

Date of Hearing: April 28, 2025

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT

Rhodesia Ransom, Chair

AB 261 (Quirk-Silva) – As Amended March 26, 2025

SUBJECT: Fire safety: fire hazard severity zones: State Fire Marshal

SUMMARY: Authorizes the State Fire Marshal (SFM) to confer with, and receive documentation from, entities, as specified, on actions that may impact the degree of fire hazard in an area or the area's recommended fire hazard severity zone (FHSZ) designation and authorizes the SFM to provide a written response to an entity, which must be posted on the SFM's website along with any related documentation provided by an entity.

Specifically, **this bill:**

- 1) Authorizes the SFM, in periods between the SFM's review of areas of the state for recommendations regarding an area's FHSZ, to confer with entities, including, but not limited to, public agencies, tribes, nonprofit organizations, project applicants, members of the public, and others, on actions that may impact the degree of fire hazard in an area or the area's recommended FHSZ designation.
- 2) Authorizes the SFM to provide a written response to an entity on actions that may impact the degree of fire hazard.
- 3) Requires the above written response to be posted to the SFM's internet website.
- 4) Authorizes entities, in periods between the SFM's review of areas of the state for recommendations regarding an area's FHSZ, to provide documentation to the SFM regarding planned or implemented wildfire safety improvements and actions, as specified, that may impact the degree of fire hazard in an area or the area's recommended FHSZ designation.
- 5) Requires the above documentation provided to the SFM to be posted to the SFM's internet website.
- 6) Authorizes the SFM to consider information provided by entities in the next FHSZ review.
- 7) Authorizes the SFM to require a fee from an entity to cover costs associated with conferring and receiving documentation. on actions that may impact the degree of fire hazard in an area or the area's recommended FHSZ designation
- 8) Requires all the provisions above apply to both Government Code § 51178 and Public Resources Code § 4204, provisions that require the identification of, and review, of FHSZ zones.

EXISTING LAW:

- 1) Establishes the State Fire Marshal (SFM) as a component of the Department of Forestry and Fire Protection (CAL FIRE) to foster, promote, and develop ways and means of protecting life and property against fire and panic. (Health & Safety Code Section 13100 – 13100.1)
- 2) Requires the SFM 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. (Government Code Section 51178 & Public Resources Code Section 4202)
- 3) Establishes the Board of Forestry and Fire Protection (Board) to determine, establish, and maintain an adequate forest policy for the state, and protect all wildland forest resources in California that are not under federal jurisdiction. (Public Resources Code Section 740)
- 4) Requires the Board to classify all lands within the state, without regard to any classification of lands made by or for any federal agency or purpose, for the purpose of determining areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state, commonly referred to as the “State Responsibility Area.” (Public Resources Code Section 4125 (a))
- 5) Provides that the following areas are not to be included in the State Responsibility Area:
 - a) Lands owned or controlled by the federal government or any agency of the federal government; and
 - b) Lands within the exterior boundaries of any city, except a city and county with a population of less than 25,000 if, at the time the city and county government is established, the county contains no municipal corporations, typically referred to as a local responsibility area. (Public Resources Code Section 4127)
- 6) Requires the SFM, by regulation, to designate FHSZs and assign to each zone a rating reflecting the degree of severity of fire hazard that is expected to prevail in the zone. Provides that no designation of a zone and assignment of a rating shall be adopted by the SFM until the proposed regulation has been transmitted to the board of supervisors of the county in which the zone is located at least 45 days before the adoption of the proposed regulation and a public hearing has been held in that county during that 45-day period. (Public Resources Code Section 4203)
- 7) Requires the SFM to periodically review zones designated and rated pursuant to current law and, as necessary, revise FHSZs or their ratings or repeal the designation of FHSZs. (Public Resources Code Section 4204)
- 8) Requires the Board to establish standards, based upon its determination of conditions which create an unreasonable hazard to life or property from fire, for what constitutes a hazardous condition in those instances not covered by state law. Such standards shall be established for each of CAL FIRE’s administrative districts after public hearing for which ample publicity is given. (Public Resources Code Section 4173)
- 9) Authorizes the Board, upon the written petition of the owners or authorized agents of more than 50% of the land, including public land, within the exterior boundaries of any area of not

less than 10,000 acres in size, upon which a fire hazard exists due to the presence of flammable material or cover, to designate such area as a hazardous fire area, and requires the Board to declare the period of time during which the area shall be so designated. (Public Resources Code Section 4251)

- 10) Requires the Board to adopt regulations implementing minimum fire safety standards related to defensible space that are applicable to SRA lands under the authority of CAL FIRE, and to lands classified and designated as VHFHSZs. (Public Resources Code Section 4290)
- 11) Requires the Board to develop and maintain a “Fire Risk Reduction Community” list of agencies, communities, and neighborhoods located in the SRA or a VHFHSZ that meet best practices for fire hazard planning. (Public Resources Code Section 4290.1)
- 12) Requires a person who owns or operates a building or structure in specified lands with flammable materials to maintain defensible space of 100 feet from each side of the structure. Requires the Board to develop and update guidance for fuels management for defensible space compliance. Requires the SFM to make recommendations to the Board on vegetation management, and make reasonable efforts to provide notice to affected residents. (Public Resources Code Section 4291)
- 13) Requires CAL FIRE to establish a local assistance grant program for fire prevention and home hardening education activities in California, requires the local assistance grant program to establish a robust year-round fire prevention effort in and near fire-threatened communities that focuses on increasing the protection of people, structures, and communities. (Public Resources Code Section 4124.5)

FISCAL EFFECT: Unknown. A fiscal committee has not heard this bill.

COMMENTS:

Purpose of the bill: According to the author, “California is two million homes short and faces a housing crisis that demands urgent action. We cannot afford to build without wildfire resilience at the core of our decisions. Too many homes were built in an era when climate risk was an afterthought. That cannot continue. AB 261 ensures we use the best information available to guide development, protect homeowners, and strengthen our wildfire defenses, because in the face of rising threats, outdated maps and outdated thinking put Californian lives and livelihoods at risk.”

Equity Impact: According to the author’s staff, “Unfortunately, the concern with fires impact all Californians. However, our most vulnerable communities are impacted due to access to resources whether in prevention, during a fire, or after when they need to rebuild their lives.”

Background: Throughout California’s history the state has contended with destructive wildfires impacting communities that were constructed amongst or adjacent to timber and chaparral forests. These areas, commonly referred to as the “wildland urban interface,” have long been considered some of the most fire-prone areas in the state. In the last decade, unprecedented wildfires led to the deadliest wildfire in California’s history. The impacts of these wildfires cannot be understated, many lives were lost, thousands of homes were destroyed, and residents,

in some cases entire communities, have been forced to relocate. Billions of dollars in damage was caused to homes, businesses, and infrastructure throughout the state.

The confluence of a changing climate, urbanization, and constraints on forest management has added urgency to the need to enhance our strategy to address this threat. The Legislature has made substantial investments to continue strengthening forest and wildfire resilience statewide to mitigate the ongoing impact of climate change on California's wildlands, as it continues to drive critically dry fuel conditions and longer, more severe fire seasons. The 2021 and 2022 Budget Acts committed \$2.8 billion over four years to continue strengthening forest and wildfire resilience statewide to mitigate the ongoing impact of climate change on California's wildlands continues to drive critically dry fuel conditions and longer, more severe fire seasons.

In recent years, an increasing number of wildfires have burned outside of wildland areas and into more urban settings. While persons living in forested areas and those in the wildland urban interface, have long faced significant risks from wildfires, as a result of climate change, more Californians face wildfire risks than ever before.

Many of these areas have been classified by the Department of Forestry and Fire Protection as belonging to "very high fire hazard severity zones." As a result of this designation, the properties within a very high fire hazard zone are subject to the strictest requirements from the building codes, "Fire Safe" regulations, and defensible space requirements. Properties not immediately in the wildland urban interface but subject to fire risks are now characterized as being in "high fire hazard severity zones."

Wildfires: Wildfires are a severe and growing threat to lives, property, and infrastructure in California. The confluence of a changing climate, urbanization, and constraints on forest management has added urgency to the need to enhance our strategy to address this threat. California's Fourth Climate Change Assessment projects that by 2100, if climate change continues on this trajectory, the frequency of extreme wildfires would increase, and the average area burned statewide would increase by 77 percent.

Wildfires that threaten thousands of homes are now an annual occurrence, as autumn days with severe fire-weather prone weather have more than doubled in California since the 1980s. Over the last four decades, the wildfires have increased in size and intensity with five of the eight largest fires in California history occurring in 2020 alone. Of the remaining three, two of the largest fires occurred since 2020. Additionally, 15 of California's 20 most destructive fires have occurred in the past decade. Collectively, these most recent fires have resulted in 180 deaths and the loss of 57,483 structures (homes, outbuildings, and commercial properties).

In Cal FIRE's 2020 Fire Siege Report, the Director states, "at the end of 2020, we closed the book on, arguably, the worst fire year ever experienced on the west coast, and specifically in California. Since 2015, the term "unprecedented" has been used year over year as conditions have worsened, and the operational reality of a changing climate sets in. In California, the 2020 Fire Siege claimed the lives of 28 civilians and three firefighters, destroyed 9,248 structures and consumed 4.2 million acres. While fewer wildfires threatened California in 2023 due to the increased number of weather events and atmospheric rivers, the vegetative growth from the significant rainfall contributed to devastating wildfires in 2024 and 2025. In 2024, the Park Fire became the fourth-largest fire in California's history. Despite aggressive initial attack suppression efforts, the fire rapidly expanded, ultimately consuming 429,603 acres across Butte

and Tehama counties. The Park Fire led to the destruction of 709 structures and damage to 54 others, prompting widespread evacuations and the temporary closure of Lassen Volcanic National Park. In 2025, Los Angeles County experienced two of the most destructive wildfires in history (discussed below).

Palisades and Eaton Fires: At its height, the fires placed an estimated 331,335 people on an evacuation advisory, with nearly 192,000 residents facing mandatory evacuation and roughly 140,000 subject to warnings. The blazes burned a combined 37,469 acres and leveled entire communities in the Pacific Palisades and Altadena neighborhoods of LA County.

The Eaton Fire became the second most destructive fire in California history after destroying 9,418 buildings. The Palisades Fire is the third most destructive fire in state history with 6,837 structures destroyed. As firefighters were battling the largest conflagrations, additional fires broke out in the Los Angeles area. Crews were able to stop the forward spread and contain the blazes. These fires included the Lidia, Archer, Woodley, Sunset, Kenneth, Hurst and Auto fires, which burned close to 2,400 acres between them.

Two weeks after the initial fires, the Hughes Fire began near Castaic Lake in northern Los Angeles County on January 22 and quickly grew to over 10,000 acres. It was fully contained on January 30 after covering 10,425 acres.

Fire Hazard Severity Zones (FHSZ): As referenced above, Public Resource Code 4202 requires the SFM to classify lands within state responsibility areas into fire hazard severity zones. Each zone shall embrace relatively homogeneous lands and shall be based on fuel loading, slope, fire weather, and other relevant factors present, including areas where winds have been identified by the department as a major cause of wildfire spread. Under Government Code 51178, the SFM 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. Moderate, high, and very high fire hazard severity zones shall be based on fuel loading, slope, fire weather, and other relevant factors including areas where winds have been identified by the SFM as a major cause of wildfire spread.

How are FHSZs determined?: According to CAL FIRE, “the best available science and data were used to develop and field test a model that now serves as the basis of zone assignments. The model evaluated the probability of the area burning and potential fire behavior in the area. Many factors were included such as fire history, vegetation, flame length, blowing embers, proximity to wildland, terrain, and weather.”

Arguments in support: The California Building Industry Association writes in support, “This good government measure would strengthen the development of California’s Fire Hazard Severity Zones (FHSZ) maps by authorizing the State Fire Marshal to confer with individuals and entities, including public agencies, nonprofits, and tribes, regarding actions affecting fire hazard severity zones between official reviews. FHSZ map revisions occur intermittently, and this infrequency limits the ability for stakeholders to inform the Fire Marshal about mitigation actions that may impact and improve the degree of fire hazard within an area. Perhaps more importantly, AB 261 establishes a process to seek the advice of the Fire Marshal on measures these individuals or entities may implement to reduce the degree of fire hazard within an area. AB 261 offers a proactive solution by allowing a thoughtful dialogue between entities and the State Fire Marshal before the next state review. To ensure transparency, the correspondence and

documentation exchanged between the State Fire Marshal and other entities would be made available on the State Fire Marshal's website for public access.”

Double referral: This bill passed the Assembly Committee on Natural Resources on March 24, 2025 on a 13-0-1 vote.

Prior and Related Legislation:

AB 300 (Lackey) of this session. Would require the SFM to review and update the following statutorily required actions every 5 years: identify areas as moderate, high, and very high severity zones, as specified; review the areas identified very high severity zones and make recommendations, as specified; classify lands within state responsibility areas into fire hazard severity zones; and review, and revise as necessary, zone designations, as specified. (Assembly Emergency Management Committee)

AB 3150 (Quirk-Silva, 2024). This bill would have revised existing fire safety laws by requiring the State Fire Marshal (SFM) to review and update fire hazard severity zones every five years, involve public agencies and other entities in fire hazard assessments, and adopt updated regulations for defensible space and fuel management. In addition, this bill would have shifted responsibilities for maintaining fire safety standards from the State Board of Forestry and Fire Protection (BOF) to the SFM and expand the definition of a person responsible for maintaining defensible space to include certain public agencies. (Held in Senate Appropriations)

SB 610 (Wiener, 2024) would have eliminated the state’s fire hazard severity mapping for the state responsibility area (SRA) and local responsibility area (LRA) and requires the State Fire Marshal to designate Wildfire Mitigation Area (WMA), through regulations, for fire mitigation across the state. (Held in the Senate Appropriations Committee).

AB 9 (Wood), Chapter 225, Statutes of 2021. Established the Deputy Director of Community Wildfire Preparedness and Mitigation in the Office of the SFM to be responsible for fire preparedness and mitigation missions of CAL FIRE.

SB 63 (Stern), Chapter 382, Statutes of 2021. Made multiple changes in state law to enhance fire prevention efforts by CAL FIRE, including, among other things, improved vegetation management and expanding the area where fire safety building standards apply.

AB 3074 (Friedman), Chapter 259, Statutes of 2020. Establishes, upon appropriation, an ember-resistant zone within five feet of a structure as part of the defensible space requirements for structures located in specified high fire hazard areas. This bill requires removal of material from the ember-resistant zone based on the probability that vegetation and fuel will lead to ignition of the structure by embers.

REGISTERED SUPPORT / OPPOSITION:

Support

21st Century Alliance
Boma California
Building Industry Association of San Diego
Building Industry Association of The Bay Area

Building Industry Association of The Greater Valley
California Apartment Association
California Building Industry Association
California Building Officials
California Business Properties Association
California Chamber of Commerce
California Hotel & Lodging Association
California Retailers Association
Home Builders Association of The Central Coast
League of California Cities
Mendocino and Humboldt Redwood Companies
Naiop California
Orange County Business Council
Orange County Taxpayers Association
Orange; County of
South Orange County Economic Coalition
Southern California Leadership Council

Opposition

None on file.

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