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*"Proud Protectors of Life,  
the Environment, and Property"*

# COUNTY OF LOS ANGELES FIRE DEPARTMENT

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## ANNUAL BRUSH CLEARANCE PROGRAM DETAILS

The Los Angeles County Fire Department (Department) recently mailed the Annual Brush Clearance Notice 2023 (Defensible Space Inspection Program) to residents in Fire Hazard Severity Zones (FHSZs). Some homeowners are receiving this notice for the first time, while others have been part of our annual brush clearance program for many years. The following information provides an overview of the Defensible Space Inspection Program, including why parcels are Declared (included on the inspection list), how parcels have been identified in the past and how they are identified today, how the inspection fee was determined and approved, the inspection process, and new laws limiting vegetation or mandating an inspection (real estate sales in fire hazard severity zones).

### OVERVIEW

Over the last two years, the Department integrated into the Defensible Space Inspection Program, a geospatial database, that is far more accurate than visual identification used in previous years. Using criteria-based mapping, numerous parcels have been identified within the Fire Hazard Severity Zone that have never been inspected. There are approximately 60,000 homeowners who received the inspection notice for the very first time.

### WHY ARE PARCELS DECLARED: NEED AND AUTHORITY TO INSPECT

California Public Resources Code (PRC) 4291 requires: "(a) A person who owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining a mountainous area, forest-covered lands, shrub-covered lands, grass-covered lands, or land that is covered with flammable material, shall at all times do all of the following..." Simplified, this code requires all homeowners within FHSZs to maintain defensible space. The code then identifies specific requirements that are generally described on the Annual Notice. The Los Angeles County Fire Code Section 325.2.1 describes these specifics as well and works in parallel with PRC 4291. The need to inspect along with the authority to inspect is granted in these two codes.

#### SERVING THE UNINCORPORATED AREAS OF LOS ANGELES COUNTY AND THE CITIES OF:

AGOURA HILLS  
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BELL GARDENS  
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SOUTH EL MONTE  
SOUTH GATE  
TEMPLE CITY  
VERNON  
WALNUT  
WEST HOLLYWOOD  
WESTLAKE VILLAGE  
WHITTIER

## **HOW ARE PARCELS IDENTIFIED?**

Prior to 2022, the need for inspection was determined by visual identification in known fire hazard areas (FHSZ). As this was a human process, the Department missed significant numbers of homes when compared to our updated GIS mapping program. The new mapping system uses FHSZ criteria and residential structures to determine inclusion on the inspection list.

State Responsibility Areas (SRAs) are unincorporated areas of the County having three FHSZs mapped, Very High, High and Moderate. Local Responsibility Areas (LRAs), or incorporated cities, only identify and map the Very High Fire Hazard Severity Zone (VHFHSZ). Using FHSZ GIS mapping criteria, our 2023 inspection list (Declaration) identified 115,360 parcels with single family residential structures within these zones.

Multi-family residential structures within FHSZs will be identified and declared in 2024, and this will increase the inspection list.

## **INSPECTION FEE**

The Board of Supervisors (BOS) approved a defensible space inspection fee for the Los Angeles County Agricultural Commissioner – Weights and Measures (ACWM) in 1989. ACWM is our partner in the joint inspection program. ACWM inspects unimproved parcels, and the Fire Department inspects improved parcels in FHSZs. Until 2021, our Department resisted charging an inspection fee, but the increase in number and complexity of inspections requires cost-recovery to run this critical fire prevention program.

The California Health & Safety Code (HSC) Section 14902 allows fire departments to recover costs for their inspection program. An inspection fee of \$151 was analyzed and approved by the Auditor/Controller. On December 7, 2021, the Department received BOS authorization to impose the inspection fee. Working with the BOS, the Department agreed to phase-in the fee over a three-year period. In 2022, the fee was \$50 (to be billed on the November 2023 property tax bill), in 2023 the fee will be \$100 (to be billed on the November 2024 property tax bill), and in 2024 the fee will be \$151 (to be billed on the November 2025 property tax bill).

With the significant increase in inspections and complexity, along with support of the Auditor/Controller, the inspection fee will offset the Department's costs in an effort to keep the Defensible Space Inspection Program cost-neutral.

## **THE INSPECTION PROCESS**

The Defensible Space Inspection Program begins with the BOS declaring by resolution (Declaration), parcels identified with potential brush hazards (normally the first BOS meeting in January). The Declaration list is also known as the Inspection list. Upon the BOS's Inspection list approval, the Fire Department mailed an Annual Notice to residents the first week of February.

Following the legal process codified in the California Health and Safety Code, HSC 14875-14931, residents are informed in the Annual Notice of Referee 'Protest' Hearings, allowing owners to dispute whether they should be included on the inspection list. Protest Hearings were completed February 15<sup>th</sup> in Arcadia, and February 16<sup>th</sup> in Lancaster. An additional Referee Hearing is being added in Santa Clarita on March 11<sup>th</sup>, and educational meetings will be held in Rowland Heights on March 9<sup>th</sup>, Calabasas on March 10<sup>th</sup>, and in Santa Clarita on March 11<sup>th</sup>. The Department is mandated to provide a Referee's Report to the BOS in a public hearing scheduled for March 14<sup>th</sup>.

Homeowners with unresolved protests may be heard by the BOS at this time for due consideration. The BOS will accept or deny the homeowner's request and the final Declaration List will then be approved.

Inspections begin approximately April 1<sup>st</sup> for Desert communities; May 1<sup>st</sup> for Inland communities; and June 1<sup>st</sup> for Coastal communities. Owners are not required to be home for the inspection. All homeowners will receive an inspection report showing whether their parcel is either compliant or has violations that must be corrected (non-compliant). Non-compliant owners are given at least 30 days to make corrections and can always call their inspector for clarification.

For non-compliant parcels, fire station personnel will complete a follow-up inspection after 30 days and will leave the homeowners an inspection report showing either compliance or non-compliance. Parcels remaining non-compliant after the second inspection are sent to the Department's Brush Clearance Unit for enforcement and will be assessed a \$500 Administrative Fine and \$908 Abatement Enforcement Fee; traditionally, the number of parcels incurring fines is minimal. A brush clearance vendor is then scheduled to clear the property with the costs being charged to the homeowner, however, homeowners may always clear their property prior to the vendor's arrival.

## **NEW LAWS IMPACTING THE DEFENSIBLE SPACE PROGRAM**

New laws are increasing inspection complexity. State Assembly Bill 3074 (AB-3074) approved by the Governor on September 29, 2020, establishes Zone 0, which is a 5-foot Ember Resistant Zone that may require removal of all flammable materials within 5 feet of any structure. Although Zone 0 requirements will not be enforced until 2024, the Department will be using this year's inspections to educate property owners on what they need to do to become compliant with next year's Zone 0 requirements once they have been finalized.

Furthermore, Assembly Bill 38 (AB-38), commonly referred to as Real Estate Inspections, took effect on July 1, 2021. AB-38 requires, during escrow, that the seller of a property in the FHSZs submit documentation of a compliant defensible space inspection report prior to closing. Homes that received their annual brush inspection within six months of closing can use that inspection, if compliant, to satisfy this requirement.

If you have any questions, please do not hesitate to contact the Brush Clearance Unit, Prevention Services Bureau, at (626) 969-2375.