



June 19, 2024

The Honorable Isaac Bryan
Chair, Assembly Natural Resources Committee
1020 N Street, Room 164
Sacramento, CA 95814

RE: SB 610 (Wiener) Fire prevention: wildfire mitigation area: defensible space: State Fire Marshal: real property disclosures: fire protection building standards.
Notice of CONCERN (As Amended June 11, 2024)

Dear Assemblymember Bryan,

The League of California Cities (Cal Cities) **respectfully raises concerns** on SB 610 (Wiener), related to wildfire designated area regulations and fire protection building standards. This bill was introduced as a gut and amend on June 11, 2024, and was not heard by the house of origin—therefore our review below includes concerns and suggestions but may not be exhaustive of all issues raised by the legislation.

The size and severity of wildfires in California is increasing due to climate extremes. Communities statewide have experienced the catastrophic and devastating impacts of wildfires, and the threat of wildfire on life and property remains for many communities across the state. Just as the state and federal agencies are responsible for managing lands and preparing and responding to wildfires, local agencies are also responsible for ensuring defensible space, conducting wildfire preparedness activities, and designating fire hazard severity zones in local responsibility areas (LRAs) throughout the state.

Currently, the State Fire Marshal is required to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. Similarly, local agencies, including cities, may, at its discretion, designate areas as moderate, high, and very high fire hazard severity zones within their jurisdiction. After submitting their maps to the State Fire Marshal, a local agency is then required to designate by ordinance the fire hazard zones within 120 days after receiving recommendations from the State Fire Marshal. Once the recommended LRA maps are transmitted back to the local agencies, jurisdictions cannot decrease the level of fire hazard severity zone, as identified by the State Fire Marshal. This multi-step review process has proven to be challenging and LRA maps, in some cases, have taken significant time to review based on the current process. We therefore see a need for the proposed amendment is SB 610 but have several concerns regarding the current language.

SB 610 would repeal Government Code Section 51179, which is existing law that provides local agencies with the authorities as described above. The bill would require the State Fire Marshal to develop consistent statewide regulations for wildfire mitigation areas, replacing the existing fire hazard severity zone mapping. Once these statewide



regulations are completed, they would repeal a local jurisdictions ability to designate fire hazard severity zones. While the repeal of local control in the bill is problematic, statewide regulations could create a consistent and transparent approach to these designations and could provide a more structured public process that builds on the existing mapping and allows local input to be incorporated into the new statewide regulations.

Cal Cities believes local agencies must maintain their existing authorities to make wildfire-related designations within their jurisdictions and the new regulations must incorporate local agency expertise into the new wildfire mitigation area regulations.

The bill should be amended so that the proposed wildfire mitigation area regulations build off of any local mapping and ordinances that have previously been done by local governments to map fire hazard severity zones. The rulemaking should include a process that 1) allows local agencies to provide significant input based on their knowledge, expertise, and local conditions in managing fire suppression as part of the new wildfire mitigation area regulations and 2) allows local agencies to retain the ability expand beyond the state's wildfire mitigation areas based on substantial evidence within their jurisdictions, should it be necessary. Removing the repeal provision on Government Code Section 51179 and revising the language to ensure local agencies retain such designation responsibility for the LRA areas will be critical to the success of the new regulations. Local agencies – cities, counties, and special districts – will continue to manage fire suppress and conduct vegetation management efforts in the LRAs, therefore, they should also retain the ability to provide their local expertise in designating these areas. We request the language reflect this important part of the process as part of the rulemaking. We also believe such designations could change in the future, and if necessary, a process for local agencies to update the designated wildfire mitigation areas in the LRA.

Additional information must be included in the bill to ensure the wildfire mitigation area regulations are developed consistently under the Administrative Procedures Act (APA).

The bill must include specific information in Public Resources Code Section 4202 to identify that the wildfire mitigation area regulations are subject to the APA. Public Resources Code 4202 should also clarify that the wildfire mitigation area regulations would cover both SRAs and LRAs, where LRA wildfire mitigation areas would be based on previous and ongoing local efforts to map these critical areas (as noted in the comment above).

Public Resources Code Section 4204 should also include clarifying language that periodic review and updates to the wildfire mitigation areas regulations should be conducted under the APA process. This is of particular importance should local agencies experience the need to update the wildfire mitigation area boundaries within the LRAs in the future. There should be a clear process and greater certainty it would follow the APA, which is a formal rulemaking process that is transparent and accessible for public engagement.



The new rulemaking process must include robust and transparent opportunities for local governments to engage in the designation of wildfire mitigation areas. Specifically, the bill must include notices to statewide associations of city, county, and fire districts to ensure key interested stakeholders can engage in the regulatory process (as referenced in the Public Resources Code Section 4203). Cal Cities would recommend the rulemaking include workshops in every county that is proposed to have a wildfire mitigation area. This will help address regional differences in fire-prone areas across the state. These public workshops provide the state the opportunity to engage and listen to critical stakeholder input from local governments and community members. This provision must be included to make sure these areas are designated with local and community consideration.

SB 610 must uphold that disaster preparedness and adapting to the threat of wildfires is critical to public safety and the protection of life and property in our communities. In creating new statewide regulations for wildfire mitigation areas, the state cannot diminish or remove the authorities that local governments have when it comes to providing wildfire protection to their communities. Existing relevant statutes and regulations must continue to be upheld, including but not limited to, municipal code, fire code, Chapter 7A of the California Building Code, and AB 38 (2019) defensible space inspections, among many others. We would like to ensure that the author of SB 610 does not intend to revoke such local authorities.

Cal Cities is available to engage in discussions moving forward on this critically important legislation and hopes to be able to work towards a support position on the bill based on our feedback provided in this letter. We recommend the Legislature and Administration convene the necessary stakeholders over the next 6 weeks to work out the concerns directly with practitioners. This legislation cannot be rushed. Cal Cities and other stakeholders have the necessary local expertise to appropriately address the concerns we have identified in the bill to help move it forward in working order.

For these reasons, Cal Cities remains with **concerns** on SB 610 (Wiener). If you have any questions, do not hesitate to contact me at msparkskranz@calcities.org at 916-658-8232.

Sincerely,

Melissa Sparks-Kranz
Legislative Affairs, Lobbyist

cc: The Honorable Scott Wiener
Members, Assembly Natural Resources Committee
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