August 11, 2020

To: Board Members

From: Edith Hannigan, Land Use Planning Policy Manager

**Re: Amending 14 CCR §§ 1270.00-1276.04, “Fire Safe Regulations”**

# Update on emergency regulations

The emergency regulations amending sections 1270.02, 1270.04, 1270.05, and 1271.00 were approved by the Office of Administrative Law and made effective on July 27, 2020. Two recent executive orders, N-40-20 and N-66-20, have extended the usual timelines regarding the effectiveness of emergency regulations; these regulations will be in effect for 300 days, until May 26, 2021. The last day to submit re-adoption paperwork to OAL is May 14, 2021, so action must be taken at the April 7, 2021, Board meeting to continue the effectiveness of these regulations until permanent rules can be in place.

Executive Orders N-40-20 and N-66-20 also extend the timelines for emergency re-adoptions – the Board can readopt these emergency regulations twice, as usual, but each re-adoption will be in effect for 270 days (usually 90). Upon a first re-adoption of these emergency regulations at the Board’s April 7, 2021, meeting, these regulations will be in effect through February 2022.

**Update on permanent rulemaking**

The contract with Wildfire Planning International to fully review and revise the Fire Safe Regulations was fully executed in early July, and their team has been working diligently since then on researching the standards in the Fire Safe Regulations and contemplating revisions. Simultaneously, Board staff have been working specifically on revisions to Article 1 in the regulations – where the scope, authorities, inspection requirements, and other related administrative standards are found. We are also engaging a variety of stakeholders through smaller, targeted workgroups and will be conducting public outreach via workshops or similar meetings as well. Our goal is to present regulatory revisions ready for approval for 45-day noticing at the Board’s January 21, 2021 meeting.

PRC 4290, and therefor the Fire Safe Regulations, will apply to the LRA VHFHSZ beginning on July 1, 2021. We are contemplating a few different administrative remedies to address this gap, if needed, and will keep you updated on our progress.

Thank you.