

1 TITLE 14 - DEPARTMENT OF FORESTRY AND FIRE PROTECTION

2 CHAPTER 13 - STATE RESPONSIBILITY AREA FEES

3 [Emergency Regulation]

4 Adopt all new sections to 14 CCR CHAPTER 13 § 1665 as follows:

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7 **§ 1665.1 Authority.**

8 This chapter sets out procedures for implementation and  
9 collection of "State Responsibility Area Fire Prevention Benefit  
10 Fees" (hereafter referred to as "Benefit Fee"), as required by  
11 Chapter 8, Statutes 2011.

12 Note: Authority cited: Sections 4210-4228, Public Resources Code.

13 Reference: Sections 4102, 4111, 4114, 4125, 4138 (a)-(h), and  
14 4140 (a) of the Public Resources Code.

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16 **§ 1665.2 Definitions**

17 "Dwelling Unit", for purposes of this implementation of  
18 Sections 4210-4228 of the Public Resources Code, is a unit  
19 providing independent living facilities for one or more persons,  
20 including provisions for living, sleeping, eating, cooking, and  
21 sanitation. Mobile and manufactured homes and condominiums are  
22 considered as dwelling units.

23 "Habitable Structure", for purposes of implementation of  
24 Sections 4210-4228 of the Public Resources Code, means a building  
25 that contains one or more dwelling units or that can be occupied

1 for residential use. Buildings that can be occupied for residential  
2 use include, but are not limited to, single family homes, multi-  
3 dwelling structures, mobile and manufactured homes, and  
4 condominiums.

5 "Manufactured home" has the same meaning as Health and Safety  
6 Code Section 18007 (a).

7 "Mobile home" has the same meaning as Health and Safety Code  
8 Section 18008 (a).

9 "Property Owner", means that individual, company, corporation,  
10 or other entity that is the owner of record of said habitable  
11 structure in the county tax assessor rolls or as recorded in the  
12 records of the Housing and Community Development Department on July  
13 1 of the state fiscal year for which the fee is due.

14 "State Responsibility Area" means those areas defined in  
15 Section 4102 and delineated pursuant to Sections 4125-4128 of the  
16 Public Resources Code. These lands are shown on digital maps  
17 maintained by the California Department of Forestry and Fire  
18 Protection at its Sacramento Headquarters and may be viewed there  
19 or in low resolution at the California Department of Forestry and  
20 Fire Protection website: [http://www.bof.fire.ca.gov/sra\\_viewer/](http://www.bof.fire.ca.gov/sra_viewer/).

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

23 "Fire Prevention Fund" means the State Responsibility Area  
24 Fire Prevention Fund created by PRC Section 4212 for deposit of  
25 all annual Benefit Fees collected and from which expenditures are

1 authorized pursuant to the annual Budget Act that can be made,  
2 including grants that may be awarded pursuant to 14 CCR § 1665.8.

3 Note: Authority cited: Sections 4210-4224, Public Resources Code.

4 Reference: Sections 4111 of the Public Resources Code.  
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7 **§ 1665.3. Determination of Eligible Habitable Structure**

8 Determinations of eligible habitable structures and the  
9 associated fees within State Responsibility Areas shall be  
10 completed statewide by the Department or for the Department by its  
11 "Designated Fee Administrator" pursuant to Public Resources Code  
12 Section 4210 and 14 CCR §§ 1665.1-1665.8.

13 Note: Authority cited: or 4211 (not limited to)Section 4210-4224,  
14 Public Resources Code. Reference: Sections 4111 of the Public  
15 Resources Code.

16 **§ 1665.4. Imposition of the Benefit Fee**

17 The Benefit Fee will be imposed on all property owners with one  
18 or more habitable structures within State Responsibility Areas as  
19 defined in Public Resources Code Section 4211 and pursuant to  
20 Public Resources Code Sections 4210-4228.  
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22 Note: Authority cited: Section 4210-4228, Public Resources Code.

23 Reference: Sections 4111 of the Public Resources Code.  
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25 **§ 1665.5. Request for Review and Refunds**

1           (a) A property owner from whom the Benefit Fee is determined  
2 to be due under Public Resources Code Section 4213 et seq. may  
3 petition the Department for a redetermination regarding the fee and  
4 amount determined within 30 days after service upon him or her of a  
5 notice of the determination by the State Board of Equalization.

6           (1)The Department may delegate the receipt and review of  
7 petitions to a Designated Fee Administrator of its choice. The  
8 Designated Fee Administrator must be qualified by experience in  
9 preparing and administering one the following for a local  
10 jurisdiction: benefit assessments, benefit fees, or special taxes.

11           (2)The petition may be filled out and submitted by a  
12 property owner subject to the Benefit Fee or by the Department or  
13 Designated Fee Administrator in consultation and on behalf of the  
14 property owner.

15           (3)The petition shall include information that states the  
16 specific basis or grounds upon which the petition is founded and  
17 includes supporting documentation. The petition must be based on  
18 whether the fee as specified in PRC 4213 et seq. applies to the  
19 specific property for which the petition was filed. Examples of  
20 specific issues that may be considered by the Department or  
21 Designated Fee Administrator include, but are not limited to, the  
22 location of the structure in SRA, the determination of the number  
23 of applicable habitable structures, and the related fee amount  
24 calculated.

1           (4) Petitions received by the Department or Designated Fee  
2 Administrator more than 30 days from the date of service of the  
3 original notice of determination shall not be considered. If a  
4 petition will not be considered, the Department or Designated Fee  
5 Administrator shall notify the petitioner in writing.

6           (5) After receipt of a petition, the Department or the  
7 Designated Fee Administrator may request additional information  
8 from the property owner if, in their opinion, the petition does not  
9 give adequate information to permit full review of the fee and the  
10 petition.

11           (6) The petition may be amended to state additional  
12 grounds or provide additional documentation at any time prior to  
13 the date that the Department or the Designated Fee Administrator  
14 issues its order or decision with regard to the petition for  
15 redetermination. The Department or the Designated Fee Administrator  
16 will not accept additional information for a petition after it has  
17 made a decision on the petition.

18           (7) The petition shall be sent by the petitioner to the  
19 indicated address that accompanies the notice of determination;  
20 this may be the address of the Department's Designated Fee  
21 Administrator.

22           (8) The Department or its Designated Fee Administrator  
23 shall complete its review of the petition for redetermination  
24 within 60 days.

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

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

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

15           (12) The decision on the petition for redetermination by  
16 the Department or its Designated Fee Administrator shall be served  
17 on the petitioner within 15 days of the date a decision is made.  
18 Service shall be as described in Section 4226 of the Public  
19 Resources Code. On the same date, the Department or its Designated  
20 Fee Administrator shall notify the Board of Forestry and Fire  
21 Protection and the State Board of Equalization. The Department  
22 will maintain copies of decisions on all petitions for  
23 redetermination for use of the Board of Forestry and Fire  
24 Protection and State Board of Equalization.

1           (13) The order or decision of the Department or its  
2 Designated Fee Administrator upon a petition for redetermination of  
3 the Benefit Fee shall become final 30 days after service upon the  
4 petitioner of notice of the redetermination.

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

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14 Note: Authority cited: Sections 4213, and 4220-4228, Public  
Resources Code.

15 Reference: Sections 4111 of the Public Resources Code.

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17 **§ 1665.6. Fee Structure**

18           (a) The Board has been directed by the legislature to impose a  
19 fee that will provide funding necessary for fire prevention  
20 activities.

21           (b) The Benefit Fee shall be one hundred-fifty dollars  
22 (\$150.00) per habitable structure.

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

24           (d) On July 1, 2013 and at its June meeting prior to each  
25 subsequent July 1, the Board shall adjust the rate to reflect the

1 percentage of change in the average annual value of the Implicit  
2 Price Deflator for State and Local Government Purchases of Goods  
3 and Services for the United States, as calculated by the United  
4 States Department of Commerce for the 12-month period in the third  
5 quarter of the prior calendar year, as reported by the Department  
6 of Finance.

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8 Note: Authority cited: Sections 4212 and 4213, Public Resources  
9 Code.

10 Reference: Sections 4111 of the Public Resources Code.

11 **§ 1665.7. Fee exemptions**

12 Property owners of habitable structures within State  
13 Responsibility Area and also within the boundaries of a local  
14 agency that provides fire protection services may receive a  
15 reduction of thirty-five dollars (\$35.00) per habitable structure.

16 Note: Authority cited: Section 4212, Public Resources Code.

17 Reference: Sections 4111 of the Public Resources Code.

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20 **§ 1665.8. Grant Program**

21 (a) The Board shall administer a granting program funded from  
22 the Benefit Fees collected. Grants shall be awarded to  
23 organizations within counties in direct proportion to the benefit  
24 fee paid by individual property owners in that county.



1       (b) Grants awarded from the Fire Prevention Fund shall be  
2 awarded to local agencies, Fire Protection Districts, Fire Safe  
3 Councils, the California Conservation Corps, and other  
4 organizations accepted by the Board to support the following  
5 priorities listed in descending order.

6               (1) Development or updating of a Community Wildfire  
7 Protection Plan (CWPP), local hazard mitigation plan, or  
8 community-based wildfire hazard or risk analysis.

9               (2) Development of General Plan elements, including the  
10 Safety Element, and "Fire Safe Regulations" to be certified by  
11 the Board pursuant to Public Resources Code § 4290.

12               (3) Community fuel reduction projects in State  
13 Responsibility Areas.

14               (4) Other community fire safety and fire prevention  
15 projects, including fire prevention education, designed to  
16 reduce the risk of wildfire in State Responsibility areas.

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18 Note: Authority cited: Section 4214, Public Resources Code.

19 Reference: Sections 4102, 4111, 4114, and 4137 of the Public  
20 Resources Code.