



June 19, 2024

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

**RE: Senate Bill 610 (Wiener): Fire Prevention: wildfire mitigation area: defensible space: State Fire Marshal: real property disclosures: fire protection building standards  
As Amended, June 11, 2024 – Concerns  
Set for Hearing on: June 24, 2024**

Dear Assemblymember Bryan,

On behalf of the California State Association of Counties (CSAC), representing all 58 of California Counties, and the Rural County Representatives of California (RCRC), representing California's 40 rural counties, **we respectfully raise concerns regarding Senate Bill 610 (Wiener)**. This measure revises the current state fire responsibility process and obligations, including many provisions related to housing, land use and building permitting, shifting these from the Board of Forestry (BOF) to the Office of the State Fire Marshal (OSFM). 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 both questions and suggestions but may not be exhaustive of all issues raised by the legislation.

**Major Changes Proposed—What Happens to Current Designations?** SB 610 would revise the areas subject to state fire safe regulations which are currently defined under the State Responsibility Area (SRA) and Local Responsibility Area (LRA) fire severity zone designations into a single designated “wildfire mitigation area.” Review for this new designation would be shifted from the BOF to the OSFM. The primary question that must be asked is, what is a “wildfire mitigation area”? The bill suggests a regulatory process to determine the new designation that would likely begin when the bill comes into effect. Counties have just gone through a multi-year process re-designating fire severity zones that, while cumbersome and challenging, concluded just this past year. We recommend a few initial items here:

- Review Health and Safety Code (HSC) 13108.4 changes to ensure that any additional regulatory authority granted to the OSFM be narrowly targeted, clarifying the effect of the “mitigation measures” adopted by the OSFM.
- The proposed criteria for the designation as a “wildfire mitigation area” do not match (see PRC 4202 vs. PRC 4126)—and the bill proposes specifically to divorce the two. The bill must clarify the scope of the Administrative Procedures Act (APA)-exempt wildfire mitigation area map amendments under Public Resources Code (PRC) 4204(b). Are SRA and LRAs necessary or sufficient for inclusion in the new “wildfire mitigation area” as defined? Should changes to SRA maps necessarily generate changes to the “wildfire mitigation are” designation outside the APA process?

**Outreach Imperative – Counties Must Have Direct Input.** As a matter of current law, before any new fire maps are released the OSFM must hold a hearing in each county where fire hazard zone map amendments are proposed to be amended. Instead, SB 610 replaces this with a requirement to hold three hearings during the rulemaking period with no location differentiation. This does not respect the great diversity of California’s counties and regions and is frankly insufficient to achieve necessary input. We strongly recommend that county-specific meetings be restored, or at a minimum that regional meetings be established, touching all counties impacted by the legislation. As an example, a tri-county area may meet together to discuss adjoining map designations but no less than this statewide.

**Ember Resistant Zones.** SB 610 removes several procedural protections for the regulated community previously provided. These include delayed implementation for existing structures, and requirements for notice to residents prior to the imposition of penalties, among others. These provisions must be reinstated.

**Lead Time Required.** Having just moved through a significant effort at the state and local level revising the SRA fire severity maps, we strongly recommend a three-year lead time for existing structures. Zone-zero rules implement significant changes to almost every home landscape, mainly in our 40 rural counties. Actions such as replacing wooden fence structures with metal, pulling out all vegetation within five feet of a home, are major costs regardless of the ability of the homeowner to comply and local programs to support these changes. Many of our rural residents are low income, senior or have financial challenges directly related to recent wildfires. There must be a minimum of three years from the time of regulatory adoption to enforcement.

**Time to Convene...Moving Forward.** In addition to the issues outlined above, we are reviewing the language for other substantive and technical inconsistencies, including in Section 4290 (a) and 4290.05 which we are able to share with legislative committees for cleanup. RCRC and CSAC, on behalf of all California counties, are willing to step in now to discuss this legislation and hope to support the bill at a future time. We recommend the Legislature and Administration convene stakeholders over the next six (6) weeks to work out language directly with practitioners. This legislation is too important to rush—and we have the expertise to move the bill into working order.

For these reasons we must respectfully raise concerns with SB 610. For more information, please contact Catherine Freeman (CSAC) at [cfreeman@counties.org](mailto:cfreeman@counties.org) or Tracy Rhine (RCRC) at [trhine@rcrcnet.org](mailto:trhine@rcrcnet.org).

Sincerely,



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cc: The Honorable Scott Wiener, Member of the California State Senate  
Honorable Members, Assembly Natural Resources Committee  
Consultants, Assembly Natural Resources Committee  
Casey Dunn, Consultant, Assembly Republican Caucus