



**SENATE NATURAL RESOURCES & WATER COMMITTEE
SENATE BUDGET SUBCOMMITTEE NO. 2 ON RESOURCES, ENVIRONMENTAL
PROTECTION AND ENERGY**

INFORMATIONAL HEARING

Defensible Space: Zone Zero Implementation

April 24, 2025, 9:30 a.m. or upon adjournment of the Senate Floor session
1021 O Street, Room 2200

I. Purpose of the hearing

This hearing aims to examine regulatory delays; funding challenges; and promote the timely advancement of regulations, public education, and enforcement mechanisms related to defensible space.

a. What is “defensible space?”

“Defensible space” is an area around a structure, usually up to 100 feet, where vegetation and combustible materials are removed or managed so as to create a buffer between the structure and the surrounding area. Defensible space can slow or stop a wildfire approaching a structure, and can provide a safe place for firefighters to defend the structure.

There are three ways a structure can ignite from a wildland fire:

1. *Direct flame impingement.* This is when a flame makes contact with the structure and directly ignites flammable features of the structure.
2. *Radiant heat.* The heat given off by burning material near the structure may cause part of the structure to reach its spontaneous ignition temperature.
3. *Embers.* Wind-thrown embers can travel miles ahead of the flaming fire front. Embers can land in and ignite vegetation around, on, or under a structure; ignite

wooden components (such as a roof or deck) of a structure; or enter a structure through eaves or vents.

Defensible space may reduce a structure's vulnerability to flames, radiant heat, and embers.

b. How is defensible space regulated in California?

The Public Resources Code (PRC) authorizes the Board of Forestry and Fire Protection (Board) to write regulations for the removal of vegetation around the first 100 feet of structures in the State Responsibility Area (SRA) (Section 4291). The SRA is the area in the state where the Department of Forestry and Fire Protection (Department) has the financial responsibility for the prevention and suppression of wildfires.

Defensible space in the very high fire hazard severity zones (VHFHSZ) in the Local Responsibility Area (LRA)¹ is codified in local ordinance and enforced by local governments. The minimum standards are prescribed in Government Code (GOV) § 51182. These standards are largely the same as the standards in the PRC for the SRA, with some differences:

1. The standards in LRA are only applicable to *occupied* dwellings and structures (GOV § 51182(a)). The defensible space requirements in SRA are applicable to all buildings and structures (PRC § 4291(a)).
2. An insurance company may require more than 100 feet of defensible space if a fire expert provides findings that the additional fuel modification is necessary. The fire expert is designated by the local fire chief in the LRA and the Director of the Department in the SRA (GOV § 51182(a)(1)(C) and PRC § 4291(a)(1)(C), respectively).
3. The State Fire Marshal may exempt a structure from the defensible space requirements or vary the requirements based on the composition of the materials of the structure (PRC § 4291(c)).
4. The State Fire Marshal may authorize the removal of vegetation in accordance with the defensible space standards and may make the expense a lien upon the property (PRC § 4291(d)).
5. Minor language differences regarding the sources of risk of flammability the Board is required to consider in its guidance document (PRC § 4291(e)(1) includes barbecue equipment and outdoor fire pits, GOV § 51182(c)(1) does not).
6. The State Fire Marshal has certain requirements regarding recommendations to the Board and public noticing concerning an ember resistant zone that are not present in Government Code (PRC §4291(f)).
7. There are more specific requirements in Public Resources Code regarding the timing of the effectiveness of the new ember resistant zone for new and existing structures that are not present in Government Code (PRC § 4291(g)).
8. The State Fire Marshal is not authorized to change defensible space inspection practices to implement the ember resistant zone until the State Fire Marshal

¹ LRA is largely incorporated cities and other more densely populated areas.

makes findings that the Legislature has appropriated sufficient resources to do so (PRC § 4291(h)).

9. The terms “fuel” and “person” are defined in the Public Resources Code, but undefined in the Government Code (PRC § 4291(a)(1)(A), PRC § 4291(j), respectively).

c. Recent Changes to Law

Until 2021, defensible space requirements included two “zones” of vegetation management in the 100 feet of defensible space. “Zone 1” is the first 30 feet around a structure, where more intense vegetation management creates space between flammable items such as trees, shrubs, patio furniture, and wood piles. “Zone 2” extends from 30 to 100 feet, and promotes the removal of ladder fuels that may transfer a ground fire to a crown fire in the upper most part of trees and tall shrubs.

AB 3074, authored by Assemblymember Laura Friedman, was signed by the Governor and chaptered in 2020 (Chapter 259, Statutes of 2020). Among other provisions, AB 3074 added a new zone to the defensible space requirements – an “ember resistant zone” in the first 0-5 feet around structures known colloquially as “Zone 0.”

In AB 3074, the Legislature declared “[e]mber ignitions are responsible for the majority of wildland fire home ignitions. Establishing a five-foot ember-resistant zone around a structure to eliminate specified materials near structures that will likely be ignited by embers provides important new protections that enhance a home’s chance of surviving a wildfire.” The Legislature also declared “[i]t is the intent of the Legislature that, due to the fiscal impact of COVID-19 to the state, the Department of Forestry and Fire Protection should not increase its inspection or training staff to implement the amendments made by this act to Sections 51182 and 51186 of the Government Code, and Section 4291 of the Public Resources Code, which create a requirement for a five-foot ember-resistant zone around a structure, until the state has sufficient resources to do so in a cost-effective manner.”

II. Regulatory Delays and Funding Challenges

a. Regulatory Delays

The Board of Forestry and Fire Protection was required to update regulations and guidance documents for a Zone 0 by January 1, 2023. Those regulations are still in progress. Following the Palisades and Eaton Fires in January 2025, where over 15,000 structures were destroyed, Governor Newsom issued Executive Order N-18-25, which directed the Board to complete the formal rulemaking process for Zone 0 regulations by December 31, 2025.

The Board created a workgroup of representatives from the Department, the scientific community, insurance industry, and public education specialists that considered materials to be removed from the first five feet around structures to most effectively create an “ember resistant zone.” The Board hosted a workshop in May 2022 attended by over 200 people. The Board then expanded the workgroup to include members of the public and nonprofit community groups. After several presentations of the proposed requirements to the Board’s Resource Protection Committee throughout 2022 and

2023, the workgroup drafted proposed regulations for presentation to the Board in summer 2023.

Since then, work on these regulations slowed down as the Administration considered the costs to homeowners and examined ways to economically incentivize this work. Additionally, there were concerns that the Board's proposed requirements did not go far enough in creating a completely non-combustible zone, rather than an ember resistant zone. Until the Governor's Executive Order in January 2025, the Administration had not authorized the Board to proceed with the draft regulations.

b. Funding Challenges

The implementation of AB 3074 by both the Board and the Department, in their respective roles, was contingent on appropriations from the Legislature for those purposes. The Department, on behalf of themselves and the Board, submitted Budget Change Proposal Request 3540-033-BCP-2021-GB to the Department of Finance requesting \$3.2 million for AB 3074 implementation. This request was funded in the Budget Act of 2021.

Given the delays in developing the regulations, the authorization for this funding may expire prior to the finalization of the Board's proposal. This may present challenges to effective public education, inspection, and enforcement.

III. Enforcement

a. Public Education

Community organizations are critical partners helping educate their neighbors about why defensible space is important and which actions to prioritize for home hardening. Fire Safe Councils, Firewise USA communities, university extensions, Master Gardeners, and other local organizations provide a more personal touch when homeowners are deciding such intimate decisions as their landscaping and home renovations. Community partners encourage defensible space through positive reinforcement and gentle peer pressure rather than legal enforcement through tickets, court hearings, and liens.

b. Enforcement

The Department publishes a public, online dashboard demonstrating the progress of inspections towards the Department's annual goal (by fiscal year (FY)) of 250,000 defensible space inspections. In the current FY 2024-25, the Department has conducted 186,435 inspections. In the previous FY, 2023-24, the Department completed 299,273 inspections. Most of the inspections in FY 2023-24 took place between March and August, inclusive. So far in FY 2024-25, September, October, and November have seen a greater number of inspections than they did last year.

In FY 2023-24, 30,506 properties received initial notices of noncompliance. That number dropped to 7,946 second noncompliance notices, and 1,695 third noncompliance notices.

So far in FY 2024-25, 15,411 properties have received initial notices of noncompliance. That number dropped to 5,847 properties receiving second notices of noncompliance, and 1,246 receiving third notices. It is likely these numbers will increase as inspections continue through spring of the FY.

IV. Los Angeles Wildfire Recovery

a. Palisades and Eaton Fires

Palisades Fire Around mid-morning on January 7, 2025, a fire was reported in the Pacific Palisades neighborhood of Los Angeles. Fueled by the driest nine months on record in Southern California and a Santa Ana wind event with gusts up to 80 mph, the fire burned 23,448 acres, destroyed 6,837 structures, and sadly resulted in twelve fatalities.

Eaton Fire Later that same day, the same drought and wind conditions drove a fire that began in Eaton Canyon in the San Gabriel Mountains, near Altadena Drive and Midwick Drive in Altadena (Los Angeles County), to 14,021 acres. The Eaton Fire destroyed 9,418 structure and tragically claimed the lives of eighteen people.

Twelve Other Fires A dozen other fires burned in Southern California during the rest of January, burning over 50,000 acres. JPMorgan projects insured losses from these 14 fires to exceed \$20 billion, setting a new record for wildfire-related insurance claims in US history. Total economic losses estimated by JPMorgan are predicted to be over \$50 billion.

b. Rebuilding Recommendations

Just six weeks after the fires, the Urban Land Institute, UCLA Ziman Center for Real Estate, and the USC Lusk Center for Real Estate developed the Project Recovery response plan, identifying roadblocks to recovery and proposing actionable recommendations. Some key recommendations include:

1. Leverage federal and state funding for immediate needs.
2. Explore financial tools such as resilience bonds or public/private partnerships to invest in fire mitigation and infrastructure improvements.
3. Implement defensible space regulations and fire-resilient building codes for rebuilding.
4. Fast-track rebuilding efforts by enhancing government capacity to effectively and efficiently manage the permitting and inspection process.