

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

SB 616 (Rubio)
Version: February 20, 2025
Hearing Date: April 22, 2025
Fiscal: Yes
Urgency: No
AM

SUBJECT

Community Hardening Commission: wildfire mitigation program

DIGEST

This bill establishes the Community Hardening Commission as an independent unit within the California Department of Insurance (CDI) to, among other things, develop new wildfire community hardening, as specified.

EXECUTIVE SUMMARY

In January 2025, a number of deadly wildfires in Los Angeles, including the Palisades and Eaton fires, collectively burned over 39,000 acres,¹ caused at least 30 deaths,² destroyed over 16,000 structures, and resulted in property damage estimates ranging from \$28 to \$53.8 billion.³ This bill, a part of the Senate's Golden State Commitment legislative package to strengthen wildfire recovery, establishes the Community Hardening Commission as an independent unit within the CDI. The Commission is to develop: new wildfire community hardening standards to reduce fire risk and improve access to fire insurance; review existing home hardening regulations and provide specified recommendations; make recommendations to expedite proven and cost-effective community hardening practices. The bill is sponsored by Ricardo Lara, Insurance Commissioner and supported by several local governments, and various associations or organizations representing realtors, insurance agents and brokers, policyholders, and consumers. No timely opposition was received by the Committee. The bill passed the Senate Insurance Committee on a vote of 7 to 0.

¹ Governor's Exec. Order No. N-4-25 (Jan. 12, 2025).

² Jesus Jiménez, *L.A. Fires Death Toll Rises to 30 After Remains Are Found*, L.A. Times, (Apr. 3, 2025), available at <https://www.nytimes.com/2025/04/03/us/la-fires-death-toll.html>.

³ *Palisades and Eaton wildfires caused up to \$53.8 billion in property damage, study finds*, The Orange County Register, (Feb. 27, 2025), available at <https://www.ocregister.com/2025/02/27/palisades-and-eaton-wildfires-caused-up-to-53-8-billion-in-property-damage-study-finds/>.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides for the regulation of insurance by the CDI, which is under the control of the Insurance Commissioner. (Ins. Code § 12921.)
- 2) Authorizes the Insurance Commissioner to issue subpoenas and subpoenas duces tecum for witnesses to attend, testify, and produce documents before the Insurance Commissioner, on any subject touching the insurance business, or in aid of the their duties. (Ins. Code § 12924.)
- 3) Requires an admitted insurer with written California premiums totaling \$10,000,000 or more to submit a report to the Insurance Commissioner on its residential property experience data for the previous two years for policies written in California, including information on fire- or wildfire-incurred losses. (Ins. Code § 929.)
 - a) Specifies that the above information submitted to the Insurance Commissioner is confidential and exempt from the California Public Records Act (CPRA); that information is not to be subject to subpoena or subpoena duces tecum; and that testimony by the Insurance Commissioner, the Insurance Commissioner's staff, an employee of CDI, or a person to whom the reporting was disclosed, regarding the contents of any report submitted is inadmissible as evidence in a civil proceeding. (Ins. Code § 929.1.)
 - b) Requires the Commissioner to post a report on wildfire risk compiled from the data on the CDI's website. (Ins. Code § 929.2.)

This bill:

- 1) Establishes the Community Hardening Commission (Commission) as an independent unit within the CDI, and provides the Insurance Commissioner is the Chair of the Commission.
- 2) Provides that the Commission will consist of seven members as follows:
 - a) the Insurance Commissioner, who will serve as chair, or their designee;
 - b) the State Fire Marshal or Secretary of the Natural Resources Agency, or their designee;
 - c) the Director of Housing and Community Development or their designee;
 - d) the Director of Emergency Services or their designee;
 - e) the Director of the Office of Energy Infrastructure Safety or their designee;
 - f) a member of the legislative body appointed by the Speaker of the Assembly; and
 - g) a member of the legislative body appointed by the Senate President pro Tempore.

- 3) Requires the Commission to be advised by an advisory council, consisting of the following members:
 - a) three representatives from scientific research institutions with expertise in wildfire science, as appointed by the Insurance Commissioner;
 - b) a representative on behalf of the insurance industry, as appointed by the Insurance Commissioner;
 - c) a representative on behalf of the Insurance Institute for Business and Home Safety, as appointed by the Insurance Commissioner;
 - d) a representative on behalf of consumers and policyholders, as appointed by the Insurance Commissioner;
 - e) a local representative on behalf of a city or county, or association representing cities or counties, as appointed by the Insurance Commissioner;
 - f) a representative on behalf of the business community, as appointed by the Insurance Commissioner;
 - g) a local representative on behalf of fire chiefs representing cities or counties, as appointed by the Insurance Commissioner; and
 - h) a public member appointed by the Governor.
- 4) Requires the Insurance Commissioner, on and after January 1, 2026, and at least quarterly thereafter, to convene the Commission to perform all of the following duties described below.
 - a) Develop new wildfire community hardening standards to reduce fire risk and improve access to fire insurance that address all of the things in i) through iii), below.
 - i. Guidelines and best practices for home hardening.
 - ii. Community wildfire mitigation for cities, counties, and members of those communities, including, but not limited to, all of the following:
 1. infrastructure improvements for water and electrical supply to support fire suppression efforts and disaster recovery;
 2. enhanced ingress and egress routes, mandating primary and secondary access roads, along with mandated public safety vehicle access; and
 3. mandated funding mechanisms for defensible space maintenance, fire breaks, and vegetation management; and
 - iii. Means of reducing barriers for cities, counties, and members of those communities in home hardening and wildfire mitigation.
 - b) Review existing home hardening regulations adopted by the Insurance Commissioner, CAL FIRE, and the California wildfire mitigation financial assistance program and provide recommendations for changes to those regulations and programs to reduce fire risk and improve access to fire insurance.
 - c) Make recommendations to expedite proven and cost-effective community hardening practices that reduce fire risk and improve insurability, including recommendations for reducing barriers for cities, counties, and members of

- those communities to invest in effective home hardening and wildfire mitigation strategies.
 - d) Make recommendations to increase the pace and scale of forest health and landscape management projects with priority for mitigation near vulnerable communities.
 - e) Oversee and facilitate state and local agency participation in a wildfire data sharing platform.
- 5) Requires the Commission to consult with stakeholders from public safety districts, including fire and police protection districts, the insurance industry, the building trades industry, planning associations, utilities, and cities and counties in performing the duties described in 4), above.
- 6) Requires the Commission to make recommendations to do both of the following:
- a) promote alignment of programs, inspections, and regulations across state departments and agencies; and
 - b) revise the home inspection program developed by CAL FIRE to more directly align with the home hardening regulations adopted by the Insurance Commissioner, CAL FIRE, and the California wildfire mitigation financial assistance program.
- 7) Requires the Commission to complete the new standards in 4)a), above, on or before July 1, 2027, and submit a report to the Legislature on additional actions needed to support cities, counties, and members of those communities in home hardening and wildfire mitigation, as provided.
- 8) Requires the Commission to identify specific catastrophe events, and for those events, complete an after-action investigation and report, as provided.
- a) Authorizes the Chair of the Commission to enter into data sharing agreements, including confidential data sharing agreements with the Commission and advisory group members, as well as relevant catastrophe modelers, actuaries, research organizations, federal agencies, and state and local agencies as necessary, to assemble, evaluate, and standardize the information needed for analysis.
 - b) Authorizes the Commission to issue subpoenas for the production of documentation or specific information to assemble relevant postdisaster data where it applies to future home and community standards.
- 9) Requires the CDI, on or before July 1, 2027 and in consultation with the Commission, to develop guidelines for state and local agencies to aggregate and make available data related to parcel-, neighborhood-, and community-level wildfire risk for the purpose of enabling a wildfire data sharing platform, as specified.

- a) The purpose of this wildfire data-sharing platform is to accurately measure, monitor, and enable targeted mitigation of wildfire risk in wildland-urban interface communities.
- b) Authorizes the Commission to enter into data sharing agreements with participating insurers, modelers, actuaries, and state and local agencies as necessary to enable a wildfire data-sharing platform.

COMMENTS

1. Stated need for the bill

The author writes:

Senate Bill 616 is an important step toward the hardening of communities and homes, and helping insurance become more accessible and affordable in California. Climate change is making wildfires more frequent and destructive. As homeowners and communities work to harden their properties to make them more resilient to wildfires, there is a need for greater coordination across local, state and federal government in ways that include the perspectives of leaders across the fire science, construction, planning, insurance and emergency response disciplines.

SB 616 will create an independent community hardening commission within the Department of Insurance. The Commission will be tasked with bringing together state and local governmental entities, as well as experts and stakeholders, to create consistent, data-driven standards to guide statewide fire mitigation policies and programs across state and local agencies. Effective fire mitigation is critically important to help improve availability and affordability of property insurance.

Equally important, in the event of future wildfire catastrophes, the Commission will be tasked with conducting post-catastrophe reports. These reports will include an assessment of available data and information about the effectiveness of hardening measures in place, a review of lessons learned on performance of mitigation standards, and recommendations on improvements that can reduce severity of future events.

Ricardo Lara, Insurance Commissioner, the sponsor of the bill writes:

This bill would create an independent Commission within my Department of Insurance with the goal of communicating the benefits of community-wide mitigation clearly – with one voice – to every corner of our state by aligning our statewide efforts for community wildfire risk reduction and mitigation efforts.

We know that community-wide hardening is key to saving lives and protecting homes. Yet year after year, we see communities devastated by fast-moving wildfires

that leave behind destruction, heartbreak, and rising insurance premiums. The people I meet across the state want to do their part in mitigating these factors, but they're navigating a confusing and inconsistent maze of standards, regulations, and rules.

Senate Bill 616 creates the California Community Fire Hardening Commission within my Department to bring clarity, consistency, and collaboration to wildfire mitigation efforts. Beginning in 2026, the Commission would review existing hardening regulations and policies, and recommend cost-effective measures that improve insurability and reduce risk. It will also oversee the creation of guidelines towards a comprehensive wildfire data sharing platform, ensuring that all agencies across California could have the information they need to make informed decisions. And after a disaster, this Commission will conduct post-catastrophe reports, providing valuable insights into what worked, what didn't, and make recommendations to improve fire mitigation strategies moving forward.[...]

2. Community Hardening Commission

This bill is brought in response to the Los Angeles wildfires and is a part of the Senate's Golden State Commitment legislative package to strengthen wildfire recovery. The author of the bill states it encourages the collaboration between the different organizations working on home and community hardening standards and guidelines in order to standardize applicable regulations, and therefore eliminate potential duplication of efforts, while maximizing limited resources available.

The provisions of the bill in this Committee's jurisdiction are the authorization for the Commission to issue subpoenas for the production of documentation or specific information to assemble relevant postdisaster data where it applies to future home and community standards, and the authorization for the Chair of the Commission to enter into data sharing agreements, including confidential data sharing agreements.

Under the CPRA, public records are open to inspection by the public at all times during the office hours of the agency, unless they are exempt from disclosure. (Gov. Cod § 7922.525.) A "public record" is defined as any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by any public agency regardless of physical form or characteristics. (Gov. Code § 7920.530.) There are several general categories of documents or information that are permissively exempt from disclosure under the CPRA essentially due to the character of the information. The exempt information can be withheld by the public agency with custody of the information, but it also may be disclosed if it is shown that the public's interest in disclosure outweighs the public's interest in non-disclosure of the information. (*CBS, Inc. v. Block* (1986) 42 Cal.3d 646, at 652.). Additionally, some records are prohibited from disclosure or are specifically stated to not be public records. (*see* Gov. Code § 7924.110(a).)

California generally recognizes that public access to information concerning the conduct of the people's business is a fundamental and necessary right.⁴ At the same time, the state recognizes that this right must be balanced against the right to privacy.⁵ The general right of access to public records may, therefore, be limited when records include sensitive information. In light of the need to protect the privacy of California residents while also gathering useful data related to wildfire mitigation, the bill's finding on the need for limiting access to public records seems warranted.

3. Statements in support

Consumer Watchdog, a supporter of the bill, writes in support stating:

[...] A major concern in the wake of the recent Los Angeles fires is how to build back better and make our neighborhoods safe in the long term. Neighborhoods across the state seeking to protect against potential future wildfires face the same dilemma: What guidance to follow? Unfortunately, there is no single place Californians can go to get consistent direction on rebuilding, retrofitting, or community defensible space best practices for wildfires.

SB 616 will close this gap, creating a Community Hardening Commission that homeowners, builders, community organizations, business owners, emergency planners, and city, county and state officials can rely on.

We know mitigation works. Research showing the efficacy of mitigation in protecting homes and communities from wildfire damage is available from every conceivable source, from environmental organizations to the insurance industry, insurance regulators to fire professionals, the building industry to academic researchers.[...]

The science already exists and is widely accepted but has never been gathered in one place to produce community standards for all Californians. The Community Hardening Commission will be that resource so communities can build future resilience or focus on local recovery instead of scrambling to draw together disparate resources when disaster strikes.[...]

SUPPORT

Ricardo Lara, Insurance Commissioner
California Association of Realtors
California Professional Firefighters
Consumer Watchdog

⁴ Cal. Const., art. I, § 3; Gov. Code, § 7921.000.

⁵ Cal. Const., art. I, § 1.

County of Madera

County of Mendocino

Fresno County Board of Supervisors

Independent Insurance Agents & Brokers of California, INC.

League of California Cities

Rural County Representatives of California (RCRC)

United Policyholders

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

AB 844 (Gipson, Ch. 347, Stats. 2023) required CDI to implement specific data collections on the availability and affordability of insurance for heavy-duty trucks and truck fleets and made that information confidential, not subject to subpoena, or admissible in testimony in a civil proceeding, as provided.

SB 1199 (McGuire, 2020) would have established the Commission on Home Hardening within the Business, Consumer Services, and Housing Agency to, among other things, develop a 3-tiered system of fire prevention levels for structures in a Wildland Urban Interface environment, as specified. SB 1199 was held in the Assembly Governmental Organization Committee.

AB 824 (Lara, Ch. 616, Stats. 2018) among other things, required an admitted insurer, as specified, to submit a report with specified fire risk information on its residential property policies to the CDI, and made that information confidential, not subject to subpoena, or admissible in testimony in a civil proceeding, as provided.

PRIOR VOTES:

Senate Insurance Committee (Ayes 7, Noes 0)
