



GUIDELINE 420 CHANGES IN DEFENSIBLE SPACE LAWS AND REGULATIONS

INFORMATION BULLETIN

Changes in State Laws and Regulations over the past couple of years has resulted in how defensible space requirements are applied in Ventura County. The following is a brief description of the changes.

State Law Changes:

Residential Real Estate Disclosures: Assembly Bill 38 (Chaptered October 2019) requires certain new disclosures when selling residential properties located in a High or Very High Fire Hazard Severity Zone (FHSZ). Part One was effective January 1, 2021, and covered disclosure regarding compliance with State Building Code requirements for home hardening and fire zone building standards. Part Two was effective July 1, 2021 and requires the seller to provide the buyer with a report from the fire department indicating the property is in compliance with State defensible space laws or a local vegetation management ordinance. For more information about these disclosures and to request the inspection, please visit vcfd.org/ab38.

New Zone 0: Assembly Bill 3074 (Chaptered September 2020) changed State Law to require a new 0-5 foot ember-resistant zone (Zone 0) around all buildings subject to State defensible space laws. The new State Zone 0 regulations are currently under development by the State Board of Forestry and are schedule to take effect January 1, 2023, for all new buildings and January 1, 2024, for all existing buildings. Post-fire reviews, and live fire testing and research, has shown the first five (5) feet around a home is the most vulnerable area for ignition from embers that then ignites the structure. In addition, the current requirements for Zone 1 (5-30 feet) and Zone 2 (30-100 feet) are also under review as required by current State Law. The final adopted regulations will most likely require modification to existing landscape areas adjacent to buildings and within the 100-foot zone.

Defensible Space: Assembly Bill 63 (Chaptered September 2021) added "Cultivated Landscape Plants" to the definition of *Fuels* subject to defensible space and revised requirement that fuels be maintained "and spaced". Note: VCFD already considers cultivated landscape plants as Ornamental Landscape and already has spacing requirements within our regulations. All vegetation is subject to defensible space laws and regulations.

Fire Hazard Severity Zone Maps: Effective January 1, 2022, Assembly Bill 63 also requires the State Fire Marshal to now map the Moderate and High FHSZ within the Local Responsibility Areas (LRA) to match the same three FHSZ within the State Responsibility Areas (SRA). The draft updated maps are expected late 2022 or early 2023. There will be a public comment period when we receive the draft maps from the State. More information regarding the review process and notice of available maps will be provided once we receive the maps.

VCFD Local Regulations:

VCFD Defensible Space Standard 515: On April 19, 2019, [VCFD Standard 515 – Defensible Space and Fuel Modification Zones](#) was issued. This standard was issued to provide more detailed requirements for defensible space zones based upon then current State Laws and Regulations and VCFD Ordinance. It also introduced a Sub-Zone A, 0-5 feet from structures, to address vegetation subject to ignition from embers adjacent to buildings. The 0-5 foot zone was also under consideration by the State during this period.

On February 15, 2022, VCFD issued an updated Standard 515 to provide better clarity to the requirements for the 0-30 feet (Zone 0 & Zone 1) from structures within the 100-foot defensible space zone. It also re-labeled Zones A & B to the new State Zone identification, Zones 0,1, & 2.

Also contained within Standard 515 are provisions for retrofit of existing landscape areas to bring them into reasonable compliance with the new standard and existing State Laws and Regulations. There is no grandfathering of existing landscape installations. Please see [VCFD Administrative Ruling 20-806](#) for more discussion regarding retrofit of defensible space zones.

Standard 515 will be reviewed and updated (if needed) to meet the new State minimum regulations after they are adopted by the Board of Forestry.

Landscape Plans: Starting October 27, 2021, VCFD began requiring review and approval of all landscape plans when the project is located within a State Mapped Very High, High, or Moderate Fire Hazard Severity Zone (FHSZ), or a local Hazardous Fire Area as determined by the VCFD. See [VCFD Guideline 416](#). Installation of new landscape is the starting point to make sure correct plants are selected and proper spacing is provided and maintained. In most cases, there are already requirements to submit landscape plans to the County or City for review of State water requirements for landscape areas. In addition, we do not want new landscaping installed now that may have to be retrofitted when State Zone 0 regulations take effect. The requirement for landscape plans also includes major retrofit of existing landscape areas.

Please contact the FHRP unit at fhrp@ventura.org or (805) 389-9759 if you have any questions regarding these items or visit our website vcfd.org or vcfhrrp.org for additional information regarding fire hazard clearance requirements.

