

Introduced by Senator KehoeFebruary 22, 2008

An act to amend Sections 51175, 51177, 51178, 51182, 51183, and 51189 of, and to add Sections 8682.10 and 8682.11 to, the Government Code, and to amend Section 4291 of, and to add Article 3.6 (commencing with Section 4140) to Chapter 1 of Part 2 of Division 4 of, the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1617, as introduced, Kehoe. Public resources: fire protection: fuels management.

(1) Existing law requires the state to have the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas.

This bill would place a fee on developers of buildings and structures when the building permit is issued and a fee annually on property owners with residential structures within the state responsibility areas. The property owner fee would be reduced if a property owner complies with specified fire prevention requirements. Because the moneys generated from the fee would fund, among other things, fuels management on public lands, year-round fire inspections of compliance with state law, and public education on fire prevention and emergency response, the bill would impose a tax.

Because this bill would impose new duties on local government to collect money when a permit is issued, the bill would create a state-mandated local program.

(2) Existing law requires that a person who owns, leases, controls, operates, or maintains an occupied dwelling or occupied structure in,

upon, or adjoining certain terrains that is within a very high fire hazard severity zone, as designated by a local agency, maintain at all times a firebreak by removing all brush, flammable vegetation, or other combustible growth for a prescribed number of feet from the occupied dwelling or occupied structure, with exceptions, as well as take other required fire prevention actions.

A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or land that is covered with flammable material, within a state responsibility area, is required to maintain at all times a firebreak by removing all brush, flammable vegetation, or other combustible growth for a prescribed number of feet from the dwelling or structure, with exceptions, as well as take other required fire prevention actions. A violation of these provisions is a crime.

This bill would delete certain terrain qualifications, thereby applying these provisions to any land within a very high fire severity zone as designated by a local agency without regard to the type of terrain. The bill would also change the current brush clearance requirements, and would instead require the owner or person in control of a qualified property to reduce the risk of ignition by managing fuel materials within a certain number of feet from the above-described dwellings, buildings, or structures. The bill would require that fuel found in vegetation, in manmade objects, and in connection with improvements attached to the structure be managed by collecting and disposing of combustible matter and irrigating living plants as required to sustain the species during exposure to a wildfire. Local agencies would be authorized to place alternative requirements in effect in areas where water shortages exist.

This bill would add to the criteria under which the Director of Forestry and Fire Protection designates an area as a very high fire hazard severity zone. The bill would also define various terms for purposes of these provisions and revise legislative findings and declarations concerning fire risks and site fuel management.

Because this bill would change the definition of a crime, it would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

(4) This bill would result in a change in state taxes for the purpose of increasing state revenues within the meaning of Section 3 of Article XIII A of the California Constitution, and thus would require for passage the approval of 2/3 of the membership of each house of the Legislature.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8682.10 is added to the Government
2 Code, to read:

3 8682.10. It is the intent of the Legislature to provide direct
4 incentives for local jurisdictions to achieve the maximum
5 reimbursement possible under the applicable allocation sections
6 (Article 4 (commencing with Section 8685)) by conditioning
7 eligibility for full reimbursement by the state to the local
8 jurisdiction's level of compliance with, and adoption and
9 implementation of, the following elements of fire prevention: fuels
10 management; land use regulations for fire-safe development in
11 wildland-urban interface areas; current state building codes that
12 reduce the generation of embers and ignition sources within and
13 around structures; a year-round inspection program for compliance
14 with Government Code and Public Resources Code sections,
15 including those relating to fuels management and establishing
16 defensible space; fuels management on public lands, including the
17 removal of dead and dying trees; encouraging the retrofitting of
18 existing homes to comply with current fire prevention-related state
19 building codes; and an ongoing public education program on fire
20 prevention and emergency response, including the local Fire Safe
21 Councils.

22 SEC. 2. Section 8682.11 is added to the Government Code, to
23 read:

24 8682.11. It is the intent of the Legislature that by January 1,
25 2010, the State Fire Marshal shall establish a sliding scale for

1 reimbursement based on compliance with, and adoption and
2 implementation of, the elements of fire prevention set forth in
3 Section 8682.10.

4 SEC. 3. Section 51175 of the Government Code is amended
5 to read:

6 51175. The Legislature hereby finds and declares as follows:

7 (a) ~~Fires~~*Wildfires* are extremely costly, not only to property
8 owners and residents, but also to local agencies. ~~Fires~~*Wildfires*
9 pose a serious threat to the preservation of the public peace, health,
10 or safety. *The wildfire front is not the only source of risk since*
11 *embers, or firebrands, travel far beyond the area impacted by the*
12 *front and pose a risk of ignition to a structure or fuel on a site for*
13 *a longer time.* Since fires ignore civil boundaries, it is necessary
14 that cities, counties, special districts, state agencies, and federal
15 agencies work together to bring raging fires under control.
16 Preventive measures are therefore needed to ensure the preservation
17 of the public peace, health, or safety.

18 (b) The prevention of fires is not a municipal affair, as that term
19 is used in Section 5 of Article XI of the California Constitution,
20 but is instead, a matter of statewide concern. It is the intent of the
21 Legislature that this chapter apply to all local agencies, including,
22 but not limited to, charter cities, charter counties, and charter cities
23 and counties. This subdivision shall not limit the authority of a
24 local agency to impose more restrictive fire and ~~public~~ *public* safety
25 requirements, as otherwise authorized by law.

26 (c) It is not the intent of the Legislature in enacting this chapter
27 to limit or restrict the authority of a local agency to impose more
28 restrictive fire and ~~public~~ *public* safety requirements, as otherwise
29 authorized by law.

30 SEC. 4. Section 51177 of the Government Code is amended
31 to read:

32 51177. As used in this chapter:

33 (a) “Director” means the Director of Forestry and Fire
34 Protection.

35 (b) “Very high fire hazard severity zone” means an area
36 designated by the director pursuant to Section 51178 that is not a
37 state responsibility area.

38 (c) “Local agency” means a city, county, city and county, or
39 district responsible for fire protection within a very high fire hazard
40 severity zone.

1 (d) “Single specimen tree” means any live tree that stands alone
2 in the landscape so as to be clear of buildings, structures,
3 combustible vegetation, or other trees, and that does not form a
4 means of rapidly transmitting fire from the ~~native growth~~
5 *vegetation to any an occupied dwelling or structure or from an*
6 *occupied dwelling or structure to vegetation.*

7 (e) “State responsibility areas” means those areas identified
8 pursuant to Section 4102 of the Public Resources Code.

9 (f) “Fuel” means matter that will ignite and burn, whether
10 *vegetation or manmade materials. For purposes of this chapter,*
11 *fuel is that matter that is likely to ignite when exposed for the*
12 *typical duration of the wildfire front predicted by the very high*
13 *fire hazard severity rating system.*

14 (g) “Fuel management” means the sustained and uninterrupted
15 *human effort to keep fuels below a risk threshold of ignition during*
16 *the passage of a wildfire in the vicinity.*

17 (h) “Wildfire” means a fire on an area the size of an acre or
18 *larger of vegetation, whether cultivated or not.*

19 (i) “Wildfire front” means the leading edge of the wildfire where
20 *high heat and large flames pose great hazards for a short duration*
21 *as the wildfire moves.*

22 (j) “Vegetation” means all plants, including trees, shrubs, grass,
23 *and perennial or annual plants.*

24 SEC. 5. Section 51178 of the Government Code is amended
25 to read:

26 51178. (a) The director shall identify areas in the state as very
27 high fire hazard severity zones based on consistent statewide
28 criteria and based on the severity of fire hazard that is expected to
29 prevail in those areas. Very high fire hazard severity zones shall
30 be based on fuel loading, slope, fire weather, and other relevant
31 factors *including areas where Santa Ana winds have been identified*
32 *by the Department of Forestry and Fire Protection as a cause of*
33 *a wildfire.*

34 (b) On or before January 1, 1995, the director shall identify
35 areas as very high fire hazard severity zones in the Counties of
36 Alameda, Contra Costa, Los Angeles, Marin, Napa, Orange,
37 Riverside, San Bernardino, San Francisco, San Mateo, Santa
38 Barbara, Santa Clara, Solano, Sonoma, and Ventura. This
39 information shall be transmitted to all local agencies with identified
40 very high fire hazard severity zones within 30 days.

1 (c) On or before January 1, 1996, the director shall identify
2 areas as very high fire hazard severity zones in all other counties.
3 This information shall be transmitted to all local agencies with
4 identified high fire hazard severity zones within 30 days.

5 SEC. 6. Section 51182 of the Government Code is amended
6 to read:

7 51182. (a) A person who owns, leases, controls, operates, or
8 maintains ~~any~~ an occupied dwelling or occupied structure in, upon,
9 or adjoining ~~any mountainous area, forest-covered land,~~
10 ~~brush-covered land, grass-covered land, or any land that is covered~~
11 ~~with flammable material, which area or land~~ that is within a very
12 high fire hazard severity zone designated by the local agency
13 pursuant to Section 51179, shall at all times do all of the following:

14 ~~(1) Maintain around and adjacent to the occupied dwelling or~~
15 ~~occupied structure a firebreak made by removing and clearing~~
16 ~~away, for a distance of not less than 30 feet on each side thereof~~
17 ~~or to the property line, whichever is nearer, all flammable~~
18 ~~vegetation or other combustible growth. This paragraph does not~~
19 ~~apply to single specimens of trees or other vegetation that is~~
20 ~~well-pruned and maintained so as to effectively manage fuels and~~
21 ~~not form a means of rapidly transmitting fire from other nearby~~
22 ~~vegetation to any dwelling or structure.~~

23 ~~(2) Maintain around and adjacent to the occupied dwelling or~~
24 ~~occupied structure additional fire protection or firebreaks made~~
25 ~~by removing all brush, flammable vegetation, or combustible~~
26 ~~growth that is located within 100 feet from the occupied dwelling~~
27 ~~or occupied structure or to the property line, or at a greater distance~~
28 ~~if required by state law, or local ordinance, rule, or regulation.~~
29 ~~This section does not prevent an insurance company that insures~~
30 ~~an occupied dwelling or occupied structure from requiring the~~
31 ~~owner of the dwelling or structure to maintain a firebreak of more~~
32 ~~than 100 feet around the dwelling or structure if a hazardous~~
33 ~~condition warrants such a firebreak of a greater distance. Grass~~
34 ~~and other vegetation located more than 30 feet from the dwelling~~
35 ~~or structure and less than 18 inches in height above the ground~~
36 ~~may be maintained where necessary to stabilize the soil and prevent~~
37 ~~erosion. This paragraph does not apply to single specimens of trees~~
38 ~~or other vegetation that is well-pruned and maintained so as to~~
39 ~~effectively manage fuels and not form a means of rapidly~~

1 ~~transmitting fire from other nearby vegetation to a dwelling or~~
2 ~~structure.~~

3 (1) *Reduce the risk of ignition by managing all fuel materials*
4 *on the site surrounding the structure within a radius of 30 feet or*
5 *to the property line, whichever is nearer. Fuel found in vegetation,*
6 *in manmade objects, and improvements attached to the structure*
7 *shall be managed by collecting and disposing of combustible matter*
8 *and by irrigating all living plants, as required for each species,*
9 *to sustain a moisture content that protects the plant from ignition*
10 *during exposure to a wildfire front.*

11 (2) (A) *Reduce the risk of ignition by managing all fuel*
12 *materials surrounding the structure from 30 feet to the property*
13 *line or within a radius of 100 feet from the structure. Fuel found*
14 *in vegetation, in manmade objects, and in connection with*
15 *improvements attached to the structure shall be managed by*
16 *collecting and disposing of combustible material and by irrigating*
17 *all living plants, as required for each species, to sustain a moisture*
18 *content that protects the plant from ignition during exposure to a*
19 *wildfire front.*

20 (B) *A greater distance than that required under subparagraph*
21 *(A) may be required by state law, or local ordinance, rule or*
22 *regulation, or by an insurance company that insures an occupied*
23 *dwelling or occupied structure if fire experts determine and provide*
24 *findings that additional fuel management distance is necessary to*
25 *significantly reduce the risk of transmission of flame or heat*
26 *sufficient to ignite the structure.*

27 (C) *In areas where water shortages exist, local agencies may*
28 *require property owners to reduce irrigation in the 30-foot to*
29 *100-foot fuel management area, and in order to reduce the*
30 *transmission of a flame if the nonirrigated plants ignite, may*
31 *instead require sustainable thinning and pruning of nonirrigated*
32 *vegetation greater than 18 inches in height. Vegetation less than*
33 *18 inches in height should be maintained in a healthy low-fuel*
34 *condition to prevent erosion.*

35 (3) *Remove that portion of any tree that extends within 10 feet*
36 *of the outlet of any chimney or stovepipe.*

37 (4) *Maintain any tree, shrub, or other plant adjacent to or*
38 *overhanging any building free of dead or dying wood and fallen*
39 *litter within or under the vegetation.*

1 (5) Maintain the roof of any structure free of leaves, needles,
2 or other dead vegetative growth.

3 (6) Prior to constructing a new dwelling or structure that will
4 be occupied or rebuilding an occupied dwelling or occupied
5 structure damaged by a fire in that zone, the construction or
6 rebuilding of which requires a building permit, the owner shall
7 obtain a certification from the local building official that the
8 dwelling or structure, as proposed to be built, complies with all
9 applicable state and local building standards, including those
10 described in subdivision (b) of Section 51189, and shall provide
11 a copy of the certification, upon request, to the insurer providing
12 course of construction insurance coverage for the building or
13 structure. Upon completion of the construction or rebuilding, the
14 owner shall obtain from the local building official, a copy of the
15 final inspection report that demonstrates that the dwelling or
16 structure was constructed in compliance with all applicable state
17 and local building standards, including those described in
18 subdivision (b) of Section 51189, and shall provide a copy of the
19 report, upon request, to the property insurance carrier that insures
20 the dwelling or structure.

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

27 SEC. 7. Section 51183 of the Government Code is amended
28 to read:

29 51183. (a) The local agency may exempt from the standards
30 set forth in Section 51182 ~~structures a structure with exteriors an~~
31 ~~exterior~~ constructed entirely of nonflammable materials, or
32 conditioned upon the contents and composition of the structure,
33 ~~and the local agency may vary the requirements respecting the~~
34 ~~removing or clearing away of flammable vegetation or other~~
35 ~~combustible growth with respect to the area management of fuels~~
36 ~~surrounding the structures that structure. In no case shall this~~ This
37 subdivision ~~be deemed to~~ does not authorize a local agency to vary
38 any a requirement that is a building standard subject to Section
39 18930 of the Health and Safety Code, except as otherwise
40 authorized by law.

1 (b) ~~No~~An exemption or variance *under subdivision (a)* shall
 2 *not* apply unless and until the occupant ~~thereof of the structure~~, or
 3 if there ~~be no~~ *is not an* occupant, then the owner ~~thereof of the~~
 4 *structure*, files with the local agency a written consent to the
 5 inspection of the interior and contents of the structure to ascertain
 6 whether ~~the provisions of Section 51182 are~~ *is* complied with at
 7 all times.

8 SEC. 8. Section 51189 of the Government Code is amended
 9 to read:

10 51189. (a) The Legislature finds and declares that ~~space site~~
 11 and structure defensibility is essential to *reduce the risk of structure*
 12 *ignition as well as for effective fire prevention suppression by*
 13 *firefighters*. This *need to establish* defensibility extends beyond
 14 the ~~vegetation site fuel~~ management practices required by this
 15 chapter, and includes, but is not limited to, measures that increase
 16 the likelihood of a structure to withstand ~~intrusion by fire ignition~~,
 17 such as building design and construction requirements that use fire
 18 resistant building materials, and provide ~~protection of standards~~
 19 *for reducing fire risks on* structure projections, including, but not
 20 limited to, porches, decks, balconies and eaves, and structure
 21 openings, including, but not limited to, attic ~~and~~, *foundation, and*
 22 eave vents, *doors*, and windows.

23 (b) No later than January 1, 2005, the State Fire Marshal, in
 24 consultation with the Director of Forestry and Fire Protection and
 25 the Director of Housing and Community Development, shall,
 26 pursuant to Section 18930 of the Health and Safety Code,
 27 recommend building standards that provide for comprehensive
 28 ~~space site and structure defensibility~~ *fire risk reduction* to protect
 29 structures from fires spreading from adjacent structures or
 30 vegetation and *to protect* vegetation from fires spreading from
 31 adjacent structures.

32 SEC. 9. Article 3.6 (commencing with Section 4140) is added
 33 to Chapter 1 of Part 2 of Division 4 of the Public Resources Code,
 34 to read:

35
 36 Article 3.6. State Responsibility Area Fire Protection Fees

37
 38 4140. The Legislature finds and declares all of the following:

39 (a) The wildland fires experienced in California in 2003 and
 40 2007 and subsequent reports issued by the Governor’s Blue Ribbon

1 Fire Commission and its task force reinforce the importance of a
2 comprehensive fire prevention strategy that includes consistent
3 land use guidelines for construction in state responsibility areas
4 and the wildland-urban interface areas throughout the state; updated
5 fuels management based on established fire suppression techniques,
6 fire science, and fire ecology; effective building code standards
7 that reduce the generation of embers and ignition sources within
8 and around structures; a year-round inspection program for
9 compliance with Government Code and Public Resources Code
10 sections including those relating to fuels management and
11 establishing defensible space; fuels management on public lands,
12 including the removal of dead and dying trees; expansion and
13 coordination of the local Fire Safe Council program; and an
14 ongoing public education program on fire prevention and
15 emergency response.

16 (b) Effective fuels management and establishing reliable and
17 consistent defensible space took on added significance in the
18 aftermaths of the 2003 and 2007 wildland fires. It is the intent of
19 the Legislature to incorporate lessons learned from those fires into
20 statute.

21 4140.1. (a) The State of California shall assess a fire prevention
22 and protection fee on all buildings and structures within a state
23 responsibility area as follows:

24 (1) When a building permit is issued, a fee of ____ dollars
25 (\$____) shall be collected, comparable to sewer and water
26 connection fees levied on development.

27 (2) Annually a fee of ____ dollars (\$____) shall be levied upon
28 a property owner whose property contains a residential building
29 or structure. The annual fee shall be reduced for property owners
30 whose residential structure is in compliance with Sections 51175
31 to 51189, inclusive, of the Government Code, Section 4291 of this
32 code, and all related California Building Code provisions.

33 (b) All fees generated by this annual assessment shall be used
34 to fund fuels management on public lands, year-round fire
35 inspections of compliance with state laws relating to fuels
36 management and establishing defensible space, year-round public
37 education on fire prevention and emergency response, expansion
38 and coordination of the local Fire Safe Council program, and cost
39 sharing with private landowners to remove dead and dying trees
40 that pose a potential public safety hazard.

1 SEC. 10. Section 4291 of the Public Resources Code is
2 amended to read:

3 4291. (a) A person ~~that~~ *who* owns, leases, controls, operates,
4 or maintains a building or structure in, upon, or adjoining ~~any a~~
5 mountainous area, forest-covered lands, brush-covered lands,
6 grass-covered lands, or ~~any~~ land that is covered with flammable
7 material, shall at all times do all of the following:

8 ~~(a) Maintain around and adjacent to the building or structure a~~
9 ~~firebreak made by removing and clearing away, for a distance of~~
10 ~~not less than 30 feet on each side of the building or structure or to~~
11 ~~the property line, whichever is nearer, all flammable vegetation~~
12 ~~or other combustible growth. (1) Reduce the risk of ignition by~~
13 ~~managing all fuel materials on the site surrounding the structure~~
14 ~~within a radius of 30 feet or to the property line, whichever is~~
15 ~~nearer. Fuel found in vegetation, in manmade objects, and in~~
16 ~~connection with improvements attached to the structure shall be~~
17 ~~managed by collecting and disposing of combustible matter and~~
18 ~~by irrigating all living plants, as required for each species, to~~
19 ~~sustain a moisture content that protects the plant from ignition~~
20 ~~during exposure to a wildfire front. This subdivision paragraph~~
21 ~~does not apply to single specimens of trees or other vegetation that~~
22 ~~is well-pruned and maintained so as to effectively manage fuels~~
23 ~~and not form a means of rapidly transmitting fire from other nearby~~
24 ~~vegetation to any building or structure or from a structure to other~~
25 ~~nearby vegetation.~~

26 ~~(b) Maintain around and adjacent to the building or structure~~
27 ~~additional fire protection or firebreak made by removing all brush,~~
28 ~~flammable vegetation, or combustible growth that is located within~~
29 ~~100 feet from the building or structure or to the property line or at~~
30 ~~a greater distance if required by state law, or local ordinance, rule,~~
31 ~~or regulation. This section does not prevent an insurance company~~
32 ~~that insures a building or structure from requiring the owner of the~~
33 ~~building or structure to maintain a firebreak of more than 100 feet~~
34 ~~around the building or structure. Grass and other vegetation located~~
35 ~~more than 30 feet from the building or structure and less than 18~~
36 ~~inches in height above the ground may be maintained where~~
37 ~~necessary to stabilize the soil and prevent erosion. (2) (A) Reduce~~
38 ~~the risk of ignition by managing all fuel materials surrounding the~~
39 ~~structure from 30 feet to the property line or within a radius of~~
40 ~~100 feet from the structure. Fuel found in vegetation, in manmade~~

1 *objects, and in connection with improvements attached to the*
2 *structure shall be managed by collecting and disposing of*
3 *combustible material and by irrigating all living plants, as required*
4 *for each species, to sustain a moisture content that protects the*
5 *plant from ignition during exposure to a wildfire front. This*
6 ~~subdivision~~ *paragraph does not apply to single specimens of trees*
7 *or other vegetation that is well-pruned and maintained so as to*
8 *effectively manage fuels and not form a means of rapidly*
9 *transmitting fire from other nearby vegetation to a dwelling or*
10 *structure.*

11 *(B) A greater distance than that required under subparagraph*
12 *(A) may be required by state law, or local ordinance, rule, or*
13 *regulation, or by an insurance company that insures an occupied*
14 *dwelling or occupied structure if fire experts determine and provide*
15 *findings that additional fuel management distance is necessary to*
16 *significantly reduce the risk of transmission of flame or heat*
17 *sufficient to ignite the structure.*

18 *(C) In areas where water shortages exist, local agencies may*
19 *require property owners to reduce irrigation in the 30-foot to*
20 *100-foot fuel management area and in order to reduce the*
21 *transmission of a flame if the nonirrigated plants ignite, may*
22 *instead require sustainable thinning and pruning of nonirrigated*
23 *vegetation greater than 18 inches in height. Vegetation less than*
24 *18 inches in height should be maintained in a healthy low-fuel*
25 *condition to prevent erosion.*

26 ~~(e)~~

27 *(3) Remove that portion of any tree that extends within 10 feet*
28 *of the outlet of a chimney or stovepipe.*

29 ~~(d)~~

30 *(4) Maintain any tree, shrub, or other plant adjacent to or*
31 *overhanging a building free of dead or dying wood and fallen litter*
32 *within or under the vegetation.*

33 ~~(e)~~

34 *(5) Maintain the roof of a structure free of leaves, needles, or*
35 *other dead vegetative growth.*

36 ~~(f)~~

37 *(6) Prior to constructing a new building or structure or rebuilding*
38 *a building or structure damaged by a fire in such an area subject*
39 *to this section, the construction or rebuilding of which requires a*
40 *building permit, the owner shall obtain a certification from the*

1 local building official that the dwelling or structure, as proposed
2 to be built, complies with all applicable state and local building
3 standards, including those described in subdivision (b) of Section
4 51189 of the Government Code, and shall provide a copy of the
5 certification, upon request, to the insurer providing course of
6 construction insurance coverage for the building or structure. Upon
7 completion of the construction or rebuilding, the owner shall obtain
8 from the local building official, a copy of the final inspection report
9 that demonstrates that the dwelling or structure was constructed
10 in compliance with all applicable state and local building standards,
11 including those described in subdivision (b) of Section 51189 of
12 the Government Code, and shall provide a copy of the report, upon
13 request, to the property insurance carrier that insures the dwelling
14 or structure.

15 ~~(g)~~

16 *(b) (1)* Except as provided in Section 18930 of the Health and
17 Safety Code, the director may adopt regulations exempting
18 ~~structures a structure with exteriors an exterior~~ constructed entirely
19 of nonflammable materials, or, conditioned upon the contents and
20 composition of ~~same the structure, he or she~~ the director may vary
21 the requirements respecting ~~the removing or clearing away of~~
22 ~~flammable vegetation or other combustible growth with respect~~
23 ~~to the area management of fuels surrounding those structures that~~
24 ~~structure.~~

25 ~~No~~

26 *(2)* An exemption or variance *under paragraph (1)* shall not
27 apply unless and until the occupant ~~thereof~~ of the structure, or if
28 there is not an occupant, the owner ~~thereof~~ of the structure, files
29 with the department, in a form as the director shall prescribe, a
30 written consent to the inspection of the interior and contents of the
31 structure to ascertain whether this section and the regulations
32 adopted under this section are complied with at all times.

33 ~~(h)~~

34 *(c)* The director may authorize the removal of vegetation that
35 is not consistent with the standards of this section. The director
36 may prescribe a procedure for the removal of that vegetation and
37 make the expense a lien upon the building, structure, or grounds,
38 in the same manner that is applicable to a legislative body under
39 Section 51186 of the Government Code.

40 ~~(i)~~

1 (d) As used in this section, “person” means a private individual,
2 organization, partnership, limited liability company, or corporation.
3 SEC. 11. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution for certain
5 costs that may be incurred by a local agency or school district
6 because, in that regard, this act creates a new crime or infraction,
7 eliminates a crime or infraction, or changes the penalty for a crime
8 or infraction, within the meaning of Section 17556 of the
9 Government Code, or changes the definition of a crime within the
10 meaning of Section 6 of Article XIII B of the California
11 Constitution.
12 However, if the Commission on State Mandates determines that
13 this act contains other costs mandated by the state, reimbursement
14 to local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.