



Assembly Bill 38 (AB38)

~ 2019 ~

Real Estate Disclosure Requirements
for Defensible Space Inspections (DSI)



AB38

AB38 has two parts that affect real estate disclosures upon sale of residential property.

Civil Code Sections 1102.6f & 1102.19

Applies to all residential real property located in a State mapped High or Very High Fire Hazard Severity Zone (FHSZ)



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CC Sec 1102.6f

- Part 1 effective Jan 1, 2021. Requires certain home hardening disclosures. Information required is listed in CC1102.6f.
- California Association of Realtors (CAR) has a standard disclosure form with the required items listed.
- This part does not impact the local fire departments. Calfire and the State Fire Marshal are required to develop a list of low-cost retrofits by July 1, 2025.



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CC Sec 1102.19

- Part 2 Effective July 1, 2021. Requires seller to provide documentation indicating the property is in compliance with defensible space requirements of Government Code Sec 51182 or Public Resources Code Sec 4291 or a local vegetation management ordinance.
- VCFD Ordinance Appendixes V and W qualifies as a local vegetation management ordinance. It meets or exceeds State requirements.



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• VCFD.org/AB38

- AB38 DSI information and the Inspection Request form available at: VCFD.org/AB38
- VCFD will conduct defensible space inspections (DSI)
- There is no fee at this time.
- The inspection is an exterior inspection of the property. We do not have to enter any home.
- Defensible Space Standards and requirements can be found at VCFD.org and VCFHRP.org



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•Inspections

The basic items we will be looking for in the 100-foot zone from structures (or to property line if less than 100 feet) included, but are not limited to:

- Any dead grasses, shrubs, weeds, and vegetation shall be removed.
- Trees shall have any dead branches removed, including dead palm fronds.
- Trees shall have a minimum 3 foot clearance above any roof.



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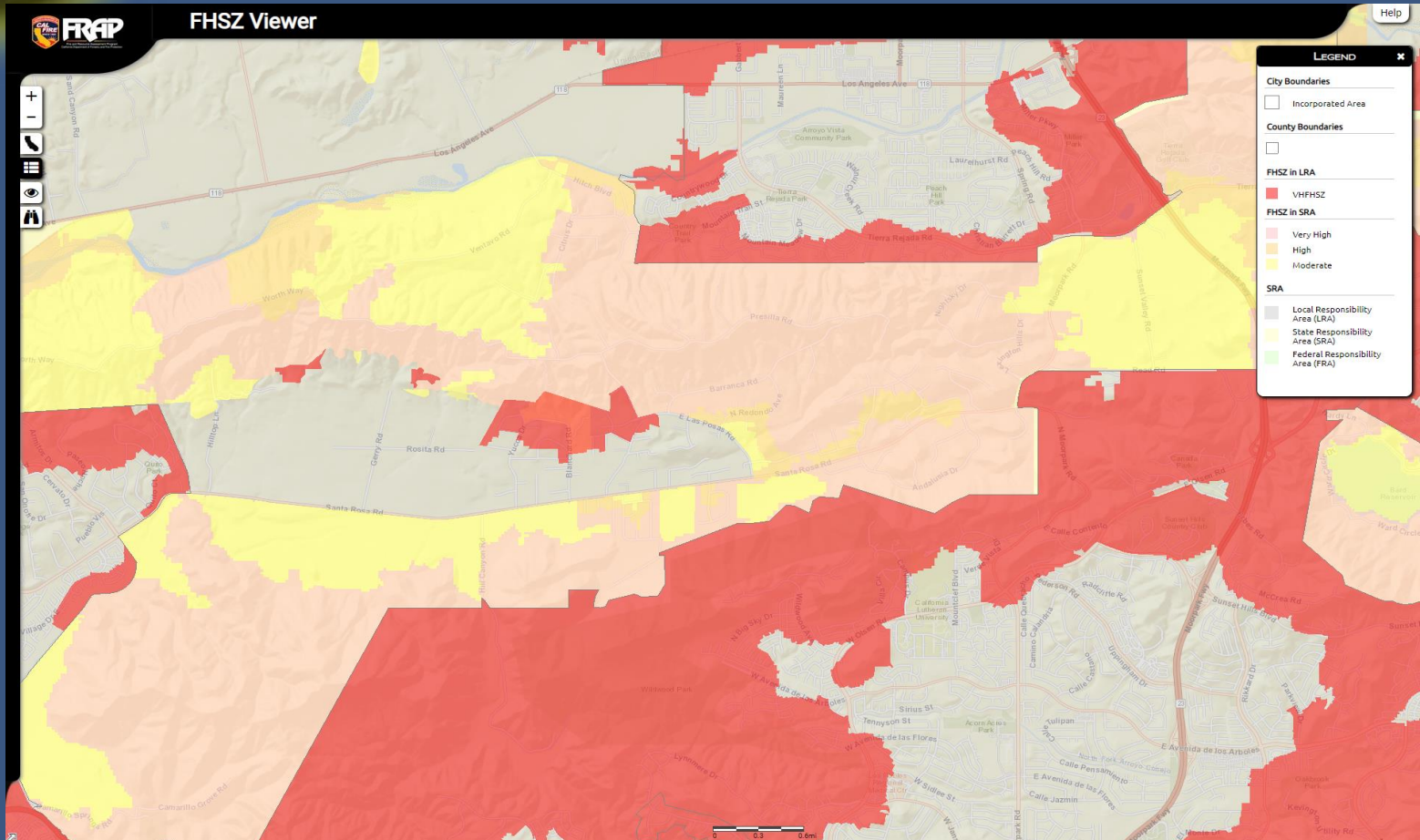
•Inspections

- Trees shall have a minimum 10 foot clearance from any chimneys or stovepipe.
- Mulch and wood chips are prohibited within 5 feet of any building. (VCFD Ordinance)
- A compliance report will be issued if the parcel is in compliance with defensible space standards (State and local).
- A correction notice will be issued for any item not in compliance.



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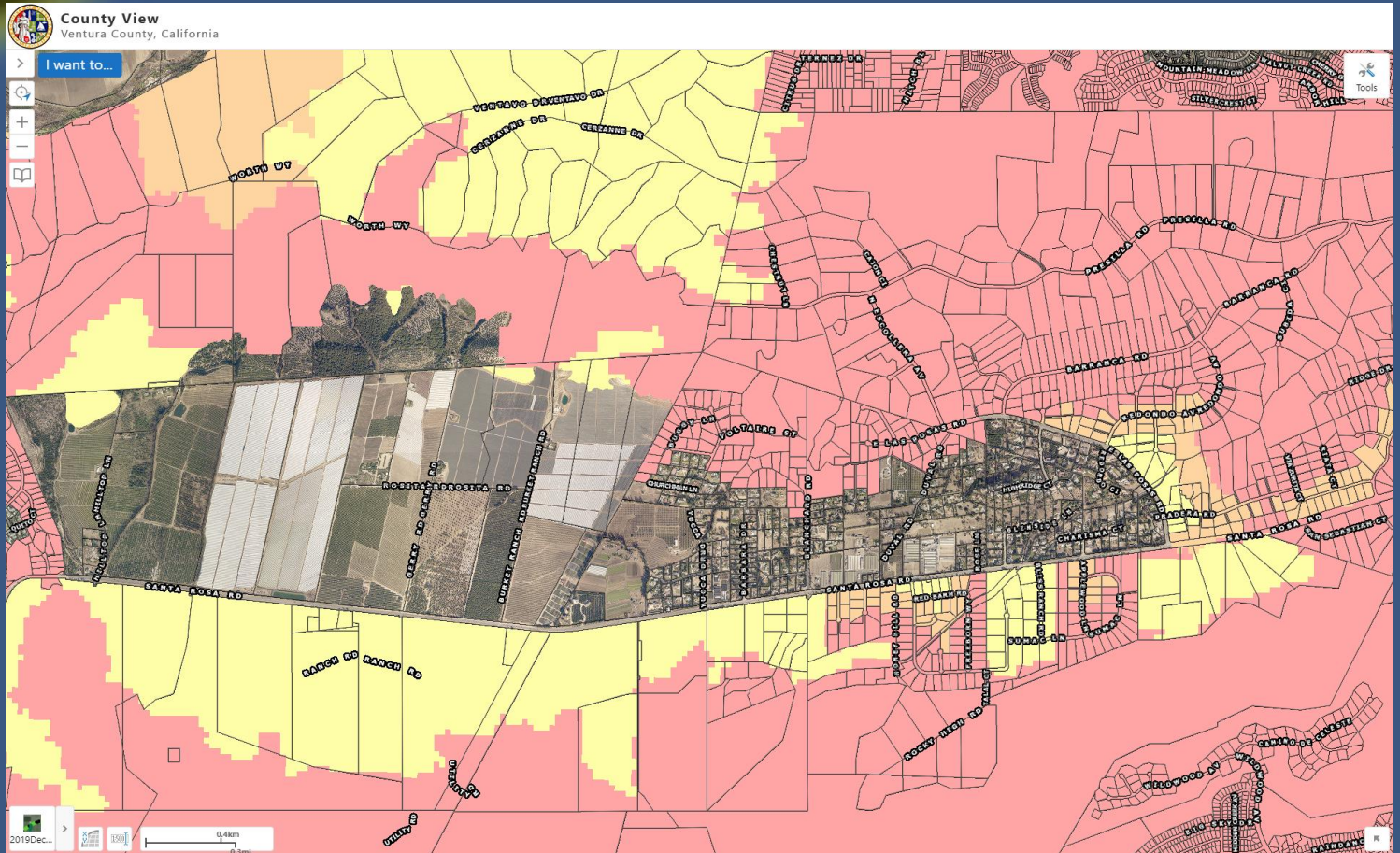
SRV FHSZs



Ventura County Fire Department



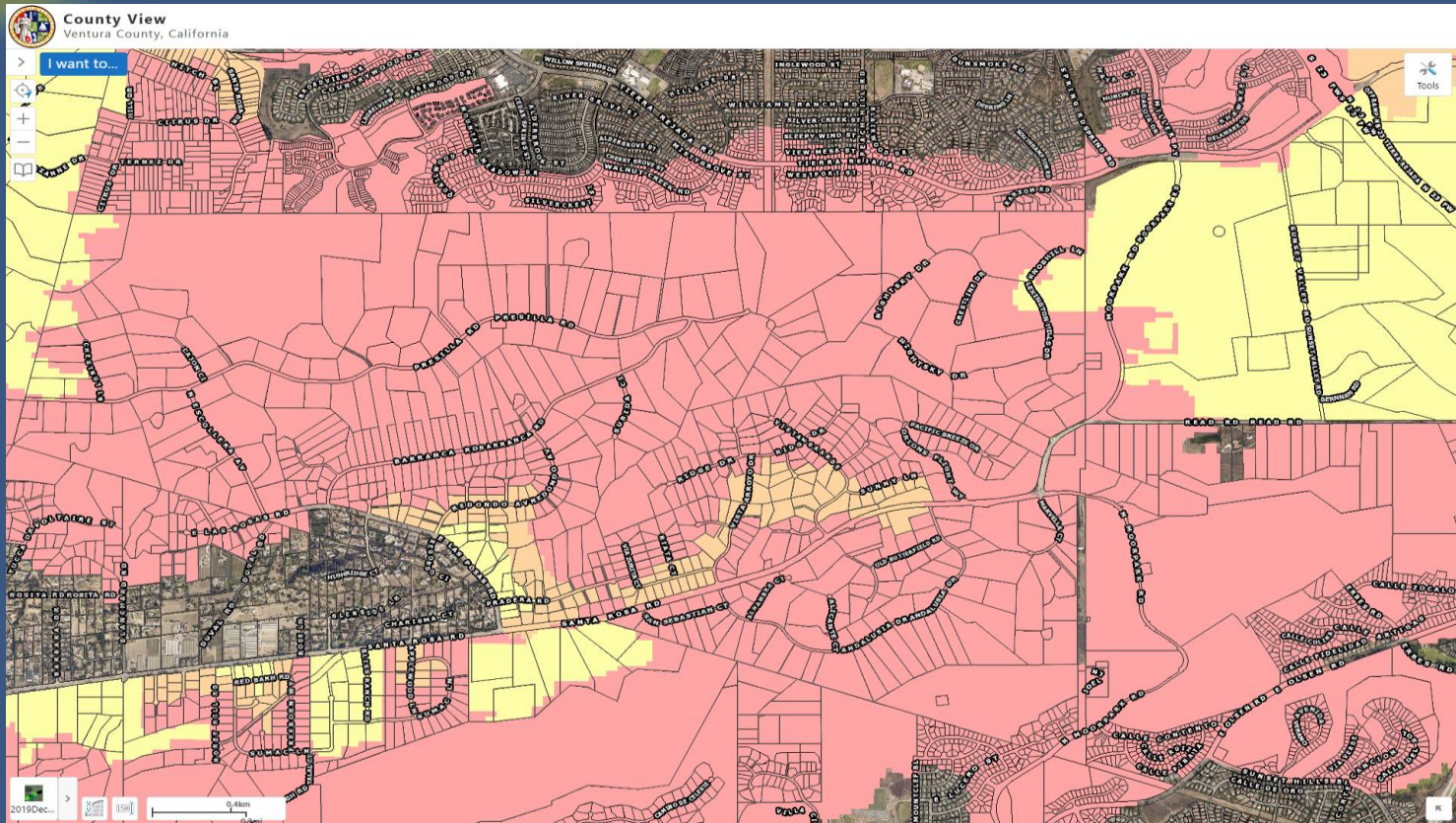
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Ventura County Fire Department



AB38



Ventura County Fire Department



General Info

- Roadway Clearance: The Fire Dept can require 10-foot clearance along roads and driveways when deemed necessary for fire access and fire protection. Items for consideration can include road/driveway width, grade, fuel loading, exposures.
- Not all roads and driveways require side clearance.



General Info

- A 13-foot 6-inch vertical clearance is required at all times along the traveled portion of a road and driveway.
- Unincorporated areas County Ordinance: Property owners fronting public roads are responsible for any roadside clearance needed beyond the curb face or improved road shoulder along their property frontage.



General Info

- There is no brush clearance requirement beyond 100 feet from structures.
Vegetation concerns and complaints.
- Use the Contact Us page on the VCFD.org website. We will evaluate the concern or complaint to determine if it falls within any of the Fire Department requirements.
- Not all concerns and complaints can be addressed by the Fire Department



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Questions:

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