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AMENDED IN SENATE JULY 25, 1997

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AMENDED IN SENATE JULY 2, 1997

AMENDED IN ASSEMBLY MAY 28, 1997

CALIFORNIA LEGISLATURE—1997–98 FIRST EXTRAORDINARY SESSION

**ASSEMBLY BILL**

**No. 6**

**Introduced by Assembly Member Torlakson**  
(Coauthor: Senator Kopp)

March 12, 1997

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An act to add ~~Section 1102.6e~~ *Sections 1102.6c and 1102.17* to the Civil Code, to amend Sections 8589.5 and 51178 of, and to add Sections 8589.4 and 51183.5 to, the Government Code, and to amend Sections 2621.9, 2694, 2696, 4125, and 4136 of the Public Resources Code, relating to real estate.

LEGISLATIVE COUNSEL'S DIGEST

AB 6, as amended, Torlakson. Real estate: disclosures.

Existing law requires certain information to be disclosed by the seller and the seller's agent to the prospective transferee when ownership of real property is proposed to be transferred. Existing law permits, with respect to earthquake fault zones and seismic hazards, that disclosure to be provided by, among other things, a real estate contract and receipt for deposit.

This bill would require, if *one of 2* specified conditions are met, an additional disclosure by the seller *or, in some cases, the seller's agent*, to the prospective—~~transferee~~ *buyer* with respect to real property located in an area subject to flooding or fire hazards, as specified, to be made either by the issuance of a natural hazard disclosure statement that would be specified by the bill or in ~~one of 2~~ *a disclosure statements statement* specified in existing law. The bill would also provide that the disclosure described above, with respect to earthquake fault zones and seismic hazards, need be given only if *one of 2* specified conditions are met, and may be made in a natural hazard disclosure statement, rather than by the real estate contract and receipt for deposit. The bill would require the counties to post a notice identifying the location of specified maps *or lists* containing information regarding areas of potential flooding and fire hazard severity, as specified. By imposing additional duties on local government, the bill would create a state-mandated local program.

The bill would encourage the Director of the Office of Planning and Research to provide coordination and leadership among state departments to provide compatible maps and information regarding natural hazards.

The bill provides that certain of its provisions shall be operative on March 1, 1998.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. 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 1102.6c is added to the Civil  
2 Code, to read:

3 1102.6c. (a) This section shall apply only to any real  
4 property that is subject to one or more of the following:

5 (1) Zone A of flood insurance rate maps issued by the  
6 Federal Emergency Management Agency pursuant to  
7 the National Flood Insurance Act of 1968 (42 U.S.C. Secs.  
8 4001 et seq.).

9 (2) Section 8589.4 of the Government Code.

10 (3) Section 51183.5 of the Government Code.

11 (4) Section 2621.9 of the Public Resources Code.

12 (5) Section 2694 of the Public Resources Code.

13 (6) Section 4136 of the Public Resources Code.

14 (b) In addition to the disclosure required pursuant to  
15 Section 1102.6, the transferor of any real property that is  
16 subject to this section, *or his or her agent*, shall deliver to  
17 the prospective transferee the following natural hazard  
18 disclosure statement:

19

20 NATURAL HAZARD DISCLOSURE STATEMENT

21

22 The seller ~~discloses~~ *and his or her agent(s) disclose* the following  
23 information with the knowledge that even though this is not a war-  
24 ranty, prospective buyers may rely on this information in deciding  
25 whether and on what terms to purchase the subject property. Sell-  
26 er hereby authorizes any agent(s) representing any principal(s) in  
27 this action to provide a copy of this statement to any person or enti-  
28 ty in connection with any actual or anticipated sale of the property.

29

30 THE FOLLOWING ARE REPRESENTATIONS MADE BY THE  
31 ~~SELLER(S) BASED ON SELLER AND HIS OR HER AGENT(S)~~  
32 ~~BASED ON THEIR KNOWLEDGE AND MAPS DRAWN BY THE~~  
33 ~~STATE AND ARE NOT THE REPRESENTATIONS OF THE~~  
34 ~~AGENT(S), IF ANY.~~ THIS INFORMATION IS A DISCLOSURE  
35 AND IS NOT INTENDED TO BE PART OF ANY CONTRACT  
36 BETWEEN THE BUYER AND THE SELLER.

37



1 THIS REAL PROPERTY LIES WITHIN THE FOLLOWING  
2 HAZARDOUS AREA(S):

3

4

5 A SPECIAL FLOOD HAZARD AREA (Zone "A")  
6 designated by the Federal Emergency Management  
7 Agency.

8

9 Yes \_\_\_ No \_\_\_ *Do not know/information*  
10 *not available from local*  
11 *jurisdiction \_\_\_*

12

13 AN AREA OF POTENTIAL FLOODING shown on an  
14 inundation map pursuant to Section 8589.5 of the  
15 Government Code.

16

17 Yes \_\_\_ No \_\_\_ *Do not know/information*  
18 *not available from local*  
19 *jurisdiction \_\_\_*

20

21 A VERY HIGH FIRE HAZARD SEVERITY ZONE pursuant  
22 to Section 51179 of the Government Code. *The owner of this*  
23 *property is subject to the maintenance requirements of*  
24 *Section 51182 of the Government Code.*

25

26 Yes \_\_\_ No \_\_\_

27

28 A WILDLAND AREA THAT MAY CONTAIN  
29 SUBSTANTIAL FOREST FIRE RISKS AND HAZARDS  
30 pursuant to Section 4125 of the Public Resources Code. *The*  
31 *owner of this property is subject to the maintenance*  
32 *requirements of Section 4291 of the Public Resources Code.*  
33 *Additionally, it is not the state's responsibility to provide fire*  
34 *protection services to any building or structure located*  
35 *within the wildlands unless the Department of Forestry and*  
36 *Fire Protection has entered into a cooperative agreement*  
37 *with a local agency for those purposes pursuant to Section*  
38 *4142 of the Public Resources Code.*

39



1 Yes \_\_\_\_ No \_\_\_\_

2

3 AN EARTHQUAKE FAULT ZONE pursuant to Section  
4 2622 of the Public Resources Code.

5

6 Yes \_\_\_\_ No \_\_\_\_

7

8 A SEISMIC HAZARD ZONE pursuant to Section 2696 of the  
9 Public Resources Code.

10

11 Yes \_\_\_\_ No \_\_\_\_

12

13 THESE HAZARDS MAY LIMIT YOUR ABILITY TO DEVELOP  
14 THE REAL PROPERTY, TO OBTAIN INSURANCE, OR TO  
15 RECEIVE ASSISTANCE AFTER A DISASTER.

16

17 BUYER(S) AND SELLER(S) MAY WISH TO OBTAIN  
18 PROFESSIONAL ADVICE REGARDING THOSE HAZARDS.

19

20 Seller certifies that the information herein is true and correct to the  
21 best of the seller's knowledge as of the date signed by the seller.

22

23 Signature of Seller \_\_\_\_\_ Date \_\_\_\_\_

24

25 *Agent certifies that the information herein is true and correct to the*  
26 *best of the agent's knowledge as of the date signed by the agent.*

27

28 *Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_*

29

30 *Signature of Agent \_\_\_\_\_ Date \_\_\_\_\_*

31

32 Buyer certifies that he or she has read and understands this  
33 ~~document, and accepts the risks associated with any hazard area in~~  
34 ~~which the property is located.~~ *document.*

35

36 Signature of Buyer \_\_\_\_\_ Date \_\_\_\_\_

37

38 (c) If ~~the~~ *an earthquake fault zone, seismic hazard*  
39 *zone, very high fire hazard severity zone, or wildland fire*  
40 *area* map or accompanying information is not of sufficient



1 accuracy or scale that a reasonable person can determine  
 2 if the subject real property is included in a natural hazard  
 3 area, the ~~transferor~~ seller or seller's agent shall mark  
 4 "Yes" on the Natural Hazard Disclosure Statement. *The*  
 5 *seller or seller's agent may mark "No" on the Natural*  
 6 *Hazard Disclosure Statement if he or she attaches a*  
 7 *report prepared pursuant to subdivision (c) of Section*  
 8 *1102.4 that verifies the property is not in the hazard zone.*

9 (d) The disclosure required pursuant to this section  
 10 may be provided by the ~~transferor in the Real Estate~~  
 11 ~~Transfer Disclosure Statement made pursuant to Section~~  
 12 ~~1102.6, provided that the Real Estate Transfer Disclosure~~  
 13 *seller and seller's agent in the Local Option Real Estate*  
 14 *Disclosure Statement provided that the Local Option*  
 15 *Real Estate Disclosure Statement includes substantially*  
 16 *the same information and substantially the same warning*  
 17 *that is required by this section.*

18 (e) *The specification of items for disclosure in this*  
 19 *section does not limit or abridge any obligation for*  
 20 *disclosure created by any other provision of law or that*  
 21 *may exist in order to avoid fraud, misrepresentation, or*  
 22 *deceit in the transfer transaction.*

23 SEC. 2. *Section 1102.17 is added to the Civil Code, to*  
 24 *read:*

25 1102.17. (a) *A person who is acting as an agent for a*  
 26 *seller of real property that is located within a special flood*  
 27 *hazard area designated by the Federal Emergency*  
 28 *Management Agency, or the seller if he or she is acting*  
 29 *without an agent, shall disclose to any prospective*  
 30 *purchaser the fact that the property is located within a*  
 31 *special flood hazard area.*

32 (b) *The disclosure required by subdivision (a) shall be*  
 33 *provided by either of the following means:*

34 (1) *The Local Option Real Estate Disclosure*  
 35 *Statement as provided in Section 1102.6a.*

36 (2) *The Natural Hazard Disclosure Statement as*  
 37 *provided in Section 1102.6c.*

38 (c) *Disclosure is required pursuant to this section only*  
 39 *when one of the following conditions is met:*



1 (1) The seller, or the seller’s agent, has actual  
2 knowledge that the property is within a special flood  
3 hazard area.

4 (2) The local jurisdiction has compiled a list, by parcel,  
5 of properties that are within the special flood hazard area  
6 and a notice has been posted at the offices of the county  
7 recorder, county assessor, and county planning agency  
8 that identifies the location of the parcel list.

9 (d) For purposes of the disclosure required by this  
10 section, the following persons shall not be deemed agents  
11 of the seller:

12 (1) Persons specified in Section 1102.11.

13 (2) Persons acting under a power of sale regulated by  
14 Section 2924.

15 (e) Section 1102.13 shall apply to this section.

16 (f) The specification of items for disclosure in this  
17 section does not limit or abridge any obligation for  
18 disclosure created by any other provision of law or that  
19 may exist in order to avoid fraud, misrepresentation, or  
20 deceit in the transfer transaction.

21 SEC. 3. Section 8589.4 is added to the Government  
22 Code, to read:

23 8589.4. (a) A person who is acting as an agent for a  
24 seller of real property that is located within an area of  
25 potential flooding shown on an inundation map  
26 designated pursuant to Section 8589.5, or the seller if he  
27 or she is acting without an agent, shall disclose to any  
28 prospective purchaser the fact that the property is  
29 located within an area of potential flooding.

30 (b) The disclosure required by subdivision (a) shall be  
31 provided by ~~one~~ either of the following means:

32 ~~(1) The Real Estate Transfer Disclosure Statement as~~  
33 ~~provided in Section 1102.6 of the Civil Code.~~

34 ~~(2)~~

35 (1) The Local Option Real Estate Disclosure  
36 Statement as provided in Section 1102.6a of the Civil  
37 Code.

38 ~~(3)~~

39 (2) The Natural Hazard Disclosure Statement as  
40 provided in Section 1102.6c of the Civil Code.



1 (c) Disclosure is required pursuant to this section only  
2 when ~~both~~ *one* of the following conditions ~~are~~ *is* met:

3 (1) The seller, or the seller’s agent, has actual  
4 knowledge that the property is within an inundation area;  
5 ~~or a map that includes the property has been provided to~~  
6 ~~the city or county pursuant to subdivision (a) of Section~~  
7 ~~8589.5..~~

8 (2) ~~A~~ *The local jurisdiction has compiled a list, by*  
9 *parcel, of properties that are within the inundation area*  
10 *and a notice has been posted at the offices of the county*  
11 *recorder, county assessor, and county planning agency*  
12 *that identifies the location of the map and any*  
13 ~~information regarding changes to the map received by~~  
14 ~~the county.~~

15 (d) ~~If the map or accompanying information is not of~~  
16 ~~sufficient accuracy or scale that a reasonable person can~~  
17 ~~determine if the subject real property is included in an~~  
18 ~~area of potential flooding, the seller shall mark “Yes” on~~  
19 ~~the Natural Hazard Disclosure Statement.~~

20 (e) ~~parcel list.~~

21 (d) For purposes of the disclosure required by this  
22 section, the following persons shall not be deemed agents  
23 of the ~~transferor~~ *seller*:

24 (1) Persons specified in Section 1102.11 of the Civil  
25 Code.

26 (2) Persons acting under a power of sale regulated by  
27 Section 2924 of the Civil Code.

28 (f)

29 (e) Section 1102.13 of the Civil Code shall apply to this  
30 section.

31 (f) *The specification of items for disclosure in this*  
32 *section does not limit or abridge any obligation for*  
33 *disclosure created by any other provision of law or that*  
34 *may exist in order to avoid fraud, misrepresentation, or*  
35 *deceit in the transfer transaction.*

36 ~~SEC. 3.—~~

37 *SEC. 4.* Section 8589.5 of the Government Code is  
38 amended to read:

39 8589.5. (a) Inundation maps showing the areas of  
40 potential flooding in the event of sudden or total failure



1 of any dam, the partial or total failure of which the Office  
2 of Emergency Services determines, after consultation  
3 with the Department of Water Resources, would result in  
4 death or personal injury, shall be prepared and submitted  
5 as provided in this subdivision within six months after the  
6 effective date of this section, unless the time for  
7 submission of such maps is extended for reasonable cause  
8 by the Office of Emergency Services. The local  
9 governmental organization, utility, or other owner of any  
10 dam so designated shall submit to the Office of  
11 Emergency Services one such map which shall delineate  
12 potential flood zones that could result in the event of dam  
13 failure when the reservoir is at full capacity or if the local  
14 governmental organization, utility, or other owner of any  
15 dam shall determine it to be desirable he or she shall  
16 submit three such maps, which shall delineate potential  
17 flood zones that could result in the event of dam failure  
18 when the reservoir is at full capacity, at median-storage  
19 level, and at normally low-storage level. After submission  
20 of copies of such map or maps, the Office of Emergency  
21 Services shall review the map or maps, and shall return  
22 that map or maps which do not meet the requirements of  
23 this subdivision, together with recommendations relative  
24 to conforming to such provisions. Maps rejected by the  
25 Office of Emergency Services shall be revised to conform  
26 to such recommendations and resubmitted. The Office of  
27 Emergency Services shall keep on file those maps which  
28 conform to the provisions of this subdivision. Maps  
29 approved pursuant to this subdivision shall also be kept on  
30 file with the Department of Water Resources. The owner  
31 of a dam shall submit final copies of such maps to the  
32 Office of Emergency Services which shall immediately  
33 submit identical copies to the appropriate public safety  
34 agency of any city, county, or city and county likely to be  
35 affected.

36 (b) Based upon a review of inundation maps  
37 submitted pursuant to subdivision (a) or based upon  
38 information gained by an onsite inspection and  
39 consultation with the affected local jurisdiction when the  
40 requirement for an inundation map is waived pursuant to



1 subdivision (d), the Office of Emergency Services shall  
2 designate areas within which death or personal injury  
3 would, in its determination, result from the partial or total  
4 failure of a dam. The appropriate public safety agencies  
5 of any city, county, or city and county, the territory of  
6 which includes such an area, shall adopt emergency  
7 procedures for the evacuation and control of populated  
8 areas below such dams. The Office of Emergency  
9 Services shall review such procedures to determine  
10 whether adequate public safety measures exist for the  
11 evacuation and control of populated areas below the  
12 dams, and shall make recommendations with regard to  
13 the adequacy of such procedures to the concerned public  
14 safety agency. In conducting such review the Office of  
15 Emergency Services shall consult with appropriate state  
16 and local agencies.

17 Emergency procedures specified in this subdivision  
18 shall conform to local needs, and may be required to  
19 include any of the following elements or any other  
20 appropriate element, in the discretion of the Office of  
21 Emergency Services: (1) delineation of area to be  
22 evacuated; (2) routes to be used; (3) traffic control  
23 measures; (4) shelters to be activated for the care of the  
24 evacuees; (5) methods for the movement of people  
25 without their own transportation; (6) identification of  
26 particular areas or facilities in the flood zones which will  
27 not require evacuation because of their location on high  
28 ground or similar circumstances; (7) identification and  
29 development of special procedures for the evacuation  
30 and care of people from unique institutions; (8)  
31 procedures for the perimeter and interior security of the  
32 area, including such things as passes, identification  
33 requirements, and antilooting patrols; (9) procedures for  
34 the lifting of the evacuation and reentry of the area; and  
35 (10) details of which organizations are responsible for  
36 these functions and the material and personnel resources  
37 required. It is the intent of the Legislature to encourage  
38 each agency that prepares such emergency procedures to  
39 establish a procedure for their review every two years.



1 (c) “Dam,” as used in this section, has the same  
2 meaning as specified in Sections 6002, 6003, and 6004 of  
3 the Water Code.

4 (d) Under certain exceptional conditions as follows,  
5 the Office of Emergency Services may waive the  
6 requirement for an inundation map:

7 (1) Where the effects of potential inundation in terms  
8 of death or personal injury as determined through onsite  
9 inspection by the Office of Emergency Services in  
10 consultation with the affected local jurisdictions, can be  
11 ascertained without an inundation map; and

12 (2) Where adequate evacuation procedures can be  
13 developed without benefit of an inundation map.

14 (e) If development should occur in any exempted area  
15 after a waiver has been granted, the local jurisdiction shall  
16 notify the Office of Emergency Services of such  
17 development. All waivers shall be reevaluated every two  
18 years by the Office of Emergency Services.

19 (f) A notice shall be posted at the offices of the county  
20 recorder, county assessor, and county planning agency  
21 that identifies the location of the map, and of any  
22 information received by the county subsequent to the  
23 receipt of the map regarding changes to inundation areas  
24 within the county.

25 ~~SEC. 4.—~~

26 *SEC. 5.* Section 51178 of the Government Code is  
27 amended to read:

28 51178. (a) The director shall identify areas in the  
29 state as very high fire hazard severity zones based on  
30 consistent statewide criteria and based on the severity of  
31 fire hazard that is expected to prevail in those areas. Very  
32 high fire hazard severity zones shall be based on fuel  
33 loading, slope, fire weather, and other relevant factors.

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



1 transmitted to all local agencies with identified very high  
2 fire hazard severity zones within 30 days.

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

8 (d) Any county that receives an official map pursuant  
9 to this section shall post a notice at the office of the county  
10 recorder, county assessor, and county planning agency  
11 identifying the location of the map and any information  
12 regarding changes to the map.

13 ~~SEC. 5.—~~

14 *SEC. 6.* Section 51183.5 is added to the Government  
15 Code, to read:

16 51183.5. (a) A seller of real property that is located  
17 within a very high fire hazard severity zone, designated  
18 pursuant to this chapter shall disclose to any prospective  
19 purchaser the fact that the property is located within a  
20 very high fire hazard severity zone, *and is subject to the*  
21 *requirements of Section 51182.*

22 (b) The disclosure required by subdivision (a) shall be  
23 provided by ~~one~~ *either* of the following means:

24 ~~(1) The Real Estate Transfer Disclosure Statement as~~  
25 ~~provided in Section 1102.6 of the Civil Code.~~

26 ~~(2)~~

27 (1) The Local Option Real Estate Disclosure  
28 Statement as provided in Section 1102.6a of the Civil  
29 Code.

30 ~~(3)~~

31 (2) The Natural Hazard Disclosure Statement as  
32 provided in Section 1102.6c of the Civil Code.

33 (c) Disclosure is required pursuant to this section only  
34 when ~~both~~ *one* of the following conditions ~~are~~ *is* met:

35 (1) The seller, or the seller's agent, has actual  
36 knowledge that the property is within a very high fire  
37 hazard severity zone, ~~or a~~.

38 (2) A map that includes the property has been  
39 provided to the local agency pursuant to subdivision (c)  
40 of Section 51178.



1 ~~(2) A~~, and a notice is posted at the offices of the county  
 2 recorder, county assessor, and county planning agency  
 3 that identifies the location of the map and any  
 4 information regarding changes to the map received by  
 5 the local agency.

6 (d) If the map or accompanying information is not of  
 7 sufficient accuracy or scale that a reasonable person can  
 8 determine if the subject real property is included in a  
 9 very high fire hazard zone, the seller shall mark “Yes” on  
 10 the Natural Hazard Disclosure Statement.

11 ~~(e) For purposes of the disclosure required by this~~  
 12 ~~section, the following persons shall not be deemed agents~~  
 13 ~~of the transferor:~~

14 ~~(1) Persons specified in Section 1102.11 of the Civil~~  
 15 ~~Code.~~

16 ~~(2) Persons acting under a power of sale regulated by~~  
 17 ~~Section 2924 of the Civil Code.~~

18 ~~(f) The seller may mark “No” on the Natural Hazard~~  
 19 ~~Disclosure Statement if he or she attaches a report~~  
 20 ~~prepared pursuant to subdivision (c) of Section 1102.4 of~~  
 21 ~~the Civil Code that verifies the property is not in the~~  
 22 ~~hazard zone.~~

23 (e) Section 1102.13 of the Civil Code shall apply to this  
 24 section.

25 (f) *The specification of items for disclosure in this*  
 26 *section does not limit or abridge any obligation for*  
 27 *disclosure created by any other provision of law or that*  
 28 *may exist in order to avoid fraud, misrepresentation, or*  
 29 *deceit in the transfer transaction.*

30 ~~SEC. 6.~~

31 *SEC. 7.* Section 2621.9 of the Public Resources Code  
 32 is amended to read:

33 2621.9. (a) *A person who is acting as an agent for a*  
 34 *seller of real property which is located within a delineated*  
 35 *earthquake fault zone, or the seller if he or she is acting*  
 36 *without an agent, shall disclose to any prospective*  
 37 *purchaser the fact that the property is located within a*  
 38 *delineated earthquake fault zone.*

39 (b) The disclosure required by subdivision (a) shall be  
 40 provided by ~~one~~ *either* of the following means:



1 ~~(1) The Real Estate Transfer Disclosure Statement as~~  
2 ~~provided in Section 1102.6 of the Civil Code.~~

3 ~~(2)~~

4 (1) The Local Option Real Estate Transfer Disclosure  
5 Statement as provided in Section 1102.6a of the Civil  
6 Code.

7 ~~(3)~~

8 (2) The Natural Hazard Disclosure Statement as  
9 provided in Section 1102.6c of the Civil Code.

10 (c) Disclosure is required pursuant to this section only  
11 when ~~both~~ *one* of the following conditions ~~are~~ *is* met:

12 (1) The seller, or the seller’s agent, has actual  
13 knowledge that the property is within a delineated  
14 earthquake fault zone, ~~or a~~.

15 (2) A map that includes the property has been  
16 provided to the city or county pursuant to Section 2622-

17 ~~(2) A~~, and a notice has been posted at the offices of the  
18 county recorder, county assessor, and county planning  
19 agency that identifies the location of the map and any  
20 information regarding changes to the map received by  
21 the county.

22 (d) If the map or accompanying information is not of  
23 sufficient accuracy or scale that a reasonable person can  
24 determine if the subject real property is included in a  
25 delineated earthquake fault hazard zone, the ~~seller agent~~  
26 shall mark “Yes” on the Natural Hazard Disclosure  
27 Statement. *The agent may mark “No” on the Natural*  
28 *Hazard Disclosure Statement if he or she attaches a*  
29 *report prepared pursuant to subdivision (c) of Section*  
30 *1102.4 of the Civil Code that verifies the property is not*  
31 *in the hazard zone.*

32 (e) For purposes of the disclosures required by this  
33 section, the following persons shall not be deemed agents  
34 of the ~~transferor~~ *seller*:

35 (1) Persons specified in Section 1102.11 of the Civil  
36 Code.

37 (2) Persons acting under a power of sale regulated by  
38 Section 2924 of the Civil Code.

39 (f) For purposes of this section, Section 1102.13 of the  
40 Civil Code shall apply.



1 (g) *The specification of items for disclosure in this*  
2 *section does not limit or abridge any obligation for*  
3 *disclosure created by any other provision of law or that*  
4 *may exist in order to avoid fraud, misrepresentation, or*  
5 *deceit in the transfer transaction.*

6 ~~SEC. 7.~~

7 SEC. 8. Section 2694 of the Public Resources Code is  
8 amended to read:

9 2694. (a) *A person who is acting as an agent for a*  
10 *seller of real property which is located within a seismic*  
11 *hazard zone, as designated under this chapter, or the*  
12 *seller if he or she is acting without an agent, shall disclose*  
13 *to any prospective purchaser the fact that the property*  
14 *is located within a seismic hazard zone.*

15 (b) The disclosure required by subdivision (a) shall be  
16 provided by ~~one~~ *either* of the following means:

17 ~~(1) The Real Estate Transfer Disclosure Statement as~~  
18 ~~provided in Section 1102.6 of the Civil Code.~~

19 ~~(2)~~

20 (1) The Local Option Real Estate Transfer Disclosure  
21 Statement as provided in Section 1102.6a of the Civil  
22 Code.

23 ~~(3)~~

24 (2) The Natural Hazard Disclosure Statement as  
25 provided in Section 1102.6c of the Civil Code.

26 (c) Disclosure is required pursuant to this section only  
27 when ~~both~~ *one* of the following conditions ~~are~~ *is* met:

28 (1) The seller, or the seller's agent, has actual  
29 knowledge that the property is within a seismic hazard  
30 zone, ~~or a~~.

31 (2) A map that includes the property has been  
32 provided to the city or county pursuant to Section 2622-

33 ~~(2)-A, and a notice has been posted at the offices of the~~  
34 ~~county recorder, county assessor, and county planning~~  
35 ~~agency that identifies the location of the map and any~~  
36 ~~information regarding changes to the map received by~~  
37 ~~the county.~~

38 (d) If the map or accompanying information is not of  
39 sufficient accuracy or scale that a reasonable person can  
40 determine if the subject real property is included in a



1 seismic hazard zone, the ~~seller~~ agent shall mark “Yes” on  
 2 the Natural Hazard Disclosure Statement. *The agent may*  
 3 *mark “No” on the Natural Hazard Disclosure Statement*  
 4 *if he or she attaches a report prepared pursuant to*  
 5 *subdivision (c) of Section 1102.4 of the Civil Code that*  
 6 *verifies the property is not in the hazard zone.*

7 (e) For purposes of the disclosures required by this  
 8 section, the following persons shall not be deemed agents  
 9 of the ~~transferor~~ seller:

10 (1) Persons specified in Section 1102.11 of the Civil  
 11 Code.

12 (2) Persons acting under a power of sale regulated by  
 13 Section 2924 of the Civil Code.

14 (f) For purposes of this section, Section 1102.13 of the  
 15 Civil Code applies.

16 (g) *The specification of items for disclosure in this*  
 17 *section does not limit or abridge any obligation for*  
 18 *disclosure created by any other provision of law or that*  
 19 *may exist in order to avoid fraud, misrepresentation, or*  
 20 *deceit in the transfer transaction.*

21 ~~SEC. 8.~~

22 *SEC. 9.* Section 2696 of the Public Resources Code is  
 23 amended to read:

24 2696. (a) The State Geologist shall compile maps  
 25 identifying seismic hazard zones, consistent with the  
 26 requirements of Section 2695. The maps shall be compiled  
 27 in accordance with a time schedule developed by the  
 28 director and based upon the provisions of Section 2695  
 29 and the level of funding available to implement this  
 30 chapter.

31 (b) The State Geologist shall, upon completion, submit  
 32 seismic hazard maps compiled pursuant to subdivision  
 33 (a) to the board and all affected cities, counties, and state  
 34 agencies for review and comment. Concerned  
 35 jurisdictions and agencies shall submit all comments to  
 36 the board for review and consideration within 90 days.  
 37 Within 90 days of board review, the State Geologist shall  
 38 revise the maps, as appropriate, and shall provide copies  
 39 of the official maps to each state agency, city, or county,  
 40 including the county recorder, having jurisdiction over



1 lands containing an area of seismic hazard. The county  
2 recorder shall record all information transmitted as part  
3 of the public record.

4 (c) In order to ensure that sellers of real property and  
5 their agents are adequately informed, any county that  
6 receives an official map pursuant to this section shall post  
7 a notice within five days of receipt of the map at the office  
8 of the county recorder, county assessor, and county  
9 planning agency, identifying the location of the map and  
10 any information regarding changes to the map and the  
11 effective date of the notice.

12 ~~SEC. 9.~~

13 *SEC. 10.* Section 4125 of the Public Resources Code is  
14 amended to read:

15 4125. (a) The board shall classify all lands within the  
16 state, without regard to any classification of lands made  
17 by or for any federal agency or purpose, for the purpose  
18 of determining areas in which the financial responsibility  
19 of preventing and suppressing fires is primarily the  
20 responsibility of the state. The prevention and  
21 suppression of fires in all areas which are not so classified  
22 is primarily the responsibility of local or federal agencies,  
23 as the case may be.

24 (b) On or before July 1, 1991, and every 5th year  
25 thereafter, the department shall provide copies of maps  
26 identifying the boundaries of lands classified as state  
27 responsibility pursuant to subdivision (a) to the county  
28 assessor for every county containing any such lands. The  
29 department shall also notify county assessors of any  
30 changes to state responsibility areas within the county  
31 resulting from periodic boundary modifications  
32 approved by the board.

33 (c) A notice shall be posted at the offices of the county  
34 recorder, county assessor, and county planning agency  
35 that identifies the location of the map, and of any  
36 information received by the county subsequent to the  
37 receipt of the map regarding changes to state  
38 responsibility areas within the county.

39 ~~SEC. 10.~~



1 SEC. II. Section 4136 of the Public Resources Code is  
2 amended to read:

3 4136. (a) A seller of real property which is located  
4 within a state responsibility area determined by the  
5 board, pursuant to Section 4125, shall disclose to any  
6 prospective purchaser the fact that the property is  
7 located within a wildland area which may contain  
8 substantial forest fire risks and hazards and is subject to  
9 the requirements of Section 4291.

10 (b) Except for property located within a county which  
11 has assumed responsibility for prevention and  
12 suppression of all fires pursuant to Section 4129, the seller  
13 shall also disclose to any prospective buyer that it is not  
14 the state's responsibility to provide fire protection  
15 services to any building or structure located within the  
16 wildlands unless the department has entered into a  
17 cooperative agreement with a local agency for those  
18 purposes pursuant to Section 4142.

19 (c) The disclosures required by this section shall be  
20 provided by ~~one~~ *either* of the following means:

21 ~~(1) The Real Estate Transfer Disclosure Statement as~~  
22 ~~provided in Section 1102.6 of the Civil Code.~~

23 ~~(2)~~

24 (1) The Local Option Real Estate Disclosure  
25 Statement as provided in Section 1102.6a of the Civil  
26 Code.

27 ~~(3)~~

28 (2) The Natural Hazard Disclosure Statement as  
29 provided in Section 1102.6c of the Civil Code.

30 (d) Disclosure is required pursuant to this section only  
31 when ~~both~~ *one* of the following conditions ~~are~~ *is* met:

32 (1) The seller, or the seller's agent, has actual  
33 knowledge that the property is within a wildland fire  
34 zone, ~~or a~~.

35 (2) A map that includes the property has been  
36 provided to the city or county pursuant to Section 4125:

37 ~~(2) A~~, and a notice has been posted at the offices of the  
38 county recorder, county assessor, and county planning  
39 agency that identifies the location of the map and any



1 information regarding changes to the map received by  
2 the county.

3 (e) If the map or accompanying information is not of  
4 sufficient accuracy or scale that a reasonable person can  
5 determine if the subject real property is included in a  
6 wildland fire zone, the seller shall mark “Yes” on the  
7 Natural Hazard Disclosure Statement.

8 ~~(f) For purposes of the disclosures required by this~~  
9 ~~section, the following persons shall not be deemed agents~~  
10 ~~of the transferor:~~

11 ~~(1) Persons specified in Section 1102.11 of the Civil~~  
12 ~~Code.~~

13 ~~(2) Persons acting under a power of sale regulated by~~  
14 ~~Section 2924 of the Civil Code.~~

15 ~~(g) The seller may mark “No” on the Natural Hazard~~  
16 ~~Disclosure Statement if he or she attaches a report~~  
17 ~~prepared pursuant to subdivision (c) of Section 1102.4 of~~  
18 ~~the Civil Code that verifies the property is not in the~~  
19 ~~hazard zone.~~

20 (f) For purposes of this section, Section 1102.13 of the  
21 Civil Code applies.

22 (g) *The specification of items for disclosure in this*  
23 *section does not limit or abridge any obligation for*  
24 *disclosure created by any other provision of law or that*  
25 *may exist in order to avoid fraud, misrepresentation, or*  
26 *deceit in the transfer transaction.*

27 ~~SEC. 11.~~

28 *SEC. 12.* The Legislature finds and declares that state  
29 law requires several different state departments and  
30 agencies to conduct natural hazard mapping and  
31 information programs, based on their respective  
32 scientific and professional competencies. The Legislature  
33 finds and declares that city and county planning agencies  
34 sometimes have difficulty using the maps and  
35 information produced by state departments and agencies  
36 regarding natural hazards because the maps may be at  
37 different scales, use different projections, or are  
38 otherwise incompatible. The Legislature finds and  
39 declares that the lack of compatible maps sometimes  
40 makes it difficult for city and county planning agencies to



1 make information regarding natural hazards readily  
 2 available to landowners, their agents, and the public.  
 3 Therefore, the Legislature finds and declares that there  
 4 is a need for state officials to coordinate their natural  
 5 hazard mapping and information programs to make them  
 6 more effective. The Legislature encourages the Director  
 7 of the Office of Planning and Research to provide  
 8 coordination and leadership among the state  
 9 departments and agencies that conduct natural hazard  
 10 mapping and information programs.

11 ~~SEC. 12. Sections 1, 2, 5, 6, 7, 8, 9, and 10 of this act shall~~

12 *SEC. 13. Sections 1, 2, 3, 6, 7, 8, 9, 10, and 11 of this act*  
 13 *shall become operative on March 1, 1998.*

14 ~~SEC. 13.~~

15 *SEC. 14.* Notwithstanding Section 17610 of the  
 16 Government Code, if the Commission on State Mandates  
 17 determines that this act contains costs mandated by the  
 18 state, reimbursement to local agencies and school  
 19 districts for those costs shall be made pursuant to Part 7  
 20 (commencing with Section 17500) of Division 4 of Title  
 21 2 of the Government Code. If the statewide cost of the  
 22 claim for reimbursement does not exceed one million  
 23 dollars (\$1,000,000), reimbursement shall be made from  
 24 the State Mandates Claims Fund.

25 Notwithstanding Section 17580 of the Government  
 26 Code, unless otherwise specified, the provisions of this act  
 27 shall become operative on the same date that the act  
 28 takes effect pursuant to the California Constitution.

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