

AMENDED IN SENATE MAY 4, 2021

**SENATE BILL**

**No. 12**

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**Introduced by Senator McGuire  
(Coauthors: Senators Atkins, Caballero, and Dodd)**

December 7, 2020

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An act to amend Sections 65007, 65302, 65584, 65584.04, and 65584.06 of, and to add Sections 65011, 65012, 65013, 65040.18, 65302.11, 65860.2, 65865.6, 65962.3, and 66474.03 to, the Government Code, to amend Section 13132.7 of the Health and Safety Code, and to amend Section 4290 of, and to add Section 4123.6 to, the Public Resources Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 12, as amended, McGuire. Local government: planning and zoning: wildfires.

(1) The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive, long-term general plan that includes various elements, including, among others, a housing element and a safety element for the protection of the community from unreasonable risks associated with the effects of various geologic and seismic hazards, flooding, and wildland and urban fires. Existing law requires the housing element to be revised according to a specific schedule. Existing law requires the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years to identify new information relating to flood and fire hazards and climate adaptation and resiliency strategies applicable to the city or county that was not available during the previous revision of the safety element.

Existing law requires that the Office of Planning and Research, among other things, coordinate with appropriate entities, including state, regional, or local agencies, to establish a clearinghouse for climate adaptation information for use by state, regional, and local entities, as provided.

This bill would require the safety element, upon the next revision of the housing element or the hazard mitigation plan, on or after July 1, 2024, whichever occurs first, to be reviewed and updated as necessary to include a comprehensive retrofit strategy to reduce the risk of property loss and damage during wildfires, as specified, and would require the planning agency to submit the adopted strategy to the Office of Planning and Research for inclusion into the above-described clearinghouse. The bill would also require the planning agency to review and, if necessary, revise the safety element upon each revision of the housing element or local hazard mitigation plan, but not less than once every 8 years, to identify new information relating to retrofit updates applicable to the city or county that was not available during the previous revision of the safety element. By increasing the duties of local officials, this bill would create a state-mandated local program.

(2) Existing law requires the general plan to include a land use element that designates the proposed general distribution and general location and extent of the uses of the land for, among other purposes, housing, business, and industry. Existing law additionally requires the general plan to include a housing element and requires each local government to review and revise its housing element, as specified.

This bill would require a city or county that contains a very high fire risk area, as defined, upon each revision of the housing element on or after July 1, 2024, to amend the land use element of its general plan to contain, among other things, the locations of all very high fire risk areas within the city or county and feasible implementation measures designed to carry out specified goals, objectives, and policies relating to the protection of lives and property from unreasonable risk of wildfire. The bill would require the city or county to complete a review of, and make findings related to, wildfire risk reduction standards, as defined, upon each subsequent revision of the housing element, as provided. The bill would require the State Board of Forestry and Fire Protection to review the findings and make recommendations, as provided.

The bill would additionally require the Office of the State Fire Marshal, in consultation with the Office of Planning and Research and the *State* Board of Forestry and Fire Protection, by January 1, 2023, to

adopt wildfire risk reduction standards *for developments in a very high fire risk area* that meet certain requirements and reasonable standards for third-party inspection and certifications for a specified enforcement program. The bill would also require the Office of the State Fire Marshal to, by January 1, 2024, update the maps of the very high fire hazard severity zones, as specified. The bill would require the Office of the State Fire Marshal to convene a working group of stakeholders, as specified, to assist in this effort and to consider specified national standards.

Existing law requires county or city zoning ordinances to be consistent with the general plan of the county or city, as specified.

This bill would require a city or county that contains a very high fire risk area, within 12 months following the amendment of the city or county's land use element, to adopt a very high fire risk overlay zone or otherwise amend its zoning ordinance so that it is consistent with the general plan, as specified.

This bill would additionally prohibit the legislative body of a city or county that contains a very high fire risk area, upon the effective date of the revision of the city or county's land use element, from entering into a development agreement for property that is located within a very high fire risk area, approving specified discretionary permits or other discretionary entitlements for projects located within a very high fire risk area, or approving a tentative map or a parcel map for which a tentative map was not required for a subdivision that is located within a very high fire risk area, unless the city or county makes specified findings based on substantial evidence in the record.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

(3) Existing law requires the Department of Housing and Community Development, in consultation with each council of governments, to determine each region's existing and projected housing need, as provided. Existing law requires each council of governments, or the department for cities and counties without a council of governments, to adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county and that furthers specified objectives.

This bill would require the regional housing needs allocation plan to additionally further the objective of reducing development pressure within very high fire risk areas.

(4) Existing law requires the council of governments, or delegate subregion, as applicable, to develop a proposed methodology for distributing the existing and projected regional housing need and, to the extent that sufficient data is available as provided, to include specified factors to develop the methodology that allocates regional housing needs, including, among other factors, the rate of overcrowding.

This bill would additionally require the council of governments, or delegate subregion, as applicable, to include within those factors for the seventh and subsequent revisions of the housing element, the amount of land in each member jurisdiction that is within a very high fire risk area by allocating a lower proportion of housing if the council of governments or delegate subregion determines, based on specified factors, that it is likely that the jurisdiction would otherwise need to identify lands within a very high fire risk area as adequate sites in order to meet its housing need allocation.

For cities and counties without a council of governments, existing law requires the Department of Housing and Community Development to determine and distribute the existing and projected housing need, unless that responsibility is delegated as provided to cities and counties, based upon available data and in consultation with the cities and counties, taking into consideration, among other things, the availability of suitable sites and public facilities.

This bill would also require the department, for the seventh and subsequent revisions of the housing element, to take into consideration the amount of land in each city and each county that is within a very high fire risk area, as defined, by allocating a lower proportion of housing if the department determines, based on specified factors, that it is likely that the jurisdiction would otherwise need to identify lands within a very high fire risk area as adequate sites in order to meet its housing need allocation.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

(5) Existing law requires the Office of Planning and Research to implement various long-range planning and research policies and goals that are intended to, among other things, encourage the formation and proper functioning of local entities and, in connection with those responsibilities, to adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans.

This bill would require the Office of Planning and Research, on or before January 1, 2023, in collaboration with cities and counties, to

identify local ordinances, policies, and best practices relating to land use planning in very high fire risk areas, wildfire risk reduction, and wildfire preparedness and publish these resources on the above-described clearinghouse, as specified.

(6) Existing law requires, until the 2023–24 fiscal year, the amount of \$165,000,000 to be appropriated from the Greenhouse Gas Reduction Fund to the Department of Forestry and Fire Protection for healthy forest and fire prevention programs and projects that improve forest health and reduce greenhouse gas emissions caused by uncontrolled wildfires.

This bill would establish the Wildfire Risk Reduction Planning Support Grants Program, administered by the Department of Forestry and Fire Protection, for the purpose of providing small jurisdictions, as defined, containing very high fire hazard risk areas with grants for specified planning activities to enable those jurisdictions to meet the requirements set forth in the bill, as described above. Upon appropriation, the bill would require the department to distribute grant funds under the program via a noncompetitive, over-the-counter process, as provided, to small jurisdictions. The bill would require a recipient small jurisdiction to use the allocation solely for wildfire risk reduction planning activities, as specified. The bill would authorize the department to set aside up to 5% of any amount appropriated for these purposes for program administration.

(7) Existing law requires the State Board of Forestry and Fire Protection to adopt regulations implementing minimum fire safety standards that are applicable to lands classified and designated as very high fire hazard severity zones, and requires the regulations to apply to the perimeters and access to all residential, commercial, and industrial building construction within lands classified and designated as very high fire hazard severity zones, as defined, after July 1, 2021.

This bill would specify that the above-described regulations apply to the perimeters and access from the perimeters to all residential, commercial, and industrial building construction within lands classified and designated as very high fire hazard severity zones. The bill would also require the regulations to conform as nearly as practicable with specified existing regulations adopted by the State Fire Marshal.

(8) Existing law requires a common interest development within a very high fire severity zone to allow an owner to install or repair a roof with at least one type of fire retardant roof covering material that meets specified requirements.

This bill would require the one type of fire retardant roof covering material to additionally meet, at a minimum, class B standards, as specified in the International Building Code.

(9) 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 no reimbursement is required by this act for a specified reason.

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 65007 of the Government Code is  
2 amended to read:

3 65007. As used in Sections 65302.9, 65860.1, 65865.5, 65962,  
4 and 66474.5, the following terms have the following meanings,  
5 unless the context requires otherwise:

6 (a) "Adequate progress" means all of the following:

7 (1) The total project scope, schedule, and cost of the completed  
8 flood protection system have been developed to meet the  
9 appropriate standard of protection.

10 (2) (A) Revenues that are sufficient to fund each year of the  
11 project schedule developed in paragraph (1) have been identified  
12 and, in any given year and consistent with that schedule, at least  
13 90 percent of the revenues scheduled to be received by that year  
14 have been appropriated and are currently being expended.

15 (B) Notwithstanding subparagraph (A), for any year in which  
16 state funding is not appropriated consistent with an agreement  
17 between a state agency and a local flood management agency, the  
18 Central Valley Flood Protection Board may find that the local  
19 flood management agency is making adequate progress in working  
20 toward the completion of the flood protection system.

21 (3) Critical features of the flood protection system are under  
22 construction, and each critical feature is progressing as indicated  
23 by the actual expenditure of the construction budget funds.

24 (4) The city or county has not been responsible for a significant  
25 delay in the completion of the system.

26 (5) The local flood management agency shall provide the  
27 Department of Water Resources and the Central Valley Flood

1 Protection Board with the information specified in this subdivision  
2 sufficient to determine substantial completion of the required flood  
3 protection. The local flood management agency shall annually  
4 report to the Central Valley Flood Protection Board on the efforts  
5 in working toward completion of the flood protection system.

6 (b) “Central Valley Flood Protection Plan” has the same  
7 meaning as that set forth in Section 9612 of the Water Code.

8 (c) “Developed area” has the same meaning as that set forth in  
9 Section 59.1 of Title 44 of the Code of Federal Regulations.

10 (d) “Flood hazard zone” means an area subject to flooding that  
11 is delineated as either a special hazard area or an area of moderate  
12 hazard on an official flood insurance rate map issued by the Federal  
13 Emergency Management Agency (FEMA). The identification of  
14 flood hazard zones does not imply that areas outside the flood  
15 hazard zones, or uses permitted within flood hazard zones, will be  
16 free from flooding or flood damage.

17 (e) “National Federal Emergency Management Agency standard  
18 of flood protection” means the level of flood protection that is  
19 necessary to withstand flooding that has a 1-in-100 chance of  
20 occurring in any given year using criteria developed by FEMA for  
21 application in the National Flood Insurance Program.

22 (f) “Nonurbanized area” means a developed area or an area  
23 outside a developed area in which there are fewer than 10,000  
24 residents that is not an urbanizing area.

25 (g) “Project levee” means any levee that is part of the facilities  
26 of the State Plan of Flood Control.

27 (h) “Sacramento-San Joaquin Valley” means lands in the bed  
28 or along or near the banks of the Sacramento River or San Joaquin  
29 River, or their tributaries or connected therewith, or upon any land  
30 adjacent thereto, or within the overflow basins thereof, or upon  
31 land susceptible to overflow therefrom. The Sacramento-San  
32 Joaquin Valley does not include lands lying within the Tulare Lake  
33 basin, including the Kings River.

34 (i) “State Plan of Flood Control” has the same meaning as that  
35 set forth in subdivision (j) of Section 5096.805 of the Public  
36 Resources Code.

37 (j) “Tulare Lake basin” means the Tulare Lake Hydrologic  
38 Region as defined in the California Water Plan Update 2009,  
39 prepared by the Department of Water Resources pursuant to

1 Chapter 1 (commencing with Section 10004) of Part 1.5 of Division  
2 6 of the Water Code.

3 (k) “Undetermined risk area” means an urban or urbanizing area  
4 within a moderate flood hazard zone, as delineated on an official  
5 flood insurance rate map issued by FEMA, which has not been  
6 determined to have an urban level of protection.

7 (l) “Urban area” means a developed area in which there are  
8 10,000 residents or more.

9 (m) “Urbanizing area” means a developed area or an area outside  
10 a developed area that is planned or anticipated to have 10,000  
11 residents or more within the next 10 years.

12 (n) “Urban level of flood protection” means the level of  
13 protection that is necessary to withstand flooding that has a  
14 1-in-200 chance of occurring in any given year using criteria  
15 consistent with, or developed by, the Department of Water  
16 Resources. “Urban level of flood protection” shall not mean  
17 shallow flooding or flooding from local drainage that meets the  
18 criteria of the national FEMA standard of flood protection.

19 (o) “Very high fire risk area” has the same meaning as defined  
20 in Section 65011.

21 SEC. 2. Section 65011 is added to the Government Code, to  
22 read:

23 65011. For the purposes of Sections 65302.11, 65860.2,  
24 65865.6, 65962.3, and 66474.03, unless the context requires  
25 otherwise, the following terms have the following meanings:

26 (a) “Adequate progress” means the city or county is taking  
27 concrete steps reasonably calculated to achieve funding and  
28 implementation of the applicable standard with the timeframe  
29 specified in subdivision (b) of Section 65012.

30 (b) “Very high fire risk area” means any lands located within a  
31 very high fire hazard severity zone, ~~as designated pursuant to~~  
32 ~~subdivisions (a) and (b) of Section 51179, or as indicated on maps~~  
33 ~~adopted by the Department of Forestry and Fire Protection pursuant~~  
34 ~~to Section 4202 of the Public Resources Code. Code or as~~  
35 *designated pursuant to subdivisions (a) and (b) of Section 51179.*

36 SEC. 3. Section 65012 is added to the Government Code, to  
37 read:

38 65012. (a) For the purposes of Sections 65302.11, 65860.2,  
39 ~~65865.6~~ 65865.6, 65962.3, and 66474.03, “wildfire risk reduction  
40 standard” means the following:



1 (1) For a development of any size:

2 (A) The regulations adopted by the State Board of Forestry and  
3 Fire Protection, the State Fire Marshal, and the California Building  
4 Standards Commission regarding defensible space, vegetation  
5 management, fuel modification, and materials and construction  
6 methods for exterior wildfire exposure, including, but not limited  
7 to, all of the following, or the successor provisions:

8 (i) Chapter 7A of the California Building Code.

9 (ii) Chapter 49 of the California Fire Code.

10 (iii) Section R337 of the California Residential Code.

11 (iv) Chapter 12-7A of the California Referenced Standards  
12 Code.

13 (v) Subchapter 2 (commencing with Section 1270) of Chapter  
14 7 of Division 1.5 of Title 14 of the California Code of Regulations.

15 (vi) Article 3 (commencing with Section 1299.01) of Subchapter  
16 3 of Chapter 7 of Division 1.5 of Title 14 of the California Code  
17 of Regulations.

18 (B) A wildland fire hazard assessment and wildfire hazard  
19 mitigation plan approved by the enforcing agency in accordance  
20 with standards adopted by the State Fire Marshal pursuant to  
21 Section 65013.

22 (C) An enforcement program established, funded, and  
23 implemented to verify ongoing compliance of the defensible space,  
24 vegetation management, and fuel modification requirements of  
25 the regulations described in subparagraph (A), and with any  
26 continuing obligations imposed under a fire protection plan or  
27 wildfire hazard mitigation plan established for the project. The  
28 enforcing agency may charge a fee sufficient to cover the costs of  
29 administering the program and providing any inspections conducted  
30 by the enforcing agency. The program shall ensure that compliance  
31 is documented for each affected property or structure at least once  
32 every three years. Acceptable methods of compliance inspection  
33 and documentation shall be determined by the enforcing agency  
34 and may include any of the following:

35 (i) The local, state, or federal fire authority or designee  
36 authorized to enforce vegetation management requirements.

37 (ii) The enforcing agency.

38 (iii) Third-party inspection and certification authorized in  
39 accordance with the regulations adopted by the State Fire Marshal  
40 pursuant to Section 65013.

1 (D) The regulations relating to the organization and deployment  
2 of fire suppression operations, fire protection infrastructure, water  
3 supplies for fire fighting, and reducing ignition hazards from  
4 wildland fire adopted by the State Fire Marshal pursuant to Section  
5 65013.

6 (2) For a development of nine units or more:

7 (A) All of the standards set forth in paragraph (1).

8 (B) A fire protection plan setting forth reasonable site-specific  
9 safety measures to ensure that the development as a whole is  
10 planned and constructed to resist the encroachment of uncontrolled  
11 fire. The fire protection plan may be combined with the wildfire  
12 hazard mitigation plan prepared for the development in accordance  
13 with subparagraph (B) of paragraph (1). The plan shall include,  
14 but not be limited to, all of the following:

15 (i) A development layout that reduces wildfire risk to the greatest  
16 extent practicable, through measures that may include, but are not  
17 limited to, clustering of structures in the lowest risk areas on the  
18 property, while still requiring all structures to be separated by a  
19 safe distance to avoid the spread of fires from structure to structure,  
20 the use of natural and manmade features as fire breaks, and the  
21 establishment of community protection fire breaks on the perimeter  
22 of the property.

23 (ii) Identification of a low-risk fire safety area where community  
24 members can evacuate to and wait until emergency service  
25 providers can reach them.

26 (iii) Mechanisms, including funding, to maintain common areas  
27 and open spaces within the development so that ground fuels do  
28 not promote the spread of wildfire and aerial fuels do not allow  
29 the spread of a fire through the tree canopy.

30 (C) A condition on the development that all parcels within the  
31 development containing structures are subject to an ongoing,  
32 permanent fee, tax, or assessment, an assessment through a  
33 homeowners' association, or a similar funding mechanism  
34 sufficient to ensure that defensible space and vegetation  
35 management maintenance is funded and occurs on a schedule so  
36 as to comply with subparagraph (C) of paragraph (1), and other  
37 requirements for maintaining defensible space and vegetation  
38 management under law, including, but not limited to, Section 4291  
39 of the Public Resources Code.

1 (D) The development shall not be approved unless the city or  
2 county finds, based on substantial evidence in the record, that the  
3 development can be reasonably accessed and served in the case  
4 of a wildfire, with adequate ingress and egress, including, but not  
5 limited to, primary and secondary routes and capacity for  
6 evacuation and emergency response at the same time.

7 (3) For any development subject to this subdivision that includes  
8 100 or more residential dwelling units:

9 (A) All of the standards set forth in paragraphs (1) and (2).

10 (B) Additional wildfire risk reduction standards adopted by the  
11 State Fire Marshal pursuant to clause (ii) of subparagraph (A) of  
12 paragraph (1) of subdivision (a) of Section 65013, or conditions  
13 imposed by the city or county that provide the same practical effect  
14 as the standards and are at least the equivalent of the standards in  
15 reducing the risk to life and property from catastrophic wildfire.

16 (b) For a period of five years following adoption of the zoning  
17 ordinance amendment pursuant to Section 65860.2, a development  
18 shall be deemed in compliance with the wildfire risk reduction  
19 standards set forth in subparagraphs (C) and (D) of paragraph (1)  
20 of subdivision (a) if the city or county finds, based on substantial  
21 evidence in the record, that the responsible state and local agencies  
22 have made adequate progress toward providing protection from  
23 wildfire risk to the level set forth in those standards, or wildfire  
24 protection standards adopted by the city or county that meet or  
25 exceed those standards.

26 (c) Nothing in this section shall be construed to limit the existing  
27 authority of the State Fire Marshal or any other public agency  
28 under any other law from adopting standards that are more  
29 protective of life and property from the risk of wildfire.

30 SEC. 4. Section 65013 is added to the Government Code, to  
31 read:

32 65013. (a) By January 1, 2023, the Office of the State Fire  
33 Marshal, in consultation with the Office of Planning and Research  
34 and the State Board of Forestry and Fire Protection, shall do all of  
35 the following:

36 (1) Adopt wildfire risk reduction standards *for developments in*  
37 *a very high fire risk area* that meet all of the following  
38 requirements:

1 (A) (i) Account for differences in the size of proposed  
2 developments, consistent with the categories set forth in Section  
3 65012.

4 (ii) When adopting standards for developments that include 100  
5 or more residential dwelling units, the Office of the State Fire  
6 Marshal shall incorporate all applicable recommendations included  
7 in the Office of Planning and Research's ~~most recent~~ 2015  
8 publication of "Fire Hazard Planning—General Plan Technical  
9 Advice Series."

10 (B) Include standards for organization and development of fire  
11 suppression operations, fire protection infrastructure, water supplies  
12 for fire fighting, and reducing structure ignition hazards from  
13 wildland fire.

14 (C) Include any additional requirements for fire hardening or  
15 similar building standards applicable to structures located in areas  
16 without a secondary egress route that are identified in accordance  
17 with subdivision (a) of Section 4290.5 of the Public Resources  
18 Code.

19 (D) Establish community-scale risk reduction measures,  
20 including, but not limited to, both of the following:

21 (i) Community design and layout.

22 (ii) Location and construction of infrastructure to reduce ignition  
23 potential and ensure availability of water supplies essential for fire  
24 suppression during a wildfire.

25 (E) Are designed to reduce the risk of catastrophic loss due to  
26 wildfire based upon a risk model that uses current wildfire hazard  
27 severity information known for the very high fire risk areas. The  
28 Office of the State Fire Marshal shall utilize a risk model that meets  
29 both of the following requirements:

30 (i) The risk model is able to quantify the risk for a community  
31 or parcel in a very high fire risk area through the input of mitigating  
32 factors into the model.

33 (ii) The model uses the best available science and objective  
34 scientific methodologies.

35 (F) Are directly applicable to, and account for, California's  
36 climate, weather, topography, and development patterns.

37 (2) Adopt standards for third-party inspection and certification  
38 conducted pursuant to subparagraph (C) of paragraph (1) of  
39 subdivision (a) of Section 65012.

1 (b) (1) By January 1, 2024, the Office of the State Fire Marshal  
2 shall update the maps of the very high fire hazard severity zones  
3 pursuant to Section 51178.

4 (2) In updating the maps pursuant to subparagraph (A), the State  
5 Fire Marshal shall identify areas within very high fire hazard  
6 severity zones where new residential development poses  
7 exceptional risk to future occupants of the development and to fire  
8 personnel and other public safety personnel that must access the  
9 development during a wildfire.

10 (c) Standards adopted pursuant to this section, regulations and  
11 rules of general applicability adopted pursuant to Section 65012,  
12 and regulations and rules of general applicability adopted by state  
13 or local agencies as necessary to implement those standards, shall  
14 be reasonable, and shall be feasible and achievable for the majority  
15 of developments in each category set forth in subdivision (a) of  
16 Section 65012.

17 (d) In developing the standards required by this section, the  
18 Office of the State Fire Marshal shall do both of the following:

19 (1) Convene a working group of stakeholders, including  
20 representatives of urban, suburban, and rural counties and cities  
21 to assist in this effort.

22 (2) Consider national standards, including, but not limited to,  
23 the following:

24 (A) The ICC International Wildland-Urban Interface Code.

25 (B) NFPA 1141: Standard for Fire Protection Infrastructure for  
26 Land Development and Wildland, Rural, and Suburban Areas.

27 (C) NFPA 1142: Standard on Water Supplies for Suburban and  
28 Rural Fire Fighting.

29 (D) NFPA 1144: Standard for Reducing Structure Ignition  
30 Hazards from Wildland Fire.

31 (E) NFPA 1720: Standards for the Organization and Deployment  
32 of Fire Suppression Operations, Emergency Medical ~~Operations~~  
33 ~~Operations~~, and Special ~~Operations~~, *Operations* to the Public by  
34 Volunteer Fire Departments.

35 (e) The Office of the State Fire Marshal may incorporate some  
36 or all of the wildfire risk reduction standards adopted pursuant to  
37 this section into the building standards developed pursuant to  
38 Section 13108.5 of the Health and Safety Code or the regulations  
39 adopted pursuant to Section 4290 of the Public Resources Code.

1 (f) Standards adopted pursuant to this section shall be adopted  
2 pursuant to the rulemaking provisions of the Administrative  
3 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
4 Part 1 of Division 3 of Title 2).

5 (g) Nothing in this section shall be construed to limit the existing  
6 authority of the State Fire Marshal or any other state or local public  
7 agency under any other law from adopting standards that are more  
8 protective of life and property from the risk of wildfire.

9 (h) “Very high fire risk area” has the same meaning as defined  
10 in Section 65011.

11 SEC. 5. Section 65040.18 is added to the Government Code,  
12 to read:

13 65040.18. By January 1, 2023, the Office of Planning and  
14 Research, in collaboration with cities and counties, shall identify  
15 local ordinances, policies, and best practices relating to land use  
16 planning in very high fire risk areas, wildfire risk reduction, and  
17 wildfire preparedness and publish these resources on the  
18 clearinghouse established pursuant to Section 71360 of the Public  
19 Resources Code. The office shall include in the clearinghouse any  
20 comprehensive retrofit strategies submitted pursuant to  
21 subparagraph (E) of paragraph (6) of subdivision (g) of Section  
22 65302. The office shall regularly update the clearinghouse materials  
23 made available pursuant to this section. For purposes of this  
24 section, “very high fire risk area” has the same meaning as defined  
25 in Section 65011.

26 SEC. 6. Section 65302 of the Government Code, as amended  
27 by Section 169 of Chapter 370 of the Statutes of 2020, is amended  
28 to read:

29 65302. The general plan shall consist of a statement of  
30 development policies and shall include a diagram or diagrams and  
31 text setting forth objectives, principles, standards, and plan  
32 proposals. The plan shall include the following elements:

33 (a) A land use element that designates the proposed general  
34 distribution and general location and extent of the uses of the land  
35 for housing, business, industry, open space, including agriculture,  
36 natural resources, recreation, and enjoyment of scenic beauty,  
37 education, public buildings and grounds, solid and liquid waste  
38 disposal facilities, greenways, as defined in Section 816.52 of the  
39 Civil Code, and other categories of public and private uses of land.  
40 The location and designation of the extent of the uses of the land

1 for public and private uses shall consider the identification of land  
2 and natural resources pursuant to paragraph (3) of subdivision (d).  
3 The land use element shall include a statement of the standards of  
4 population density and building intensity recommended for the  
5 various districts and other territory covered by the plan. The land  
6 use element shall identify and annually review those areas covered  
7 by the plan that are subject to flooding identified by flood plain  
8 mapping prepared by the Federal Emergency Management Agency  
9 (FEMA) or the Department of Water Resources. The land use  
10 element shall also do both of the following:

11 (1) Designate in a land use category that provides for timber  
12 production those parcels of real property zoned for timberland  
13 production pursuant to the California Timberland Productivity Act  
14 of 1982 (Chapter 6.7 (commencing with Section 51100) of Part 1  
15 of Division 1 of Title 5).

16 (2) Consider the impact of new growth on military readiness  
17 activities carried out on military bases, installations, and operating  
18 and training areas, when proposing zoning ordinances or  
19 designating land uses covered by the general plan for land, or other  
20 territory adjacent to military facilities, or underlying designated  
21 military aviation routes and airspace.

22 (A) In determining the impact of new growth on military  
23 readiness activities, information provided by military facilities  
24 shall be considered. Cities and counties shall address military  
25 impacts based on information from the military and other sources.

26 (B) The following definitions govern this paragraph:

27 (i) “Military readiness activities” mean all of the following:

28 (I) Training, support, and operations that prepare the members  
29 of the military for combat.

30 (II) Operation, maintenance, and security of any military  
31 installation.

32 (III) Testing of military equipment, vehicles, weapons, and  
33 sensors for proper operation or suitability for combat use.

34 (ii) “Military installation” means a base, camp, post, station,  
35 yard, center, homeport facility for any ship, or other activity under  
36 the jurisdiction of the United States Department of Defense as  
37 defined in paragraph (1) of subsection (g) of Section 2687 of Title  
38 10 of the United States Code.

39 (b) (1) A circulation element consisting of the general location  
40 and extent of existing and proposed major thoroughfares,

1 transportation routes, terminals, any military airports and ports,  
2 and other local public utilities and facilities, all correlated with the  
3 land use element of the plan.

4 (2) (A) Commencing January 1, 2011, upon any substantive  
5 revision of the circulation element, the legislative body shall  
6 modify the circulation element to plan for a balanced, multimodal  
7 transportation network that meets the needs of all users of streets,  
8 roads, and highways for safe and convenient travel in a manner  
9 that is suitable to the rural, suburban, or urban context of the  
10 general plan.

11 (B) For purposes of this paragraph, “users of streets, roads, and  
12 highways” mean bicyclists, children, persons with disabilities,  
13 motorists, movers of commercial goods, pedestrians, users of public  
14 transportation, and seniors.

15 (c) A housing element as provided in Article 10.6 (commencing  
16 with Section 65580).

17 (d) (1) A conservation element for the conservation,  
18 development, and utilization of natural resources, including water  
19 and its hydraulic force, forests, soils, rivers and other waters,  
20 harbors, fisheries, wildlife, minerals, and other natural resources.  
21 The conservation element shall consider the effect of development  
22 within the jurisdiction, as described in the land use element, on  
23 natural resources located on public lands, including military  
24 installations. That portion of the conservation element including  
25 waters shall be developed in coordination with any countywide  
26 water agency and with all district and city agencies, including  
27 flood management, water conservation, or groundwater agencies  
28 that have developed, served, controlled, managed, or conserved  
29 water of any type for any purpose in the county or city for which  
30 the plan is prepared. Coordination shall include the discussion and  
31 evaluation of any water supply and demand information described  
32 in Section 65352.5, if that information has been submitted by the  
33 water agency to the city or county.

34 (2) The conservation element may also cover all of the  
35 following:

36 (A) The reclamation of land and waters.

37 (B) Prevention and control of the pollution of streams and other  
38 waters.

39 (C) Regulation of the use of land in stream channels and other  
40 areas required for the accomplishment of the conservation plan.



1 (D) Prevention, control, and correction of the erosion of soils,  
2 beaches, and shores.

3 (E) Protection of watersheds.

4 (F) The location, quantity, and quality of the rock, sand, and  
5 gravel resources.

6 (3) Upon the next revision of the housing element on or after  
7 January 1, 2009, the conservation element shall identify rivers,  
8 creeks, streams, flood corridors, riparian habitats, and land that  
9 may accommodate floodwater for purposes of groundwater  
10 recharge and stormwater management.

11 (e) An open-space element as provided in Article 10.5  
12 (commencing with Section 65560).

13 (f) (1) A noise element that shall identify and appraise noise  
14 problems in the community. The noise element shall analyze and  
15 quantify, to the extent practicable, as determined by the legislative  
16 body, current and projected noise levels for all of the following  
17 sources:

18 (A) Highways and freeways.

19 (B) Primary arterials and major local streets.

20 (C) Passenger and freight online railroad operations and ground  
21 rapid transit systems.

22 (D) Commercial, general aviation, heliport, helistop, and military  
23 airport operations, aircraft overflights, jet engine test stands, and  
24 all other ground facilities and maintenance functions related to  
25 airport operation.

26 (E) Local industrial plants, including, but not limited to, railroad  
27 classification yards.

28 (F) Other ground stationary noise sources, including, but not  
29 limited to, military installations, identified by local agencies as  
30 contributing to the community noise environment.

31 (2) Noise contours shall be shown for all of these sources and  
32 stated in terms of community noise equivalent level (CNEL) or  
33 day-night average sound level ( $L_{dn}$ ). The noise contours shall be  
34 prepared on the basis of noise monitoring or following generally  
35 accepted noise modeling techniques for the various sources  
36 identified in subparagraphs (A) to (F), inclusive, of paragraph (1).

37 (3) The noise contours shall be used as a guide for establishing  
38 a pattern of land uses in the land use element that minimizes the  
39 exposure of community residents to excessive noise.

1 (4) The noise element shall include implementation measures  
2 and possible solutions that address existing and foreseeable noise  
3 problems, if any. The adopted noise element shall serve as a  
4 guideline for compliance with the state’s noise insulation standards.

5 (g) (1) A safety element for the protection of the community  
6 from any unreasonable risks associated with the effects of  
7 seismically induced surface rupture, ground shaking, ground  
8 failure, tsunami, seiche, and dam failure; slope instability leading  
9 to mudslides and landslides; subsidence; liquefaction; and other  
10 seismic hazards identified pursuant to Chapter 7.8 (commencing  
11 with Section 2690) of Division 2 of the Public Resources Code,  
12 and other geologic hazards known to the legislative body; flooding;  
13 and wildland and urban fires. The safety element shall include  
14 mapping of known seismic and other geologic hazards. It shall  
15 also address evacuation routes, military installations, peakload  
16 water supply requirements, and minimum road widths and  
17 clearances around structures, as those items relate to identified fire  
18 and geologic hazards.

19 (2) The safety element, upon the next revision of the housing  
20 element on or after January 1, 2009, shall also do the following:

21 (A) Identify information regarding flood hazards, including,  
22 but not limited to, the following:

23 (i) Flood hazard zones. As used in this subdivision, “flood  
24 hazard zone” means an area subject to flooding that is delineated  
25 as either a special hazard area or an area of moderate or minimal  
26 hazard on an official flood insurance rate map issued by FEMA.  
27 The identification of a flood hazard zone does not imply that areas  
28 outside the flood hazard zones or uses permitted within flood  
29 hazard zones will be free from flooding or flood damage.

30 (ii) National Flood Insurance Program maps published by  
31 FEMA.

32 (iii) Information about flood hazards that is available from the  
33 United States Army Corps of Engineers.

34 (iv) Designated floodway maps that are available from the  
35 Central Valley Flood Protection Board.

36 (v) Dam failure inundation maps prepared pursuant to Section  
37 6161 of the Water Code that are available from the Department of  
38 Water Resources.

- 1 (vi) Awareness Floodplain Mapping Program maps and 200-year
- 2 flood plain maps that are or may be available from, or accepted
- 3 by, the Department of Water Resources.
- 4 (vii) Maps of levee protection zones.
- 5 (viii) Areas subject to inundation in the event of the failure of
- 6 project or nonproject levees or floodwalls.
- 7 (ix) Historical data on flooding, including locally prepared maps
- 8 of areas that are subject to flooding, areas that are vulnerable to
- 9 flooding after wildfires, and sites that have been repeatedly
- 10 damaged by flooding.
- 11 (x) Existing and planned development in flood hazard zones,
- 12 including structures, roads, utilities, and essential public facilities.
- 13 (xi) Local, state, and federal agencies with responsibility for
- 14 flood protection, including special districts and local offices of
- 15 emergency services.
- 16 (B) Establish a set of comprehensive goals, policies, and
- 17 objectives based on the information identified pursuant to
- 18 subparagraph (A), for the protection of the community from the
- 19 unreasonable risks of flooding, including, but not limited to:
- 20 (i) Avoiding or minimizing the risks of flooding to new
- 21 development.
- 22 (ii) Evaluating whether new development should be located in
- 23 flood hazard zones, and identifying construction methods or other
- 24 methods to minimize damage if new development is located in
- 25 flood hazard zones.
- 26 (iii) Maintaining the structural and operational integrity of
- 27 essential public facilities during flooding.
- 28 (iv) Locating, when feasible, new essential public facilities
- 29 outside of flood hazard zones, including hospitals and health care
- 30 facilities, emergency shelters, fire stations, emergency command
- 31 centers, and emergency communications facilities or identifying
- 32 construction methods or other methods to minimize damage if
- 33 these facilities are located in flood hazard zones.
- 34 (v) Establishing cooperative working relationships among public
- 35 agencies with responsibility for flood protection.
- 36 (C) Establish a set of feasible implementation measures designed
- 37 to carry out the goals, policies, and objectives established pursuant
- 38 to subparagraph (B).
- 39 (3) Upon the next revision of the housing element on or after
- 40 January 1, 2014, the safety element shall be reviewed and updated

1 as necessary to address the risk of fire for land classified as state  
2 responsibility areas, as defined in Section 4102 of the Public  
3 Resources Code, and land classified as very high fire hazard  
4 severity zones, as defined in Section 51177. This review shall  
5 consider the advice included in the Office of Planning and  
6 Research's most recent publication of "Fire Hazard ~~Planning,~~  
7 ~~General Planning~~–General Plan Technical Advice Series" and  
8 shall also include all of the following:

9 (A) Information regarding fire hazards, including, but not limited  
10 to, all of the following:

11 (i) Fire hazard severity zone maps available from the Department  
12 of Forestry and Fire Protection.

13 (ii) Any historical data on wildfires available from local agencies  
14 or a reference to where the data can be found.

15 (iii) Information about wildfire hazard areas that may be  
16 available from the United States Geological Survey.

17 (iv) General location and distribution of existing and planned  
18 uses of land in very high fire hazard severity zones and in state  
19 responsibility areas, including structures, roads, utilities, and  
20 essential public facilities. The location and distribution of planned  
21 uses of land shall not require defensible space compliance measures  
22 required by state law or local ordinance to occur on publicly owned  
23 lands or open space designations of homeowner associations.

24 (v) Local, state, and federal agencies with responsibility for fire  
25 protection, including special districts and local offices of  
26 emergency services.

27 (B) A set of goals, policies, and objectives based on the  
28 information identified pursuant to subparagraph (A) for the  
29 protection of the community from the unreasonable risk of wildfire.

30 (C) A set of feasible implementation measures designed to carry  
31 out the goals, policies, and objectives based on the information  
32 identified pursuant to subparagraph (B) including, but not limited  
33 to, all of the following:

34 (i) Avoiding or minimizing the wildfire hazards associated with  
35 new uses of land.

36 (ii) Locating, when feasible, new essential public facilities  
37 outside of high fire risk areas, including, but not limited to,  
38 hospitals and health care facilities, emergency shelters, emergency  
39 command centers, and emergency communications facilities, or  
40 identifying construction methods or other methods to minimize

1 damage if these facilities are located in a state responsibility area  
2 or very high fire hazard severity zone.

3 (iii) Designing adequate infrastructure if a new development is  
4 located in a state responsibility area or in a very high fire hazard  
5 severity zone, including safe access for emergency response  
6 vehicles, visible street signs, and water supplies for structural fire  
7 suppression.

8 (iv) Working cooperatively with public agencies with  
9 responsibility for fire protection.

10 (D) If a city or county has adopted a fire safety plan or document  
11 separate from the general plan, an attachment of, or reference to,  
12 a city or county's adopted fire safety plan or document that fulfills  
13 commensurate goals and objectives and contains information  
14 required pursuant to this paragraph.

15 (4) Upon the next revision of a local hazard mitigation plan,  
16 adopted in accordance with the federal Disaster Mitigation Act of  
17 2000 (Public Law 106-390), on or after January 1, 2017, or, if a  
18 local jurisdiction has not adopted a local hazard mitigation plan,  
19 beginning on or before January 1, 2022, the safety element shall  
20 be reviewed and updated as necessary to address climate adaptation  
21 and resiliency strategies applicable to the city or county. This  
22 review shall consider advice provided in the Office of Planning  
23 and Research's General Plan Guidelines and shall include all of  
24 the following:

25 (A) (i) A vulnerability assessment that identifies the risks that  
26 climate change poses to the local jurisdiction and the geographic  
27 areas at risk from climate change impacts, including, but not limited  
28 to, an assessment of how climate change may affect the risks  
29 addressed pursuant to paragraphs (2) and (3).

30 (ii) Information that may be available from federal, state,  
31 regional, and local agencies that will assist in developing the  
32 vulnerability assessment and the adaptation policies and strategies  
33 required pursuant to subparagraph (B), including, but not limited  
34 to, all of the following:

35 (I) Information from the internet-based Cal-Adapt tool.

36 (II) Information from the most recent version of the California  
37 Adaptation Planning Guide.

38 (III) Information from local agencies on the types of assets,  
39 resources, and populations that will be sensitive to various climate  
40 change exposures.

1 (IV) Information from local agencies on their current ability to  
2 deal with the impacts of climate change.

3 (V) Historical data on natural events and hazards, including  
4 locally prepared maps of areas subject to previous risk, areas that  
5 are vulnerable, and sites that have been repeatedly damaged.

6 (VI) Existing and planned development in identified at-risk  
7 areas, including structures, roads, utilities, and essential public  
8 facilities.

9 (VII) Federal, state, regional, and local agencies with  
10 responsibility for the protection of public health and safety and  
11 the environment, including special districts and local offices of  
12 emergency services.

13 (B) A set of adaptation and resilience goals, policies, and  
14 objectives based on the information specified in subparagraph (A)  
15 for the protection of the community.

16 (C) A set of feasible implementation measures designed to carry  
17 out the goals, policies, and objectives identified pursuant to  
18 subparagraph (B) including, but not limited to, all of the following:

19 (i) Feasible methods to avoid or minimize climate change  
20 impacts associated with new uses of land.

21 (ii) The location, when feasible, of new essential public facilities  
22 outside of at-risk areas, including, but not limited to, hospitals and  
23 health care facilities, emergency shelters, emergency command  
24 centers, and emergency communications facilities, or identifying  
25 construction methods or other methods to minimize damage if  
26 these facilities are located in at-risk areas.

27 (iii) The designation of adequate and feasible infrastructure  
28 located in an at-risk area.

29 (iv) Guidelines for working cooperatively with relevant local,  
30 regional, state, and federal agencies.

31 (v) The identification of natural infrastructure that may be used  
32 in adaptation projects, where feasible. Where feasible, the plan  
33 shall use existing natural features and ecosystem processes, or the  
34 restoration of natural features and ecosystem processes, when  
35 developing alternatives for consideration. For purposes of this  
36 clause, “natural infrastructure” means using natural ecological  
37 systems or processes to reduce vulnerability to climate change  
38 related hazards, or other related climate change effects, while  
39 increasing the long-term adaptive capacity of coastal and inland  
40 areas by perpetuating or restoring ecosystem services. This

1 includes, but is not limited to, the conservation, preservation, or  
2 sustainable management of any form of aquatic or terrestrial  
3 vegetated open space, such as beaches, dunes, tidal marshes, reefs,  
4 seagrass, parks, rain gardens, and urban tree canopies. It also  
5 includes systems and practices that use or mimic natural processes,  
6 such as permeable pavements, bioswales, and other engineered  
7 systems, such as levees that are combined with restored natural  
8 systems, to provide clean water, conserve ecosystem values and  
9 functions, and provide a wide array of benefits to people and  
10 wildlife.

11 (D) (i) If a city or county has adopted the local hazard  
12 mitigation plan, or other climate adaptation plan or document that  
13 fulfills commensurate goals and objectives and contains the  
14 information required pursuant to this paragraph, separate from the  
15 general plan, an attachment of, or reference to, the local hazard  
16 mitigation plan or other climate adaptation plan or document.

17 (ii) Cities or counties that have an adopted hazard mitigation  
18 plan, or other climate adaptation plan or document that substantially  
19 complies with this section, or have substantially equivalent  
20 provisions to this subdivision in their general plans, may use that  
21 information in the safety element to comply with this subdivision,  
22 and shall summarize and incorporate by reference into the safety  
23 element the other general plan provisions, climate adaptation plan  
24 or document, specifically showing how each requirement of this  
25 subdivision has been met.

26 (5) Upon the next revision of the housing element on or after  
27 January 1, 2020, the safety element shall be reviewed and updated  
28 as necessary to identify residential developments in any hazard  
29 area identified in the safety element that do not have at least two  
30 emergency evacuation routes.

31 (6) Upon the next revision of the housing element or the hazard  
32 mitigation plan, after July 1, 2024, whichever occurs first, the  
33 safety element shall be reviewed and updated as necessary to  
34 include a comprehensive retrofit strategy to reduce the risk of  
35 property loss and damage during wildfires. The comprehensive  
36 retrofit strategy shall include, but is not limited to, all of the  
37 following:

38 (A) A list of the types of retrofits needed in an area based on  
39 fire risk.

1 (B) A process for identifying and inventorying structures in  
2 need of retrofit for fire hardening. The strategy shall prioritize the  
3 identification and inventorying of residential structures in very  
4 high fire risk areas.

5 (C) Goals and milestones for completing needed retrofit work.

6 (D) Potential funding sources and financing strategies to pay  
7 for needed retrofits on public and private property.

8 (E) Once adopted, the planning agency shall submit the adopted  
9 comprehensive retrofit strategy to the Office of Planning and  
10 Research for inclusion in the clearinghouse established pursuant  
11 to Section 71360 of the Public Resources Code.

12 (7) After the initial revision of the safety element pursuant to  
13 paragraphs (2), (3), (4), (5), and (6), the planning agency shall  
14 review and, if necessary, revise the safety element upon each  
15 revision of the housing element or local hazard mitigation plan,  
16 but not less than once every eight years, to identify new information  
17 relating to flood and fire hazards, climate adaptation and resiliency  
18 strategies, and retrofit updates applicable to the city or county that  
19 was not available during the previous revision of the safety  
20 element.

21 (8) Cities and counties that have flood plain management  
22 ordinances that have been approved by FEMA that substantially  
23 comply with this section, or have substantially equivalent  
24 provisions to this subdivision in their general plans, may use that  
25 information in the safety element to comply with this subdivision,  
26 and shall summarize and incorporate by reference into the safety  
27 element the other general plan provisions or the flood plain  
28 ordinance, specifically showing how each requirement of this  
29 subdivision has been met.

30 (9) Before the periodic review of its general plan and before  
31 preparing or revising its safety element, each city and county shall  
32 consult the California Geological Survey of the Department of  
33 Conservation, the Central Valley Flood Protection Board, if the  
34 city or county is located within the boundaries of the Sacramento  
35 and San Joaquin Drainage District, as set forth in Section 8501 of  
36 the Water Code, and the Office of Emergency Services for the  
37 purpose of including information known by and available to the  
38 department, the agency, and the board required by this subdivision.

39 (10) To the extent that a county's safety element is sufficiently  
40 detailed and contains appropriate policies and programs for



1 adoption by a city, a city may adopt that portion of the county’s  
2 safety element that pertains to the city’s planning area in  
3 satisfaction of the requirement imposed by this subdivision.

4 (h) (1) An environmental justice element, or related goals,  
5 policies, and objectives integrated in other elements, that identifies  
6 disadvantaged communities within the area covered by the general  
7 plan of the city, county, or city and county, if the city, county, or  
8 city and county has a disadvantaged community. The  
9 environmental justice element, or related environmental justice  
10 goals, policies, and objectives integrated in other elements, shall  
11 do all of the following:

12 (A) Identify objectives and policies to reduce the unique or  
13 compounded health risks in disadvantaged communities by means  
14 that include, but are not limited to, the reduction of pollution  
15 exposure, including the improvement of air quality, and the  
16 promotion of public facilities, food access, safe and sanitary homes,  
17 and physical activity.

18 (B) Identify objectives and policies to promote civic engagement  
19 in the public decisionmaking process.

20 (C) Identify objectives and policies that prioritize improvements  
21 and programs that address the needs of disadvantaged communities.

22 (2) A city, county, or city and county subject to this subdivision  
23 shall adopt or review the environmental justice element, or the  
24 environmental justice goals, policies, and objectives in other  
25 elements, upon the adoption or next revision of two or more  
26 elements concurrently on or after January 1, 2018.

27 (3) By adding this subdivision, the Legislature does not intend  
28 to require a city, county, or city and county to take any action  
29 prohibited by the United States Constitution or the California  
30 Constitution.

31 (4) For purposes of this subdivision, the following terms shall  
32 apply:

33 (A) “Disadvantaged communities” means an area identified by  
34 the California Environmental Protection Agency pursuant to  
35 Section 39711 of the Health and Safety Code or an area that is a  
36 low-income area that is disproportionately affected by  
37 environmental pollution and other hazards that can lead to negative  
38 health effects, exposure, or environmental degradation.

1 (B) “Public facilities” includes public improvements, public  
2 services, and community amenities, as defined in subdivision (d)  
3 of Section 66000.

4 (C) “Low-income area” means an area with household incomes  
5 at or below 80 percent of the statewide median income or with  
6 household incomes at or below the threshold designated as low  
7 income by the Department of Housing and Community  
8 Development’s list of state income limits adopted pursuant to  
9 Section 50093 of the Health and Safety Code.

10 SEC. 7. Section 65302.11 is added to the Government Code,  
11 to read:

12 65302.11. (a) Upon each revision of the housing element on  
13 or after July 1, 2024, each city or county that contains a very high  
14 fire risk area shall amend the land use element of its general plan  
15 to contain all of the following with respect to lands located within  
16 a very high fire risk area:

17 (1) (A) The goals contained in the most recent Strategic Fire  
18 Plan for California prepared by the Department of Forestry and  
19 Fire Protection.

20 (B) The locations of all very high fire risk areas within the city  
21 or county.

22 (C) The data and analysis described in the Office of Planning  
23 and Research’s most recent publication of “Fire Hazard  
24 Planning—General Plan Technical Advice Series.”

25 (D) The goals of any local hazard mitigation plan, community  
26 wildfire protection plan, and climate adaptation plan that has been  
27 adopted by the governing body of the city or county.

28 (2) Objectives and policies, based on the goals, data, and  
29 analysis identified pursuant to paragraph (1), for the protection of  
30 lives and property from unreasonable risk of wildfire. These  
31 objectives and policies shall take into consideration, and be  
32 consistent with, the information, goals, policies, objectives, and  
33 implementation measures included in the safety element in  
34 accordance with paragraph (3) of subdivision (g) of Section 65302.

35 (3) Feasible implementation measures designed to carry out the  
36 goals, objectives, and policies established pursuant to this  
37 subdivision.

38 (b) (1) After the initial amendment of the land use element  
39 pursuant to subdivision (a), the governing body of the city or  
40 county shall review all of the following upon each subsequent

1 revision of the housing element, but not less than once every eight  
2 years:

3 (A) The implementation of the wildfire risk reduction standards,  
4 as defined in Section 65012, within the jurisdiction. The governing  
5 body shall make written findings, based upon substantial evidence,  
6 regarding whether the city or county has implemented the wildfire  
7 risk reduction standards during the preceding planning period, or  
8 made adequate progress toward implementing the wildfire risk  
9 reduction standards as provided in subdivision (b) of Section  
10 65012.

11 (B) The designation of lands within the jurisdiction as very high  
12 fire hazard severity zones pursuant to subdivision (b) of Section  
13 51179. The governing body shall make written findings, based  
14 upon substantial evidence, supporting the determinations made in  
15 accordance with that subdivision.

16 (2) The draft findings required under this subdivision shall be  
17 submitted to the State Board of Forestry and Fire Protection and  
18 to every local agency that provides fire protection to territory in  
19 the city or county at least 90 days prior to adoption by the  
20 governing body.

21 (A) The State Board of Forestry and Fire Protection shall, and  
22 a local agency may, review the draft findings and recommend  
23 changes to the city or county within 60 days of its receipt regarding  
24 both of the following:

25 (i) Whether the city or county has implemented the wildfire risk  
26 reduction standards during the preceding planning period, or made  
27 adequate progress toward implementing the wildfire risk reduction  
28 standards as provided in subdivision (b) of Section 65012.

29 (ii) Whether the designation of lands within the jurisdiction as  
30 very high fire hazard severity zones is appropriate.

31 (B) (i) Prior to the adoption of its draft findings, the governing  
32 body shall consider the recommendations, if any, made by the  
33 State Board of Forestry and Fire Protection and any local agency  
34 that provides fire protection to territory in the city or county. If  
35 the governing body determines not to accept all or some of the  
36 recommendations, if any, made by the State Board of Forestry and  
37 Fire Protection or the local agency, the governing body shall  
38 communicate in writing to the State Board of Forestry and Fire  
39 Protection or the local agency, its reasons for not accepting the  
40 recommendations.

1 (ii) If the governing body proposes not to adopt the State Board  
2 of Forestry and Fire Protection’s recommendations concerning its  
3 draft findings, the State Board of Forestry and Fire Protection,  
4 within 15 days of receipt of the governing body’s written response,  
5 may request in writing a consultation with the governing body to  
6 discuss the State Board of Forestry and Fire Protection’s  
7 recommendations and the governing body’s response. The  
8 consultation may be conducted in person, electronically, or  
9 telephonically. If the State Board of Forestry and Fire Protection  
10 requests a consultation pursuant to this subparagraph, the governing  
11 body shall not approve the draft element or draft amendment until  
12 after consulting with the State Board of Forestry and Fire  
13 Protection. The consultation shall occur within 30 days after the  
14 State Board of Forestry and Fire Protection’s request.

15 (C) The State Board of Forestry and Fire Protection shall notify  
16 the city or county and may notify the Office of the Attorney  
17 General that the city or county is in violation of state law if the  
18 State Board of Forestry and Fire Protection finds that the written  
19 findings do not substantially comply with this section, or that the  
20 city or county has otherwise failed to substantially comply with  
21 this section or with Section 65860.2.

22 (3) Any interested person may bring an action to compel  
23 compliance with the requirements of this subdivision. The action  
24 shall be brought pursuant to Section 1085 of the Code of Civil  
25 Procedure.

26 (c) For purposes of this section, “very high fire risk area” has  
27 the same meaning as defined in Section 65011.

28 SEC. 8. Section 65584 of the Government Code is amended  
29 to read:

30 65584. (a) (1) For the fourth and subsequent revisions of the  
31 housing element pursuant to Section 65588, the department shall  
32 determine the existing and projected need for housing for each  
33 region pursuant to this article. For purposes of subdivision (a) of  
34 Section 65583, the share of a city or county of the regional housing  
35 need shall include that share of the housing need of persons at all  
36 income levels within the area significantly affected by the general  
37 plan of the city or county.

38 (2) It is the intent of the Legislature that cities, counties, and  
39 cities and counties should undertake all necessary actions to  
40 encourage, promote, and facilitate the development of housing to

1 accommodate the entire regional housing need, and reasonable  
2 actions should be taken by local and regional governments to  
3 ensure that future housing production meets, at a minimum, the  
4 regional housing need established for planning purposes. These  
5 actions shall include applicable reforms and incentives in Section  
6 65582.1.

7 (3) The Legislature finds and declares that insufficient housing  
8 in job centers hinders the state’s environmental quality and runs  
9 counter to the state’s environmental goals. In particular, when  
10 Californians seeking affordable housing are forced to drive longer  
11 distances to work, an increased amount of greenhouse gases and  
12 other pollutants is released and puts in jeopardy the achievement  
13 of the state’s climate goals, as established pursuant to Section  
14 38566 of the Health and Safety Code, and clean air goals.

15 (b) The department, in consultation with each council of  
16 governments, shall determine each region’s existing and projected  
17 housing need pursuant to Section 65584.01 at least two years prior  
18 to the scheduled revision required pursuant to Section 65588. The  
19 appropriate council of governments, or for cities and counties  
20 without a council of governments, the department, shall adopt a  
21 final regional housing need plan that allocates a share of the  
22 regional housing need to each city, county, or city and county at  
23 least one year prior to the scheduled revision for the region required  
24 by Section 65588. The allocation plan prepared by a council of  
25 governments shall be prepared pursuant to Sections 65584.04 and  
26 65584.05.

27 (c) Notwithstanding any other provision of law, the due dates  
28 for the determinations of the department or for the council of  
29 governments, respectively, regarding the regional housing need  
30 may be extended by the department by not more than 60 days if  
31 the extension will enable access to more recent critical population  
32 or housing data from a pending or recent release of the United  
33 States Census Bureau or the Department of Finance. If the due  
34 date for the determination of the department or the council of  
35 governments is extended for this reason, the department shall  
36 extend the corresponding housing element revision deadline  
37 pursuant to Section 65588 by not more than 60 days.

38 (d) The regional housing needs allocation plan shall further all  
39 of the following objectives:

1 (1) Increasing the housing supply and the mix of housing types,  
2 tenure, and affordability in all cities and counties within the region  
3 in an equitable manner, which shall result in each jurisdiction  
4 receiving an allocation of units for low- and very low income  
5 households.

6 (2) Promoting infill development and socioeconomic equity,  
7 the protection of environmental and agricultural resources, the  
8 encouragement of efficient development patterns, and the  
9 achievement of the region’s greenhouse gas reductions targets  
10 provided by the State Air Resources Board pursuant to Section  
11 65080.

12 (3) Promoting an improved intraregional relationship between  
13 jobs and housing, including an improved balance between the  
14 number of low-wage jobs and the number of housing units  
15 affordable to low-wage workers in each jurisdiction.

16 (4) Allocating a lower proportion of housing need to an income  
17 category when a jurisdiction already has a disproportionately high  
18 share of households in that income category, as compared to the  
19 countywide distribution of households in that category from the  
20 most recent American Community Survey.

21 (5) Affirmatively furthering fair housing.

22 (6) Promoting resilient communities. Furthering this objective  
23 shall include reducing development pressure within very high fire  
24 risk areas. This paragraph shall apply only to the regional housing  
25 needs allocation plan for the seventh and subsequent revisions of  
26 the housing element.

27 (e) For purposes of this section, “affirmatively furthering fair  
28 housing” means taking meaningful actions, in addition to  
29 combating discrimination, that overcome patterns of segregation  
30 and foster inclusive communities free from barriers that restrict  
31 access to opportunity based on protected characteristics.  
32 Specifically, affirmatively furthering fair housing means taking  
33 meaningful actions that, taken together, address significant  
34 disparities in housing needs and in access to opportunity, replacing  
35 segregated living patterns with truly integrated and balanced living  
36 patterns, transforming racially and ethnically concentrated areas  
37 of poverty into areas of opportunity, and fostering and maintaining  
38 compliance with civil rights and fair housing laws.

1 (f) For purposes of this section, “household income levels” are  
2 as determined by the department as of the most recent American  
3 Community Survey pursuant to the following code sections:

4 (1) Very low incomes, as defined by Section 50105 of the Health  
5 and Safety Code.

6 (2) Lower incomes, as defined by Section 50079.5 of the Health  
7 and Safety Code.

8 (3) Moderate incomes, as defined by Section 50093 of the Health  
9 and Safety Code.

10 (4) Above moderate incomes are those exceeding the  
11 moderate-income level of Section 50093 of the Health and Safety  
12 Code.

13 (g) Notwithstanding any other provision of law, determinations  
14 made by the department, a council of governments, or a city or  
15 county pursuant to this section or Section 65584.01, 65584.02,  
16 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or 65584.08  
17 are exempt from the California Environmental Quality Act  
18 (Division 13 (commencing with Section 21000) of the Public  
19 Resources Code).

20 SEC. 9. Section 65584.04 of the Government Code is amended  
21 to read:

22 65584.04. (a) At least two years prior to a scheduled revision  
23 required by Section 65588, each council of governments, or  
24 delegate subregion as applicable, shall develop, in consultation  
25 with the department, a proposed methodology for distributing the  
26 existing and projected regional housing need to cities, counties,  
27 and cities and counties within the region or within the subregion,  
28 where applicable pursuant to this section. The methodology shall  
29 further the objectives listed in subdivision (d) of Section 65584.

30 (b) (1) No more than six months before the development of a  
31 proposed methodology for distributing the existing and projected  
32 housing need, each council of governments shall survey each of  
33 its member jurisdictions to request, at a minimum, information  
34 regarding the factors listed in subdivision (e) that will allow the  
35 development of a methodology based upon the factors established  
36 in subdivision (e).

37 (2) With respect to the objective in paragraph (5) of subdivision  
38 (d) of Section 65584, the survey shall review and compile  
39 information that will allow the development of a methodology  
40 based upon the issues, strategies, and actions that are included, as

1 available, in an Analysis of Impediments to Fair Housing Choice  
2 or an Assessment of Fair Housing completed by any city or county  
3 or the department that covers communities within the area served  
4 by the council of governments, and in housing elements adopted  
5 pursuant to this article by cities and counties within the area served  
6 by the council of governments.

7 (3) The council of governments shall seek to obtain the  
8 information in a manner and format that is comparable throughout  
9 the region and utilize readily available data to the extent possible.

10 (4) The information provided by a local government pursuant  
11 to this section shall be used, to the extent possible, by the council  
12 of governments, or delegate subregion as applicable, as source  
13 information for the methodology developed pursuant to this section.  
14 The survey shall state that none of the information received may  
15 be used as a basis for reducing the total housing need established  
16 for the region pursuant to Section 65584.01.

17 (5) If the council of governments fails to conduct a survey  
18 pursuant to this subdivision, a city, county, or city and county may  
19 submit information related to the items listed in subdivision (e)  
20 before the public comment period provided for in subdivision (d).

21 (c) The council of governments shall electronically report the  
22 results of the survey of fair housing issues, strategies, and actions  
23 compiled pursuant to paragraph (2) of subdivision (b). The report  
24 shall describe common themes and effective strategies employed  
25 by cities and counties within the area served by the council of  
26 governments, including common themes and effective strategies  
27 around avoiding the displacement of lower income households.  
28 The council of governments shall also identify significant barriers  
29 to affirmatively furthering fair housing at the regional level and  
30 may recommend strategies or actions to overcome those barriers.  
31 A council of governments or metropolitan planning organization,  
32 as appropriate, may use this information for any other purpose,  
33 including publication within a regional transportation plan adopted  
34 pursuant to Section 65080 or to inform the land use assumptions  
35 that are applied in the development of a regional transportation  
36 plan.

37 (d) Public participation and access shall be required in the  
38 development of the methodology and in the process of drafting  
39 and adoption of the allocation of the regional housing needs.  
40 Participation by organizations other than local jurisdictions and



1 councils of governments shall be solicited in a diligent effort to  
2 achieve public participation of all economic segments of the  
3 community as well as members of protected classes under Section  
4 12955. The proposed methodology, along with any relevant  
5 underlying data and assumptions, an explanation of how  
6 information about local government conditions gathered pursuant  
7 to subdivision (b) has been used to develop the proposed  
8 methodology, how each of the factors listed in subdivision (e) is  
9 incorporated into the methodology, and how the proposed  
10 methodology furthers the objectives listed in subdivision (e) of  
11 Section 65584, shall be distributed to all cities, counties, any  
12 subregions, and members of the public who have made a written  
13 or electronic request for the proposed methodology and published  
14 on the council of governments', or delegate subregion's, internet  
15 website. The council of governments, or delegate subregion, as  
16 applicable, shall conduct at least one public hearing to receive oral  
17 and written comments on the proposed methodology.

18 (e) To the extent that sufficient data is available from local  
19 governments pursuant to subdivision (b) or other sources, each  
20 council of governments, or delegate subregion as applicable, shall  
21 include the following factors to develop the methodology that  
22 allocates regional housing needs:

23 (1) Each member jurisdiction's existing and projected jobs and  
24 housing relationship. This shall include an estimate based on  
25 readily available data on the number of low-wage jobs within the  
26 jurisdiction and how many housing units within the jurisdiction  
27 are affordable to low-wage workers as well as an estimate based  
28 on readily available data, of projected job growth and projected  
29 household growth by income level within each member jurisdiction  
30 during the planning period.

31 (2) The opportunities and constraints to development of  
32 additional housing in each member jurisdiction, including all of  
33 the following:

34 (A) Lack of capacity for sewer or water service due to federal  
35 or state laws, regulations or regulatory actions, or supply and  
36 distribution decisions made by a sewer or water service provider  
37 other than the local jurisdiction that preclude the jurisdiction from  
38 providing necessary infrastructure for additional development  
39 during the planning period.

1 (B) The availability of land suitable for urban development or  
2 for conversion to residential use, the availability of underutilized  
3 land, and opportunities for infill development and increased  
4 residential densities. The council of governments may not limit  
5 its consideration of suitable housing sites or land suitable for urban  
6 development to existing zoning ordinances and land use restrictions  
7 of a locality, but shall consider the potential for increased  
8 residential development under alternative zoning ordinances and  
9 land use restrictions. The determination of available land suitable  
10 for urban development may exclude lands where the Federal  
11 Emergency Management Agency (FEMA) or the Department of  
12 Water Resources has determined that the flood management  
13 infrastructure designed to protect that land is not adequate to avoid  
14 the risk of flooding.

15 (C) Lands preserved or protected from urban development under  
16 existing federal or state programs, or both, designed to protect  
17 open space, farmland, environmental habitats, and natural resources  
18 on a long-term basis, including land zoned or designated for  
19 agricultural protection or preservation that is subject to a local  
20 ballot measure that was approved by the voters of that jurisdiction  
21 that prohibits or restricts conversion to nonagricultural uses.

22 (D) County policies to preserve prime agricultural land, as  
23 defined pursuant to Section 56064, within an unincorporated area  
24 and land within an unincorporated area zoned or designated for  
25 agricultural protection or preservation that is subject to a local  
26 ballot measure that was approved by the voters of that jurisdiction  
27 that prohibits or restricts its conversion to nonagricultural uses.

28 (3) The distribution of household growth assumed for purposes  
29 of a comparable period of regional transportation plans and  
30 opportunities to maximize the use of public transportation and  
31 existing transportation infrastructure.

32 (4) Agreements between a county and cities in a county to direct  
33 growth toward incorporated areas of the county and land within  
34 an unincorporated area zoned or designated for agricultural  
35 protection or preservation that is subject to a local ballot measure  
36 that was approved by the voters of the jurisdiction that prohibits  
37 or restricts conversion to nonagricultural uses.

38 (5) The loss of units contained in assisted housing developments,  
39 as defined in paragraph (9) of subdivision (a) of Section 65583,

1 that changed to non-low-income use through mortgage prepayment,  
2 subsidy contract expirations, or termination of use restrictions.

3 (6) The percentage of existing households at each of the income  
4 levels listed in subdivision (f) of Section 65584 that are paying  
5 more than 30 percent and more than 50 percent of their income in  
6 rent.

7 (7) The rate of overcrowding.

8 (8) The housing needs of farmworkers.

9 (9) The housing needs generated by the presence of a private  
10 university or a campus of the California State University or the  
11 University of California within any member jurisdiction.

12 (10) The housing needs of individuals and families experiencing  
13 homelessness. If a council of governments has surveyed each of  
14 its member jurisdictions pursuant to subdivision (b) on or before  
15 January 1, 2020, this paragraph shall apply only to the development  
16 of methodologies for the seventh and subsequent revisions of the  
17 housing element.

18 (11) The loss of units during a state of emergency that was  
19 declared by the Governor pursuant to the California Emergency  
20 Services Act (Chapter 7 (commencing with Section 8550) of  
21 Division 1 of Title 2), during the planning period immediately  
22 preceding the relevant revision pursuant to Section 65588 that  
23 have yet to be rebuilt or replaced at the time of the analysis.

24 (12) The region's greenhouse gas emissions targets provided  
25 by the State Air Resources Board pursuant to Section 65080.

26 (13) The amount of land in each member jurisdiction that is  
27 within a very high fire risk area, by allocating a lower proportion  
28 of housing to a jurisdiction if it is likely that the jurisdiction would  
29 otherwise need to identify lands within a very high fire risk area  
30 as adequate sites pursuant to Section 65583 in order to meet its  
31 housing need allocation. In determining whether it is likely the  
32 jurisdiction would otherwise need to identify lands within a very  
33 high fire risk area as adequate sites pursuant to Section 65583 in  
34 order to meet its housing need allocation, the council of  
35 governments, or delegate subregion as applicable, shall consider  
36 factors that include, but are not limited to, the following:

37 (A) (i) The percentage of land described in subparagraph (B)  
38 of paragraph (2) within the jurisdiction that includes a very high  
39 fire risk area.

1 (ii) Whether suitable alternative sites exist outside the  
2 jurisdiction, but within the region, to accommodate the remaining  
3 regional housing need.

4 (B) Any determination by a council of governments, or delegate  
5 subregions, as applicable, to establish, or not establish, a lower  
6 allocation under this paragraph for a jurisdiction containing a very  
7 high fire risk area shall be supported by a data-driven analysis  
8 demonstrating that the reduced allocation is, or is not, appropriate,  
9 including evidence-based consideration of the factors set forth in  
10 clauses (i) and (ii) of subparagraph (A).

11 (C) This paragraph shall apply only to the development of  
12 methodologies for the seventh and subsequent revisions of the  
13 housing element.

14 (D) For the purposes of this paragraph, “very high fire risk area”  
15 has the same meaning as defined in Section 65011.

16 (14) Any other factors adopted by the council of governments,  
17 that further the objectives listed in subdivision (d) of Section  
18 65584, provided that the council of governments specifies which  
19 of the objectives each additional factor is necessary to further. The  
20 council of governments may include additional factors unrelated  
21 to furthering the objectives listed in subdivision (d) of Section  
22 65584 so long as the additional factors do not undermine the  
23 objectives listed in subdivision (d) of Section 65584 and are applied  
24 equally across all household income levels as described in  
25 subdivision (f) of Section 65584 and the council of governments  
26 makes a finding that the factor is necessary to address significant  
27 health and safety conditions.

28 (f) The council of governments, or delegate subregion, as  
29 applicable, shall explain in writing how each of the factors  
30 described in subdivision (e) was incorporated into the methodology  
31 and how the methodology furthers the objectives listed in  
32 subdivision (d) of Section 65584. The methodology may include  
33 numerical weighting. This information, and any other supporting  
34 materials used in determining the methodology, shall be posted  
35 on the council of governments’, or delegate subregion’s, internet  
36 website.

37 (g) The following criteria shall not be a justification for a  
38 determination or a reduction in a jurisdiction’s share of the regional  
39 housing need:

1 (1) Any ordinance, policy, voter-approved measure, or standard  
2 of a city or county that directly or indirectly limits the number of  
3 residential building permits issued by a city or county.

4 (2) Prior underproduction of housing in a city or county from  
5 the previous regional housing need allocation, as determined by  
6 each jurisdiction's annual production report submitted pursuant  
7 to subparagraph (H) of paragraph (2) of subdivision (a) of Section  
8 65400.

9 (3) Stable population numbers in a city or county from the  
10 previous regional housing needs cycle.

11 (h) Following the conclusion of the public comment period  
12 described in subdivision (d) on the proposed allocation  
13 methodology, and after making any revisions deemed appropriate  
14 by the council of governments, or delegate subregion, as applicable,  
15 as a result of comments received during the public comment period,  
16 and as a result of consultation with the department, each council  
17 of governments, or delegate subregion, as applicable, shall publish  
18 a draft allocation methodology on its internet website and submit  
19 the draft allocation methodology, along with the information  
20 required pursuant to subdivision (e), to the department.

21 (i) Within 60 days, the department shall review the draft  
22 allocation methodology and report its written findings to the  
23 council of governments, or delegate subregion, as applicable. In  
24 its written findings the department shall determine whether the  
25 methodology furthers the objectives listed in subdivision (d) of  
26 Section 65584. If the department determines that the methodology  
27 is not consistent with subdivision (d) of Section 65584, the council  
28 of governments, or delegate subregion, as applicable, shall take  
29 one of the following actions:

30 (1) Revise the methodology to further the objectives listed in  
31 subdivision (d) of Section 65584 and adopt a final regional, or  
32 subregional, housing need allocation methodology.

33 (2) Adopt the regional, or subregional, housing need allocation  
34 methodology without revisions and include within its resolution  
35 of adoption findings, supported by substantial evidence, as to why  
36 the council of governments, or delegate subregion, believes that  
37 the methodology furthers the objectives listed in subdivision (d)  
38 of Section 65584 despite the findings of the department.

1 (j) If the department's findings are not available within the time  
2 limits set by subdivision (i), the council of governments, or delegate  
3 subregion, may act without them.

4 (k) Upon either action pursuant to subdivision (i), the council  
5 of governments, or delegate subregion, shall provide notice of the  
6 adoption of the methodology to the jurisdictions within the region,  
7 or delegate subregion, as applicable, and to the department, and  
8 shall publish the adopted allocation methodology, along with its  
9 resolution and any adopted written findings, on its internet website.

10 (l) The department may, within 90 days, review the adopted  
11 methodology and report its findings to the council of governments,  
12 or delegate subregion.

13 (m) (1) It is the intent of the Legislature that housing planning  
14 be coordinated and integrated with the regional transportation plan.  
15 To achieve this goal, the allocation plan shall allocate housing  
16 units within the region consistent with the development pattern  
17 included in the sustainable communities strategy.

18 (2) The final allocation plan shall ensure that the total regional  
19 housing need, by income category, as determined under Section  
20 65584, is maintained, and that each jurisdiction in the region  
21 receive an allocation of units for low- and very low income  
22 households.

23 (3) The resolution approving the final housing need allocation  
24 plan shall demonstrate that the plan is consistent with the  
25 sustainable communities strategy in the regional transportation  
26 plan and furthers the objectives listed in subdivision (d) of Section  
27 65584.

28 SEC. 10. Section 65584.06 of the Government Code is amended  
29 to read:

30 65584.06. (a) For cities and counties without a council of  
31 governments, the department shall determine and distribute the  
32 existing and projected housing need, in accordance with Section  
33 65584 and this section. If the department determines that a county  
34 or counties, supported by a resolution adopted by the board or  
35 boards of supervisors, and a majority of cities within the county  
36 or counties representing a majority of the population of the county  
37 or counties, possess the capability and resources and has agreed  
38 to accept the responsibility, with respect to its jurisdiction, for the  
39 distribution of the regional housing need, the department shall  
40 delegate this responsibility to the cities and county or counties.

1 (b) The distribution of regional housing need shall, based upon  
2 available data and in consultation with the cities and counties, take  
3 into consideration market demand for housing, the distribution of  
4 household growth within the county assumed in the regional  
5 transportation plan where applicable, employment opportunities  
6 and commuting patterns, the availability of suitable sites and public  
7 facilities, the needs of individuals and families experiencing  
8 homelessness, agreements between a county and cities in a county  
9 to direct growth toward incorporated areas of the county, or other  
10 considerations as may be requested by the affected cities or  
11 counties and agreed to by the department. As part of the allocation  
12 of the regional housing need, the department shall provide each  
13 city and county with data describing the assumptions and  
14 methodology used in calculating its share of the regional housing  
15 need. Consideration of suitable housing sites or land suitable for  
16 urban development is not limited to existing zoning ordinances  
17 and land use restrictions of a locality, but shall include  
18 consideration of the potential for increased residential development  
19 under alternative zoning ordinances and land use restrictions. The  
20 determination of available land suitable for urban development  
21 may exclude lands where the Federal Emergency Management  
22 Agency (FEMA) or the Department of Water Resources has  
23 determined that the flood management infrastructure designed to  
24 protect that land is not adequate to avoid the risk of flooding.

25 (c) (1) The distribution of regional housing need pursuant to  
26 this section shall also take into consideration the amount of land  
27 in each city and each county that is within a very high fire risk  
28 area, by allocating a lower proportion of housing to a jurisdiction  
29 if it is likely that the jurisdiction would otherwise need to identify  
30 lands within a very high fire risk area as adequate sites pursuant  
31 to Section 65583 in order to meet its housing need allocation. In  
32 determining whether it is likely the jurisdiction would otherwise  
33 need to identify lands within a very high fire risk area as adequate  
34 sites pursuant to Section 65583 in order to meet its housing need  
35 allocation, the department shall consider factors that include, but  
36 are not limited to, the following:

37 (A) The percentage of land described in subparagraph (B) of  
38 paragraph (2) of subdivision (e) of Section 65584.04 within the  
39 jurisdiction that includes a very high fire risk area.

1 (B) Whether suitable alternative sites exist outside the  
2 jurisdiction, but within the region, to accommodate the remaining  
3 regional housing need.

4 (2) Any determination to establish, or not establish, a lower  
5 allocation under this paragraph for a jurisdiction containing a very  
6 high fire risk area shall be supported by a data-driven analysis  
7 demonstrating that the reduced allocation is, or is not, appropriate,  
8 including evidence-based consideration of the factors set forth in  
9 paragraph (1).

10 (3) This paragraph shall apply only to the development of  
11 methodologies for the seventh and subsequent revisions of the  
12 housing element.

13 (d) Within 90 days following the department's determination  
14 of a draft distribution of the regional housing need to the cities and  
15 the county, a city or county may propose to revise the determination  
16 of its share of the regional housing need in accordance with criteria  
17 set forth in the draft distribution. The proposed revised share shall  
18 be based upon comparable data available for all affected  
19 jurisdictions, and accepted planning methodology, and shall be  
20 supported by adequate documentation.

21 (e) (1) Within 60 days after the end of the 90-day time period  
22 for the revision by the cities or county, the department shall accept  
23 the proposed revision, modify its earlier determination, or indicate  
24 why the proposed revision is inconsistent with the regional housing  
25 need.

26 (2) If the department does not accept the proposed revision,  
27 then, within 30 days, the city or county may request a public  
28 hearing to review the determination.

29 (3) The city or county shall be notified within 30 days by  
30 certified mail, return receipt requested, of at least one public  
31 hearing regarding the determination.

32 (4) The date of the hearing shall be at least 10 but not more than  
33 15 days from the date of the notification.

34 (5) Before making its final determination, the department shall  
35 consider all comments received and shall include a written response  
36 to each request for revision received from a city or county.

37 (f) If the department accepts the proposed revision or modifies  
38 its earlier determination, the city or county shall use that share. If  
39 the department grants a revised allocation pursuant to subdivision  
40 (d), the department shall ensure that the total regional housing



1 need is maintained. The department’s final determination shall be  
2 in writing and shall include information explaining how its action  
3 is consistent with this section. If the department indicates that the  
4 proposed revision is inconsistent with the regional housing need,  
5 the city or county shall use the share that was originally determined  
6 by the department. The department, within its final determination,  
7 may adjust the allocation of a city or county that was not the subject  
8 of a request for revision of the draft distribution.

9 (g) The department shall issue a final regional housing need  
10 allocation for all cities and counties within 45 days of the  
11 completion of the local review period.

12 (h) Statutory changes enacted after the date the department  
13 issued a final determination pursuant to this section shall not be a  
14 basis for a revision of the final determination.

15 (i) For purposes of this section, “very high fire risk area” has  
16 the same meaning as defined in Section 65011.

17 SEC. 11. Section 65860.2 is added to the Government Code,  
18 to read:

19 65860.2. (a) Not more than 12 months following the  
20 amendment of the land use element of a city’s or county’s general  
21 plan pursuant to Section 65302.11, each city or county that contains  
22 a very high fire risk area, as defined in Section 65011, shall adopt  
23 a very high fire risk overlay zone or otherwise amend its zoning  
24 ordinance so that it is consistent with the general plan, as amended.

25 (b) Notwithstanding any other law, the minimum requirements  
26 set forth in this section shall apply to all cities, including charter  
27 cities, and counties that contain a very high fire risk area. The  
28 Legislature finds and declares that establishment of minimum  
29 requirements for wildfire protection in very high fire risk areas is  
30 a matter of statewide concern and not a municipal affair as that  
31 term is used in Section 5 of Article XI of the California  
32 Constitution. Except as expressly stated, it is not the intent of the  
33 Legislature to limit the ordinances, rules, or regulations that a city  
34 or county may otherwise adopt and enforce beyond the minimum  
35 requirements outlined in this section.

36 SEC. 12. Section 65865.6 is added to the Government Code,  
37 to read:

38 65865.6. (a) Notwithstanding any other law and subject to  
39 subdivision (b), after the amendments to the land use element of  
40 the city’s or county’s general plan and zoning ordinances required

1 by Sections 65302.11 and 65860.2 have become effective, the  
2 legislative body of a city or county that contains a very high fire  
3 risk area, as defined in Section 65011, shall not enter into a  
4 development agreement for property that is located within such a  
5 very high fire risk area unless the city or county finds, based on  
6 substantial evidence in the record that the project and all structures  
7 within the project are protected from wildfire risk in accordance  
8 with the wildfire risk reduction standards in effect at the time that  
9 the development agreement is entered into, or wildfire protection  
10 standards adopted by the city or county that meet or exceed the  
11 wildfire risk reduction standards in effect at the time that the  
12 development agreement is entered into.

13 (b) Subdivision (a) shall apply only to a development agreement  
14 entered into on or after the date upon which the statutes of  
15 limitation specified in subdivision (c) of Section 65009 have run  
16 with respect to the amendments to a city's or county's general plan  
17 and zoning ordinances required by Sections 65302.11 and 65860.2  
18 or, if the amendments and any associated environmental documents  
19 are challenged in court, the validity of the amendments and any  
20 associated environmental documents has been upheld in a final  
21 decision.

22 (c) For purposes of this section, "wildfire risk reduction  
23 standards" means the wildfire risk reduction standards set forth in  
24 Section 65012 that are adopted pursuant to Section 65013 or  
25 implemented by the city or county pursuant to subparagraph (B)  
26 or (C) of paragraph (1) or subparagraph (B), (C), or (D) of  
27 paragraph (2) of subdivision (a) of Section 65012.

28 (d) This section shall not be interpreted to change or diminish  
29 the requirements of any other law or ordinance relating to fire  
30 protection. In the event of conflict among the wildfire risk  
31 reduction standards, or between the wildfire risk reduction  
32 standards and the requirements of any other law relating to fire  
33 protection, such conflicts shall be resolved in a manner which on  
34 balance is most protective against potential loss from wildfire  
35 exposure. Nothing in this section shall be construed to limit the  
36 existing authority of a city or county under any other law from  
37 adopting ordinances, rules, or regulations beyond the minimum  
38 requirements outlined in this section.

39 (e) For purposes of this section, "very high fire risk area" has  
40 the same meaning as defined in Section 65011.

1 SEC. 13. Section 65962.3 is added to the Government Code,  
2 to read:

3 65962.3. (a) Notwithstanding any other law, and subject to  
4 subdivision (b), after the amendments to the land use element of  
5 the city's or county's general plan and zoning ordinances required  
6 by Sections 65302.11 and 65860.2 have become effective, a city  
7 or county that contains a very high fire risk area, as defined in  
8 Section 65011, shall not approve a discretionary permit or other  
9 discretionary entitlement that would result in the construction of  
10 a new building or construction that would result in an increase in  
11 allowed occupancy for an existing building, or a ministerial permit  
12 that would result in the construction of a new residence, for a  
13 project that is located within such a very high fire risk area unless  
14 the city or county finds, based on substantial evidence in the record  
15 that the project and all structures within the project are protected  
16 from wildfire risk in accordance with the wildfire risk reduction  
17 standards defined in Section 65012, or wildfire protection standards  
18 in effect at the time the application for the permit or entitlement  
19 is deemed complete, adopted by the city or county that meet or  
20 exceed the wildfire risk reduction standards in effect at the time  
21 the application for the permit or entitlement is deemed complete.  
22 Approval of a final map or parcel map that conforms to a  
23 previously approved tentative map pursuant to Section 66458 shall  
24 not constitute approval of a ministerial permit for purposes of this  
25 section.

26 (b) Subdivision (a) shall only apply to a discretionary permit,  
27 discretionary entitlement, or ministerial permit issued on or after  
28 the date upon which the statutes of limitation specified in  
29 subdivision (c) of Section 65009 have run with respect to the  
30 amendments to a city's or a county's general plan and zoning  
31 ordinances required by Sections 65302.11 and 65860.2 or, if the  
32 amendments and any associated environmental documents are  
33 challenged in court, the validity of the amendments and any  
34 associated environmental documents has been upheld in a final  
35 decision.

36 (c) This section shall not be interpreted to waive or reduce a  
37 city or county's obligation pursuant to Section 65863 to ensure  
38 that its housing element inventory accommodates, at all times  
39 throughout the housing element planning period, its remaining  
40 share of its regional housing need.

1 (d) This section shall not be interpreted to change or diminish  
2 the requirements of any other law or ordinance relating to fire  
3 protection. In the event of conflict among the wildfire risk  
4 reduction standards, or between the wildfire risk reduction  
5 standards and the requirements of any other law relating to fire  
6 protection, such conflicts shall be resolved in a manner which on  
7 balance is most protective against potential loss from wildfire  
8 exposure. Nothing in this section shall be construed to limit the  
9 existing authority of a city or county under any other law from  
10 adopting ordinances, rules, or regulations beyond the minimum  
11 requirements outlined in this section.

12 (e) For purposes of this section, “wildfire risk reduction  
13 standards” means those wildfire risk reduction standards set forth  
14 in Section 65012 that are adopted pursuant to Section 65013 or  
15 implemented by the city or county pursuant to subparagraph (B)  
16 or (C) of paragraph (1) of or subparagraph (B), (C), or (D) of  
17 paragraph (2) of subdivision (a) of Section 65012.

18 (f) For purposes of this section, “very high fire risk area” has  
19 the same meaning as defined in Section 65011.

20 SEC. 14. Section 66474.03 is added to the Government Code,  
21 to read:

22 66474.03. (a) Notwithstanding any other law and subject to  
23 subdivision (b), after the amendments to the land use element of  
24 the city’s or county’s general plan and zoning ordinances required  
25 by Sections 65302.11 and 65860.2 have become effective, each  
26 city and each county that contains a very high fire risk area, as  
27 defined in Section 65011, shall deny approval of a tentative map,  
28 or a parcel map for which a tentative map was not required, for a  
29 subdivision that is located within such a very high fire risk area  
30 unless, in addition to any findings required under Section 66474.02,  
31 the city or county finds, based on substantial evidence in the record  
32 that the project and all structures within the project are protected  
33 from wildfire risk in accordance with the wildfire risk reduction  
34 standards in effect at the time the application for the tentative map  
35 or parcel map is deemed complete, or wildfire protection standards  
36 adopted by the city or county that meet or exceed the wildfire risk  
37 reduction standards in effect at the time the application for the  
38 tentative map or parcel map is deemed complete.

39 (b) Subdivision (a) shall only apply to an approval of a tentative  
40 map, or a parcel map for which a tentative map was not required,

1 on or after the date upon which the statutes of limitation specified  
2 in subdivision (c) of Section 65009 have run with respect to the  
3 amendments to the land use element of the city’s or county’s  
4 general plan and zoning ordinances required by Sections 65302.11  
5 and 65860.2 or, if the amendments and any associated  
6 environmental documents are challenged in court, the validity of  
7 the amendments and any associated environmental documents has  
8 been upheld in a final decision.

9 (c) For purposes of this section, “wildfire risk reduction  
10 standards” means those wildfire risk reduction standards set forth  
11 in Section 65012 that are adopted pursuant to Section 65013 or  
12 implemented by the city or county pursuant to subparagraph (B)  
13 or (C) of paragraph (1) or subparagraph (B), (C), or (D) of  
14 paragraph (2) of subdivision (a) of Section 65012.

15 (d) This section shall not be interpreted to change or diminish  
16 the requirements of any other law or ordinance relating to fire  
17 protection. In the event of conflict among the wildfire risk  
18 reduction standards, or between the wildfire risk reduction  
19 standards and the requirements of any other law relating to fire  
20 protection, such conflicts shall be resolved in a manner which on  
21 balance is most protective against potential loss from wildfire  
22 exposure. Nothing in this section shall be construed to limit the  
23 existing authority of a city or county under any other law from  
24 adopting ordinances, rules, or regulations beyond the minimum  
25 requirements outlined in this section.

26 SEC. 15. Section 13132.7 of the Health and Safety Code is  
27 amended to read:

28 13132.7. (a) Within a very high fire hazard severity zone  
29 designated by the Director of Forestry and Fire Protection pursuant  
30 to Article 9 (commencing with Section 4201) of Chapter 1 of Part  
31 2 of Division 4 of the Public Resources Code and within a very  
32 high fire hazard severity zone designated by a local agency  
33 pursuant to Chapter 6.8 (commencing with Section 51175) of Part  
34 1 of Division 1 of Title 5 of the Government Code, the entire roof  
35 covering of every existing structure where more than 50 percent  
36 of the total roof area is replaced within any one-year period, every  
37 new structure, and any roof covering applied in the alteration,  
38 repair, or replacement of the roof of every existing structure, shall  
39 be a fire retardant roof covering that is at least class B as defined

1 in the Uniform Building Code, as adopted and amended by the  
2 State Building Standards Commission.

3 (b) In all other areas, the entire roof covering of every existing  
4 structure where more than 50 percent of the total roof area is  
5 replaced within any one-year period, every new structure, and any  
6 roof covering applied in the alteration, repair, or replacement of  
7 the roof of every existing structure, shall be a fire retardant roof  
8 covering that is at least class C as defined in the Uniform Building  
9 Code, as adopted and amended by the State Building Standards  
10 Commission.

11 (c) Notwithstanding subdivision (b), within state responsibility  
12 areas classified by the State Board of Forestry and Fire Protection  
13 pursuant to Article 3 (commencing with Section 4125) of Chapter  
14 1 of Part 2 of Division 4 of the Public Resources Code, except for  
15 those state responsibility areas designated as moderate fire hazard  
16 responsibility zones, the entire roof covering of every existing  
17 structure where more than 50 percent of the total roof area is  
18 replaced within any one-year period, every new structure, and any  
19 roof covering applied in the alteration, repair, or replacement of  
20 the roof of every existing structure, shall be a fire retardant roof  
21 covering that is at least class B as defined in the Uniform Building  
22 Code, as adopted and amended by the State Building Standards  
23 Commission.

24 (d) (1) Notwithstanding subdivision (a), (b), or (c), within very  
25 high fire hazard severity zones designated by the Director of  
26 Forestry and Fire Protection pursuant to Article 9 (commencing  
27 with Section 4201) of Chapter 1 of Part 2 of Division 4 of the  
28 Public Resources Code or by a local agency pursuant to Chapter  
29 6.8 (commencing with Section 51175) of Part 1 of Division 1 of  
30 Title 5 of the Government Code, the entire roof covering of every  
31 existing structure where more than 50 percent of the total roof area  
32 is replaced within any one-year period, every new structure, and  
33 any roof covering applied in the alteration, repair, or replacement  
34 of the roof of every existing structure, shall be a fire retardant roof  
35 covering that is at least class A as defined in the Uniform Building  
36 Code, as adopted and amended by the State Building Standards  
37 Commission.

38 (2) Paragraph (1) does not apply to any jurisdiction containing  
39 a very high fire hazard severity zone if the jurisdiction fulfills both  
40 of the following requirements:

1 (A) Adopts the model ordinance approved by the State Fire  
2 Marshal pursuant to Section 51189 of the Government Code or an  
3 ordinance that substantially conforms to the model ordinance of  
4 the State Fire Marshal.

5 (B) Transmits, upon adoption, a copy of the ordinance to the  
6 State Fire Marshal.

7 (e) The State Building Standards Commission shall incorporate  
8 the requirements set forth in subdivisions (a), (b), and (c) by  
9 publishing them as an amendment to the California Building  
10 Standards Code in accordance with Chapter 4 (commencing with  
11 Section 18935) of Part 2.5 of Division 13.

12 (f) Nothing in this section shall limit the authority of a city,  
13 county, city and county, or fire protection district in establishing  
14 more restrictive requirements, in accordance with current law, than  
15 those specified in this section.

16 (g) This section shall not affect the validity of an ordinance,  
17 adopted prior to the effective date for the relevant roofing standard  
18 specified in subdivisions (a) and (b), by a city, county, city and  
19 county, or fire protection district, unless the ordinance mandates  
20 a standard that is less stringent than the standards set forth in  
21 subdivision (a), in which case the ordinance shall not be valid on  
22 or after the effective date for the relevant roofing standard specified  
23 in subdivisions (a) and (b).

24 (h) Any qualified historical building or structure as defined in  
25 Section 18955 may, on a case-by-case basis, utilize alternative  
26 roof constructions as provided by the State Historical Building  
27 Code.

28 (i) The installer of the roof covering shall provide certification  
29 of the roof covering classification, as provided by the manufacturer  
30 or supplier, to the building owner and, when requested, to the  
31 agency responsible for enforcement of this part. The installer shall  
32 also install the roof covering in accordance with the manufacturer's  
33 listing.

34 (j) No wood roof covering materials shall be sold or applied in  
35 this state unless both of the following conditions are met:

36 (1) The materials have been approved and listed by the State  
37 Fire Marshal as complying with the requirements of this section.

38 (2) The materials have passed at least 5 years of the 10-year  
39 natural weathering test. The 10-year natural weathering test  
40 required by this subdivision shall be conducted in accordance with

1 standard 15-2 of the 1994 edition of the Uniform Building Code  
2 at a testing facility recognized by the State Fire Marshal.

3 (k) The Insurance Commissioner shall accept the use of fire  
4 retardant wood roof covering material that complies with the  
5 requirements of this section, used in the partial repair or  
6 replacement of nonfire retardant wood roof covering material, as  
7 complying with the requirement in Section 2695.9 of Title 10 of  
8 the California Code of Regulations relative to matching  
9 replacement items in quality, color, and size.

10 (l) No common interest development, as defined in Section 4100  
11 or 6534 of the Civil Code, may require an owner to install or repair  
12 a roof in a manner that is in violation of this section. The governing  
13 documents, as defined in Section 4150 or 6552 of the Civil Code,  
14 of a common interest development within a very high fire severity  
15 zone shall allow for at least one type of fire retardant roof covering  
16 material that meets the requirements of this section and that is, at  
17 a minimum, class B, as defined in the International Building Code.

18 SEC. 16. Section 4123.6 is added to the Public Resources Code,  
19 to read:

20 4123.6. (a) For purposes of this section:

21 (1) “Department” means the Department of Forestry and Fire  
22 Protection.

23 (2) “Program” means the Wildfire Risk Reduction Planning  
24 Support Grants Program established by this section.

25 (3) “Small jurisdiction” means either of the following:

26 (A) A county that had a population of less than 250,000 as of  
27 January 1, 2019.

28 (B) A city located within a county described in subparagraph  
29 (A) that contains a very high fire risk area.

30 (b) (1) The Wildfire Risk Reduction Planning Support Grants  
31 Program is hereby established for the purpose of providing small  
32 jurisdictions that contain very high fire risk areas with grants for  
33 planning activities to enable those jurisdictions to meet the  
34 requirements set forth in the act adding this section.

35 (2) Upon appropriation by the Legislature for purposes of this  
36 section, the department shall distribute grant funds under the  
37 program, in accordance with subdivision (e).

38 (c) The department shall administer the program and, consistent  
39 with the requirements of this section, provide grants to jurisdictions  
40 for the purposes described in paragraph (1) of subdivision (b).



1 (d) A small jurisdiction that receives an allocation of grant funds  
2 pursuant to this section shall use that allocation solely for wildfire  
3 risk reduction planning activities, including, but not limited to,  
4 one or more of the following:

5 (1) Updating planning documents and zoning ordinances,  
6 including general plans, community plans, specific plans, local  
7 hazard mitigation plans, community wildfire protection plans,  
8 climate adaptation plans, and local coastal programs to implement  
9 Sections 65302.11 and 65860.2 of the Government Code.

10 (2) Developing and adopting a comprehensive retrofit strategy  
11 in accordance with paragraph (6) of subdivision (g) of Section  
12 65302 of the Government Code.

13 (3) Reviewing and updating the local designation of lands within  
14 the jurisdiction as very high fire hazard severity zones pursuant to  
15 subdivision (b) of Section 51179 of the Government Code.

16 (4) Implementing the wildfire risk reduction standards set forth  
17 in Sections 65012 and 65013 of the Government Code or local  
18 wildfire protection standards that meet or exceed those wildfire  
19 risk reduction standards, including development and adoption of  
20 any appropriate local ordinances, rules, or regulations.

21 (5) Establishing and initial funding of an enforcement program  
22 in accordance with subparagraph (C) of paragraph (1) of  
23 subdivision (a) of Section 65012 of the Government Code.

24 (6) Performing infrastructure planning, including for access  
25 roads, water supplies providing fire protection, or other public  
26 facilities necessary to support the wildfire risk reduction standards  
27 set forth in Sections 65012 and 65013 of the Government Code.

28 (7) Partnering with other local entities to implement wildfire  
29 risk reduction.

30 (8) Updating local planning processes to otherwise support  
31 wildfire risk reduction.

32 (9) Completing any environmental review associated with the  
33 activities described in paragraphs (1) to (8), inclusive.

34 (10) Covering the costs of temporary staffing or consulting  
35 needs associated with the activities described in paragraphs (1) to  
36 (9), inclusive.

37 (e) (1) The amount described in paragraph (2) of subdivision  
38 (b) shall be allocated in each year for which funding is made  
39 available for the program to small jurisdictions in accordance with  
40 this subdivision.

1 (2) The department shall administer a noncompetitive,  
2 over-the-counter application process for grants funded by the  
3 allocation specified in paragraph (1) for wildfire risk reduction  
4 planning activities, as described in subdivision (d), for small  
5 jurisdictions.

6 (3) The department shall award no more than three hundred  
7 fifty thousand dollars (\$350,000), and no less than two hundred  
8 fifty thousand dollars (\$250,000), to a qualifying small jurisdiction.

9 (4) Any qualifying small jurisdiction may submit an application  
10 for funding, in the form and manner prescribed by the department,  
11 in order to receive an allocation of funds pursuant to this  
12 subdivision. An application submitted pursuant to this paragraph  
13 shall include a description of the proposed uses of funds, in  
14 accordance with subdivision (d). The department shall verify  
15 whether each funding request meets the minimum criteria  
16 established by this subdivision and make awards on a continuous  
17 basis based on those criteria.

18 (f) Of any amount appropriated for purposes of this section, up  
19 to 5 percent of those funds may be set aside for program  
20 administration by the department.

21 (g) For purposes of this section, “very high fire risk area” has  
22 the same meaning as defined in Section 65011.

23 SEC. 17. Section 4290 of the Public Resources Code is  
24 amended to read:

25 4290. (a) The board shall adopt regulations implementing  
26 minimum fire safety standards related to defensible space that are  
27 applicable to state responsibility area lands under the authority of  
28 the department, and to lands classified and designated as very high  
29 fire hazard severity zones, as defined in subdivision (i) of Section  
30 51177 of the Government Code. These regulations apply to the  
31 perimeters and access from the perimeters to all residential,  
32 commercial, and industrial building construction within state  
33 responsibility areas approved after January 1, 1991, and within  
34 lands classified and designated as very high fire hazard severity  
35 zones, as defined in subdivision (i) of Section 51177 of the  
36 Government Code after July 1, 2021. The regulations shall conform  
37 as nearly as practicable with the regulations adopted by the State  
38 Fire Marshal pursuant to Section 65013. The board may not adopt  
39 building standards, as defined in Section 18909 of the Health and  
40 Safety Code, under the authority of this section. As an integral

1 part of fire safety standards, the State Fire Marshal has the authority  
2 to adopt regulations for roof coverings and openings into the attic  
3 areas of buildings specified in Section 13108.5 of the Health and  
4 Safety Code. The regulations apply to the placement of mobile  
5 homes as defined by National Fire Protection Association  
6 standards. These regulations do not apply where an application  
7 for a building permit was filed prior to January 1, 1991, or to parcel  
8 or tentative maps or other developments approved prior to January  
9 1, 1991, if the final map for the tentative map is approved within  
10 the time prescribed by the local ordinance. The regulations shall  
11 include all of the following:

- 12 (1) Road standards for fire equipment access.
  - 13 (2) Standards for signs identifying streets, roads, and buildings.
  - 14 (3) Minimum private water supply reserves for emergency fire  
15 use.
  - 16 (4) Fuel breaks and greenbelts.
- 17 (b) The board shall, on and after July 1, 2021, periodically  
18 update regulations for fuel breaks and greenbelts near communities  
19 to provide greater fire safety for the perimeters to all residential,  
20 commercial, and industrial building construction within state  
21 responsibility areas and lands classified and designated as very  
22 high fire hazard severity zones, as defined in subdivision (i) of  
23 Section 51177 of the Government Code, after July 1, 2021. These  
24 regulations shall include measures to preserve undeveloped  
25 ridgelines to reduce fire risk and improve fire protection. The board  
26 shall, by regulation, define “ridgeline” for purposes of this  
27 subdivision.
- 28 (c) These regulations do not supersede local regulations which  
29 equal or exceed minimum regulations adopted by the state.
- 30 (d) The board may enter into contracts with technical experts  
31 to meet the requirements of this section.

32 SEC. 18. No reimbursement is required by this act pursuant  
33 to Section 6 of Article XIII B of the California Constitution because  
34 a local agency or school district has the authority to levy service  
35 charges, fees, or assessments sufficient to pay for the program or  
36 level of service mandated by this act, within the meaning of Section  
37 17556 of the Government Code.

O