

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

SB 911 (Becker)
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Fiscal: Yes
Urgency: No
ID

SUBJECT

Transfer of real property: fire hazard severity zones: compliance documentation

DIGEST

This bill requires a seller of a single-family home located in a high or very high fire hazard severity zone to notify the local fire department or the Department of Forestry and Fire Protection of a written agreement between the seller and buyer and of the buyer's obligation to obtain documentation of compliance with defensible space requirements, and requires the local fire department or Department of Forestry and Fire Protection to conduct a compliance inspection if it has not received documentation of compliance within one year of the date of the close of escrow, as specified.

EXECUTIVE SUMMARY

Wildfires are becoming increasingly prevalent and destructive in California. One of the most effective strategies for minimizing the risk of wildfires to homes is the creation of defensible space, which is the maintenance of the space surrounding a home free of combustible materials and dead or excess vegetation. Under state law, properties in state responsibility areas and properties in local responsibility areas that are in a very high fire hazard severity zone must maintain defensible space around their home or building. Under state law, a seller of a single-family home in a high or very high fire hazard severity zone must provide a buyer with documentation stating that the property is in compliance with state and local defensible space requirements. If the seller has not obtained documentation of compliance, they must enter into a written agreement with the buyer in which the buyer agrees to obtain documentation of compliance in accordance with a local ordinance, if such an ordinance exists, or otherwise within one year of the close of escrow. SB 911 requires, in such circumstances, that the seller notifies the local fire department or the Department of Forestry and Fire Protection, as applicable, of the written agreement and the buyer's obligation to obtain documentation of compliance. It requires, if the local fire department or the Department of Forestry and Fire Protection has not received documentation of compliance within

one year of the close of escrow, that it conduct a compliance inspection of the property, as specified.

SB 911 is author-sponsored and is supported by Fire Aside, Inc and a number of insurance associations. It is opposed by the California Association of Realtors. If SB 911 passes this Committee, it will be referred to the Senate Local Government Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires a seller of residential property to make disclosures of natural hazards on a specified statement, called the Natural Hazard Disclosure Statement (NDS), to a prospective buyer if the property is within the following zones or areas:
 - a) A special flood zone area as defined by the Federal Emergency Management Agency;
 - b) An area of potential flooding as shown on a dam failure inundation map created by the Department of Water Resources;
 - c) A very high fire hazard severity zone as identified by the Department of Forestry and Fire Protection;
 - d) A wildland area that may contain substantial forest fire risks and hazards as identified by the Department of Forestry and Fire Protection;
 - e) An earthquake fault zone as identified by the California Geological Survey; and
 - f) A seismic hazard zone as identified by the California Geological Survey. (Civ. Code § 1103.2 (a).)
- 2) Requires a seller of any single-family residence to deliver the required disclosures:
 - a) as soon as practicable before transfer of title, in the case of a sale; or
 - b) as soon as practicable before execution of the contract in the case of a sale by a real property sales contract, a lease together with an option to purchase, or a ground lease coupled with improvements. (Civ. Code §§ 1102.3, 1103.3.)
- 3) Exempts from the disclosure provisions transfers of single-family residences that are made pursuant to a court order, pursuant to a foreclosure or mortgage default, by a fiduciary in the administration of a trust, guardianship, conservatorship or estate, from one co-owner to one or more other co-owners, to a spouse, pursuant to a dissolution of marriage or legal separation, to or from any governmental entity, and made under various other circumstances, as specified. (Civ. Code §§ 1102.2, 1103.1.)
- 4) Specifies that no transfer of a single-family residence shall be invalidated solely because of the failure to comply with the disclosure requirements, but that a person who willfully or negligently violates or fails to perform the disclosure duties shall be liable for actual damages. (Civ. Code §§ 1102.13, 1103.13.)

- 5) Requires, on and after July 1, 2021, that a seller of a single-family home located within a high or very high fire hazard severity zone provide the buyer with documentation stating that the property is in compliance with state and local defensible space requirements, as follows:
 - a) For properties in local jurisdictions that have enacted an ordinance requiring an owner of property within the jurisdiction to obtain documentation that the property is in compliance with defensible space rules, the seller must provide the buyer with a copy of the documentation that complies with the requirements of the local ordinance and information on the local agency from which a copy of the documentation may be obtained; or
 - b) For properties in local jurisdictions with no local ordinance, if a state or local agency or other specified entity provides an inspection with documentation for the jurisdiction, the seller must provide the buyer with documentation obtained within the six months prior to the seller and buyer entering into a transaction to sell the property. (Civ. Code § 1102.19(a).)

- 6) Requires, on and after July 1, 2021, if the seller of a single-family home subject to the requirements in (5) has not obtained documentation of compliance pursuant to (5)(a) or (5)(b), that the seller and buyer enter into a written agreement for the buyer to obtain documentation of compliance with defensible space requirements, either as follows:
 - a) If the local jurisdiction has an ordinance requiring that an owner or buyer obtain documentation, the buyer obtain documentation in compliance with that ordinance; or
 - b) If the local jurisdiction does not have a local ordinance requiring an owner or buyer to obtain documentation of compliance, and if a state or local agency or other specified entity provides an inspection with documentation for the jurisdiction, the buyer obtain documentation of compliance within one year of the date of the close of escrow. (Civ. Code § 1102.19(b).)

- 7) Requires the State Fire Marshal to identify areas in the state as moderate, high, and very high fire hazard severity zones based on consistent statewide criteria and based on the severity of fire hazard that is expected to prevail in those areas. (Gov. Code § 51178 & Pub. Resources Code § 4202.)

- 8) Requires the Board of Forestry and Fire Protection to classify all lands within the state, without regard to any classification of lands made by or for any federal agency or purpose, for the purpose of determining areas in which the financial responsibility of preventing and suppressing fires is primarily the responsibility of the state, commonly referred to as the "State Responsibility Area." (Pub. Resources Code § 4125 (a).)

- 9) Requires a person who owns, leases, controls, operates, or maintains a building or structure in a state responsibility area to maintain defensible space of 100 feet around their structure, but not beyond the property line, with more intense fuel reductions between five and 30 feet around the structure and an ember-resistant zone within five feet of the structure, as specified, and to take various other actions and maintenance related to trees or other plants near a structure's chimney or stovepipe or overhanging the building, and related to vegetative material on the structure's roof. (Pub. Resources Code § 4291.)
- 10) Requires a person who owns, leases, controls, operates, or maintains an occupied dwelling or structure within a very high fire hazard severity zone within a local responsibility area to maintain defensible space of 100 feet around the structure, with more intense fuel reductions between five and 30 feet around the structure and an ember-resistant zone within five feet of the structure, as specified. Additionally requires such a person to take various other actions and maintenance related to trees or other plants near a structure's chimney or stovepipe or overhanging the building, and related to vegetative material on the structure's roof. (Gov. Code § 51182.)
- 11) Permits a city, county, or city and county fire department or district providing fire protection services to charge and collect a fee from an owner of the structure, as specified, and permits the State Fire Marshal or their representative who inspects an occupied structure, except dwellings, to charge and collect a fee for the inspection and related fire and life safety activities. (Health & Saf. Code § 13146.2.)
- 12) Permits a fire protection district to charge a fee to cover the cost of any service that it provides, or to cover the cost of enforcing any regulation for which the fee is charged, at no more than the costs reasonably borne in providing the service or enforcement, and requires the district to establish a schedule of fees. (Health & Saf. Code § 13916.)

This bill:

- 1) Requires, before the close of escrow, a seller of a single-family home, if they did not obtain documentation of compliance and must sign a written agreement with the buyer for the buyer to obtain documentation of compliance in accordance with (6)(b), above, where a local jurisdiction does not have an ordinance requiring documentation of compliance and an entity provides an inspection with documentation for the jurisdiction, to notify the local fire department or the Department of Forestry and Fire Protection, as applicable, of the written agreement and the buyer's obligation to obtain documentation of compliance.
- 2) Specifies that the written agreement and documentation of compliance may be transmitted electronically or by hard copy.

- 3) Requires, if the local fire department or the Department of Forestry and Fire Protection has not received the documentation of compliance within one year of the date of close of escrow, that the local fire department or the Department of Forestry and Fire Protection conduct a compliance inspection at the property.
- 4) Specifies that the local fire department or the Department of Forestry and Fire Protection may delegate the responsibility to conduct a compliance check to a third-party, nonprofit entity that it or the State Fire Marshal deems qualified to conduct defensible space programs and compliance inspections or re-inspections.
- 5) Permits compliance inspections and re-inspections to be conducted in-person, or by remote verification using photographic evidence or documentation of completed work.
- 6) Permits the local fire department to prioritize compliance inspections and re-inspections based on factors that include, but are not limited to, wildfire risk and repetitive noncompliance.
- 7) Permits a local fire department to recover the costs of compliance inspections and re-inspections pursuant to current statutory provisions.
- 8) Specifies that nothing in the provisions described in (3) through (7), above, may be construed to modify current immunities granted to a local fire department under any provision of law or under specified existing provisions of the Government Code.
- 9) Specifies that the provisions in (7) and (8), above, are declaratory of existing law.

COMMENTS

1. Author's statement

According to the author:

Ensuring existing homes that are located in high and very high fire threat severity zones comply with defensible space standards is essential to protecting life and property in the face of a catastrophic wildfire. Currently it is difficult for state and local fire code enforcement agencies to know which homes in high and very high fire threat severity zones do and do not comply with the defensible space standards. SB 911 seeks to build upon previous legislation (Ch. 391, stats. of 2019) which required compliance with defensible space upon sale of a residence, by ensuring fire enforcement agencies are aware that a sale has taken place and compliance timelines need to be met.

2. Wildfires are an increasing threat to California homes

California's unique landscape has long been prone to wildfires. Yet in recent years, the risk that wildfires pose to Californians and their homes and communities has increased substantially, as have the prevalence of wildfires themselves. Of the twenty largest wildfires in California's history, thirteen have occurred within the last ten years.¹ In 2020 alone, over 4.2 million acres of land were consumed by wildfires.² That is the equivalent of the entire area of Los Angeles, Orange, Santa Clara, and Santa Cruz counties combined. This increase in prevalence is in no small part due to the devastating impacts that climate change is having on California's environment, as climate change lengthens the state's wildfire season and makes wildfires more likely.³

Wildfires have also been increasingly more destructive. The Camp fire, which swept through the city of Paradise in 2018, destroyed 18,804 structures and killed 85 people and was one of the most destructive wildfires in the state's history.⁴ Yet last year's Palisades and Eaton fires in Los Angeles were similarly destructive and constitute the second and third most destructive wildfires in state history. The Palisades fire burned a total of 23,448 acres and damaged or destroyed almost 8,000 structures in the Pacific Palisades and Topanga State Park area of west Los Angeles, and the Eaton fire consumed 14,021 acres and damaged or destroyed more than 10,000 structures, including significant portions of the city of Altadena.⁵ About half of all properties in the Pacific Palisades and Altadena were destroyed by the Palisades and Eaton fires, and the fires together tragically took the lives of 29 civilians and injured a dozen firefighters.

Part of the reason for the destructiveness of recent fires relates to how much housing in California is built in areas that are next to areas of wildland (these areas are often called the Wildland Urban Interface, or WUI), as such areas pose significant risks to man-made structures from wildfires in adjacent wildland as well as from the interspersed nature of fire fuel among urban development that characterizes WUIs. In recent years, California has increasingly built homes in and expanded WUIs in the state and areas

¹ "Top 20 Largest California Wildfires," Cal. Dept. of Forestry & Fire Protection (Oct. 2024), available at <https://www.fire.ca.gov/our-impact/statistics>.

² Julie Cart, "California's 2020 fire siege: wildfires by the numbers," Cal Matters (Jul. 30, 2021), available at <https://calmatters.org/environment/2021/07/california-fires-2020/>.

³ Julie Cart, "California infernos in January? Here's why wildfire season keeps getting longer and more devastating," Cal Matters (Jan. 16, 2025), available at <https://calmatters.org/explainers/california-wildfire-season-worsening-explained>; Jeff Masters, "Climate change made deadly Los Angeles wildfires 35% more likely: new attribution study," Yale Climate Connections (Jan. 28, 2025), <https://yaleclimateconnections.org/2025/01/climate-change-made-deadly-los-angeles-wildfires-35-more-likely-new-attribution-study/>.

⁴ "Camp Fire," California Department of Forestry and Fire Protection (Oct. 24, 2022 11:25 am), available <https://www.fire.ca.gov/incidents/2018/11/8/camp-fire/>.

⁵ CalFire, "Palisades Fire," (3/27/2025) <https://www.fire.ca.gov/incidents/2025/1/7/palisades-fire>; CalFire, "Eaton Fire," (3/04/2025) <https://www.fire.ca.gov/incidents/2025/1/7/eaton-fire>.

next to wildland areas at risk of wildfires.⁶ Given this continued development in WUIs and high risk fire zones, and the link between climate change and the increased prevalence and severity of wildfires, wildfires in California will likely continue to pose even greater threats to Californians and homes and structures throughout the state.⁷

3. The state's Fire Hazard Severity Zones

In 1980, a severe wildfire broke out in the San Bernardino Mountains, killing four people and destroying 325 structures. In response, the California Legislature passed SB 1916 (Sher, Ch. 806, Stats. 1982) to require the creation of fire hazard severity zone (FHSZ) maps for all areas of California that are considered a state responsibility for fire protection (State Responsibility Areas, or SRAs). These maps were created to help identify measures for limiting the spread of major fires like the 1980 fire and to help reduce the potential intensity of uncontrolled fires that threaten resources, life or property.⁸ The first map was published in 1985. Subsequent fires and resulting legislation expanded the state requirements for creating FHSZ maps to local responsibility areas (LRAs), which are areas that encompass incorporated cities and therefore are where local jurisdictions are responsible for fire protection and prevention. In 2003, another fire, the Cedar fire in San Diego, prompted the creation of state building code standards for mitigation measures for such destructive fires in areas that are zoned as very high FHSZs.

In 2007, in order to fulfill the state requirements for mapping FHSZs in SRA and LRAs, Cal Fire adopted a statewide consistent mapping model for FHSZs. This model included moderate, high, and very high zones, and assessed these zones by: prior fire history, vegetation, predicted flame length, ember production, terrain, and climate.⁹ These maps are regularly updated, with the most recent maps for LRAs released in 2025 and the most recent maps for SRAs released in 2024.

4. Defensible space requirements for California homes

One of the most effective strategies for minimizing the risk of wildfires to homes is the creation of defensible space. Defensible space is the maintenance of the space surrounding a home free of combustible materials and dead or excess vegetation. Under Board of Forestry and Fire Protection regulations and state law, defensible space

⁶ Gabrielle Canon, " 'Urban fire storm': suburban sprawl raising risk of destructive wildfires," The Guardian (Jan. 6, 2022 6:00 pm), available at <https://www.theguardian.com/world/2022/jan/06/urban-fire-storm-suburban-sprawl-wildfires-colorado>.

⁷ "Wildfire climate connection," National Oceanic and Atmospheric Administration (Aug. 8, 2022), available at <https://www.noaa.gov/noaa-wildfire/wildfire-climate-connection>.

⁸ See Cal. Pub. Resources Code § 4201.

⁹ See "Fire Hazard Severity Zones," Cal. Dept. of Forestry & Fire Protection, available at <https://osfm.fire.ca.gov/divisions/community-wildfire-preparedness-and-mitigation/wildfire-preparedness/fire-hazard-severity-zones/>.

requires the maintenance of vegetation and dead vegetation within 100 feet of the home, with additional, more strict requirements for the zones within 30 feet and five feet of the home.¹⁰ These requirements help prevent a home from igniting when a wildfire comes within close proximity of the home by removing flammable materials from the home's nearby and immediate surroundings. Under state law, properties in SRAs and properties in LRAs that are in a very high FHSZ must maintain defensible space around their home or building. (Pub. Resources Code § 4291, Gov. Code § 51182.) CalFire is responsible for the enforcement of these defensible space requirements in SRAs, including through inspections, and local agencies are responsible for enforcement in LRAs. Data from 2021 shows that CalFire is inspecting less than 40 percent of properties subject to inspection in SRAs each year, though data from those inspections show a compliance rate for defensible space requirements of over 75 percent.¹¹ Still, with an estimated 768,000 properties in SRAs and about 700,000 more in very high FHSZs in LRAs, there are likely thousands of properties at risk of wildfires that are not in compliance with defensible space requirements.¹²

5. Real estate transfer disclosures

When an owner sells a single-family residential property, they generally must provide the buyer with certain disclosures that outline the conditions and issues with the property of which the seller is aware. Many of these disclosures are made on the Real Estate Transfer Disclosure Statement (TDS). (Civ. Code § 1102.6.) Disclosures required by the TDS include any known significant defects in the insulation, roof, foundation, plumbing and sewers, and electrical systems, among others. The TDS also includes an extensive questionnaire relating to specific dangers or issues known about the property. In addition to the disclosures required in the TDS, a number of other disclosures and notices are also required by law. A seller must disclose to a potential buyer whether the property is located in a designated high or very high FHSZ, and must provide a natural hazard disclosure statement disclosing whether the property is located in various disaster areas. (Civ. Code §§ 1102.6f; 1103.2.) These disclosures are important requirements meant to protect consumers who may otherwise not be aware of a significant condition of a home they intend to buy that could affect the home's value, result in significant repair or maintenance costs, or pose greater risk to the home's occupants.

A seller must deliver these disclosures as soon as practicable before transfer of title, or in the case of a sale through a real property sales contract, a lease with an option to purchase, or a ground lease with improvements, as soon as practicable before the

¹⁰ See, Board of Forestry & Fire Protection, "Defensible space zones - 0, 1, and 2," CalFire (Accessed Mar. 12, 2026), <https://bof.fire.ca.gov/projects-and-programs/defensible-space-zones-0-1-and-2>.

¹¹ Legislative Analyst's Office, *Reducing the Destructiveness of Wildfires: Promoting Defensible Space in California* (Sept. 30, 2021), available at <https://lao.ca.gov/Publications/Report/4457#current-state-and-local-defensible-space-efforts>.

¹² *Id.*

making or acceptance of an offer. (Civ. Code § 1102.3). If the disclosure or an amendment to it is delivered after the execution of an offer to purchase, the buyer is given three to five days (depending on the method of delivery of the disclosure) to terminate the offer. (Civ. Code § 1102.3(c).) If a seller willfully or negligently fails to provide the required disclosures, they can be liable for any actual damages to the buyer caused by that failure. (Civ. Code § 1102.13.)

In 2019, the Legislature passed AB 38 (Wood, Ch. 391, Stats. 2019), to require that homeowners make certain disclosures to a prospective buyer of their home regarding the home's compliance with the defensible space requirements. Specifically, it requires a seller of a single-family home located within a high or very high FHSZ to provide a buyer with documentation stating that the property is in compliance with state and local defensible space requirements. (Civ. Code § 1102.19.) If the seller has not obtained documentation of compliance, AB 38 requires the seller and buyer to enter into a written agreement in which the buyer agrees to obtain documentation of compliance in accordance with a local ordinance if such an ordinance exists, or otherwise within one year of the close of escrow. (Civ. Code § 1102.19(b).)

6. SB 911 provides additional requirements for home sellers and buyers regarding documentation of the home's compliance with defensible space requirements

According to the author, while requirements for defensible space exist and sellers of single-family homes subject to defensible space requirements must provide documentation of compliance or form an agreement with a buyer to obtain such documentation, it is still nonetheless difficult for state and local wildfire agencies to know which homes are in compliance with defensible space requirements. This is in part because the onus of compliance and of obtaining the required documentation of compliance falls upon the seller and buyer. If the buyer or seller fails or refuses to obtain documentation of compliance, CalFire or local fire departments have no way of knowing. Existing enforcement efforts rely on random compliance inspections, without CalFire or the local fire department knowing specifically which properties need inspection or failed to obtain documentation of compliance.

SB 911 aims to address this gap by requiring a seller of a single-family home that must execute an agreement with the buyer to obtain documentation of compliance to notify CalFire or the local fire department in an LRA of that agreement and the buyer's obligation to obtain documentation of compliance. It requires that the seller provides this notification before the close of escrow on the property, thereby tying it to the seller's closing timeline for the sale. In addition, SB 911 requires the responsible agency that receives this notice, if it does not receive documentation of compliance within one year of the close of the sale, to conduct a compliance inspection of the property. The bill permits the local fire department or CalFire to delegate its responsibility to inspect such properties to a third-party nonprofit, and permits such inspections to be conducted either in person or by remote verification.

While SB 911 provides no timeline within which these inspections are to occur, it does provide the local fire department the authority to prioritize compliance inspections and re-inspections based on factors that include wildfire risk and repetitive noncompliance. It also permits local fire departments to recover the cost of inspections, and clarifies that, while it imposes requirements upon local fire departments for conducting inspections, those requirements do not modify the immunities that such departments currently enjoy under various laws.

Although the bill places additional requirements on homeowners when they sell their homes, it does not include additional enforcement mechanisms for those requirements. Under current provisions of the real estate disclosure laws, a seller may be liable for the actual damages incurred by a buyer because of the seller's willful or negligent failure to comply with the various disclosure requirements. This remedy would also apply to SB 911's requirements, though it is unclear what damages a buyer may suffer by the seller's failure to notify CalFire or the local fire department of the buyer's obligation to obtain documentation of compliance with defensible space requirements. If CalFire or a local fire department fails to conduct compliance inspections, the remedy for that violation of SB 911's provisions would be held by the buyer, the individual subject to the compliance inspection. Thus, the enforcement mechanism provided in the real estate transfer disclosure provisions is an imperfect tool to ensure that sellers and CalFire or local fire departments comply with SB 911's requirements. Nonetheless, local fire departments and CalFire have a variety of enforcement mechanisms to ensure compliance with defensible space requirements, including the power to assess fines and to conduct abatement, though those mechanisms would not apply directly to a seller's failure to notify the fire department or CalFire of the written agreement.

7. Concerns of the opposition

The California Association of Realtors (CAR) have expressed a number of concerns with SB 911's proposals. Firstly, they assert that the bill's requirement that a seller notify the fire department or CalFire of the written agreement before close of escrow would place an unrealistic burden on sellers. They assert that it would be more practical and effective if the notification was provided by the escrow officer as part of the closing process for the sale. Secondly, CAR asserts that SB 911 should ensure that real estate transactions subject to its requirements remain final regardless of whether the seller complies with the bill's documentation requirements. And lastly, CAR argues that there should be additional safeguards for the fees for compliance inspections that a third-party may charge a homeowner.

The bill's notification requirement certainly does place a concrete, time-based requirement on the seller. However, the original requirement that documentation of compliance be obtained rests on the seller; the requirement that the seller and the buyer enter into an agreement for the buyer to obtain such documentation only comes into effect when the seller fails to obtain documentation of compliance before the close of

escrow themselves. Thus, the requirement primarily falls upon the seller under the current statutory scheme. Regarding CAR's second concern, it should be noted that the real estate transfer disclosure provisions already state that a failure to comply with its provisions may not be the sole basis to invalidate a real estate transfer. (*See* Civ. Code § 1102.13.) Instead, those provisions provide a cause of action for actual damages as the remedy for a violation of the real estate disclosure provisions of the Civil Code, as discussed previously.

The author has committed to making amendments that will remove the concerns of CAR in a future Committee.

8. Arguments in support

According to Fire Aside, Inc., which supports SB 911:

We support SB 911 because, in our day-to-day work with fire agencies, we see firsthand how inconsistent compliance documentation at the point of sale creates gaps that are difficult to close later. SB 911 addresses this directly by creating a clear notification pathway to local fire departments – and to CAL FIRE where applicable – when buyers have assumed responsibility for obtaining defensible space compliance. That structured handoff is exactly what allows fire agencies to follow up effectively and ensure new property owners understand their wildfire safety obligations. Real estate transactions are a critical moment to establish those expectations, and SB 911 makes meaningful use of that opportunity.

9. Arguments in opposition

According to the California Association of Realtors, which opposes SB 911:

[SB 911] places an unrealistic burden on sellers in subdivision (b) to comply with notification requirements, when it is more practical and would result in greater compliance to have the notification transmitted as part of the closing process.

As amended on March 10, 2026, SB 911 requires the seller to notify the local fire department or the Department of Forestry and Fire Protection of the buyer's obligation to obtain documentation of compliance before the close of escrow. While C.A.R. does not oppose a notification requirement, the most reliable way to ensure the notification reaches fire authorities is to route it through the real estate escrow professional, who already manages document flow, deadline tracking, and third-party notifications as part of every closing.

C.A.R. respectfully requests that the bill be amended to provide that the real estate escrow professional, as defined in subdivision (e)(6) of Section 18662 of the Revenue and Taxation Code, shall forward a copy of the applicable

documentation to the local fire department or the Department of Forestry and Fire Protection before or at the close of escrow.

Second, the bill should ensure that residential real estate transactions remain final and are not subject to later challenge due to the timing or availability of defensible space documentation.

California law has long recognized the importance of protecting the finality of real estate transactions. Because SB 911 establishes new procedural requirements related to documentation and post-transaction compliance, it is important to clarify that the failure to obtain or deliver defensible space documentation prior to the close of escrow does not invalidate the transfer of title or create grounds to challenge the transaction after closing. Without such clarification, buyers, sellers, and their representatives could face uncertainty or litigation risk over whether statutory requirements were satisfied.

Lastly, the bill allows delegated compliance inspections without sufficient safeguards on inspection costs.

SB 911 authorizes local fire departments to delegate compliance inspections to third-party nonprofit entities. While this may provide administrative flexibility for local jurisdictions, the bill does not clearly limit the costs that may be charged for those inspections. As a result, homeowners could face unpredictable or excessive inspection fees imposed after a real estate transaction has closed.

To prevent this outcome, C.A.R. respectfully requests an amendment clarifying that any inspection or reinspection fee charged under this provision, whether conducted by a governmental agency or a delegated third party, may not exceed the amount that the applicable governmental entity would charge for performing the same inspection.

SUPPORT

American Property Casualty Insurance Association
Fire Aside, Inc.
National Association of Mutual Insurance Companies
Pacific Association of Domestic Insurance Companies
Personal Insurance Federation of California

OPPOSITION

California Association of Realtors

RELATED LEGISLATION

Pending Legislation: AB 1457 (Bryan, 2025) extends indefinitely a statewide program established by the Director of Forestry and Fire Protection to develop and implement a training program to train individuals to support and augment the Department of Forestry and Fire Protection in its defensible space and home hardening assessment and public education efforts and the establishment and use of a common reporting platform for this work. AB 1457 is awaiting referral at the Senate desk.

Prior Legislation:

AB 1455 (Bryan, Ch. 731, Stats. 2025) revised the defensible space requirements to require the Board of Forestry and Fire Protection to adopt regulations to implement all defensible space requirements, and authorized local agencies responsible for fire protection to designate defensible space requirements based on those regulations, including with considered local variations, as specified, and made these regulations emergency regulations, the adoption of which would not constitute a project for the purposes of the California Environmental Quality Act.

AB 1280 (Grayson, Ch. 99, Stats. 2023) required that a seller of a single-family residential property located within a FHSZ disclose to a prospective buyer whether the property is located in a high or very high fire hazard severity zone, and whether the property is located in a state responsibility area or a local responsibility area.

SB 63 (Stern, Ch. 382, Stats. 2021) required the Director of Forestry and Fire Protection to identify areas of moderate and high FHSZs in addition to very high FHSZs, and, until January 1, 2026, required the Director to establish a statewide program for training and for qualified entities to support and augment the Department of Forestry and Fire Protection's defensible space and home hardening assessment and education efforts.

AB 3074 (Friedman, Ch. 259, Stats. 2019) revised defensible space requirements to require a person who owns, leases, controls, operates, or maintains an occupied dwelling within a SRA or within a very high FHSZ within an LRA to use more intense fuel reductions between five and 20 feet surrounding the structure, and to create an ember-resistant zone within five feet of the structure, as specified and upon promulgation of regulations by the Board of Forestry and Fire Protection for these requirements.

AB 38 (Wood, Ch. 391, Stats. 2019) required that sellers of single-family homes make certain disclosures to a prospective buyer of their home regarding the home's compliance with the defensible space requirements and the importance of defensible space, and required a seller of a single-family home located within a high or very high FHSZ to provide a buyer documentation stating that the property is in compliance with state and local defensible space requirements. Required that, if the seller has not obtained documentation of compliance, the seller and buyer enter into a written agreement in which the buyer agrees to obtain documentation of compliance in

accordance with a local ordinance if such an ordinance exists, or otherwise within one year of the close of escrow.

AB 337 (Bates, Ch. 1188, Stats. 1992) required the Director of Forestry and Fire Protection to identify all areas in the state as very high FHSZs, and required local agencies to designate all very high FHSZs in their LRAs. It also required a person who owns, leases, controls, operates, or maintains any occupied dwelling or structure in land within a very high FHSZ to undertake specified fire protection measures.

SB 1916 (Sher, Ch. 806, Stats. 1982) required the creation of FHSZ maps for all areas of California that are considered a state responsibility for fire protection.
