

1 TITLE 14 - DEPARTMENT OF FORESTRY AND FIRE PROTECTION

2 CHAPTER 13 - STATE RESPONSIBILITY AREA FEES

3 ~~{Emergency Regulation}~~

4 ~~Adopt all new~~ Amend Sections to 14 CCR CHAPTER 13 § 1665 as follows:

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6
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 Assembly Bill X1 29, Chapter 8, Statutes 2011, Public Resources
12 Code Section 4210, et seq.

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14 Note: Authority cited: Public Resources Code Section 4212.
15 Reference: Public Resources Code Sections 4102, 4111, 4114, and
16 4125.

17 **§ 1665.2 Definitions**

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

24 "Habitable Structure", for purposes of implementation of
25 Sections 4210-4228 of the Public Resources Code, means a building

1 that contains one or more dwelling units or that can be occupied
2 for residential use. Buildings occupied for residential use include
3 single family homes, multi-dwelling structures, mobile and
4 manufactured homes, and condominiums. Habitable structures do not
5 include incidental buildings such as detached garages, barns,
6 outdoor sanitation facilities, and sheds.

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

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

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

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

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

25

1 "Fire Prevention Fund" means the State Responsibility Area
2 Fire Prevention Fund created by Public Resources Code Section 4214
3 for deposit of all annual Benefit Fees collected and from which
4 expenditures are authorized pursuant to the annual Budget Act,
5 including grants that may be awarded pursuant to 14 CCR Section
6 1665.8.

7
8 Note: Authority cited: Public Resources Code Sections 4211, 4212,
9 and 4214. Reference: Public Resources Code Sections 4102, and
10 4211, Health and Safety Code Sections 18007(a), and 18008(a).

11 **§ 1665.3. Determination of Eligible Habitable Structure**

12 Determinations of eligible habitable structures and the
13 associated fees within State Responsibility Areas shall be
14 completed statewide by the Department or for the Department by its
15 "Designated Fee Administrator" pursuant to Public Resources Code
16 Section 4210, et seq. and 14 CCR Sections 1665.1-1665.8.

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18 Note: Authority cited: Public Resources Code Sections 4212, 4213,
19 and 4214. Reference: Public Resources Code Sections 4111, 4212,
20 4213, and 4214.

21 **§ 1665.4. Imposition of the Benefit Fee**

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

1 Note: Authority cited: Public Resources Code Section 4212.
2 Reference: Public Resources Code Sections 4102, 4111, 4210, and
3 4211.

4 **§ 1665.5. Request for Review and Refunds**

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

10 (1) The Department may delegate the receipt and review of
11 petitions to a Designated Fee Administrator of its choice. The
12 Designated Fee Administrator must be qualified by experience in
13 preparing and administering one of the following for a fire
14 district: benefit assessments, benefit fees, or special taxes.

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

19 (3) The petition shall include information that states
20 the specific basis or grounds upon which the petition is founded
21 and includes supporting documentation. The petition must be based
22 on whether the fee as specified in Public Resources Code Section
23 4213 et seq. applies to the specific property for which the
24 petition was filed. Examples of specific issues that may be
25 considered by the Department or Designated Fee Administrator

1 include, but are not limited to, the location of the structure in
2 an SRA, determination of the number of applicable habitable
3 structures, and the related fee amount calculated.

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

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

14 (6) The petition may be amended to state additional
15 grounds or provide additional documentation at any time prior to
16 the date that the Department or the Designated Fee Administrator
17 issues its decision with regard to the petition for
18 redetermination.

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

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

25

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

24 (13) The decision of the Department or its Designated Fee
25 Administrator upon a petition for redetermination of the Benefit

1 Fee shall become final 30 days after service upon the petitioner of
2 notice of the determination.

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

11 Note: Authority cited: Public Resources Code Sections 4212, 4213,
12 4214, and 4220. Reference: Public Resources Code Sections 4221,
13 4222, 4222.5, 4223, 4224, 4225, 4226, and 4227.

14 **§ 1665.6. Fee Structure**

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

18 (b) The Benefit Fee shall be one hundred-fifty dollars
19 (\$150.00) per habitable structure.

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

21 (d) On July 1, 2013 and at its June meeting prior to each
22 subsequent July 1, the Board shall adjust the rate to reflect the
23 percentage of change in the average annual value of the Implicit
24 Price Deflator for State and Local Government Purchases of Goods
25

1 and Services for the United States, as calculated by the United
2 States Department of Commerce for the 12-month period in the third
3 quarter of the prior calendar year, as reported by the Department
4 of Finance.

5 Note: Authority cited: Public Resources Code Sections 4212, 4213,
6 and 4214. Reference: Public Resources Code Sections 4210, 4211,
7 4212, and 4214.

8 **§ 1665.7. Fee exemptions**

9 Property owners of habitable structures within a State
10 Responsibility Area and also within the boundaries of a local
11 agency that provides fire protection services shall receive a
12 reduction of thirty-five dollars (\$35.00) per habitable structure.
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14 Note: Authority cited: Public Resources Code Section 4212.
15 Reference: Public Resources Code Sections 4117, 4125, 4127, and
16 4210.

17 **§ 1665.8. Grant Program**

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

22 (b) Grants awarded from the Fire Prevention Fund shall be
23 awarded to local agencies, Fire Protection Districts, Fire Safe
24 Councils, the California Conservation Corps, and other
25 organizations accepted by the Board. Grants will only be awarded in

1 those counties that are in compliance with the Board's fire safe
2 regulations, 14 CCR Section 1270, et seq., as required pursuant to
3 Public Resources Code Section 4290.~~to support the following~~
4 ~~priorities:~~

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

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

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

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

16 Note: Authority cited: Public Resources Code Sections 4212, 4214.
17 Reference: Public Resources Code Sections 4102, 4111, 4112, 4113,
18 4114, 4740, and 4741.