

TITLE 14 – DEPARTMENT OF FORESTRY AND FIRE PROTECTION

CHAPTER 13 – STATE RESPONSIBILITY AREA FEES

Adopt New Rule Sections Under Chapter 13 as Follows:

§ 1665.1. Authority.

§ 1665.2. Definitions.

§ 1665.3. Determination of Eligible Habitable Structure.

§ 1665.4. Imposition of the Fee.

§ 1665.5. Request for Review and Refunds.

§ 1665.6. Fee Structure.

§ 1665.7. Fee Exemptions.

§ 1665.8. Grant Program.

§ 1665.1. Authority.

This chapter sets out procedures for implementation and collection of “State Responsibility Area Fire Prevention Benefit Fees” (hereafter referred to as “Fee”), as required by Assembly Bill X1 29, Chapter 8, Statutes 2011, Public Resources Code Section 4210, et seq.

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Note: Authority cited: Public Resources Code Section 4212. Reference: Public Resources Code Sections 4102, 4111, 4114, and 4125.

§ 1665.2. Definitions.

“Department” means the California Department of Forestry and Fire Protection.

1 “Designated Fee Administrator” means a person, company, or other entity
2 retained by the Department to assist with implementation of the Fee and who is
3 qualified by experience in preparing and administering one of the following for a fire
4 district: benefit assessments, benefit fees, or special taxes.

5 “Dwelling Unit”, for purposes of implementation of Sections 4210-4228 of the
6 Public Resources Code, is a unit providing independent living facilities for one or more
7 persons, including provisions for living, sleeping, eating, cooking, and sanitation. Mobile
8 and manufactured homes and condominiums are considered as dwelling units.

9 “Fee” means the fire prevention benefit fee imposed pursuant to Sections 4210-
10 4228 of the Public Resources Code.

11 “Fire Prevention Fund” means the State Responsibility Area Fire Prevention
12 Fund created by Public Resources Code Section 4214 for deposit of all annual Fees
13 collected and from which expenditures are authorized pursuant to the annual Budget
14 Act, including grants that may be awarded pursuant to 14 CCR Section 1665.8.

15 “Habitable Structure”, for purposes of implementation of Sections 4210-4228 of
16 the Public Resources Code, means a building ~~containing~~ one or more dwelling units or
17 that can be occupied for residential use. Buildings occupied for residential use include
18 single family homes, multi-dwelling structures, mobile and manufactured homes, and
19 condominiums. Habitable structures do not include incidental buildings such as
20 detached garages, barns, outdoor sanitation facilities, and sheds.

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21 “Manufactured home” has the same meaning as Health and Safety Code Section
22 18007 (a).

23 “Mobile home” has the same meaning as Health and Safety Code Section 18008
24 (a).

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1 "Property Owner", means that individual, company, corporation, or other entity
2 that is the owner of record of said habitable structure on July 1 of the state fiscal year
3 for which the Fee is due.

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4 "State Responsibility Area" means those areas defined in Section 4102 and
5 delineated pursuant to Sections 4125-4128 of the Public Resources Code. These lands
6 are shown on digital maps maintained by the Department at its Sacramento
7 Headquarters and may be viewed there or in low resolution at the Department's
8 website: http://www.bof.fire.ca.gov/sra_viewer/.

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Deleted: "Benefit Fee" means the fire prevention benefit fee imposed pursuant to Sections 4210-4228 of the Public Resources Code.

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11 Note: Authority cited: Public Resources Code Sections 4211, 4212, and 4214.
12 Reference: Public Resources Code Sections 4102, and 4211, Health and Safety Code
13 Sections 18007(a), and 18008(a).

Deleted: "Fire Prevention Fund" means the State Responsibility Area Fire Prevention Fund created by Public Resources Code Section 4214 for deposit of all annual Benefit Fees collected and from which expenditures are authorized pursuant to the annual Budget Act, including grants that may be awarded pursuant to 14 CCR Section 1665.8.

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15 **§ 1665.3. Determination of Eligible Habitable Structure.**

16 Determinations of eligible habitable structures and the associated fees within
17 State Responsibility Areas shall be completed statewide by the Department or for the
18 Department by its "Designated Fee Administrator" pursuant to Public Resources Code
19 Section 4210, et seq. and the regulations contained herein.

Deleted: 14 CCR Sections 1665.1-1665.8

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21 Note: Authority cited: Public Resources Code Sections 4212, 4213, and 4214.
22 Reference: Public Resources Code Sections 4111, 4212, 4213, and 4214.

1 **§ 1665.4. Imposition of the Fee.**

2 The Fee will be imposed on all property owners with one or more habitable
3 structures within State Responsibility Areas as defined in Public Resources Code
4 Section 4102 and pursuant to Public Resources Code Sections 4125-4128.

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6 Note: Authority cited: Public Resources Code Section 4212. Reference: Public
7 Resources Code Sections 4102, 4111, 4210, and 4211.

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9 **§ 1665.5. Request for Review and Refunds.**

10 (a) A property owner from whom the Fee is determined to be due under Public
11 Resources Code Section 4213 et seq. may petition the Department for a
12 redetermination regarding the fee and amount determined within 30 days after service
13 upon him or her of a notice of the determination.

14 (1) The Department may delegate the receipt and review of petitions to a
15 Designated Fee Administrator of its choice.

16 (2) The petition may be filled out and submitted by a property owner
17 subject to the Fee or by the Department or Designated Fee Administrator in consultation
18 with and on behalf of the property owner.

19 (3) The petition must be based on whether the Fee as specified in Public
20 Resources Code Section 4213 et seq. applies to the specific property for which the
21 petition was filed. Examples of specific issues that may be considered by the
22 Department or Designated Fee Administrator include, but are not limited to, the location
23 of the structure in an SRA, determination of the number of applicable habitable
24 structures, and the related Fee amount calculated.

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Deleted: The Designated Fee Administrator must be qualified by experience in preparing and administering one of the following for a fire district: benefit assessments, benefit fees, or special taxes.

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Deleted: The petition shall include information that states the specific basis or grounds upon which the petition is founded and includes supporting documentation.

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1 (4) The petition may, but is not required to be on a form prescribed by the
2 Department. At a minimum, the petition must include the following information:

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3 (a) The bill identification or decal number, the parcel number, the
4 County, and other information on the original Fee bill received by the petitioner that
5 allows identification of the bill that is the subject of the petition.

6 (b) The name of the property owner(s), their mailing address, and a
7 daytime telephone number at which they may be reached.

8 (c) The specific reasons upon which the petition is made including,
9 but not limited to, dispute of: the record of ownership or location within an SRA
10 boundary, the number of habitable structures included in the calculation of the Fee, and
11 exclusion of the Fee Exemption deduction specified by 14 CCR Section 1665.7 from the
12 Fee bill.

13 (d) Documentation that provides support for each reason cited in
14 the petition pursuant to item (c) above.

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15 (e) The signature of the property owner.

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16 (5) Petitions received by the Department or Designated Fee Administrator
17 more than 30 days from service upon him or her of a notice of the determination shall
18 not be considered. If a petition will not be considered, the Department or Designated
19 Fee Administrator shall notify the petitioner.

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20 (6) After receipt of a petition, the Department or the Designated Fee
21 Administrator may request additional information from the property owner if, in their
22 opinion, the information contained in the petition is incomplete.

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23 (7) The petition may be amended to state additional grounds or provide
24 additional documentation at any time prior to the date that the Department or the
25 Designated Fee Administrator issues its decision on the petition.

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1 (8) The petition shall be sent by the petitioner to the address indicated by
2 the Department; this may be the address of the Department's Designated Fee
3 Administrator.

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4 (9) The Department or its Designated Fee Administrator shall complete its
5 review of the petition for redetermination within 60 days.

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6 (10) Based on its review of the petition for redetermination, the
7 Department or its Designated Fee Administrator may decide if the Fee is valid and due
8 in the amount of the original Fee, may modify the Fee, or may eliminate the Fee based
9 on a determination that it should not apply to the property owner who filed the petition.

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10 (11) The decision of the Department or its Designated Fee Administrator
11 shall be in writing and shall indicate the reasons for the decision on the petition.

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12 (12) If the decision modifies or eliminates the Fee, the Department or its
13 Designated Fee Administrator shall make appropriate modifications to the next and
14 subsequent lists of property owners and Fee amounts submitted to the State Board of
15 Equalization.

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16 (13) The decision on the petition for redetermination by the Department or
17 its Designated Fee Administrator shall be served on the petitioner as described in
18 Section 4226 of the Public Resources Code. On the same date, the Department or its
19 Designated Fee Administrator shall notify the Board of Forestry and Fire Protection and
20 the State Board of Equalization. The Department will maintain copies of decisions on all
21 petitions for redetermination for use of the Board of Forestry and Fire Protection and
22 State Board of Equalization.

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23 (14) The decision of the Department or its Designated Fee Administrator
24 upon a petition for redetermination of the Fee shall become final 30 days after service
25 upon the petitioner of notice of the determination.

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1 (15) If the Department or its Designated Fee Administrator determines that
2 a property owner is entitled to a refund of all or part of the Fee paid pursuant to this
3 chapter, the property owner, or the Department or Designated Fee Administrator on
4 behalf of the property owner, shall make a claim to the State Board of Equalization
5 pursuant to Chapter 5 (commencing with Section 55221) of Part 30 of Division 2 of the
6 Revenue and Taxation Code.

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8 Note: Authority cited: Public Resources Code Sections 4212, 4213, 4214, and 4220.
9 Reference: Public Resources Code Sections 4221, 4222, 4222.5, 4223, 4224, 4225,
10 4226, and 4227.

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12 **§ 1665.6. Fee Structure.**

13 (a) The Board has been directed by the Legislature to impose a Fee that will
14 provide funding necessary for fire prevention activities.

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15 (b) The Fee shall be one hundred-fifty dollars (\$150.00) per habitable structure.

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16 (c) Fees shall be deposited in the Fire Prevention Fund.

17 (d) On July 1, 2013 and at its June meeting prior to each subsequent July 1, the
18 Board shall adjust the Fee rate to reflect the percentage of change in the average
19 annual value of the Implicit Price Deflator for State and Local Government Purchases of
20 Goods and Services for the United States, as calculated by the United States
21 Department of Commerce for the 12-month period in the third quarter of the prior
22 calendar year, as reported by the Department of Finance.

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24 Note: Authority cited: Public Resources Code Sections 4212, 4213, and 4214.
25 Reference: Public Resources Code Sections 4210, 4211, 4212, and 4214.

1 **§ 1665.7. Fee Exemptions.**

2 Property owners of habitable structures within a State Responsibility Area and
3 also within the boundaries of a local agency that provides fire protection services shall
4 receive a Fee reduction of thirty-five dollars (\$35.00) per habitable structure.

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6 Note: Authority cited: Public Resources Code Section 4212. Reference: Public
7 Resources Code Sections 4117, 4125, 4127, and 4210.

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9 **§ 1665.8. Grant Program.**

10 (a) The Board shall administer a granting program funded from the Fees
11 collected. Grants shall be awarded to organizations within counties in direct proportion
12 to the Fees paid by individual property owners in that county.

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13 (b) Grants awarded from the Fire Prevention Fund shall be awarded to local
14 agencies, Fire Protection Districts, Fire Safe Councils, the California Conservation
15 Corps, and other organizations accepted by the Board. Grants will only be awarded in
16 those counties that are in compliance with the Board's fire safe regulations, 14 CCR
17 Section 1270, et seq., as required pursuant to Public Resources Code Section 4290.

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19 Note: Authority cited: Public Resources Code Sections 4212, 4214. Reference: Public
20 Resources Code Sections 4102, 4111, 4112, 4113, 4114, 4740, and 4741.

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