

State Board of Forestry Adopts SRA Fee Emergency Regulations

On November 9, 2011, the Board of Forestry and Fire Protection (Board) adopted new emergency regulations implementing the State Responsibility Area Fire Prevention Benefit Fees as directed by AB 29X 1 (Chapter 8, Statutes of 2011).

The version adopted by the Board differs from the initial emergency regulation that was adopted by the Board in August 22 but never transmitted to Office of Administrative Law for final clearance. As you may recall, the fee adopted in August was capped at \$90, with a series of discounts that would allow homeowners to reduce the fee up to \$65.

The newly adopted regulations impose a \$150 benefit fee per habitable structure. Multi-dwelling unit structures would be subject to a fee of \$150 for the first dwelling unit and an additional \$25 for each additional dwelling unit in the multi-dwelling unit structure. The regulations also include a \$35 discount for habitable structures that are within the boundaries of a local agency that provides fire protection services. An estimated 90 percent of structures would qualify for the discount. The new \$150 charge is expected to raise more than the \$50 million envisioned by the Governor and lawmakers in the budget.

One other significant difference between the August 22 regulations and those adopted in November is the broader definition of "habitable structure," which brings non-residential structures, including county-owned buildings and structures into the fold. Specifically, residential structures, such as single-family homes, multi-dwelling structures, and mobile homes, would be subject to the fee, as would buildings occupied for non-residential uses such as office buildings, stores, hospitals, clinics, medical centers, libraries, and government buildings, including jails.

Regarding the process, the Board will submit the revised emergency regulations to the Office of Administrative Law, which has five days to review and approve. Once approved, these regulations are good for 180 days, during which time the Board must develop and adopt permanent regulations. The permanent regulatory process includes a 45-day public notice period and greater opportunity for public input into the process. Officials with the Board of Forestry and Fire Protection and the Board of Equalization will oversee collection of the fee, with bills possibly going out after the first of the year.

CAL FIRE, the Board of Equalization, and the BOF have the collective responsibility of implementing this state law.

More information on this process and the current status is available

at: http://www.bof.fire.ca.gov/board_committees/resource_protection_committee/current_projects/resources/sra_emergency_regs_11_1_11.pdf

Frequently Asked Questions

Below are some common questions we are getting from the public. It's important to note that as the Board of Forestry and Fire Protection's rule making process continues, the possibility exists for further refinement of the regulations as they move from "emergency" to "permanent" so the below information is a snapshot in time of where the process is now and is based on language in the proposed regulations.

Definition of "Habitable Structure" as it relates to SRA Fees:

- A building that contains one or more dwelling units or that can be occupied for non-residential use, which is utilized, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living or non-residential purposes.
- Buildings occupied for residential use including single-family homes, multi-dwelling structures, mobile and manufactured homes, and condominiums. Buildings occupied for non-residential use include, but are not limited to, office buildings, industrial property, stores, warehouses, hotels, hospitals, medical centers, clinics, libraries, museums, and government buildings, including jails.
- Habitable structures do not include incidental buildings such as detached garages, barns, outdoor sanitation facilities, and sheds.

Example of how fee will be assessed:

- As the Board Regulations read now, if there are two separate single family homes on a parcel the bill would be \$300
- Multi-dwelling unit structures would be subject to a fee of \$150 for the first dwelling unit and an additional \$25 for each additional dwelling unit, i.e. if there was a four-unit structure, it would be assessed \$150, and the additional 3 units would be assessed \$25 each for a total of \$225.

Public Comment period:

- The Board of Forestry and Fire Protection may authorize staff to begin the 45-day public comment period for permanent SRA Fee regulations at their December 6th meeting. The item is agenzized as #15 for the 12/6 meeting.
http://www.bof.fire.ca.gov/board_business/meeting_agendas/2011_board_meeting_agendas/final_agenda_dec_2011.pdf

How to determine if an individual property falls within SRA:

- On the Board of Forestry Website a data viewer is posted. The data viewer is provided as a service to assist landowners in determining if their property fall within State Responsibility Area (SRA).The board has provided a program (SRA Viewer) for residents to determine if their address falls within the designated SRA. The site is at: http://www.bof.fire.ca.gov/sra_viewer/