirements, except as permitted for exterior wall assemblies complying with Section 707A.4:

1. Noncombustible material.
2. Ignition-resistant material. The ignition-resistant material shall be labeled for exterior use and shall meet the requirements of Section 704A.2.
3. Fire-retardant-treated wood. The fire-retardant-treated wood shall be labeled for exterior use and shall meet the requirements of Section 2303.2.

707A.3.1 Extent of exterior wall covering. Exterior wall coverings shall extend from the top of the foundation to the roof, and terminate at 2 inch (50.8 mm) nominal solid wood blocking between rafters at all roof overhangs, or in the case of enclosed eaves, terminate at the enclosure.

707A.4 Exterior wall assemblies. Exterior wall assemblies of buildings or structures shall be constructed using one or more of the following methods, unless they are covered by an exterior wall covering complying with Section 707A.3:

1. Assembly of sawn lumber or glue-laminated wood with the smallest minimum nominal dimension of 4 inches (102 mm). Sawn or glue-laminated planks splined, tongue-and-groove, or set close together and well spiked.
2. Log wall construction assembly.

3. Assembly that has been tested in accordance with the test procedures for a 10-minute direct flame contact exposure test set forth in ASTM E2707 with the conditions of acceptance shown in Section 707A.4.1.
4. Assembly that meets the performance criteria in accordance with the test procedures for a 10-minute direct flame contact exposure test set forth in SFM Standard 12-7A-1.
5. Assembly suitable for exterior fire exposure with a 1-hour fire-resistance rating, rated from the exterior side, as tested in accordance with ASTM E119 or UL 263.
6. Assembly suitable for exterior fire exposure containing one layer of $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum sheathing applied behind the exterior wall covering or cladding on the exterior side of the framing.
7. Assembly suitable for exterior fire exposure containing any of the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual as complying with a 1-hour fire-resistance rating, as tested in accordance with ASTM E119 or UL 263.

707A.4.1 Conditions of acceptance when tested in accordance with ASTM E2707. The ASTM E2707 test shall be conducted on a minimum of three test specimens, and the conditions of acceptance in Items 1 and 2 below shall be met. If any one of the three tests do not meet the conditions of acceptance, three additional tests shall be run. All the additional tests shall meet the conditions of acceptance.

1. Absence of flame penetration through the wall assembly at any time.
2. Absence of evidence of glowing combustion on the interior surface of the assembly at the end of the 70-minute test.

707A.5 Open roof eaves. The exposed roof deck on the underside of unenclosed roof eaves shall consist of one or more of the following:

1. Noncombustible material.
2. Ignition-resistant material. The ignition-resistant material shall be labeled for exterior use and shall meet the requirements of Section 704A.2.
3. Fire-retardant-treated wood. The fire-retardant-treated wood shall be labeled for exterior use and shall meet the requirements of Section 2303.2.
4. Materials approved for not less than 1-hour fire-resistance-rated construction on the exterior side, as tested in accordance with ASTM E119 or UL 263.
5. One layer of $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum sheathing applied behind an exterior covering on the underside of the roof deck.
6. The exterior portion of a 1-hour fire-resistance-rated exterior assembly, as tested in accordance with ASTM E119 or UL 263, applied to the underside of the roof deck designed for exterior fire exposure, including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.

Exception to Section 707A.5: The following materials do not require protection:

Fascia and other architectural trim boards.

707A.6 Enclosed roof eaves and roof eave soffits. The exposed underside of enclosed roof eaves having either a boxed-in roof eave soffit with a horizontal underside, or sloping rafter tails with an exterior covering applied to the underside of the rafter tails, shall be protected by one or more of the following:

1. Noncombustible material.
2. Ignition-resistant material. The ignition-resistant material shall be labeled for exterior use and shall meet the requirements of Section 704A.2.
3. Fire-retardant-treated wood. The fire-retardant-treated wood shall be labeled for exterior use and shall meet the requirements of Section 2303.2.
4. Materials approved for not less than 1-hour fire-resistance-rated construction on the exterior side, as tested in accordance with ASTM E119 or UL 263.
5. One layer of $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum sheathing applied behind the exterior covering or cladding on the underside of the rafter tails or soffit.
6. The exterior portion of a 1-hour fire-resistive exterior assembly applied to the underside of the rafter tails or soffit, including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.
7. Boxed-in roof eave soffit assemblies with a horizontal underside that meet the performance criteria in Section 707A.11 when tested in accordance with the test procedures set forth in ASTM E2957.
8. Boxed-in roof eave soffit assemblies with a horizontal underside that meet the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3.

Exception to Section 707A.6: The following materials do not require protection:

Fascia and other architectural trim boards.

707A.7 Exterior porch ceilings. The exposed underside of exterior porch ceilings shall be protected by one or more of the following:

1. Noncombustible material.
2. Ignition-resistant material. The ignition-resistant material shall be labeled for exterior use and shall meet the requirements of Section 704A.2.
3. Fire-retardant-treated wood. The fire-retardant-treated wood shall be labeled for exterior use and shall meet the requirements of Section 2303.2.
4. Materials approved for not less than 1-hour fire-resistance-rated construction on the exterior side, as tested in accordance with ASTM E119 or UL 263.
5. One layer of $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum sheathing applied behind the exterior covering or cladding on the underside of the rafter tails or soffit.

6. The exterior portion of a 1-hour fire-resistance-rated exterior assembly, as tested in accordance with ASTM E119, applied to the underside of the ceiling assembly, including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.
7. Porch ceiling assemblies with a horizontal underside that meet the performance criteria in Section 707A.11 when tested in accordance with the test procedures set forth in ASTM E2957.
8. Porch ceiling assemblies with a horizontal underside that meet the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3.

Exception to Section 707A.7: Architectural trim boards do not require protection.

707A.8 Floor projections. The exposed underside of a cantilevered floor projection where a floor assembly extends over an exterior wall shall be protected by one or more of the following:

1. Noncombustible material.
2. Ignition-resistant material. The ignition-resistant material shall be labeled for exterior use and shall meet the requirements of Section 704A.2.
3. Fire-retardant-treated wood. The fire-retardant-treated wood shall be labeled for exterior use and shall meet the requirements of Section 2303.2.
4. Materials approved for not less than 1-hour fire-resistance-rated construction on the exterior side, as tested in accordance with ASTM E119 or UL 263.
5. One layer of $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum sheathing applied behind the exterior covering on the underside of the ceiling.
6. The exterior portion of a 1-hour fire-resistance-rated exterior assembly, as tested in accordance with ASTM E119, applied to the underside of the ceiling assembly, including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.
7. The underside of a floor projection assembly that meets the performance criteria in Section 707A.10 when tested in accordance with the test procedures set forth in ASTM E2957.
8. The underside of a floor projection assembly that meets the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3.

Exception to Section 707A.8: Architectural trim boards do not require protection.

707A.9 Underfloor protection. The underfloor area of elevated or overhanging buildings shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed underfloor shall be protected by one or more of the following:

1. Noncombustible material.

2. Ignition-resistant material. The ignition-resistant material shall be labeled for exterior use and shall meet the requirements of Section 704A.2.
3. Fire-retardant-treated wood. The fire-retardant-treated wood shall be labeled for exterior use and shall meet the requirements of Section 2303.2.
4. Materials approved for not less than 1-hour fire-resistance-rated construction on the exterior side, as tested in accordance with ASTM E119 or UL 263.
5. One layer of $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum sheathing applied behind an exterior covering on the underside of the floor projection.
6. The exterior portion of a 1-hour fire-resistance-rated exterior assembly, as tested in accordance with ASTM E119 or UL 263, applied to the underside of the floor, including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.
7. The underside of a floor assembly that meets the performance criteria in Section 707A.11 when tested in accordance with the test procedures set forth in ASTM E2957.
8. The underside of a floor assembly that meets the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3.

Exception to Section 707A.9: Structural columns and beams do not require protection when constructed with sawn lumber or glue-laminated wood with the smallest minimum nominal dimension of 4 inches (102 mm). Sawn or glue-laminated planks shall be splined, tongue-and-groove, or set close together and well spiked.

707A.10 Underside of appendages. When required by the enforcing agency, the underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter, or the underside of the exposed underfloor shall be protected by one or more of the following:

1. Noncombustible material.
2. Ignition-resistant material. The ignition-resistant material shall be labeled for exterior use and shall meet the requirements of Section 704A.2.
3. Fire-retardant-treated wood. The fire-retardant-treated wood shall be labeled for exterior use and shall meet the requirements of Section 2303.2.
4. Materials approved for not less than 1-hour fire-resistance-rated construction on the exterior side, as tested in accordance with ASTM E119 or UL 263.
5. One layer of $\frac{5}{8}$ -inch (15.9 mm) Type X gypsum sheathing applied behind the exterior covering on the underside of the appendage projection.
6. The exterior portion of a 1-hour fire-resistance-rated exterior assembly, as tested in accordance with ASTM E119 or UL 263, applied to the underside of the appendage, including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual.

7. The underside of an appendage assembly that meets the performance criteria in Section 707A.11 when tested in accordance with the test procedures set forth in ASTM E2957.
8. The underside of an appendage assembly that meets the performance criteria in accordance with the test procedures set forth in SFM Standard 12-7A-3.

Exception to Section 707A.10: Structural columns and beams do not require protection when constructed with sawn lumber or glue laminated wood with the smallest minimum nominal dimension of 4 inches (102 mm). Sawn or glue-laminated planks shall be splined, tongue-and-groove, or set close together and well spiked.

707A.11 Conditions of acceptance when tested in accordance with ASTM E2957. The test shall be conducted on a minimum of three test specimens and the conditions of acceptance in Items 1 through 3 below shall be met. If any one of the three tests does not meet the conditions of acceptance, three additional tests shall be run. All of the additional tests shall meet the conditions of acceptance.

1. Absence of flame penetration of the eaves or horizontal projection assembly at any time.
2. Absence of structural failure of the eaves or horizontal projection subassembly at any time.
3. Absence of sustained combustion of any kind at the conclusion of the 40-minute test.

SECTION 708A

EXTERIOR WINDOWS, SKYLIGHTS AND DOORS

708A.1 General.

708A.2 Exterior glazing. The following exterior glazing materials and/or assemblies shall comply with this section:

1. Exterior windows.
2. Exterior glazed doors.
3. Glazed openings within exterior doors.
4. Glazed openings within exterior garage doors.
5. Exterior structural glass veneer.
6. Skylights.
7. Vents.

708A.2.1 Exterior windows, skylights and exterior glazed door assembly requirements. Exterior windows, skylights and exterior glazed door assemblies shall comply with one of the following requirements:

1. Be constructed of multipane glazing with a minimum of one tempered pane meeting the requirements of Section 2406 Safety Glazing, or
2. Be constructed of glass block units, or
3. Have a fire-resistance rating of not less than 20 minutes when tested according to NFPA 257, or
4. Be tested to meet the performance requirements of SFM Standard 12-7A-2.

708A.2.2 Operable skylights. Operable skylights shall be protected by a non-combustible mesh screen where the dimensions of the openings in the screen shall not exceed $\frac{1}{8}$ -inch (3.2 mm).

708A.2.3 Structural glass veneer. The wall assembly behind structural glass veneer shall comply with Section 707A.3.

708A.3 Exterior doors. Exterior doors shall comply with one of the following:

1. The exterior surface or cladding shall be of noncombustible material.
2. The exterior surface or cladding shall be of ignition-resistant material.
3. The exterior door shall be constructed of solid core wood that complies with the following requirements:
 - 3.1. Stiles and rails shall not be less than $1\frac{3}{8}$ inches thick.
 - 3.2. Panels shall not be less than $1\frac{1}{4}$ inches thick, except for the exterior perimeter of the panel that shall be permitted to taper to a tongue not less than $\frac{3}{8}$ inch thick.
4. The exterior door assembly shall have a fire-resistance rating of not less than 20 minutes when tested according to NFPA 252.
5. The exterior surface or cladding shall be tested to meet the performance requirements of Section 707A.3.1 when tested in accordance with ASTM E2707.
6. The exterior surface or cladding shall be tested to meet the performance requirements of SFM Standard 12-7A-1.

708A.3.1 Exterior door glazing. Glazing in exterior doors shall comply with Section 708A.2.1.

708A.4 Garage door perimeter gap. Exterior garage doors shall resist the intrusion of embers from entering by preventing gaps between doors and door openings, at the bottom, sides and tops of doors, from exceeding $\frac{1}{8}$ inch (3.2 mm). Gaps between doors and door openings shall be controlled by one of the following methods:

1. Weather-stripping products made of materials that:
 - (a) have been tested for tensile strength in accordance with ASTM D638 (Standard Test Method for Tensile Properties of Plastics) after exposure to ASTM G155 (Standard Practice for Operating Xenon Arc Light Apparatus for Exposure of Non-Metallic Materials) for a period of 2,000 hours, where the maximum allowable difference in tensile strength values between exposed and non-exposed samples does not exceed 10%; and (b) exhibit a V-2 or better flammability rating when tested to UL 94, Standard for Tests for Flammability of Plastic Materials for Parts in Devices and Appliances.
2. Door overlaps onto jambs and headers.
3. Garage door jambs and headers covered with metal flashing.

SECTION 709A DECKING

709A.1 General. The walking surface material of decks, porches, balconies and stairs shall comply with the requirements of this section.

709A.1.1 Flashing. A minimum of a 6-inch (150 mm) metal flashing, applied vertically on the exterior of the wall, shall be installed at all deck-to-wall intersections.

709A.2 Where required. The walking surface material of decks, porches, balconies and stairs shall comply with the requirements of this section when any portion of such surface is within 10 feet (3048 mm) of the building.

709A.3 Decking Surfaces. The walking surface material of decks, porches, balconies and stairs shall be constructed with one of the following materials:

1. Material that complies with the performance requirements of Section 709A.4 when tested in accordance with both ASTM E2632 and ASTM E2726.
2. Ignition-resistant material that complies with the performance requirements of Section 704A.3.
3. Material that complies with the performance requirements of both SFM Standard 12-7A-4 and Section 704A.3.
4. Exterior fire-retardant-treated wood.
5. Noncombustible material.
6. Any material that complies with the performance requirements of SFM Standard 12-7A-4A when attached exterior wall covering is also composed of noncombustible or ignition-resistant material.

Exception: Wall material shall be permitted to be of any material that otherwise complies with this chapter when the decking surface material complies with the performance requirements ASTM E84 with a Class B flame spread index.

7. Any material that complies with the performance requirements of Section 709A.5 when tested in accordance with ASTM E2632 and when attached exterior wall covering is also composed of only noncombustible or ignition-resistant materials.

Exception: Wall material shall be permitted to be of any material that otherwise complies with this chapter when the decking surface material complies with the performance requirements ASTM E84 with a Class B flame spread index.

709A.4 Requirements for type of material in Section 709A.3, Item 1. The material shall be tested in accordance with both ASTM E2632 and ASTM E2726 and shall comply with the conditions of acceptance in Sections 709A.4.1 and 709A.4.2. The material shall also be tested in accordance with ASTM E84 or UL 723 and comply with the performance requirements of Section 704A.3.

709A.4.1 Conditions of acceptance for ASTM E2632. The ASTM E2632 test shall be conducted on a minimum of three test specimens and the conditions of acceptance in Items 1 through 3 below shall be met. If any one of the

three tests does not meet the conditions of acceptance, three additional tests shall be run. All of the additional tests shall meet the conditions of acceptance.

1. Peak heat release rate of less than or equal to 25 kW/ft² (269 kW/m²).
2. Absence of sustained flaming or glowing combustion of any kind at the conclusion of the 40-min observation period.
3. Absence of falling particles that are still burning when reaching the burner or floor.

709A.4.2 Conditions of acceptance for ASTM E2726. The ASTM E2726 test shall be conducted, using a "Class A" size roof test brand, on a minimum of three test specimens and the conditions of acceptance in Items 1 and 2 below shall be met. If any one of the three tests does not meet the conditions of acceptance, three additional tests shall be run. All of the additional tests shall meet the conditions of acceptance.

1. Absence of sustained flaming or glowing combustion of any kind at the conclusion of the 40-min observation period.
2. Absence of falling particles that are still burning when reaching the burner or floor.

709A.5 Requirements for type of material in Section 709A.3, Item 7. The material shall be tested in accordance with ASTM E2632 and shall comply with the following condition of acceptance. The ASTM E2632 test shall be conducted on a minimum of three test specimens and the peak heat release rate shall be less than or equal to 25 kW/ft² (269 kW/m²). If any one of the three tests does not meet the conditions of acceptance, three additional tests shall be run. All the additional tests shall meet the condition of acceptance.

SECTION 710A ACCESSORY BUILDINGS AND MISCELLANEOUS STRUCTURES

710A.1 General. Group U occupancy accessory buildings and miscellaneous structures that have the potential to pose a significant exterior fire exposure hazard during wildfires shall be constructed to conform to the ignition-resistance requirements of this section.

710A.2 Applicability. Unless otherwise addressed by the exceptions of Section 710A.3, the provisions of this section shall apply to buildings accessory to an applicable building on the same lot. This section shall also apply to attached and detached miscellaneous structures that require a building permit, including but not limited to trellises, arbors, patio covers, gazebos and similar structures.

Exceptions:

1. Decks shall comply with the requirements of Section 709A.
2. Awnings and canopies shall comply with the requirements of Section 3105.
3. Exterior wall architectural trim, embellishments and fascia.

710A.3 Where required. Miscellaneous structures that require a permit, and accessory buildings of any size, when separated from an applicable building on the same lot by a distance of less than 3 feet (914 mm), shall comply with Section 710A.3.1. Accessory buildings that are greater than 120 square feet (11.15 m²), when separated from an applicable building on the same lot by a distance of 3 feet (914 mm) or more but less than 50 feet (15 240 mm) shall comply with Section 710A.3.2.

When required by the enforcing agency, miscellaneous structures that require a permit, and accessory buildings that are 120 square feet (11.15 m²) or less, when separated from an applicable building on the same lot by a distance of 3 feet (914 mm) or more but less than 50 feet (15 240 mm), shall comply with either Section 710A.3.4 or Section 710A.3.3, respectively.

No requirements shall apply to accessory buildings or miscellaneous structures when located 50 feet (15 240 mm) or more from an applicable building on the same lot.

710A.3.1 Structures and accessory buildings within 3 feet (914 mm). Miscellaneous structures that require a permit, and accessory buildings, attached to or separated from an applicable building on the same lot by a distance of less than 3 feet (914 mm), shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section 704A.2.

710A.3.2 Accessory buildings greater than 120 square feet (11.15 m²), located 3 feet (914 mm) or more but less than 50 feet (15 240 mm). Accessory buildings that are greater than 120 square feet (11.15 m²) in size and separated from an applicable building on the same lot by a distance of 3 feet (914 mm) or more but less than 50 feet (15 240 mm) shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section 704A.2.

710A.3.3 Accessory buildings 120 square feet (11.15 m²) or less, located 3 feet (914 mm) or more but less than 50 feet (15 240 mm). When required by the enforcing agency, accessory buildings 120 square feet (11.15 m²) or less and separated from an applicable building on the same lot by a distance of 3 feet (914 mm) or more but less than 50 feet (15 240 mm) shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section 704A.2.

710A.3.4 Miscellaneous structures located 3 feet (914 mm) or more but less than 50 feet (15 240 mm). When required by the enforcing agency, miscellaneous structures that require a permit and are separated from an applicable building on the same lot by a distance of 3 feet (914 mm) or more but less than 50 feet (15 240 mm) shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section 704A.2.

710A.4 Roof construction. Roofs of accessory buildings required to be constructed entirely of noncombustible materials or of ignition-resistant materials shall comply with the requirements of Chapter 7A and Chapter 15. Roofs shall have

a roofing assembly installed in accordance with its listing and the manufacturer's installation instructions. Roof assemblies in Fire Hazard Severity Zones shall comply with a Class A rating when tested in accordance with ASTM E108 or UL 790.

State of California

PUBLIC RESOURCES CODE

Section 4291

4291. (a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following:

(1) (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, except as provided in subparagraph (B). The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained and spaced in a condition so that a wildfire burning under average weather conditions would be unlikely to ignite the structure. This subparagraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation or to interrupt the advance of embers toward a structure. The intensity of fuels management may vary within the 100-foot perimeter of the structure, with more intense fuel reductions being utilized between 5 and 30 feet around the structure, and an ember-resistant zone being required within 5 feet of the structure, based on regulations promulgated by the board, in consultation with the department, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. Consistent with fuels management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds. For purposes of this subparagraph, "fuel" means any combustible material, including petroleum-based products, cultivated landscape plants, grasses, and weeds, and wildland vegetation.

(B) A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation. Fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain 100 feet of defensible space from a structure. Fuel modification on adjacent property shall only be conducted following written consent by the adjacent landowner. Any local ordinance related to fuel modification shall be in compliance with all applicable state laws, regulations, and policies. Any local ordinance may include provisions to allocate costs for any fuel modification beyond the property line.

(C) An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under subparagraph (A) if a fire expert, designated by the director, provides findings that the fuel modification is necessary to significantly reduce the risk of transmission of flame or heat sufficient

to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.

(2) Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.

(3) Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.

(4) Maintain the roof of a structure free of leaves, needles, or other vegetative materials.

(5) Before constructing a new building or structure or rebuilding a building or structure damaged by a fire in an area subject to this section, the construction or rebuilding of which requires a building permit, the owner shall 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, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

(b) A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property.

(c) (1) Except as provided in Section 18930 of the Health and Safety Code, the State Fire Marshal may adopt regulations exempting a structure with an exterior constructed entirely of nonflammable materials, or, conditioned upon the contents and composition of the structure, the director may vary the requirements respecting the removing or clearing away of flammable vegetation or other combustible growth with respect to the area surrounding those structures.

(2) An exemption or variance under paragraph (1) shall not apply unless and until the occupant of the structure, or if there is not an occupant, the owner of the structure, files with the State Fire Marshal, in a form as the State Fire Marshal shall prescribe, a written consent to the inspection of the interior and contents of the structure to ascertain whether this section and the regulations adopted under this section are complied with at all times.

(d) The State Fire Marshal may authorize the removal of vegetation that is not consistent with the standards of this section. The State Fire Marshal may prescribe a procedure for the removal of that vegetation and make the expense a lien upon the

building, structure, or grounds, in the same manner that is applicable to a legislative body under Section 51186 of the Government Code.

(e) (1) The board, in consultation with the State Fire Marshal, shall develop, periodically update, and post on its internet website a guidance document on fuels management pursuant to this chapter. The guidance document shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species that are fire resistant or drought tolerant, or both, minimize erosion, minimize water consumption, and permit trees near homes for shade, aesthetics, and habitat; and 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.

(2) On or before January 1, 2023, the board, in consultation with the State Fire Marshal, shall update the guidance document to include suggestions for creating an ember-resistant zone within five feet of a structure, based on regulations promulgated by the board, in consultation with the department, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers.

(f) The State Fire Marshal shall do both of the following:

(1) Recommend to the board the types of vegetation or fuel that are to be excluded from an ember-resistant zone based on the probability that vegetation and fuel will lead to ignition by ember of a structure as a part of the update to the guidance document pursuant to paragraph (2) of subdivision (e).

(2) Make reasonable efforts to provide notice to affected residents describing the requirements added by the amendments to paragraph (1) of subdivision (a) made in Assembly Bill 3074 of the 2019–20 Regular Session before the imposition of penalties for violating those requirements.

(g) (1) The requirement for an ember-resistant zone pursuant to paragraph (1) of subdivision (a) shall not take effect for new structures until the board updates the regulations, pursuant to paragraph (1) of subdivision (a), and the guidance document, pursuant to paragraph (2) of subdivision (e).

(2) The requirement for an ember-resistant zone pursuant to paragraph (1) of subdivision (a) shall take effect for existing structures one year after the effective date for the new structures.

(h) The department shall not change defensible space inspection practices and forms or enforcement to implement the requirement for an ember-resistant zone until the State Fire Marshal makes a written finding, which the State Fire Marshal shall post on the department's internet website, that the Legislature has appropriated sufficient resources to do so.

(i) For purposes of this section, a structure for the purpose of an ember-resistant zone shall include any attached deck. This section does not limit the authority of the board or the department to require the removal of fuel or vegetation on top of or underneath a deck pursuant to this section.

(j) As used in this section, “person” means a private individual, organization, partnership, limited liability company, or corporation.

(Amended by Stats. 2021, Ch. 382, Sec. 9.5. (SB 63) Effective January 1, 2022.)

CALIFORNIA BUILDING CODE – MATRIX ADOPTION TABLE CHAPTER 8 – INTERIOR FINISHES

(Matrix Adoption Tables are nonregulatory, intended only as an aid to the code user.
See Chapter 1 for state agency authority and building applications.)

Adopting agency	BSC	BSC- CG	SFM	HCD			DSA			OSHPD						BSCC	DPH	AGR	DWR	CEC	CA	SL	SLC
				1	2	1/AC	AC	SS	SS/CC	1	1R	2	3	4	5								
Adopt entire chapter	X			X	X			X	X	X	X	X	X	X	X								
Adopt entire chapter as amended (amended sections listed below)			X																				
Adopt only those sections that are listed below		X																					
Chapter / Section																							
801.1		X																					
Table 803.13			X																				
804.1			X																				
804.4			X																				
804.4.1			X																				
804.4.2			X																				
804.4.3			X																				
806.4			X																				
806.7			X																				

The state agency does not adopt sections identified by the following symbol: †

The Office of the State Fire Marshal's adoption of this chapter or individual sections is applicable to structures regulated by other state agencies pursuant to Section 1.11.

CHAPTER 49

REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS

User note:

About this chapter:

In addition to the building construction requirements in the California Building Code and California Residential Code, this chapter contains requirements for development and construction in Local Responsibility Areas (LRA) designated as Very High Fire Hazard Severity Zones and areas designated by the Board of Forestry and Fire Protection as State Responsibility Areas (SRA). While many of these provisions are found in Title 14 and Title 19 of the California Code of Regulations, they are replicated here for the code user. The local jurisdiction has the authority to apply the same regulations to LRA when the regulations are adopted by local ordinance.

The requirements in this chapter reference the process for adoption of Very High Fire Hazard Severity Zones in the LRA; criteria for evaluating existing subdivisions that are at significant fire risk and are without an adequate secondary egress; and criteria for fire safety provisions required in the Safety Element of a city or county General Plan.

The chapter includes mitigation strategies to reduce the hazards of fire originating within a structure spreading to wildland and fire originating in wildland spreading to structures. These strategies are included in the following requirements:

1. Development of fire protection plans.
2. Development of landscape plans and long-term vegetation management.
3. Creation and maintenance of defensible space to protect structures and subdivisions.

SECTION 4901 GENERAL

> **4901.1 Scope.** This chapter contains minimum requirements to mitigate conditions that might cause a fire originating in a structure to ignite vegetation in the Wildland-Urban Interface Fire Area, and conversely, a wildfire burning in vegetative fuels to transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities or result in large property losses.

> **4901.2 Purpose.** The purpose of this chapter is to provide minimum standards to reduce the likelihood of life and property loss due to a wildfire through the use of performance and prescriptive requirements for construction and development in State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) designated as a Moderate, High or Very High Fire Hazard Severity Zone.

SECTION 4902 DEFINITIONS

4902.1 General. For the purpose of this chapter, certain terms are defined as follows:

> **DIRECTOR.** Director of the California Department of Forestry and Fire Protection (CAL FIRE).

> **FIRE PROTECTION PLAN.** A document prepared for a specific project or development proposed for a Wildland-Urban Interface (WUI) Fire Area. It describes ways to minimize and mitigate potential for loss from wildfire exposure.

> **FIRE HAZARD SEVERITY ZONES.** Geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204 and classified as Very High, High or Moderate in State Responsibility Areas or as Local Agency

Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189.

The California Code of Regulations, Title 14, Section 1280 entitles the maps of these geographical areas as "Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California."

FIRE-RESISTANT VEGETATION. Plants, shrubs, trees and other vegetation that exhibit properties, such as high moisture content, little accumulation of dead vegetation, and low sap or resin content, that make them less likely to ignite or contribute heat or spread flame in a fire than native vegetation typically found in the region.

[Note: The following sources contain examples of types of vegetation that can be considered fire-resistant vegetation. (Fire-resistant Plants for Home Landscapes, A Pacific Northwest Extension publication; Home Landscaping for Fire, University of California Division of Agriculture and Natural Resources; Sunset Western Garden Book)]

IGNITION-RESISTANT MATERIAL. A type of building material that complies with the requirements in Section 704A.2 in the California Building Code.

< **LOCAL RESPONSIBILITY AREAS (LRA).** Areas of the state in which the financial responsibility of preventing and suppressing fires is the primary responsibility of a city, county, city and county, or district.

< **STATE RESPONSIBILITY AREAS (SRA).** Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing wildfires is primarily the responsibility of the state.

WILDFIRE. Any uncontrolled fire spreading through vegetative fuels that threatens to destroy life, property or resources as defined in Public Resources Code, Sections 4103 and 4104.

WILDFIRE EXPOSURE. One or a combination of radiant heat, convective heat, direct flame contact and burning embers being projected by vegetation fire to a structure and its immediate environment.

WILDLAND-URBAN INTERFACE (WUI). A geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code, Sections 4201 through 4204, and Government Code, Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires.

SECTION 4903 PLANS

4903.1 General. The fire code official is authorized to require the owner or owner's authorized agent to provide a fire protection plan. The fire protection plan shall be prepared to determine the acceptability of fire protection and life safety measures designed to mitigate wildfire hazards presented for the property under consideration.

The fire protection plan shall be prepared by a registered design professional, qualified landscape architect, qualified fire safety specialist or similar specialist acceptable to the fire code official and shall analyze the wildfire risk of the building, project, premises or region to recommend necessary changes.

The fire code official is authorized to require a preliminary fire protection plan prior to the submission of a final fire protection plan.

4903.2 Contents. The fire protection plan shall be based on a project-specific wildfire hazard assessment that includes considerations of location, topography, aspect, and climatic and fire history.

The plan shall identify conformance with all applicable state wildfire protection regulations, statutes and applicable local ordinances, whichever are more restrictive.

The plan shall address fire department access, egress, road and address signage, water supply in addition to fuel reduction in accordance with Public Resources Code (PRC) 4290; the defensible space requirements in accordance with PRC 4291 or Government Code 51182; and the applicable building codes and standards for wildfire safety. The plan shall identify mitigation measures to address the project's specific wildfire risk and shall include the information required in Section 4903.2.1.

4903.2.1 Project information. The final fire protection plan shall be reviewed and approved prior to start of construction.

4903.2.1.1 Preliminary fire protection plan. When a preliminary fire protection plan is submitted, it shall include, at a minimum, the following:

1. Total size of the project.

2. Information on the adjoining properties on all sides, including current land uses, and if known, existing structures and densities, planned construction, natural vegetation, environmental restoration plans, roads and parks.
3. A map with all project boundary lines, property lines, slope contour lines, proposed structure foundation footprints, and proposed roads and driveways. The map shall identify project fuel modification zones and method of identifying the fuel modification zone boundaries.

4903.2.1.2 Final fire protection plan. The final fire protection plan shall include items listed in Section 4903.2.1.1 and the following:

1. A map identifying all proposed plants in the fuel modification zones with a legend that includes a symbol for each proposed plant species. The plan shall include specific information on each species proposed, including but not limited to:
 - a. The plant life-form;
 - b. The scientific and common name; and
 - c. The expected height and width for mature growth.
2. Identification of irrigated and non-irrigated zones.
3. Requirements for vegetation reduction around emergency access and evacuation routes.
4. Identification of points of access for equipment and personnel to maintain vegetation in common areas.
5. Legally binding statements regarding community responsibility for maintenance of fuel modification zones.
6. Legally binding statements to be included in covenants, conditions and restrictions regarding property owner responsibilities for vegetation maintenance.

SECTION 4904 FIRE HAZARD SEVERITY ZONES

4904.1 General. Lands in the state are classified by the Director in accordance with the severity of wildfire hazard expected to prevail in those areas and the responsibility for fire protection, so that measures may be identified which will reduce the potential for losses to life, property and resources from wildfire.

4904.2 Classifications. The Director classifies lands into fire hazard severity zones in accordance with California Public Resources Code, Sections 4201 through 4204 for State Responsibility Areas and accordance with Government Code, Sections 51175 through 51189 for areas where a local agency is responsible for fire protection.

4904.3 Local agency requirements. Within 30 days after receiving a transmittal from the director that identifies Very High Fire Hazard Severity Zones, a local agency shall make

the information available for public review. The information shall be presented in a format that is understandable and accessible to the general public, including, but not limited to, maps. A local agency shall post a notice at the office of the county recorder, county assessor and county planning agency identifying the location of the map provided by the director pursuant to Government Code, Section 51178. If the agency amends the map, pursuant to subdivision (b) or (c) of Section 51179, the notice shall instead identify the location of the amended map.

4904.3.1 Local agency ordinances. A local agency shall designate, by ordinance, Very High Fire Hazard Severity Zones in its jurisdiction within 120 days of receiving recommendations from the director pursuant to Section 51178. The local agency shall transmit a copy of an ordinance adopted pursuant to Section 51179 (a) to the State Board of Forestry and Fire Protection within 30 days of adoption, as specified in Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 1.

4904.3.2 Local agency discretion. A local agency may, at its discretion, include areas within the jurisdiction of the local agency, not identified as Very High Fire Hazard Severity Zones by the director, as Very High Fire Hazard Severity Zones following a finding supported by substantial evidence in the record that the requirements of Government Code Section 51182 are necessary for effective fire protection within the area.

SECTION 4905 WILDFIRE PROTECTION BUILDING CONSTRUCTION

4905.1 General. Materials and construction methods for exterior wildfire exposure protection shall be applied within geographical areas where a wildfire burning in vegetative fuels may readily transmit fire to buildings and threaten to destroy life, overwhelm fire suppression capabilities or result in large property losses.

4905.2 Construction methods and requirements within established limits. Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including the following:

1. California Building Code, Chapter 7A,
2. California Residential Code, Section R337,
3. California Referenced Standards Code, Chapter 12-7A.

4905.3 Establishment of limits. The establishment of limits for the Wildland-Urban Interface (WUI) Fire Area's required construction methods shall be designated pursuant to the California Public Resources Code for State Responsibility Areas and California Government Code for Local Responsibility Areas (LRA) in Very High Severity Zones or by a local agency following a finding supported by substantial evidence in the record that the requirements of this section are necessary for effective fire protection within the area.

SECTION 4906 VEGETATION MANAGEMENT

4906.1 General. Planting of vegetation for new landscaping shall be selected to reduce non-fire-resistant vegetation in proximity to a structure and to maintain vegetation as it matures.

4906.2 Application. All new plantings of vegetation in State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) designated as a Very High Fire Hazard Severity Zone shall comply with Sections 4906.3 through 4906.5.3.

4906.3 Landscape plans. Landscape plans shall be provided when required by the enforcing agency. The landscape plan shall include development and maintenance requirements for the vegetation management zone adjacent to structures and roadways, and to provide significant fire hazard reduction benefits for public and firefighting safety.

4906.3.1 Contents. Landscape plans shall contain the following:

1. Delineation of the 30-foot (9144 mm) and 100-foot (30.5 m) fuel management zones from all structures.
2. Identification of existing vegetation to remain and proposed new vegetation.
3. Identification of irrigated areas.
4. A plant legend with both botanical and common names, and identification of all plant material symbols.
5. Identification of ground coverings within the 30-foot (9144 mm) zone.

4906.4 Vegetation. All new vegetation shall be fire-resistant vegetation in accordance with this section.

Exception: Trees classified as non-fire-resistant vegetation complying with Section 4906.4.2.1.

To be considered fire-resistant vegetation, it must meet at least one of the following:

1. Be identified as fire-resistant vegetation in an approved book, journal or listing from an approved organization.
2. Be identified as fire-resistant vegetation by a licensed landscape architect with supporting justification.
3. Plants considered fire-resistant vegetation and approved by the local enforcing agency.

4906.4.1 Shrubs. All new plantings of shrubs shall comply with the following:

1. Shrubs shall not exceed 6 feet (1829 mm) in height.
2. Groupings of shrubs are limited to a maximum aggregate diameter of 10 feet (3048 mm).
3. Shrub groupings shall be separated from other groupings a minimum of 15 feet (4572 mm).
4. Shrub groupings shall be separated from structures a minimum of 30 feet (9144 mm).
5. Where shrubs are located below or within a tree's drip line, the lowest tree branch shall be a minimum of three times the height of the understory shrubs or 10 feet (3048 mm), whichever is greater.

4906.4.2 Trees. Trees shall be managed as follows within the 30-foot (9144 mm) zone of a structure:

1. New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet (3048 mm) from any combustible structure.
2. The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 10 feet (3048 mm).
3. Existing trees shall be trimmed to provide a minimum separation of 10 feet (3048 mm) away from chimney and stovepipe outlets per Title 14, Section 1299.03.

4906.4.2.1 Non-fire-resistant vegetation. New trees not classified as fire-resistant vegetation, such as conifers, palms, pepper trees and eucalyptus species, shall be permitted provided the tree is planted and maintained so that the tree's drip line at maturity is a minimum 30 feet (9144 mm) from any combustible structure.

SECTION 4907 DEFENSIBLE SPACE

4907.1 General. Hazardous vegetation and fuels shall be managed to reduce the severity of potential exterior wildfire exposure to buildings and to reduce the risk of fire spreading to buildings as required by applicable laws and regulations.

Defensible space will be managed around all buildings and structures in State Responsibility Areas (SRA) as required in Public Resources Code 4291.

4907.2 Application. Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as a State Responsibility Area (SRA).
2. Land designated as a Very High Fire Hazard Severity Zone by the Director.
3. Land designated in ordinance by local agencies as a Very High Fire Hazard Severity Zone pursuant to Government Code Section 51179.

4907.3 Requirements. Hazardous vegetation and fuels around all buildings and structures shall be maintained in accordance with the following laws and regulations:

1. Public Resources Code, Section 4291.
2. California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 3, Article 3, Section 1299.03.
3. California Government Code, Section 51182.
4. California Code of Regulations, Title 19, Division 1, Chapter 7, Subchapter 1, Section 3.07.

SECTION 4908 FIRE SAFE DEVELOPMENT REGULATIONS

4908.1 General. Pursuant to PRC 4290 all residential, commercial and industrial building construction within state

responsibility areas approved after January 1, 1991, and within lands classified and designated as an LRA Very High Fire Hazard Severity Zone, as defined in subdivision (i) of Section 51177 of the Government Code after July 1, 2021, shall comply with the SRA Fire Safe Development Regulations as specified in Title 14, Division 1.5, Chapter 7, Subchapter 2.

4908.2 Subdivision map findings. Pursuant to Government Code (GC), Section 66474.02, before approving a tentative map, or a parcel map for which a tentative map was not required, for an area located in an SRA or an LRA Very High Fire Hazard Severity Zone, as both are defined in GC Section 51177, a legislative body of a county, except as provided in GC Subsection 66474.02(c), shall make findings regarding compliance with the SRA Fire Safe Regulations and the availability of structural fire protection and suppression services. These findings and accompanying map shall be transmitted to the Board of Forestry and Fire Protection and comply with the requirements in Title 14, Division 1.5, Chapter 7, Subchapter 1, Article 1.

SECTION 4909 SUBDIVISION REVIEW SURVEY

4909.1 Subdivision identification. Pursuant to Public Resources Code Section 4290.5 and Title 14, Division 1.5, Chapter 7, Subchapter 1, Article 2, the Board, in consultation with the Office of the State Fire Marshal, shall survey local governments to identify existing subdivisions, as defined in Article 2, located in an SRA area or an LRA Very High Fire Hazard Severity Zone without a secondary egress route that is at significant fire risk.

4909.2 Fire safety recommendations. The Board, in consultation with the Office of the State Fire Marshal and the local government that identified the subdivision, shall develop recommendations to improve the subdivision's fire safety. The Board shall provide the final recommendations to the local government that identified the subdivision and to the residents of the subdivision.

4909.3 Implementation. The Board shall maintain a list of the subdivisions identified and the status of the implementation of the recommendations provided.

4909.4 Re-survey. Beginning July 1, 2021, the Board shall conduct this survey every 5 years.

SECTION 4910 GENERAL PLAN SAFETY ELEMENT

4910.1 General. Pursuant to Government Code Section 65302(g)(3), the safety element of a city or county's General Plan shall be reviewed and updated as necessary to address the risk of fire for land classified as SRA, as defined in Section 4102 of the Public Resources Code, and land classified as an LRA Very High Fire Hazard Severity Zone, as defined in Section 51177.

4910.2 Submission to the Board of Forestry and Fire Protection and local fire agencies. Pursuant to Government Code Section 65302.5(b)(1), the draft element of, or draft

amendment to, the safety element of a county or a city's general plan shall be submitted to the State Board of Forestry and Fire Protection and to every local agency that provides fire protection to territory in the city or county at least 90 days prior to either of the following: the adoption or amendment to the safety element of its general plan for each county that contains state responsibility areas; or the adoption or amendment to the safety element of its general plan for each city or county that contains a Very High Fire Hazard Severity Zone as defined pursuant to subdivision (i) of Section 51177.

4910.3 Review by the Board of Forestry and Fire Protection and local fire agencies. *The State Board of Forestry and Fire Protection shall, and a local agency may, review the draft or an existing safety element and recommend changes to the planning agency within 60 days of its receipt regarding the requirements in Government Code Section 65302.5(b)(2). The review by the Board of Forestry and Fire Protection is governed by Title 14, Division 1.5, Chapter 7, Article 6.*

4910.4 Adoption of the safety element. *Prior to the adoption of its draft element or draft amendment, the board of supervisors of the county or the council of a city shall consider the recommendations, if any, made by the State Board of Forestry and Fire Protection and any local agency that provides fire protection to territory in the city or county. The board of supervisors or city council shall respond to the Board of Forestry and Fire Protection and any local agency providing fire protection in compliance with Government Code Section 65302.5(b)(3) and (b)(4) and Title 14, Division 1.5, Chapter 7, Article 6.*

1. The purpose of this document is to provide a clear and concise summary of the project's progress and to identify any issues that need to be addressed. This document will be used by the project team and the steering committee to make informed decisions about the project's future.

2. The project has made significant progress since the last meeting. The team has completed the initial research and has identified the key areas of focus. The project plan has been developed and the team is now working on the implementation phase.

3. There are several issues that need to be addressed. The first issue is the lack of resources. The team needs more staff and equipment to complete the project on time. The second issue is the need for more information. The team needs to gather more data and conduct more research to ensure that the project is based on sound evidence.

4. The project team is committed to completing the project on time and within budget. We will continue to work hard and communicate regularly with the steering committee to ensure that the project is on track.

5. The project is expected to be completed by the end of the year. The team will submit a final report to the steering committee at that time.

ection 4906 Vegetation Management

4906.1 General

Planting of vegetation for new landscaping shall be selected to reduce non-fire-resistant vegetation in proximity to a structure and to maintain vegetation as it matures.

4906.2 Application

All new plantings of vegetation in State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) designated as a Very High Fire Hazard Severity Zone shall comply with Sections 4906.3 through 4906.5.3.

4906.3 Landscape Plans

Landscape plans shall be provided when required by the enforcing agency. The landscape plan shall include development and maintenance requirements for the vegetation management zone adjacent to structures and roadways, and to provide significant fire hazard reduction benefits for public and firefighting safety.

4906.3.1 Contents

Landscape plans shall contain the following:

- 1. Delineation of the 30-foot (9144 mm) and 100-foot (30.5 m) fuel management zones from all structures.
- 2. Identification of existing vegetation to remain and proposed new vegetation.
- 3. Identification of irrigated areas.
- 4. A plant legend with both botanical and common names, and identification of all plant material symbols.
- 5. Identification of ground coverings within the 30-foot (9144 mm) zone.

4906.4 Vegetation

All new vegetation shall be fire-resistant vegetation in accordance with this section.

Exception: Trees classified as non-fire-resistant vegetation complying with Section 4906.4.2.1.

To be considered fire-resistant vegetation, it must meet at least one of the following:

- 1. Be identified as fire-resistant vegetation in an approved book, journal or listing from an approved organization.
- 2. Be identified as fire-resistant vegetation by a licensed landscape architect with supporting justification.
- 3. Plants considered fire-resistant vegetation and approved by the local enforcing agency.

4906.4.1 Shrubs

All new plantings of shrubs shall comply with the following:

- 1. Shrubs shall not exceed 6 feet (1829 mm) in height.
- 2. Groupings of shrubs are limited to a maximum aggregate diameter of 10 feet (3048 mm).
- 3. Shrub groupings shall be separated from other groupings a minimum of 15 feet (4572 mm).

4. Shrub groupings shall be separated from structures a minimum of 30 feet (9144 mm).

5. Where shrubs are located below or within a tree's drip line, the lowest tree branch shall be a minimum of three times the height of the understory shrubs or 10 feet (3048 mm), whichever is greater.

4906.4.2 Trees

Trees shall be managed as follows within the 30-foot (9144 mm) zone of a structure:

1. *New trees shall be planted and maintained so that the tree's drip line at maturity is a minimum of 10 feet (3048 mm) from any combustible structure.*
2. *The horizontal distance between crowns of new trees and crowns of adjacent trees shall not be less than 10 feet (3048 mm).*
3. *Existing trees shall be trimmed to provide a minimum separation of 10 feet (3048 mm) away from chimney and stovepipe outlets per Title 14, Section 1299.03.*

4906.4.2.1 Non-Fire-Resistant Vegetation

New trees not classified as fire-resistant vegetation, such as conifers, palms, pepper trees and eucalyptus species, shall be permitted provided the tree is planted and maintained so that the tree's drip line at maturity is a minimum 30 feet (9144 mm) from any combustible structure.

**State of California
Office of Administrative Law**

In re:
Department of Insurance

Regulatory Action:

Title 10, California Code of Regulations

Adopt sections: 2644.9

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3


OAL Matter Number: 2022-0901-05

OAL Matter Type: Regular (S)

In this regular rulemaking action, the Department of Insurance adopts requirements for insurers to reflect and take into account specified mitigation factors in their rating plans for the purposes of segmenting rates, creating a risk differential, or surcharging a premium due to wildfire risk.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/14/2022.

Date: October 14, 2022



**Amy R. Gowan
Senior Attorney**

**For: Kenneth J. Pogue
Director**

Original: Ricardo Lara, Commissioner

Copy: George Teekell

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2022-0215-08	REGULATORY ACTION NUMBER 2022-0901-055	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

RECEIVED DATE PUBLICATION DATE

FEB 15 '22

FEB 25 '22

OFFICE OF ADMIN. LAW
2022 SEP 1 PM 4:11

Office of Administrative Law

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
California Department of InsuranceENDORSED - FILED
In the office of the Secretary of State
of the State of California

OCT 14 2022

2:08 pm

AGENCY FILE NUMBER (If any)
REG-2020-00015

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Mitigation in Rating Plans & Wildfire Risk Models		TITLE(S) 10	FIRST SECTION AFFECTED 2644.9	2. REQUESTED PUBLICATION DATE 2/25/2022
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON George Teekell	TELEPHONE NUMBER (415) 538-4390	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2022, 8-2	PUBLICATION DATE 2/25/2022

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Mitigation in Rating Plans and Wildfire Risk Models	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) Z-2022-0215-08
-------------------------------------------------------------------------------------	----------------------------------------------------------------------------

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.) 2644.9	ADOPT
TITLE(S) 10	AMEND
	REPEAL

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code § 11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§ 11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, § 11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§ 11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, § 11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, § 44 and Gov. Code § 11347.1) June 15, 2022 to July 1, 2022

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11346.1, 11346.1(d); Cal. Code Regs., title 1, § 100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code § 11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM § 6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON George Teekell	TELEPHONE NUMBER (415) 538-4390	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) teekell.g@insurance.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE BRYANT HENLEY - Deputy Commissioner	DATE 9-1-22
TYPED NAME AND TITLE OF SIGNATORY BRYANT HENLEY - Deputy Commissioner	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 14 2022

Office of Administrative Law

**STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
300 Capitol Mall, 17th Floor
Sacramento, CA 95814**

FINAL TEXT OF REGULATION

MITIGATION IN RATING PLANS AND WILDFIRE RISK MODELS

September 1, 2022

REG-2020-00015

Title 10. Investment
Chapter 5. Insurance Commissioner
Subchapter 4.8. Review of Rates
Article 4. Determination of Reasonable Rates

Adopt: Section 2644.9. Consideration of Mitigation Factors; Wildfire Risk Models.

(a) Applicability.

- (1) An insurer that applies or uses a rate that is developed with, determined by or relies upon, in whole or in part, a rating plan that segments, creates a rate differential, or surcharges the premium based upon a policyholder or applicant's wildfire risk shall comply with this Section 2644.9. If a rate that is developed with, determined by or relies upon a rating plan that complies with this section is approved, in whole or in part, and thereafter such rating plan is replaced, or modified in any manner, including but not limited to, the inclusion of new factors, or different criteria or algorithms, the insurer shall, prior to implementing the new or modified rating plan, file a new rate application, which shall include the new or modified rating plan. No such new or modified rating plan shall be used unless and until the new rate application is approved.
- (2) A rating plan shall satisfy the requirements of subdivision (d)(1) of this Section 2644.9 only if the rating plan taken as a whole, including the operation of any Wildfire Risk Models that may be incorporated into the rating plan, takes into account and reflects the factors described in subdivisions (d)(1)(A) and (d)(1)(B) of this section. Nothing in this section shall be construed to require the use of a Wildfire Risk Model.

(b) Definitions.

As used in this section, each of the following terms has the meaning set forth below:

(1) Building Being Evaluated.

The term “Building Being Evaluated” means the residential or commercial structure in question, and includes decks that are attached to or abut the structure.

(2) Class-A Fire Rated Roof.

The term “Class-A Fire Rated Roof” has the same meaning as in the Chapter 7A California Building Code (2019) as modified by the July 2021 supplement thereto, codified at Section 705A.1 of Part 2 of Title 24.

(3) Enclosed Eaves.

“Enclosed Eaves” are roof eaves that have either (1) boxed-in roof eave soffits with a horizontal underside or (2) an exterior covering applied to the underside of the rafter tails supporting the eaves, which covering is sloped corresponding to the slope of the rafter tails. Enclosed Eaves are thus distinguishable from open roof eaves, whose rafter tails are exposed.

(4) Fire-Resistant Vents.

The term “Fire-Resistant Vents” has the same meaning as in the Chapter 7A California Building Code (2019) as modified by the July 2021 supplement thereto, codified at Sections 706A.1 and 706A.2 of Part 2 of Title 24.

(5) Firewise USA Site in Good Standing.

A “Firewise USA Site in Good Standing” is a community that, at the time the Building Being Evaluated is rated, is recognized as such by the National Fire Protection Association, a Massachusetts 501(c)(3) corporation.

(6) Wildfire Risk Model.

(A) The term "Wildfire Risk Model" means any tool, instrumentality, means or product, including but not limited to a map-based tool, a computer-based tool or a simulation, that is used by an insurer, in whole or in part, to

measure or assess the wildfire risk associated with a residential or commercial structure for purposes of:

1. Classifying individual structures according to their wildfire risk; or
2. Estimating losses corresponding to such wildfire risk classifications.

(B) The term "Wildfire Risk Model" does not include models used for purposes of projecting aggregate losses under Section 2644.4 or 2644.5.

(c) Wildfire Risk Models to be provided to the Commissioner.

Pursuant to Insurance Code section 1861.05, subdivision (b), any Wildfire Risk Model, as defined in subdivision (b)(6) of this section, that is used, in whole or in part, in an insurer's rating plan shall be provided to the Commissioner as part of an insurer's complete rate application.

(d) Mandatory factors.

(1) No insurer shall use a rating plan that does not take into account and reflect the following mandatory factors:

(A) Community-level mitigation designations: The rating plan shall reflect, and the rate offered to the applicant or insured shall be based in part on, the reduced wildfire risk associated with each and every community-level mitigation designation listed below in this subdivision (d)(1)(A) that is applicable to the community in which the Building Being Evaluated is located. Community-level mitigation designations include:

1. Fire Risk Reduction Community listed by the Board of Forestry pursuant to Public Resources Code section 4290.1; and
2. Firewise USA Site in Good Standing.

(B) Property-level mitigation efforts.

The rating plan shall reflect, and the rate offered to the applicant or insured shall be based in part on, the reduced wildfire risk resulting from each and every property-level wildfire risk mitigation effort listed in subdivisions (d)(1)(B)1.a. through (d)(1)(B)1.e. and (d)(1)(B)2.a. through (d)(1)(B)2.e., below, that is undertaken with respect to an individual

property being assessed for risk. Individual property-level wildfire risk mitigation efforts include:

1. Measures addressing the immediate surroundings of the Building Being Evaluated, including:
 - a. Clearing of vegetation and debris from under decks,
 - b. Clearing of vegetation, debris, mulch, stored combustible materials, and any and all movable combustible objects, from the area within five (5) feet of the Building Being Evaluated,
 - c. Incorporation of only noncombustible materials into that portion of any improvements to the property on which the Building Being Evaluated is located, including fences and gates, which is situated within five (5) feet of the Building Being Evaluated,
 - d. Removal or absence of combustible structures, including sheds and other outbuildings, from the area within thirty (30) feet of the Building Being Evaluated or, in the event that the applicant or insured does not control the entirety of the area extending thirty feet from the Building Being Evaluated, removal of combustible structures from as much of such area as is under the control of the applicant or policyholder, and
 - e. Whether the property upon which the Building Being Evaluated is situated complies with Section 4291 of the Public Resources Code, and any applicable local ordinances, governing defensible space; and
2. Building hardening measures, including provision of the following:
 - a. Class-A Fire Rated Roof,
 - b. Enclosed Eaves,
 - c. Fire-Resistant Vents,

- d. Multipane windows, including dual pane windows, or functional shutters, which when closed, cover the entire window and do not have openings, and
 - e. At least six (6) inches of noncombustible vertical clearance at the bottom of the exterior surface of the building, measured from the ground up.
- (2) No later than one hundred eighty (180) days following the date this section is filed with the Secretary of State, each insurer shall file a rate application that incorporates a rating plan that includes the factors described in subdivision (d)(1) of this section.
- (e) Optional factors.

An insurer may use a rating plan which incorporates other factors that the insurer demonstrates are substantially related to risk of wildfire loss, and do not result in rates that are excessive, inadequate or unfairly discriminatory. These optional factors may include, but are not limited to:

- (1) Fuel: This factor shall take into account the various types of combustible materials, and the density of those materials, in the vicinity of the Building Being Evaluated, including the location of trees, grass, brush, and other vegetation relative to the structure. The fuel factor shall take into account the fact that different fuels burn at different rates and intensities, resulting in different levels of wildfire risk. If used, this factor shall reflect the historic and estimated impact on losses related to fuel, as described in this subdivision (e)(1).
- (2) Slope: This factor shall take into account the position of the Building Being Evaluated on a slope relative to potential sources of ignition, and the steepness of the slope between those potential sources of ignition and the structure. If used, this factor shall reflect the historic and estimated impact on losses related to slope, as described in this subdivision (e)(2).
- (3) Access: Access reflects the ease or difficulty with which firefighting personnel and equipment can reach structures at risk of wildfire. The access factor shall include consideration of the presence of dead-end roads, road width, shoulders, and availability of multiple access points with respect to the Building Being Evaluated. If used, this factor shall reflect the historic and estimated impact on losses related to access, as described in this subdivision (e)(3).
- (4) Aspect: The aspect factor shall reflect the direction the slope upon which the Building Being Evaluated is located faces. If used, this factor shall reflect the historic and estimated impact on losses related to aspect, as described in this subdivision (e)(4).

- (5) Structural characteristics: The structural characteristics factor shall reflect the materials used in the construction, and may reflect such items as the design, of the Building Being Evaluated. The structural characteristics factor shall not reflect the construction materials or any other item the insurer is required to take into account pursuant to subdivision (d) of this section. If used, the structural characteristics factor shall reflect the historic and estimated impact on losses related to structural characteristics, as described in this subdivision (e)(5).
- (6) Wind: The wind factor shall take into account the degree to which wind speed and direction in the vicinity of the Building Being Evaluated may impact a wildfire's progression. If used, the wind factor shall reflect the historic and estimated impact on losses related to wind, as described in this subdivision (e)(6).
- (7) Other community-level or property-level mitigation efforts, or designations, not specified in subdivision (d) of this section as recommended by a state or local fire safety agency or organization as reducing wildfire risk.

(f) Availability for public inspection.

Any rating plan, or Wildfire Risk Model submitted to the Commissioner in connection with a complete rate application pursuant to subdivision (c) of this section, or any additional documentation relating to such rating plan or model as may be requested by the Commissioner during the review of any such application, including any records, data, algorithms, computer programs, or any other information used in connection with the rating plan or Wildfire Risk Model used by the insurer which is provided to the Commissioner, shall be available for public inspection pursuant to Insurance Code sections 1861.05, subdivision (b), and 1861.07, regardless of the source of such information, or whether the insurer or the developer of the rating plan or Wildfire Risk Model claims the rating plan or Wildfire Risk Model is confidential, proprietary, or trade secret. Pursuant to Insurance Code section 1855.5, subdivision (a), a Wildfire Risk Model as defined in subdivision (b)(6) of this section that is made available by an advisory organization to its members for use in California shall be filed with the Commissioner and made available for public inspection.

(g) Credible data.

Any rate application shall incorporate the insurer's own California wildfire loss data to the extent that it is credible to support each segment, rating differential, or surcharge being requested. To the extent the insurer's own California data is not fully credible, the insurer shall credibility-weight its data with an appropriate complement of credibility to support each segment, rating differential, or premium surcharge. If the Commissioner aggregates California premium-and-loss data by wildfire risk to create a fire and wildfire exposure risk manual pursuant to Insurance Code section 929.2, an insurer may rely on the then-current version of the manual as support for each segment, rating differential, or surcharge being requested in connection with a residential property rate application,

either directly or as a complement of credibility to the insurer's own California wildfire loss data.

- (h) Provision of wildfire risk score or other wildfire risk classification to policyholder or applicant.

An insurer utilizing a Wildfire Risk Model, or rating factor, to segment, create a rate differential, or surcharge the premium based upon the policyholder or applicant's wildfire risk shall, within one hundred eighty (180) days after the date this section is filed with the Secretary of State, implement a written procedure to provide, in writing, to each such policyholder or applicant for property insurance the wildfire risk score or other wildfire risk classification used by the insurer to segment, create a rate differential, or surcharge the premium based upon the policyholder or applicant's wildfire risk. The insurer shall provide to the policyholder or applicant such wildfire risk score or classification at the following times:

- (1) No later than fifteen (15) days following the submission to the insurer of the applicant's completed application;
- (2) At least forty-five (45) days prior to each renewal;
- (3) At least seventy-five (75) days prior to any nonrenewal; and
- (4) In the event that the policyholder or applicant has completed a mitigation measure on the subject property since the time of the last application to or renewal by the insurer, no later than thirty (30) days following the submission to the insurer of the policyholder or applicant's request that the insurer provide a revised wildfire risk score or wildfire risk classification.

- (i) Policyholder or applicant's right to appeal.

The procedure described in subdivision (h) of this section shall permit a policyholder under, or applicant for, a policy of property insurance who disagrees with the assignment of the wildfire risk score, or other wildfire risk classification, provided to the policyholder or applicant pursuant to that subdivision the right to appeal orally or in writing that assignment directly to the insurer. The insurer shall notify the policyholder or applicant in writing of this right to appeal the wildfire risk score or other wildfire risk classification whenever such score or classification is provided to the policyholder or applicant as set forth in subdivision (h) of this section. If the policyholder or applicant appeals the wildfire risk score or other wildfire risk classification, the insurer shall acknowledge receipt of the appeal in writing within ten (10) calendar days of receipt of the appeal. The insurer shall respond to the appeal in writing with a reconsideration and decision within thirty (30) calendar days after receiving the appeal. In the event that an

appeal is denied, the insurer shall, upon request by the Department, forward a copy of the appeal, and the insurer's response, to the Department.

(j) Representation by broker or agent.

If the policyholder or applicant is represented by a broker, or the insurer is represented by an insurance agent with respect to the policyholder's policy or the applicant's application, the policyholder or applicant may appeal orally or in writing to the agent or broker the assignment of wildfire risk score or other wildfire risk classification, who shall then forward that appeal to the insurer no later than five (5) calendar days after receiving the appeal from the policyholder or applicant. The insurer shall acknowledge receipt of the appeal in writing to the policyholder or applicant and the agent or broker no later than five (5) calendar days after receipt of the appeal from the broker or agent. The insurer shall respond to the appeal to the policyholder or applicant and the agent or broker with a written reconsideration and decision of the appeal within thirty (30) calendar days after receiving the appeal from the broker or agent. In the event that an appeal is denied, the insurer shall, upon request by the Department, forward a copy of the appeal, and the insurer's response, to the Department.

(k) Explanation of wildfire risk score or other wildfire risk classification.

Whenever a wildfire risk score, or other wildfire risk classification used by the insurer to segment, create a risk differential or surcharge the premium for a particular policyholder or applicant, is identified or provided to the policyholder or applicant pursuant to subdivision (h) of this section, the insurer shall also provide in writing:

- (1) The range of such scores or classifications that could possibly be assigned to any policyholder or applicant;
- (2) The relative position of the score or classification assigned to the policyholder or applicant in question within that range of possible scores or classifications, and the impact of the score or classification on the rate or premium; and
- (3) A detailed written explanation of why the policyholder or applicant received the assigned score or classification; the explanation shall make specific reference to the features of the property in question that influenced the assignment of the score or classification.

The insurer shall provide, in addition, the following information:

- (A) Which mitigation measure or measures can be taken by the policyholder or applicant to lower the wildfire risk score or classification; and
- (B) The amount of premium reduction the policyholder or applicant would realize as a result of performing each such measure under the insurer's rating plan that is in effect at the time.

- (l) Notification to policyholder or applicant of right to contact Department in connection with insurer's response to appeal.

When an insurer responds to the applicant or policyholder in connection with an appeal pursuant to subdivision (i) or (j) of this section, it shall also notify the policyholder or applicant in writing that the policyholder or applicant may contact the Department of Insurance for assistance if the policyholder or applicant disagrees with the insurer's written reconsideration and decision. In any event, the insurer shall provide the policyholder or applicant with the Department of Insurance toll-free consumer hotline and web address of the Department's Consumer Complaint Center.

- (m) No curtailment of applicant or policyholder's rights.

Nothing in this section shall be construed to limit the right of an applicant or policyholder to complain directly to the Commissioner at any time or to pursue any other remedy or other action allowed under California or federal law.

- (n) Inapplicability to certain commercial policies.

This section shall not apply to a commercial policy insuring multiple locations, none of whose wildfire risk is considered in rating the policy.

NOTE: Authority cited: Sections 1858, 1859, 1861.01, 1861.05 and 1861.07, Insurance Code; *20th Century v. Garamendi*, 8 Cal.4th 216 (1994). Reference: Sections 1851, 1855.5, 1858, 1861.05, 1861.07 and 1861.13, Insurance Code.

State of California

PUBLIC RESOURCES CODE

Section 4291

4291. (a) A person who owns, leases, controls, operates, or maintains a building or structure in the state responsibility area shall at all times do all of the following:

(1) (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, except as provided in subparagraph (B). The amount of fuel modification necessary shall consider the flammability of the structure as affected by building material, building standards, location, and type of vegetation. Fuels shall be maintained and spaced in a condition so that a wildfire would be unlikely to ignite the structure. This subparagraph does not apply to single specimens of trees or other vegetation that are well-pruned and maintained so as to effectively manage fuels and not form a means of rapidly transmitting fire from other nearby vegetation to a structure or from a structure to other nearby vegetation or to interrupt the advance of embers toward a structure. The intensity of fuels management may vary within the 100-foot perimeter of the structure, with more intense fuel reductions being utilized between 5 and 30 feet around the structure, and an ember-resistant zone being required within 5 feet of the structure, based on regulations promulgated by the board, in consultation with the department, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. The regulations may also alter the fuel reduction required between 5 and 30 feet to integrate the ember-resistant zone into the requirements of this section. Consistent with fuels management objectives, steps should be taken to minimize erosion, soil disturbance, and the spread of flammable nonnative grasses and weeds. For purposes of this subparagraph, "fuel" means any combustible material, including petroleum-based products, cultivated landscape plants, grasses, and weeds, and wildland vegetation.

(B) A greater distance than that required under subparagraph (A) may be required by state law, local ordinance, rule, or regulation. Fuel modification beyond the property line may only be required by state law, local ordinance, rule, or regulation in order to maintain 100 feet of defensible space from a structure. Fuel modification on adjacent property shall only be conducted following written consent by the adjacent landowner. Any local ordinance related to fuel modification shall be in compliance with all applicable state laws, regulations, and policies. Any local ordinance may include provisions to allocate costs for any fuel modification beyond the property line.

(C) An insurance company that insures an occupied dwelling or occupied structure may require a greater distance than that required under subparagraph (A) if a fire expert, designated by the director, provides findings that the fuel modification is necessary to significantly reduce the risk of transmission of flame or heat sufficient

to ignite the structure, and there is no other feasible mitigation measure possible to reduce the risk of ignition or spread of wildfire to the structure. The greater distance may not be beyond the property line unless allowed by state law, local ordinance, rule, or regulation.

(2) Remove that portion of a tree that extends within 10 feet of the outlet of a chimney or stovepipe.

(3) Maintain a tree, shrub, or other plant adjacent to or overhanging a building free of dead or dying wood.

(4) Maintain the roof of a structure free of leaves, needles, or other vegetative materials.

(5) Before constructing a new building or structure or rebuilding a building or structure damaged by a fire in an area subject to this section, the construction or rebuilding of which requires a building permit, the owner shall 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, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

(b) A person is not required under this section to manage fuels on land if that person does not have the legal right to manage fuels, nor is a person required to enter upon or to alter property that is owned by any other person without the consent of the owner of the property.

(c) (1) Except as provided in Section 18930 of the Health and Safety Code, the State Fire Marshal may adopt regulations exempting a structure with an exterior constructed entirely of nonflammable materials, or, conditioned upon the contents and composition of the structure, the director may vary the requirements respecting the removing or clearing away of flammable vegetation or other combustible growth with respect to the area surrounding those structures.

(2) An exemption or variance under paragraph (1) shall not apply unless and until the occupant of the structure, or if there is not an occupant, the owner of the structure, files with the State Fire Marshal, in a form as the State Fire Marshal shall prescribe, a written consent to the inspection of the interior and contents of the structure to ascertain whether this section and the regulations adopted under this section are complied with at all times.

(d) The State Fire Marshal may authorize the removal of vegetation that is not consistent with the standards of this section. The State Fire Marshal may prescribe a procedure for the removal of that vegetation and make the expense a lien upon the

building, structure, or grounds, in the same manner that is applicable to a legislative body under Section 51186 of the Government Code.

(e) (1) The board, in consultation with the State Fire Marshal, shall develop, periodically update, and post on its internet website a guidance document on fuels management pursuant to this chapter. The guidance document shall include, but not be limited to, regionally appropriate vegetation management suggestions that preserve and restore native species that are fire resistant or drought tolerant, or both, minimize erosion, minimize water consumption, and permit trees near homes for shade, aesthetics, and habitat; and 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.

(2) On or before January 1, 2023, the board, in consultation with the State Fire Marshal, shall update the guidance document to include suggestions for creating an ember-resistant zone within five feet of a structure, based on regulations promulgated by the board, in consultation with the department, to consider the elimination of materials in the ember-resistant zone that would likely be ignited by embers. Existing and new structures shall meet the same standard for the ember-resistant zone, but regulations shall allow the staging of work for existing structures to support implementation of the ember-resistant zone and address the costs of compliance.

(f) The State Fire Marshal shall do both of the following:

(1) Recommend to the board the types of vegetation or fuel that are to be excluded from an ember-resistant zone based on the probability that vegetation and fuel will lead to ignition by ember of a structure as a part of the update to the guidance document pursuant to paragraph (2) of subdivision (e).

(2) Make reasonable efforts to provide notice to affected residents describing the requirements added by the amendments to paragraph (1) of subdivision (a) made in Assembly Bill 3074 of the 2019–20 Regular Session before the imposition of penalties for violating those requirements.

(g) (1) The requirement for an ember-resistant zone pursuant to paragraph (1) of subdivision (a) shall not take effect for new structures until the board updates the regulations, pursuant to paragraph (1) of subdivision (a), and the guidance document, pursuant to paragraph (2) of subdivision (e).

(2) The requirement for an ember-resistant zone pursuant to paragraph (1) of subdivision (a) shall take effect for existing structures three years after the effective date for the new structures.

(h) The department shall not change defensible space inspection practices and forms or enforcement to implement the requirement for an ember-resistant zone until the State Fire Marshal makes a written finding, which the State Fire Marshal shall post on the department's internet website, that the Legislature has appropriated sufficient resources to do so.

(i) For purposes of this section, a structure for the purpose of an ember-resistant zone shall include any attached deck. This section does not limit the authority of the board or the department to require the removal of fuel or vegetation on top of or underneath a deck pursuant to this section.

(j) As used in this section, “person” means a private individual, organization, partnership, limited liability company, or corporation.

(Amended by Stats. 2024, Ch. 982, Sec. 4. (SB 504) Effective January 1, 2025.)