**[Insert Letterhead – for discussion]**

January 18, 2022

Chair J. Keith Gilless, Chair

Vice Chair Darcy Wheeles

Member Mike Jani

Member Rich Wade

Member Susan Husari

Member Marc Los Huertas

Member Katie Delbar

Member Christopher Chase

Board of Forestry and Fire Protection

Attn: Edith Hannigan

Executive Officer

P.O. Box 944246

Sacramento, CA 94244-2460

**Re: Supplemental comments on the Board of Forestry’s proposed Fire Safe Regulations by Ruben Grijalva and a Coalition of California Home Builders and Businesses**

Dear Chair Gilles,

 As a former State Fire Marshall and Director of the California Department of Forestry and Fire Protection, and on behalf of the broad coalition of California home builders and businesses that have co-signed, we stand behind the Board of Forestry’s (“Board’s”) efforts to improve the health and safety of Californians given the unprecedented fires we have witnessed in recent years and the growing threat of climate change. In the midst of a deepening housing crisis, we recognize the critical need to provide fire safe housing. We also appreciate the Board’s and staff’s efforts to consider and review our concerns.

We remain deeply concerned, however, that the current draft Fire Safe Regulations undermine the Governor’s efforts to solve the housing crisis by preventing the construction of new fire safe homes. Our prior comments, reiterated below, have not been addressed. The unintended consequences of the current draft will harm housing production without a commensurate fire safety benefit.

Master-planned communities offer a tremendous opportunity to deliver critical, fire-safe housing to Californians. The State Fire Marshal’s statistics and our detailed analysis[[1]](#footnote-1) demonstrate that homes built to California Building Code standards adopted in Chapter 7A effectively reduce fire risks to homes built in the wildland urban interface (WUI). Remarkably, when those homes are built as part of a properly planned and mitigated master-planned community, the risk of significant structural loss is almost non-existent. Despite the headlines in recent years about the loss of homes to California wildfires, it has gone substantially unreported that no master-planned community built after the adoption of California Building Code Chapter 7A has suffered any significant loss.

The overwhelming evidence demonstrates that California’s wildland fire problem comes from the existing home stock built before modern Chapter 7A standards or poorly-planned developments located in high-risk areas. These are homes commonly built in the WUI that are overgrown by many drought-ridden fuel types (brush, shrubs, trees, etc.) that are ready to burn rapidly. Many have narrow roads, inadequate fire access and evacuation routes, and inadequate water supplies.

In stark contrast, new master-planned communities must go through a strenuous environmental review under the California Environmental Quality Act and are typically planned, mitigated and implemented with numerous fire-safety features, such as:

* Fire-hardened homes built to the latest Chapter 7A standards
* Community-wide fuel breaks, fire-resistant landscaping, and green belting
* Perpetual funding, maintenance and enforcement through an HOA
* Good fire access and evacuation routes
* Adequate water supplies (studied pursuant to SB 610)
* Residential fire sprinklers
* Undergrounded project utilities
* Community design and siting to minimize fire risks (e.g., slope setbacks)
* New fire stations, fire equipment and/or funding for firefighters to provide for a rapid initial fire attack where it did not previously exist.

As currently draft, the regulations would hamper or stop new fire-safe, master-planned communities, resulting in a blow to housing. The regulations do not account for fundamental differences between master-planned communities and one-off development projects. For example, the non-retroactivity provision does not account for multiple phases of master approvals, village-level projects, subsequent internal maps, and minor amendments over time that are standard practice for master-planned communities. Unintended consequences will obstruct master-planned communities without a fire-safety benefit.

We respectfully request that the Board consider our detailed comments, attached. Our global concerns include:

1. Approved master-planned communities that provide an equivalent level of fire protection should be grandfathered to avoid a regulatory do-loop that would severely harm housing.
2. The regulations must account for (and take advantage of) the differences and fire-safety benefits associated with master-planned communities.
3. The regulations must provide flexibility and a right to seek exceptions to avoid unintended consequences, the risk of which is high given the substantial expansion in regulatory scope from the State Responsibility Area to the Local Responsibility Area.

The California wildfire problem and housing crisis did not happen overnight. These entrenced problems will not be resolved quickly. But master-planned communities present a unique opportunity for new, fire-safe housing. We once again thank the Board for this opportunity to comment. We remain committed to working with staff to address our comments and offer insights from our unique coalition of California home builders and businesses.

Sincerely,

Ruben Grijalva

Former State Fire Marshall and CalFire Director

Co-Signatories:

**Dan C. Dunmoyer**

**President and CEO**

**California Building Industry Association**

[Add other coalition members]

1. We extensively analyzed recent impacts from California’s mega-fires and the data shows overwhelmingly that over [95%] of structural damage or loss occurs with homes built before modern Chapter 7A standards, and even of those new homes that were damaged, most involved isolated new construction surrounded by existing, high-risk homes (e.g., new homes lost in the Camp fire). See our comments for additional details. [↑](#footnote-ref-1)