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 **Board of Forestry and Fire Protection**

**Title 14 of the California Code of Regulations (14 CCR),**

**Division 1.5, Chapter 7, Subchapter 1, Article 3**

**Fire Risk Reduction Communities List**

Article 3 Fire Risk Reduction Communities List

§ 1268.00 Definitions

(a) Board: California Board of Forestry and Fire Protection.

(b) Fire Risk Reduction Community List: A list of local agencies located in a State Responsibility Area or a Local Responsibility Area Very High Fire Hazard Severity Zone, identified by the Board pursuant to Public Resources Code (PRC) § 4290.1, which meet fire planning best practices.

(c) Local Agency: Any city, city and county, or county; tribal agency; agency, department, district or other publicly funded entity serving a city or and county.

(d) Local Responsibility Area (LRA): Those areas of land not classified by the Board where the where the financial responsibility of preventing and suppressing wildfires is that of the state or federal government, pursuant to PRC § 4125..

(e) Low-income Local Agency: One of the following:

(1) A city with a median household income, as reported in the 2019 US Census Bureau American Community Survey, equal to or less than 80 percent of the area median income for the county in which it is located, as determined and published by the Department of Housing and Community Development in Title 25, California Code of Regulations, § 6932.

 (2) A county with a median household income equal to or less than $64,352.

 (4) An agency, department, district or other publicly funded entity serving at least one city or county which qualifies as Low-Income under the conditions described in (1) or (2).

(f) State Responsibility Area (SRA): as defined in Public Resources Code § 4102.

(g) Very High Fire Hazard Severity Zone (VHFHSZ): As defined in Government Code § 51177(i).

Note: Authority cited: Section 4290.1, Public Resources Code. Reference: Sections 51177, 51178, Government Code; Sections 4126, 4127, Public Resources Code; Section 39713, Health and Safety Code

§ 1268.01 Criteria for Local Agencies that are Cities, City and County, or Counties

(a) A Local Agency that is a city, city and county, or county shall qualify for placement on the Fire Risk Reduction Community List if it meets has met all of criteria (1) -(4) and two of criteria (5)-(10). A Low-income Local Agency that is a city, city and county, or county shall qualify for the list if two or more of criteria (5) - (10) have not yet been met but are included in the safety element of the Local Agency’s general plan as policy objectives.

(1) The applicant has adopted local ordinance(s) designating Very High Fire Hazard Severity Zones (VHFHSZ) pursuant to Government Code § 51179(a) and submitted them to the Board pursuant to 14 CCR § 1280.02. The applicant shall provide the date the ordinance was submitted to the Board, or submit the ordinance with their application.

(2) Applicants who are counties have submitted the findings for all tentative and parcel maps approved for areas located in SRA or LRA VHFHSZ to the Board pursuant to 14 CCR § 1266.02. The applicant shall provide a list of subdivisions submitted to the Board since January 1, 2013, or since the last time the Local Agency submitted an application for the Fire Risk Reduction Communities List, whichever is most recent.

(3) The safety element of the Local Agency’s general plan has been submitted to the Board for review pursuant to Government Code § 65302.5(b) within the last eight years, and all recommendations have been adopted. The applicant shall provide the final adopted safety element.

(4) After July 1, 2022, a progress report on implementation of the most recent fire safety recommendations from the Board upon subdivision review in a Fire Safety Survey, pursuant to 14 CCR § 1267.01, for each community reviewed within the jurisdiction. This report shall be generated by the Local Agency and submitted to the Board. The applicant shall provide the date this report was submitted to the Board, or attach the report to their application.

 (5) The applicant has adopted one or more local regulations which exceed the minimum regulations adopted by the state in the Fire Safe Regulations (14 CCR §§ 1270.00-1276.04). The applicant shall cite the local requirement(s) and which state minimum requirements it exceeds.

(6) The applicant has adopted one or more local defensible space ordinance, rule, or regulation which exceeds state minimum regulations in 14 CCR § 1299.03. The applicant shall specify how the local requirements exceed the state minimum requirements.

(7) The applicant has adopted a Wildland Urban Interface code stricter than Chapter 49, Part 9, of Title 24 of the California Code of Regulations. The applicant shall cite the local requirement(s) and which state minimum requirement(s) it exceeds.

(8) The applicant has adopted a zoning ordinance, special district, or special overlay zone that includes fire hazard mitigation requirements which exceed state minimum requirements. Such requirements may address safe zones or areas of refuge, structure density, ornamental vegetation, subdivision design, structure design features, or other fire safety features. The applicant shall provide the ordinance, district, or overlay zone and cite which state minimum requirements the local requirements exceed.

(9) The applicant has adopted a comprehensive retrofit code or plan for existing homes. The applicant shall provide the adopted code or plan.

(10) The applicant has identified wildfire as a high priority hazard in a Local or Multi-Jurisdictional Hazard Mitigation Plan (LHMP or MJHMP) updated within the last five years, or as a low- or medium priority hazard with the inclusion of one or more mitigation actions, and has adopted the LHMP or MJHMP into the general plan safety element. The applicant shall provide the adopted LHMP or MJHMP.

Note: Authority cited: Section 4290.1, Public Resources Code. Reference: Sections 4126, 4127, 4290.1, Public Resources Code.

§ 1268.02 Criteria for Local Agencies that are not Cities, City and County, or Counties.

(a) A Local Agency that is not a city, city and county, or county shall qualify for placement on the Fire Risk Reduction Communities List if it has met two or more of criteria (1)-(7), A Low-income Local Agency that is not a city, city and county, or county shall qualify for the list if one or more of criteria (1)-(7) has been met, and one or more is included as an objective or expected outcome in that Agency’s management or strategic plan or similar planning document (such as but not limited to a capital improvement plan, climate adaptation plan, or resiliency plan). The applicant shall provide appropriate evidence demonstrating that each criterion it meets has been satisfied.

(1) The applicant has identified wildfire as a high priority hazard in a Local, Tribal or Multi-Jurisdictional Hazard Mitigation Plan updated within the last five years, or as a low- or medium priority hazard with the inclusion of one or more mitigation actions.

(2) The applicant has adopted a Community Wildfire Protection Plan; critical infrastructure protection plan; evacuation plan; Integrated Resource Management Plan including a Fire Management Plan; or similar plan addressing fire protection within the Local Agency’s jurisdiction within the last five years.

(3) The applicant sponsors, coordinates, or actively engages with a community disaster preparedness council or group, including but not limited to a Firewise USA community or a Fire Safe Council, with events or meetings at least quarterly.

 (4) The applicant has adopted a plan within the last five years or implements an ongoing program to conduct a hazardous fuels reduction project or projects, including but not limited to California Vegetation Treatment Program (CalVTP) projects, Forest Management and Fuels Reduction Plans (FMRFP), Program Timberland Environmental Impact Reports (PTEIR), prescribed or cultural burns, and community fuels reduction work days.

(5) The applicant has adopted a plan within the last five years or implements an ongoing program to conduct public outreach and education about water conservation, wildfire prevention, vegetation management and fuels reduction, home hardening, evacuation preparedness, defensible space, Traditional Ecological Knowledge pertaining to fire, fire risk reduction, or similar topics.

(6) The applicant has adopted a special benefit assessment or tax measure or fee that addresses wildfire prevention risk reduction.

(7) If a Local Agency is unable to meet at least two of the criteria within (1)-(6) because the criteria are inapplicable to that agency, the agency may submit substantial evidence demonstrating an equivalent means of local fire planning.

Note: Authority cited: Section 4290.1, Public Resources Code. Reference: Section 51178, Government Code; and Section 4290, Public Resources Code.

§ 1268.03 Submission and Review of Applications for List Eligibility

(a) Local Agencies wishing to be added to the Fire Risk Reduction Communities List shall complete the Fire Risk Reduction Communities List form, provided on the Board’s internet website, and submit the form and any supporting or substantial evidence electronically to PublicComments@bof.ca.gov.

(b) This form shall request

(1) The Local Agency’s name and a point of contact, including address, email, and phone and fax numbers;

(2) Specification of which criteria in 1268.01 or 1268.02 have been met;

(3) Supporting evidence submitted electronically demonstrating compliance with the requirements in §§ 1268.01 or 1268.02.

(4) Additional information or supporting or substantial evidence, as necessary, to support inclusion on the List.

(5) Specification of whether the Local Agency is located in Local Responsibility Area or State Responsibility Area

(6) The signature of the Local Agency official who completes the form.

(7) A section for Board evaluation of the application.

 (i) Whether the applicant satisfies the mandatory criteria;

 (ii) Whether the applicant satisfies the optional criteria;

 (iii) Whether the applicant qualifies for placement on the Fire Risk Reduction Communities List and why or why not;

 (iv) The effective date of the placement of the applicant on the List and the deadline to apply for the list in the future.

(c) The Board shall review applications within 60 days of receipt and determine whether the information provided satisfies the criteria for List eligibility.

Note: Authority cited: Section 4290.1, Public Resources Code. Reference: Section 4290.1, Public Resources Code.

§ 1268.04 List Updates

(a) The Fire Risk Reduction Communities List shall be published on the Board’s website no later than July 1, 2022.

(b) The list shall be updated every other year, to be effective on July 1 of even-numbered years.

(c) Applications shall be submitted by April 1 of even-numbered years for addition to the List on July 1 of that year.

Note: Authority cited: Section 4290.1, Public Resources Code. Reference: Section 4290.1, Public Resources Code.