

4.2.1 Real Estate Disclosure and Maintenance Requirements

Assembly Bill 6 (AB6) requires disclosure in real estate transactions for two types of fire hazard areas.

- *Wildland Areas that may contain substantial forest fire risks and hazards (Wildland Areas)*
- *Very High Fire Hazard Severity Zones (VHFHSZ)*

Thus, AB6 fire maps are prepared by the California Department of Forestry and Fire Prevention (CDF).

Civil Code Section 1103(c)(6) requires real estate sellers to inform prospective buyers whether or not a property is located within a Wildland Fire Area that could contain substantial fire risks and hazards. The latest update to these requirements occurred in 1999 with the passage of Assembly Bill 248 (Torlakson). This disclosure has actually been required for Wildland Fire Areas since 1990, pursuant to Public Resources Code (PRC) Section 4136. The State Board of Forestry identifies those lands where the California Department of Forestry and Fire Protection (CDF) has the primary duty for wildland fire prevention and suppression. Many people know these lands as "State responsibility areas" or "SRA" lands. The CDF sends maps to the affected counties, and county officials must post notices at the offices of the county recorder, the county assessor, and the county planning agency that explain where the CDF maps are available.

Current Real Estate disclosure requirements ask two yes or no questions concerning fire hazards, which are formatted as follows:

THIS REAL PROPERTY LIES WITHIN THE FOLLOWING HAZARDOUS AREA(S):

- A VERY HIGH FIRE HAZARD SEVERITY ZONE pursuant to Section 51178 or 51179 of the Government Code. *(The owner of this property is subject to the maintenance requirements of Section 51182 of the Government Code.)*
- A WILDLAND AREA THAT MAY CONTAIN SUBSTANTIAL FOREST FIRE RISKS AND HAZARDS pursuant to Section 4125 of the Public Resources Code. *(The owner of this property is subject to the maintenance requirements of Section 4291 of the Public Resources Code. Additionally, it is not the State's responsibility to provide fire*

protection services to any building or structure located within the wildlands unless the Department of Forestry and Fire Protection has entered into a cooperative agreement with a local agency for those purposes pursuant to Section 4142 of the Public Resources Code.)

This study's digital Wildfire Susceptibility Map (Plate 4-1) should replace the CDF mapping, as it provides more accurate and complete natural hazards disclosure in Riverside County, and thus provides current and future buyers of County real estate with an estimation of the wildland fire risk associated with the property.

The hillside terrain of the County of Riverside is predominantly mapped as having a substantial fire risk. Therefore, much of the County of Riverside is subject to Public Resources Code, Section 4291-4299, which requires property owners in these areas to conduct maintenance to reduce the fire danger. Public Resources Code, Section 4291-4299 affects any person who owns, leases, controls, operates, or maintains any building or structure in, upon, or adjoining any mountainous area or forest-covered lands, brush-covered lands, or grass-covered lands, or any land which is covered with flammable material. That person shall at all times do all of the following:

- Maintain around and adjacent to such building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side thereof or to the property line, whichever is nearer, all flammable vegetation or other combustible growth. This subdivision does not apply to single specimens of trees, ornamental shrubbery, or similar plants which are used as ground cover, if they do not form a means of rapidly transmitting fire from the native growth to any building or structure.
- Maintain around and adjacent to any such building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth which is located from 30 feet to 100 feet from such building or structure or to the property line, whichever is nearer. Grass and other vegetation located more than 30 feet from such building or structure and less than 18 inches in height above the ground may be maintained where necessary to stabilize the soil and prevent erosion.
- Remove that portion of any tree which extends within 10 feet of the outlet of any chimney or stovepipe.
- Maintain any tree adjacent to or overhanging any building free of dead or dying wood.

- Maintain the roof of any structure free of leaves, needles, or other dead vegetative growth.
- Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to any fireplace, stove, or other device that burns any solid or liquid fuel. The screen shall be constructed of nonflammable material with openings of not more than one-half inch in size.
- A person is not required under this section to maintain any clearing on any land if that person does not have the legal right to maintain the clearing, nor is any person required to enter upon or to damage property that is owned by any other person without the consent of the owner of the property.