# APPROVED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION JANUARY 19, 2022

# ADDENDUM TO FINAL EXPRESS TERMSFOR PROPOSED BUILDING STANDARDSOF THE **STATE FIRE MARSHAL**REGARDING THE **2022 CALIFORNIA RESIDENTIAL CODE**,

# CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART **2.5**

# (SFM 04-21, 05-21, 06-21)

The State agency shall draft the regulations in plain, straightforward language, avoiding technical terms as much as possible and using a coherent and easily readable style. The agency shall draft the regulation in plain English. A notation shall follow the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific (Government Code Section 11346.2(a)(1)).

If using assistive technology, please adjust your settings to recognize underline, strikeout, italic and ellipsis.

## LEGEND for EXPRESS TERMS (Based on model codes - Parts 2, 2.5, 3, 4, 5, 9, 10)

* Model Code language appears upright
* Existing California amendments appear in *italic*
* Amended model code or new California amendments appear *underlined & italic*
* Repealed model code language appears ~~upright and in strikeout~~
* Repealed California amendments appear in *~~italic and strikeout~~*
* Ellipsis ( ...) indicate existing text remains unchanged

## ADDENDUM to FINAL EXPRESS TERMS

## Part 2 Building Code

**Rulemaking File #04-21**

### Item 7A-10Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure, Section 702A Definitions, Fire Hazard Severity Zones

[The SFM proposes to make an editorial correction.]

***FIRE HAZARD SEVERITY ZONES.*** *~~are~~ ~~g~~Geographical areas designated pursuant to California Public Resources Codes Sections 4201 through 4204 and classified as Very High, High, or Moderate in State Responsibility Areas or as Local ~~Agency~~ Responsibility Areas in Very High Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189. See California Fire Code Chapter 49.*

*The California Code of Regulations, Title 14, Section 1280, entitles the maps of these geographical areas as “Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California.”*

**Rationale:** During the 15-Day public comment period (November 1, 2021 through November 16, 2021) the SFM made an editorial correction to the term Local Agency to the correct term Local Responsibility Area. During the 15-Day public comment period the SFM added text that reflects the changes in Government Code Section 51178 statute. Senate Bill 63 (2021-2022) changed the Government Code to require the mapping of moderate and high fire hazard severity zones in the local responsibility areas.

This addendum withdraws the 15-Day proposed text as it relates to expanding the Wildland-Urban Interface (WUI) requirements to Local Responsibility Areas in the Moderate and High Fire Severity Zones. The Fire Severity Zone maps that designate both State and Local areas are anticipated to be published by CALFIRE early 2022. The SFM will continue development with stakeholders and other state agencies in the SFM WUI public forum workgroup to come to a consensus for the next rulemaking cycle to address legislation changes as they pertain to Local Responsibility Areas.

#### Nine-Point Criteria

**18930(a)(4)**

The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

**18930(a)(6)**

The proposed building standards are not unnecessarily ambiguous or vague, in whole or in part. The SFM has made an editorial correction for consistency and clarity.

## Part 2.5 Residential Building Code

**Rulemaking File #05-21**

### Item 3-10Chapter 3, Building Planning, Section R337 Materials and Construction methods for Exterior Wildfire Exposure, Fire Hazard Severity Zones

***FIRE HAZARD SEVERITY ZONES.*** *~~are~~ ~~g~~Geographical areas designated pursuant to California Public Resources Codes Sections 4201 through 4204 and classified as Very-High, High, or Moderate in State Responsibility Areas or as Local ~~Agency~~ Responsibility Areas in Very-High Fire Hazard Severity Zones designated pursuant to California Government Code Sections 51175 through 51189. See California Fire Code ~~Article 86~~ Chapter 49.*

*The California Code of Regulations, Title 14, Section 1280 entitles the maps of these geographical areas as “Maps of the Fire Hazard Severity Zones in the State Responsibility Area of California.”*

**Rationale:** During the 15-Day public comment period (November 1, 2021 through November 16, 2021) the SFM made an editorial correction to the term Local Agency to the correct term Local Responsibility Area. During the 15-Day public comment period the SFM added text that reflects the changes in Government Code Section 51178 statute. Senate Bill 63 (2021-2022) changed the Government Code to require the mapping of moderate and high fire hazard severity zones in the local responsibility areas.

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The proposed building standards are not unreasonable, arbitrary, unfair, or capricious, in whole or in part.

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## Part 9 Fire Code

**Rulemaking File #06-21**

### Item 49-1Chapter 49, Requirements For Wildland-Urban Interface Fire Areas, User Note

[The SFM proposes to adopt Chapter 49 with amendments.]

***User note:***

*About this chapter:*

*In addition to the building construction requirements in the California Building Code and California Residential Code this chapter contains requirements for development and construction in Local Responsibility Areas (LRA) designated as Very High Fire Hazard Severity Zones and areas designated by the Board of Forestry and Fire Protection as a State Responsibility Areas (SRA).* *While many of these provisions are found in Title 14 and Title 19 of the California Code of Regulations, they are replicated here for the code user. The local jurisdiction has the authority to apply the same regulations to LRA when the regulations are adopted by local ordinance.*

*The requirements in this chapter reference the process for adoption of Very High Fire Hazard Severity Zones in the LRA; criteria for evaluating existing subdivisions that are at significant fire risk and are without an adequate secondary egress; and criteria for fire safety provisions required in the Safety Element of a city or county General Plan.*

*The chapter includes mitigation strategies to reduce the hazards of fire originating within a structure spreading to wildland and fire originating in wildland spreading to structures. These strategies are included in the following requirements:*

* 1. *Development of fire protection plans.*
	2. *Development of landscape plans and long-term vegetation management.*
	3. *Creation and maintenance of defensible space to protect structures and subdivisions.*

**Rationale:** During the 15-Day public comment period (November 1, 2021 through November 16, 2021) the SFM combined the first and second paragraphs because they tended to duplicate the same language.

During the 15-Day public comment period (November 1, 2021 through November 16, 2021) the SFM added text that reflects the changes in Government Code Section 51178 statute. Senate Bill 63 (2021-2022) changed the Government Code to require the mapping of moderate and high fire hazard severity zones in the local responsibility areas.

This addendum withdraws the 15-Day proposed text as it relates to expanding the Wildland-Urban Interface (WUI) requirements to Local Responsibility Areas in the Moderate and High Fire Severity Zones. The Fire Severity Zone maps that designate both State and Local areas are anticipated to be published by CALFIRE early 2022. The SFM will continue development with stakeholders and other state agencies in the SFM WUI public forum workgroup to come to a consensus for the next rulemaking cycle to address legislation changes as they pertain to Local Responsibility Areas.

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### Item 49-3Chapter 49, Requirements For Wildland-Urban Interface Fire Areas, Section 4901.2 Purpose

***4901.2 Purpose.*** *The purpose of this ~~code~~ chapter is to provide minimum standards to ~~increase the ability of a building to resist the intrusion of flame or burning embers being projected by a vegetation fire and contributes to a systematic reduction in conflagration losses through the use of performance and prescriptive requirements~~ reduce the likelihood of life and property loss due to the wildfire through the use of performance and prescriptive requirements for construction and development in State Responsibility Areas (SRA) and Local Responsibility Areas (LRA) designated as a Very High Fire Hazard Severity Zone.*

**Rationale:** During the 15-Day public comment period (November 1, 2021 through November 16, 2021) the SFM added text that reflects the changes in Government Code Section 51178 statute. Senate Bill 63 (2021-2022) changed the Government Code to require the mapping of moderate and high fire hazard severity zones in the local responsibility areas.

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### Item 49-22Chapter 49, Requirements For Wildland-Urban Interface Fire Areas, Section 4905 Wildfire Protection Building Construction, Section 4905.2 and 4905.3

***4905.1 General.*** *(text remains unchanged)*

***4905.2 Construction methods and requirements within established limits.*** *Within the limits established by law, construction methods intended to mitigate wildfire exposure shall comply with the wildfire protection building construction requirements contained in the California Building Standards Code, including the following:*

* 1. *California Building Code, Chapter 7A,*
	2. *California Residential Code, Section R3~~2~~37,*
	3. *California Referenced Standards Code, Chapter 12-7A.*

***4905.3 Establishment of limits.*** *The establishment of limits for the Wildland-Urban Interface (WUI) Fire Area’s required construction methods shall be designated pursuant to the California Public Resources Code for State Responsibility ~~a~~Areas and California Government Code for Local Responsibility Areas (LRA) in Very High Severity Zones or by a local agency following a finding supported by substantial evidence in the record that the requirements of this section are necessary for effective fire protection within the area.*

**Rationale:** During the 15-Day public comment period (November 1, 2021 through November 16, 2021) the SFM added text that reflects the changes in Government Code Section 51178 statute. Senate Bill 63 (2021-2022) changed the Government Code to require the mapping of moderate and high fire hazard severity zones in the local responsibility areas.

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**Notation:**

Authority: Health and Safety Code Sections 1250, 1569.72, 1569.78, 1568.02, 1502, 1597.44, 1597.45, 1597.46, 1597.54, 1597.65, 13108, 13108.5, 13114, 13143, 13143.2, 13143.6, 13146, 13210, 13211, 17921, 18928, 18949.2, 25500 through 25545, Government Code Section 51189, Public Education Code 17074.50

Reference(s): Health and Safety Code Sections 13143, 13211, 18949.2, 25500 through 25545, Government Code Sections 51176, 51177, 51178 and 51179, Public Resources Code Sections 4201 through 4204