

Riverside County

Despite brush-clearance law, some leeway remains



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10:00 PM PDT on Saturday, October 6, 2007

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SACRAMENTO -

California fire prevention officials rarely cite homeowners in hazardous areas who violate a law requiring them to clear 100 feet of brush from around their homes.

Many homes remain out of compliance with the law, passed less than a year after the disastrous 2003 wildfires in San Bernardino, Riverside and three other Southern California counties.

Authorities inspected nearly 117,000 properties in 2005 and 2006 and issued just 160 defensible-space citations. The state also has not taken advantage of the law's provision through which the government pays for the cleanup work and then charges homeowners by putting liens on their property.

State Department of Forestry and Fire Protection officials say firefighters inspect as many properties as they can and then try to cajole owners into compliance.

"Where it's implemented it clearly makes a difference," said Paul Mason, a lobbyist for the Sierra Club, which co-sponsored the 100-foot clearance bill in 2004. "There are still a lot of places where people have not done the clearing."

State Sen. Sheila Kuehl, D-Santa Monica, the author of the 2004 legislation, said she thinks the law has worked well where local governments, such as Riverside County, adopted ordinances mirroring the state rules and enforced them.

Kuehl, though, said she is disappointed with how the state forestry department has carried out the law.

"There does not seem to be sufficient will at CDF to make this work," she said. "I think they need to do a lot more."

State Fire Marshal Kate Dargan said she has made the inspections a CalFire priority. But she and others said it would be difficult to issue significantly more citations, which start at \$100, and track them through the legal process.

"It boils down to a lot of dollars," said Capt. Julie Hutchison, a public affairs officer for Cal Fire/Riverside County Fire Department.

Gerry Newcombe, president of the Arrowhead Communities Fire Safe Council in the San Bernardino Mountains, said he thinks Cal Fire has acted correctly so far.

"They're certainly putting out a lot of information," Newcombe said. "They can do warnings for a while but then word needs to get out that this needs to be done and people need to comply."

The go-slow approach comes as the state prepares to impose stricter building codes in fire-hazard severity zones. Experts developed the new standards based in part on the assumption that there would be a 100-foot defensible space around the houses.

2003 Fires

The 100-foot clearance rule was one of the major policy changes to come out of a blue-ribbon commission's review of the 2003 firestorms. The blazes killed 24 people and destroyed more than 3,700 structures.

The report concluded that the 30-foot clearance requirement then on the books for homes in very high fire-hazard severity zones was inadequate.

Within months, lawmakers approved a bill increasing defensible space where local agencies hadn't already done so. Gov. Schwarzenegger signed

the measure, which took effect in January 2005.

Lawmakers later that year passed a budget with an extra \$9 million to pay for year-round fire staffing in Southern California. It came with a caveat -- lawmakers wanted Cal Fire to pay more attention to fire-prevention activities such as inspections when it wasn't fighting fires.

For 2005, Cal Fire reported conducting 61,303 defensible space inspections statewide, with 87 citations issued, according to an April report to the Legislature. In 2006, the total dropped to 55,395 inspections statewide, with 73 citations.

In 2006, Cal Fire reported 2,591 defensible inspections in Riverside County and 2,533 in San Bernardino County. Some Inland stations reported conducting several hundred inspections last year, while others did far fewer.

Officials said the 100-foot inspections are more time-consuming than the previous 30-foot checks. It can take up to an hour to finish the 33-question form under the new rules, officials said, compared with only a few minutes under the previous regulations.

Besides the statewide drop in inspections from 2005 to 2006, there also were problems with firefighters using different standards in different parts of the state.

Dargan said standardization has improved. In addition, the state is on pace to have more inspections than ever in 2007, she said.

Nick Konovaloff, a legislative analyst for the Regional Council of Rural Counties, which supported the bill increasing the clearance requirements, said the organization is pleased with how the law is being carried out.

"We are more carrot than stick," he said.

In June, the Angora Fire destroyed 254 homes south of Lake Tahoe. Officials said many houses lacked adequate clearance.

"Is it time for Cal Fire to start enforcing this? Probably, but only after people have had reasonable opportunity to comply with the law," said John Pickett, the California coordinator for the Nevada Fire Safe Council, who works around the Lake Tahoe basin.

Removing trees can cost thousands of dollars, Pickett said. There also are too few contractors to do the work, he said.

New Codes

Fire experts consider defensible space to be part of a three-pronged strategy to protect homes from wildfire. Forest management and building codes are the other two.

In 2005, the state approved new building codes calling for changes to make roofs, vents, siding and decking more resistant to burning embers. The bulk of the rules take effect in January.

Under the 100-foot clearance law, new homes in fire-prone areas need government certification that they are in compliance before they can be occupied. But vegetation can quickly return without upkeep.

"The building codes are an important hook in all of this. But I'd have to put it at the end behind defensible space and forest management," said Robert Raymer, a technical expert with the California Building Industry Association who helped write the codes.

Dargan, the fire marshal, said the state eventually will get tough with property owners who have inadequate defensible space. She declined to say when that would happen.

"I see the day when we would lien properties," she said. "There are always going to be some percentage of folks who just don't get with the program, period."

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