Date of Hearing: April 7, 2025

ASSEMBLY COMMITTEE ON EMERGENCY MANAGEMENT
Rhodesia Ransom, Chair
AB 1143 (Bennett) – As Amended April 1, 2025

SUBJECT: State Fire Marshal: home hardening certification program

SUMMARY: Requires the Office of State Fire Marshal to develop a home hardening certification program that identifies the best appropriate combination of products and construction assemblies and convene and facilitate a workgroup for such purposes, as specified. Specifically, **this bill**:

1) Requires the OSFM to, on or before January 1, 2027, to develop a home hardening certification program that identifies the best appropriate combination of products and construction assemblies listed in the Wildland-Urban Interface Products listing and other home hardening techniques, including defensible space, to substantially reduce the risk of loss during a fire.

2) Requires the OSFM, for purposes of developing the home hardening certification program, to convene and facilitate a workgroup that includes, but is not limited to, the following representative:
   (a) A representative from the insurance industry;
   (b) A nonprofit scientific research and communications organization;
   (c) A representative from a nonprofit consumer advocacy organization;
   (d) A representative from a county in a high or very high risk fire zone; and
   (e) A representative from a city in a high or very high fire risk fire zone.

3) Authorizes the OSFM, in developing the home hardening certification program and convening and facilitating the workgroup, to expend funds from the Building Standards Administration Special Revolving Fund, upon appropriation by the Legislature.

EXISTING LAW:

1) Requires the Office of State Fire Marshal (OSFM) to develop and make available on its internet website a Wildland-Urban Interface Fire Safety Building Standards Compliance training intended for use in the training of local building officials, builders and the fire service. (Health and Safety Code Section 13159.5)

2) Requires this training to be updated as changes are made to Chapter 7A, as specified, and include any pertinent mandates for emergency power backup, including, but not limited to, battery backup requirements for automatic garage door openers. (Health and Safety Code Section 13159.5)

3) Requires the OFSM to develop and update a Wildland-Urban Interface Products listing of products and construction assemblies that comply with Chapter 7A for the following:
   (a) Exterior wall siding and sheathing;
   (b) Exterior windows, skylights, and doors;
   (c) Vents, including eave and cornice vents;
   (d) Decking;

(e) Treated lumber and ignition-resistant materials;
(f) Roofing materials; and
(g) Emergency battery power backup for automatic garage door openers.

4) Authorizes the OSFM, in researching and developing the products listing and the educational and training provisions to expend funds from the Building Standards Administration Special Revolving Fund, upon appropriation by the Legislature. (Health and Safety Code Section 13159.5)

5) Establishes the "Safer from Wildfires" Framework. (Section 2644.9 of Title 10 of the California Code of Regulations)

6) Requires the State Fire Marshal to biennially prepare and publish listings of construction materials and equipment and methods of construction and of installation of equipment, together with the name of any person, firm, corporation, association, or similar organization designated as the manufacturer, representative, or supplier, which are in conformity with building standards relating to fire and panic safety adopted and published in the State Building Standards Code. (Health and Safety Code, Section 13144.1)

7) Under the California Emergency Services Act, establishes the California Office of Emergency Services (Cal OES) within the office of the Governor for the purpose of mitigating the effects of natural, manmade, or war-caused emergencies. (Government Code 8550)

8) Requires the Office of Emergency Services to enter into a joint powers agreement with the Department of Forestry and Fire Protection, until July 1, 2025, to develop and administer a comprehensive wildfire mitigation program to, among other things, encourage cost-effective structure hardening and retrofitting to create fire-resistant homes, businesses, and public buildings. (Government Code 8654.4)

9) Requires the joint powers authority to develop eligibility criteria for property owners, community organizations, and local governments that may receive financial assistance under the wildfire mitigation program. (Government Code 8654.4)

FISCAL EFFECT: Unknown. This bill has not been analyzed by a fiscal committee.

COMMENTS:

Purpose of the bill: According to the author, "California's wildfire destruction has reached a tipping point. As the wildfires in Southern California have shown fires are now sweeping into urban areas in new, more intense and uncontrollable ways. We must do more to ensure that homes are more than just superficially hardened, and take a holistic, science-based, approach. AB 1143 moves us towards an evidence based approach by directing the State Fire Marshal to develop a certification program that provides homeowners a voluntary option for a holistic home hardening approach."

Equity impact: According to the author's staff, "California fires disproportionately put at risk vulnerable communities, especially given the lack of insurance coverage in many parts of the state. Of particular concern is when conflagrations destroy major parts of communities. Media coverage of the Southern California fires often focused attention at the destruction of Pacific Palisades however the Eaton Canyon fire razed a historically Black community, harming decades of built up generational wealth for many California residents. 61% of homes lost in Altadena were Black households. A University of California Los Angeles data brief highlighted the disproportionate impact that the Eaton Canyon fire had on Black residents. Of particular concern is that lack of insurance coverage and rising home prices, mean that unless these residents are able to rebuild and keep their homes, it is unlikely that their children will be able to inherit these properties, or otherwise keep this generational wealth – further exacerbating a growing income divide. Given the loss of structures in Altadena, it seems like moving towards a policy where home owners and communities take comprehensive measures to harden their homes could have reduce both the loss of lives and the loss of property. AB 1143 would give residents in communities like Altadena a state home hardening certification program. Households would still face challenges in affording all the potential renovations necessary to harden their structure, but creating a public pathway to meaningful hardening efforts could also result in more voluntary hardening – reducing the risk of loss, and reducing insurance rates."

California Wildfire Mitigation Program**:** In 2019, the Legislature passed and the Governor signed into law AB 38 to create the California Wildfire Mitigation Program (CWMP). The law authorized a joint exercise of powers agreement between Cal OES and Cal FIRE to strengthen community-wide resilience against wildfires. This included developing a state home hardening initiative to retrofit, harden, and create defensible space for homes at high risk of wildfires, focusing on high socially-vulnerable communities, and providing financial assistance for low- and moderate-income households. The effort is meant to encourage cost-effective wildfire resilience measures to create fire-resistant homes, businesses, public buildings, and public spaces. This includes a community hardening approach to achieve wildfire resilience, low-cost retrofits with ignition-resistant materials to bring homes up to the standard of the California Building Code Chapter 7A, community and homeowner wildfire education on defensible space and home retrofitting, and providing financial assistance to support home hardening work for qualifying homeowners.

In coordination with state and local partners, Cal OES and Cal FIRE also established a state wildfire home hardening framework that can be modeled throughout vulnerable California communities. The framework provides the opportunity for California communities to leverage state and federal resources and develop local wildfire home hardening programs that address community resiliency needs. To help expedite local wildfire home hardening program development and inform the build-out of the state's framework, Cal OES and Cal FIRE will provide state funding, resources, and support for demonstration communities to implement community wildfire home hardening projects in areas with high social vulnerability and wildfire risk.

California Department of Insurance's Safer from Wildfires: In 2022, CDI announced the "Safer from Wildfires" framework, which directs insurers to provide discounts to consumers and businesses if they take specified mitigation measures. In crafting this regulation, CDI worked with emergency preparedness agencies in the Governor's Administration, including CAL FIRE, Cal OES, the Governor's Office of Planning and Research, and the California Public Utilities Commission.

The framework provides a list of home and community wildfire mitigation measures that consumers and businesses can take to provide protection for the structure, the immediate surroundings, and the community. Under the regulation, the more "Safer from Wildfires" steps a consumer takes, the more they may be able to save on their insurance. Steps a consumer can take to help mitigate their property under this framework include: class-A fire rated roofs; 5-foot ember resistant zone; ember and fire-resistant vents; non-combustible 6 inches at the bottom of exterior walls; enclosed eaves; upgraded windows; cleared vegetation; removal of combustible sheds and other outbuildings; and defensible space compliance.

<u>Chapter 7A of the California Building Standards Code</u>: Chapter 7A is California's Wildland-Urban Interface (WUI) building code. As such, this chapter of the building code establishes the *minimum standards* applicable to building materials, systems and/or assemblies used in the exterior design and construction of new buildings located within a WUI Fire Area for the protection of life and property. Chapter 7A was initially adopted in 2008 and has undergone multiple revisions as part of the iterative code development process, integrating the most recent insights and scientific advancements from technical experts in the field.

<u>State Fire Marshal's Building Materials Listing Program</u>: The OSFM's BML Program was initially established to mandate approval and listing of fire alarm systems and devices before their sale or marketing in the state. Over time, it expanded to include various materials, such as roof coverings, wall assemblies, hardware, and more. Product approval involves rigorous testing, and companies must utilize SFM accredited laboratories for testing to list products in California. The SFM listing service provides essential information to building authorities, architects, engineers, contractors, and the fire service. In addition, the SFM publishes a complementary handbook to the BML that specifically details products that have been assessed and validated by the SFM to meet the requirements of Chapter 7A.

<u>Arguments in support</u>: The League of California Cities write, "The League of California Cities (Cal Cities) is pleased to support AB 1143 (Bennett), which would require, on or before January 1, 2027, the Office of the State Fire Marshal to develop a home hardening certification program identifying the best home hardening measures that can be taken during property renovations or improvement projects to reduce fire risk. California has the highest wildfire risk in the US. In recent years, the state has experienced a growing number of highly destructive wildfires due to climate change and over a century of logging and fire suppression. The devastating impacts of these wildfires has unfortunately resulted in the destruction of over 57,000 structures in the last decade."

The Independent Insurance Agents & Brokers of California, Inc. write, "While California has made important strides in fire prevention through building codes, defensible space requirements, and educational resources, these efforts have largely functioned as individual components rather than a cohesive approach. Research from the National Institute of Standards and Technology, in collaboration with CalFire, clearly demonstrates that effective home hardening requires addressing multiple vulnerabilities simultaneously. No single measure alone can adequately protect a structure from the complex threats posed by wind-driven embers, direct flame contact, and radiant heat. AB 1143 addresses this critical gap by creating a certification program that identifies appropriate combinations of home hardening products, construction techniques, and defensible space measures. By establishing a comprehensive framework, this legislation will provide homeowners with clear guidance on how to effectively protect their properties from wildfire."

Double referral: Should the Assembly Committee on Emergency Management approve this bill on April 7, 2025, it will be referred to the Assembly Committee on Natural Resources.

Related legislation: AB 1 (Connolly) would require the Department of Insurance to consider whether or not to update its regulations to include additional building hardening measures for property-level mitigation efforts and communitywide wildfire mitigation programs. (Pending in the Assembly Appropriations Committee)

AB 888 (Calderon) of this Session. Establishes the California Safe Homes grant program to be developed by CDI to reduce local and statewide wildfire losses by encouraging mitigation. (Pending before the Assembly Insurance Committee)

SB 514 (Cabaldon) Extends the operative date of Cal FIRE's program for individuals to support and augment the department in its defensible and home hardening assessment and public education efforts. (Set to be heard in the Senate Committee on Natural Resources and Water on April 8, 2025)

SB 616 (Rubio) would establish the Community Hardening Commission as an independent unit within the Department of Insurance and require the Insurance Commissioner, beginning January 1, 2026, and at least quarterly thereafter, to convene the commission to perform specified duties, including developing new wildfire community hardening standards to reduce fire risk and improve access to fire insurance. (Set to be heard in the Senate Insurance Committee on April 9, 2025)

Prior legislation: SB 190 (Dodd) from 2019 required the Office of the State Fire Marshal (SFM) to develop a model defensible space program, online training related to building standards in the Wildland-Urban Interface (WUI), and a listing of products and construction assemblies that are in compliance with fire safety building standards.

REGISTERED SUPPORT / OPPOSITION:

Support

California Fire Chiefs Association
California Professional Firefighters
Independent Insurance Agents & Brokers of California, Inc.
League of California Cities

Opposition

None on file.

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