

1 TITLE 14 - DEPARTMENT OF FORESTRY AND FIRE PROTECTION

2 CHAPTER 13 - STATE RESPONSIBILITY AREA FEES

3 [Emergency Regulation - Adopted AUGUST 22, 2011]

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 4140
(a) of the Public Resources Code.

14 **§ 1665.2 Definitions**

15 "Dwelling Unit", for purposes of this implementation of
16 Sections 4210-4228 of the Public Resources Code, is a single unit
17 providing complete, independent living facilities for one or more
18 persons, including permanent provisions for living, sleeping,
19 eating, cooking, and sanitation.

20 "Dwelling", for purposes of this implementation of Sections
21 4210-4228 of the Public Resources Code, is a building that contains
22 one or two dwelling units used, intended, or designed to be used,
23 rented, leased, let, or hired out to be occupied for living
24 purposes.

1 "Habitable Structure", for purposes of implementation of
2 Sections 4210-4228 of the Public Resources Code, is a permanent
3 dwelling, and includes mobile homes and manufactured homes.

4 "Multi-dwelling Parcel", means a parcel with more than two
5 dwelling units on it. Examples of multi-dwelling parcels include,
6 but are not limited to, condominium complexes, apartment buildings,
7 and mobile home parks.

8 "Parcel", for purposes of this implementation of Sections
9 4138-4140.7 of the Public Resources Code, means real property as
10 delineated by a county assessor's office with an assessor parcel
11 number that exists in actuality and upon which property taxes are
12 assessed.

13 "Permanent", means affixed to the ground through permanent
14 water, electrical, and sewage connections with a foundation
15 suitable for the structure.

16 "Property Owner", means that individual, company, corporation,
17 or other entity that holds title to said habitable structure and
18 parcel.

19 "State Responsibility Area" means those areas defined in
20 Section 4102 and delineated pursuant to Sections 4125-4128 of the
21 Public Resources Code. These lands are shown on digital maps
22 maintained by the California Department of Forestry and Fire
23 Protection at its Sacramento Headquarters and may be viewed there
24 or in low resolution at the California Department of Forestry and
25 Fire Protection website: http://www.bof.fire.ca.gov/sra_viewer/.

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

3 "Fire Prevention Fund" means the fund established for deposit
4 of all annual Benefit Fees collected, and from which grants may be
5 awarded pursuant to 14 CCR § 1665.8.

Note: Authority cited: Sections 4210-4228, Public Resources Code.
6 Reference: Sections 4111 of the Public Resources Code.

7 **§ 1665.3. Determination of Eligible Habitable Structure**

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

Note: Authority cited: Section 4210-4228, Public Resources Code.
12 Reference: Sections 4111 of the Public Resources Code.

13 **§ 1665.4. Imposition of the Benefit Fee**

14 The Benefit Fee shall be imposed on all property owners with
15 permanent habitable structures on a parcel within State
16 Responsibility Areas as defined in Public Resources Code Section
17 4102 and pursuant to Public Resources Code Sections 4125-4128. The
18 Benefit Fee shall not exceed one hundred-fifty dollars (\$150.00)
19 per dwelling, except that the Benefit Fee shall not be imposed on
20 any of the following:

21 (a) Habitable structures below minimum value of five-thousand
22 dollars (\$5,000.00), pursuant to Revenue and Taxation Code Section
23 155.20.

Note: Authority cited: Section 4210-4228, Public Resources Code.
24 Reference: Sections 4111 of the Public Resources Code.

1 **§ 1665.5. Request for Review and Refunds**

2 (a) Any property owner who has reason to believe that the
3 imposition of the Benefit Fee on a permanent habitable structure on
4 a parcel is in error may request a review by the Designated Fee
5 Administrator.

6 (b) Requests for review may be filed prior to payment of the
7 Benefit Fee, and up to one year after, unless otherwise specified
8 by law. Requests for review after the Benefit Fee has been paid
9 shall include verification pursuant to Revenue and Taxation Code
10 Section 5097 (a)(1). Requests for review shall be sent to the State
11 Board of Forestry and Fire Protection, P.O. Box 944246, Sacramento,
12 California, 94244-2460.

13 Requests for review should include information that
14 substantiates the basis for the request. The Designated Fee
15 Administrator may request additional information from the property
16 owner if the information in the initial request is not adequate to
17 inform the Designated Fee Administrator's review.

18 (c) The designated Fee Administrator shall complete the
19 request for review within forty-five (45) days of the date on which
20 it was received. Notice of the decision by the Designated Fee
21 Administrator will be mailed, or transmitted electronically by
22 email or fax to the property owner of a parcel within fifteen (15)
23 days of the date of the decision.

24 (d) If the Designated Fee Administrator determines that the
25 Benefit Fee was improperly levied, either in whole or in part, the

1 Benefit Fee will be modified. If the Designated Fee Administrator
2 decides to correct or modify a Benefit Fee, the appropriate changes
3 shall be made to the listing of habitable structures on parcels
4 subject to Benefit Fees. The Designated Fee Administrator shall
5 provide a list of such modifications to the Department and the
6 Board, as specified by the Department or Board. If a modification
7 is required after the listing of habitable structures on parcels
8 subject to the Benefit Fee has been filed with the county for
9 collection, the Designated Fee Administrator shall notify the
10 Department and the Board. Thereafter, the Department will refund to
11 the property owner the amount of any approved reduction in Benefit
12 Fee, or request payment of any approved addition in Benefit Fee.

13 **§ 1665.6. Fee Structure**

14 (a) The Board has been directed by the legislature to impose
15 a fee that will provide funding necessary for fire prevention
16 activities. Such activities shall be consistent with the "2010
17 Strategic Fire Plan for California" (hereafter referred to as "Fire
18 Plan") adopted by the Board, pursuant to PRC 4114, for
19 implementation in State Responsibility Areas. It is the intent of
20 the Board that the revenue generated from items (b)(5) and (6)
21 below be utilized for the grant program described in 14 CCR §
22 1665.8.

23 (b) The Benefit Fee per permanent habitable structure on a
24 parcel shall be the sum of the following provisions:

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1 (1) The portion of the Benefit Fee for administration of
2 the Benefit Fee collection program by the Board of Equalization,
3 Department of Forestry and Fire Protection, and Board of Forestry
4 and Fire Protection shall be fifteen dollars (\$15.00).

5 (2) The portion of the Benefit Fee to support inspections
6 conducted by the Department or its duly authorized agent, pursuant
7 to PRC §4119, shall be ten dollars (\$10.00).

8 (3) The portion of the Benefit Fee to support Fire
9 Hazard Severity Zone mapping by the Department in State
10 Responsibility Areas shall be five dollars (\$5.00).

11 (4) The portion of the Benefit Fee to support the
12 Department's Pre-fire Engineering program shall be fifteen dollars
13 (\$15.00).

14 (5) The portion of the Benefit Fee assessed for a
15 habitable structure located on a parcel in an area designated by
16 the Department as a High or Very High Fire Hazard Severity Zone
17 shall be twenty dollars (\$20.00).

18 (6) The portion of the Benefit Fee to support the grant
19 program shall be twenty-five dollars (\$25.00).

20 (7) For parcels containing three or more dwelling units,
21 the fee shall be based on 14 CCR § 1665.6(b), items 1-6 for the
22 first unit, and twenty-five dollars (\$25.00) for each additional
23 unit.

24 (8) The rate shall be annually adjusted to reflect the
25 percentage of change in the average annual value of the Implicit

1 Price Deflator for State and Local Government Purchases of Goods
2 and Services for the United States, as calculated by the United
3 States Department of Commerce for the twelve (12) month period in
4 the third quarter of the prior calendar year, as reported by the
5 Department of Finance.

6 **§ 1665.7. Fee exemptions**

7 (a) Property owners may receive a reduction of ten dollars
8 (\$10.00) if the county in which the property is located has adopted
9 the following:

10 (1) "Fire Safe Regulations" certified by the Board or the
11 Board's "Fire Safe Regulations" pursuant to 14 CCR § 1270, et
12 seq.

13 (2) A "Safety Element" in the County General Plan that
14 has been certified by the Board, pursuant to Public Resources
15 Code § 4128.4.

16 (b) Property owners required to pay a local fire protection
17 fee, that supports a local fire prevention program, may receive a
18 reduction of forty-five dollars (\$45.00).

19 (c) Property owners whose habitable structures have been
20 inspected by the Department of Forestry and Fire Protection, and
21 who have received a current notice of compliance with Public
22 Resources Code Sections 4291, and 14 CCR § 1299, may receive a
23 reduction of ten dollars (\$10.00). For the purposes of this
24 section, a current notice of compliance means one that is four (4)
25 years old or less.

1 **§ 1665.8. Grant Program**

2 (a) The Board shall develop a granting program funded from the
3 Benefit Fees collected. Grants shall be awarded to organizations
4 within counties in direct proportion to the benefit fee paid by
5 individual property owners in that county.

6 (b) Grants awarded from the Fire Prevention Fund shall be
7 awarded to Fire Protection Districts, Fire Safe Councils, the
8 California Conservation Corps, and other organizations accepted by
9 the Board to support the following priorities listed in descending
10 order.

11 (1) Development or updating of a Community Wildfire
12 Protection Plan (CWPP).

13 (2) Development of "Fire Safe Regulations" to be
14 certified by the Board pursuant to Public Resources Code § 4290.

15 (3) Community fuel reduction projects.

16 (4) Other community fire safety projects.

17 Note: Authority cited: Section 4139, Public Resources Code.
18 Reference: Sections 4102, 4111, 4114, 4138 (a)-(h), 4140 (a) of
19 the Public Resources Code, Section 53087.4 of the Government Code,
20 and Section 5097 of the Revenue and Taxation Code.
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