



CAL FIRE - OFFICE OF THE STATE FIRE MARSHAL

Information Bulletin 21-007

Issued: September 20, 2021

DEFENSIBLE SPACE INSPECTION REQUESTS

As They Relate to Real Estate Transactions

PURPOSE

Assembly Bill 38 (Wood, 2019) “Fire safety: low-cost retrofits: regional capacity review: wildfire mitigation”, modified the statutes for real estate disclosures. CAL FIRE-Office of the State Fire Marshal (OSFM) is providing this Information Bulletin to provide guidance for the defensible space inspection process as it relates to CIV 1102.19, enacted by the Assembly Bill.

OVERVIEW

As of July 1, 2021, California Civil Code Section 1102.19 requires a seller of real property located in a High or Very High Fire Hazard Severity Zone (FHSZ) within the State Responsibility Area (SRA) or Local Responsibility Area (LRA), to provide the buyer with documentation stating the property is in compliance with the requirements of Public Resources Code (PRC) Section 4291 for properties within the SRA or local vegetation management ordinances for properties within jurisdictions (SRA or LRA) that have enacted an ordinance requiring an owner to achieve compliance with PRC 4291 or Government Code 51182. The law also requires that if documentation demonstrating compliance cannot be obtained by the close of escrow, a written agreement showing that the buyer agrees to obtain documentation of compliance to either PRC 4291 for properties within the SRA, or a local ordinance for properties within jurisdictions that have enacted an ordinance, within one year of the close of escrow.

FREQUENTLY ASKED QUESTIONS

How do I determine if my property requires an inspection?

- Property owners or their agent should contact their local fire department to find out whether the property requires an inspection.
- If the property is within the SRA, an inspection is required in both the High and Very High Fire Hazard Severity Zones.
 - You can use the [Fire Hazard Severity Zone map](https://egis.fire.ca.gov/FHSZ/) to locate your property and determine if your home is in one of these zones.
(<https://egis.fire.ca.gov/FHSZ/>)



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How do I determine if there are local vegetation management ordinances that might affect the process?

- Your local fire department and/or [local government](#) offices would be able to advise you regarding local ordinances that would affect your transaction. (<https://library.municode.com/ca>)

Who conducts the inspections?

- In the Very High FHSZ in the LRA, the seller shall request a defensible space compliance inspection from the local agency.
- In the High or Very High FHSZ in the SRA, if a local jurisdiction **HAS** enacted a defensible space/vegetation management ordinance, the seller shall request a defensible space compliance inspection from the local agency.
- In the High or Very High FHSZ in the SRA, if a local jurisdiction **HAS NOT** enacted a defensible space/vegetation management ordinance, the seller shall request a defensible space compliance inspection from CAL FIRE by using the inspection request feature at <https://www.fire.ca.gov/dspace>.

What if the seller had received an inspection recently?

- The seller shall provide the buyer with documentation of compliance with the local vegetation management ordinance from a local agency or PRC 4291 from CAL FIRE obtained in the 6-month period preceding the date the seller enters into a transaction to sell the real property.

What if the seller cannot obtain the required documentation before close of escrow?

- If the seller has not obtained documentation of compliance with the local vegetation management ordinance from a local agency or PRC 4291, the seller and buyer shall enter into a written agreement whereby the buyer agrees to obtain documentation of compliance with the local vegetation management ordinance or PRC 4291 within one year of the date of close of escrow.

What constitutes “documentation of compliance?”

- In the case of property within the SRA where there is no local vegetation management ordinance, CAL FIRE supplies the property owner with a hard copy or electronic PDF copy of the Notice of Defensible Space Inspection (LE-100a) form.



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What if a property is inspected and is not in compliance with defensible space requirements?

- The property owner will need to perform the necessary wildfire protection measures as specified within the inspection documentation and have the property inspected again prior to escrow or the buyer must agree to achieve compliance within a year as stated above.

What if the subject property doesn't include the totality of area needing inspection? Meaning what if part of the 100ft inspection from the structure is on an adjacent, non-transactional property?

- From the perspective of PRC 4291, the inspection ends at the property line. If the property is located within a jurisdiction that has enacted a local vegetation management ordinance, then the property must comply with the ordinance.

For information on CAL FIRE's Defensible Space Program visit:

<https://www.fire.ca.gov/dspace>