



Staff Report

File #: 22-0238

REQUEST FOR CITY COUNCIL ACTION

DATE: 03/16/2022

TO: Honorable Mayor and City Council Members

FROM: Fire Department

SUBJECT:

Ordinance clarifying the process for requesting a defensible space compliance inspection prior to sale of real property within a very high fire hazard severity zone.

EXECUTIVE SUMMARY:

Council consideration of Ordinance No. 3344, which clarifies the process for requesting a defensible space inspection before the sale of real property within a very high fire hazard severity zone. As of July 1, 2021, certain real estate disclosures are required for homes located in a very high fire hazard severity zone. This new mandate requires Fire Department personnel to inspect such property and prepare documentation evidencing compliance with the state defensible space requirements or the City's weed abatement ordinance requirements. The attached Ordinance will add Section 15.16.070 to the Corona Municipal Code to authorize this inspection and a corresponding fee.

RECOMMENDED ACTION:

That the City Council introduce, by title only, and waive full reading of Ordinance No. 3344, first reading of an ordinance adding Section 15.16.070 to the Corona Municipal Code regarding the process for requesting a defensible space compliance inspection prior to sale of real property within a very high fire hazard severity zone.

BACKGROUND & HISTORY:

Assembly Bill 38 (Wood, 2019) modified state law pertaining to real estate disclosures. In particular, as of July 1, 2021, California Civil Code Section 1102.19 requires a seller of real property located in a High or Very High Fire Hazard Severity Zone (VHFHSZ) within the State Responsibility Area (SRA) or Local Responsibility Area (LRA), to provide the buyer with documentation stating the property is in compliance with the requirements of Public Resources Code (PRC) Section 4291 or Government Code 51182, both of which require the maintenance of defensible space, which is a buffer between a building and the grass, trees, shrubs, or any wildland area that surround it.

ANALYSIS:

Owners of real property in the VHFHSZ will need to obtain the proper documentation from the Fire Department that documents compliance with the requirements in PRC §4291 and Government Code §51182 to comply with this mandate. Ordinance No. 3344 has been prepared to add Section 15.16.070 to the CMC to include specific language that requires the seller or buyer of a property in the VHFHSZ to obtain documentation from the City evidencing compliance with the state defensible space requirements or the requirements of the City's weed abatement ordinance. Ordinance No. 3344 would also require the payment of an inspection fee to cover the Fire Department's estimated costs to conduct the inspection and prepare the documentation required by Civil Code § 1102.19.

FINANCIAL IMPACT:

There is no financial impact associated with the recommended action.

ENVIRONMENTAL ANALYSIS:

This action is exempt pursuant to Section 15061 (b)(3) of the Guidelines for the California Environmental Quality Act (CEQA), which states that a project is exempt from CEQA if the activity is covered by the commonsense rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This Ordinance clarifies the process for requesting a defensible space inspection prior to sale of real property within a very high fire hazard severity zone as required by Civil Code § 1102.19, and there is no possibility that this action will have a significant effect on the environment. Therefore, no environmental review is required.

PREPARED BY: CINDI SCHMITZ, FIRE MARSHAL

REVIEWED BY: BRIAN YOUNG, FIRE CHIEF

Attachments:

1. Exhibit 1 - Ordinance No. 3344 (Redline)
2. Exhibit 2 - Ordinance No. 3344 (Final)