Adopt all new Amend Sections to 14 CCR CHAPTER 13 § 1665 as follows:

§ 1665.1 Authority.

This chapter sets out procedures for implementation and collection of “State Responsibility Area Fire Prevention Benefit Fees” (hereafter referred to as “Benefit Fee”), as required by Assembly Bill X1 29, Chapter 8, Statutes 2011, Public Resources Code Section 4210, et seq.

Note: Authority cited: Public Resources Code Section 4212.
Reference: Public Resources Code Sections 4102, 4111, 4114, and 4125.

§ 1665.2 Definitions

“Dwelling Unit”, for purposes of implementation of Sections 4210-4228 of the Public Resources Code, is a unit providing independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation. Mobile and manufactured homes and condominiums are considered as dwelling units.

“Habitable Structure”, for purposes of implementation of Sections 4210-4228 of the Public Resources Code, means a building...
that contains one or more dwelling units or that can be occupied for residential use. Buildings occupied for residential use include single family homes, multi-dwelling structures, mobile and manufactured homes, and condominiums. Habitable structures do not include incidental buildings such as detached garages, barns, outdoor sanitation facilities, and sheds.

“Manufactured home” has the same meaning as Health and Safety Code Section 18007 (a).

“Mobile home” has the same meaning as Health and Safety Code Section 18008 (a).

“Property Owner”, means that individual, company, corporation, or other entity that is the owner of record of said habitable structure in the county tax assessor rolls or as recorded in the records of the Department of Housing and Community Development on July 1 of the state fiscal year for which the fee is due.

“State Responsibility Area” means those areas defined in Section 4102 and delineated pursuant to Sections 4125-4128 of the Public Resources Code. These lands are shown on digital maps maintained by the California Department of Forestry and Fire Protection at its Sacramento Headquarters and may be viewed there or in low resolution at the California Department of Forestry and Fire Protection website: http://www.bof.fire.ca.gov/sra viewer/.

“Benefit Fee” means the fire prevention benefit fee imposed pursuant to Sections 4210-4228 of the Public Resources Code.
“Fire Prevention Fund” means the State Responsibility Area Fire Prevention Fund created by Public Resources Code Section 4214 for deposit of all annual Benefit Fees collected and from which expenditures are authorized pursuant to the annual Budget Act, including grants that may be awarded pursuant to 14 CCR Section 1665.8.


§ 1665.3. Determination of Eligible Habitable Structure

Determinations of eligible habitable structures and the associated fees within State Responsibility Areas shall be completed statewide by the Department or for the Department by its “Designated Fee Administrator” pursuant to Public Resources Code Section 4210, et seq. and 14 CCR Sections 1665.1-1665.8.


§ 1665.4. Imposition of the Benefit Fee

The Benefit Fee will be imposed on all property owners with one or more habitable structures within State Responsibility Areas as defined in Public Resources Code Section 4102 and pursuant to Public Resources Code Sections 4125-4128.

§ 1665.5. Request for Review and Refunds

(a) A property owner from whom the Benefit Fee is determined to be due under Public Resources Code Section 4213 et seq. may petition the Department for a redetermination regarding the fee and amount determined within 30 days after service upon him or her of a notice of the determination.

(1) The Department may delegate the receipt and review of petitions to a Designated Fee Administrator of its choice. The Designated Fee Administrator must be qualified by experience in preparing and administering one of the following for a fire district: benefit assessments, benefit fees, or special taxes.

(2) The petition may be filled out and submitted by a property owner subject to the Benefit Fee or by the Department or Designated Fee Administrator in consultation with and on behalf of the property owner.

(3) The petition shall include information that states the specific basis or grounds upon which the petition is founded and includes supporting documentation. The petition must be based on whether the fee as specified in Public Resources Code Section 4213 et seq. applies to the specific property for which the petition was filed. Examples of specific issues that may be considered by the Department or Designated Fee Administrator...
include, but are not limited to, the location of the structure in an SRA, determination of the number of applicable habitable structures, and the related fee amount calculated.

(4) Petitions received by the Department or Designated Fee Administrator more than 30 days from service upon him or her of a notice of the determination shall not be considered. If a petition will not be considered, the Department or Designated Fee Administrator shall notify the petitioner.

(5) After receipt of a petition, the Department or the Designated Fee Administrator may request additional information from the property owner if, in their opinion, the petition does not give adequate information to permit full review of the fee and the petition.

(6) The petition may be amended to state additional grounds or provide additional documentation at any time prior to the date that the Department or the Designated Fee Administrator issues its decision with regard to the petition for redetermination.

(7) The petition shall be sent by the petitioner to the address indicated by the Department; this may be the address of the Department’s Designated Fee Administrator.

(8) The Department or its Designated Fee Administrator shall complete its review of the petition for redetermination within 60 days.
Based on its review of the petition for redetermination, the Department or its Designated Fee Administrator may decide if the fee is valid and due in the amount of the original fee, may modify the fee, or may eliminate the fee based on a determination that it should not apply to the property owner who filed the petition.

The decision of the Department or its Designated Fee Administrator shall be in writing and shall indicate the reasons for the decision on the petition.

If the decision modifies or eliminates the fee, the Department or its Designated Fee Administrator shall make appropriate modifications to the next and subsequent lists of property owners and fee amounts submitted to the State Board of Equalization.

The decision on the petition for redetermination by the Department or its Designated Fee Administrator shall be served on the petitioner as described in Section 4226 of the Public Resources Code. On the same date, the Department or its Designated Fee Administrator shall notify the Board of Forestry and Fire Protection and the State Board of Equalization. The Department will maintain copies of decisions on all petitions for redetermination petitions for use of the Board of Forestry and Fire Protection and State Board of Equalization.

The decision of the Department or its Designated Fee Administrator upon a petition for redetermination of the Benefit
Fee shall become final 30 days after service upon the petitioner of notice of the determination.

(14) If the Department or its Designated Fee Administrator determines that a property owner is entitled to a refund of all or part of the Benefit Fee paid pursuant to this chapter, the property owner, or the Department or Designated Fee Administrator on behalf of the property owner, shall make a claim to the State Board of Equalization pursuant to Chapter 5 (commencing with Section 55221) of Part 30 of Division 2 of the Revenue and Taxation Code.


§ 1665.6. Fee Structure

(a) The Board has been directed by the legislature to impose a fee that will provide funding necessary for fire prevention activities.

(b) The Benefit Fee shall be one hundred-fifty dollars ($150.00) per habitable structure.

(c) Fees shall be deposited in the Fire Prevention Fund.

(d) On July 1, 2013 and at its June meeting prior to each subsequent July 1, the Board shall adjust the rate to reflect the percentage of change in the average annual value of the Implicit Price Deflator for State and Local Government Purchases of Goods.
and Services for the United States, as calculated by the United States Department of Commerce for the 12-month period in the third quarter of the prior calendar year, as reported by the Department of Finance.


§ 1665.7. Fee exemptions

Property owners of habitable structures within a State Responsibility Area and also within the boundaries of a local agency that provides fire protection services shall receive a reduction of thirty-five dollars ($35.00) per habitable structure.


§ 1665.8. Grant Program

(a) The Board shall administer a granting program funded from the Benefit Fees collected. Grants shall be awarded to organizations within counties in direct proportion to the benefit fee paid by individual property owners in that county.

(b) Grants awarded from the Fire Prevention Fund shall be awarded to local agencies, Fire Protection Districts, Fire Safe Councils, the California Conservation Corps, and other organizations accepted by the Board. Grants will only be awarded in
those counties that are in compliance with the Board’s fire safe regulations, 14 CCR Section 1270, et seq., as required pursuant to Public Resources Code Section 4290, to support the following priorities:

(1) Development or updating of a Community Wildfire Protection Plan (CWPP), local hazard mitigation plan, or community-based wildfire hazard or risk analysis.

(2) Development of General Plan elements, including the Safety Element, and “Fire Safe Regulations” to be certified by the Board pursuant to Public Resources Code Section 4290.

(3) Community fuel reduction projects in State Responsibility Areas.

(4) Other community fire safety and fire prevention projects, including fire prevention education, designed to reduce the risk of wildfire in State Responsibility Areas.