

Memorandum

To: State Fire Marshal
Region Chiefs
Fire Protection
Assistant Region Chiefs
Unit Chiefs
Contract County Chiefs

Date: January 29, 2009

Telephone: (916) 653-7772

From: 
RUBEN GRIJALVA, Director
Department of Forestry and Fire Protection (CAL FIRE)

Subject: DEFENSIBLE SPACE
Re: SB 1595 (Kehoe)

With the signing of SB 1595 (Kehoe) by Governor Schwarzenegger, it is important to give some guidance to personnel responsible for implementation of the provisions of the legislation.

Nothing in the bill requires CAL FIRE to change the way we are currently doing business regarding scheduling and conducting PRC 4291 inspections. CAL FIRE is not an agent of the Insurance Industry to determine insurability of a home or structure.

The Insurance Industry can also continue to do business as they always have, with the exception of requiring more than 100 feet of defensible space without the approval of a fire expert designated by the Director of CAL FIRE. Only after an insurance company has conducted their inspection and made the determination that more than 100 feet of defensible space is required by them to insure the property will CAL FIRE respond to approve or disapprove the insurance company request.

The Legislation requires the department to develop, periodically update, and post on the department's Internet Web site guidance documents on fuels management. The Deputy Director of Communications is directed to coordinate this responsibility with the Chief Deputy Director of Resource Management and the State Fire Marshal.

Pursuant to PRC 4291(a) 3, In State Responsibility Area's (SRA), I am hereby designating CAL FIRE Unit Chiefs and Contract County fire chiefs as fire experts for the purposes of this legislation. In Local Responsibility Area's (LRA), the local fire chief with fire code authority shall be the designated fire expert.

For State Responsibility Areas, Unit Chiefs shall require and review insurance company justifications for requiring greater than 100 feet of defensible space. The justification must address, in writing, the need for more than 100 feet for protecting

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a structure from direct flame contact and/or radiant heat (i.e. topography, slope, fuels, chimney effect, and/or flame lengths). Potential flying embers are not a consideration as it applies to this legislation.

Unit Chiefs shall document those written requests and shall forward their findings to the Office of the State Fire Marshal. The State Fire Marshal will coordinate any concerns from our office regarding the Insurance Code and/or insurance company practices with the Office of the Insurance Commissioner.

cc: Steve Poisner, Insurance Commissioner
Personal Insurance Federation
Dave Titus, Deputy Director of Legislation