

Public Resources Code (PRC) 4291

**Title:** California Public Resources Code (PRC) 4291  
**Type:** Regulatory  
**Jurisdiction:** State  
**State:** California  
**Program Description:** The requirement of a defensible space is mandated by California state law, Public Resources Code (PRC) 4291.

Effective January 1, 2005, if you live in a wildland area in California you need to know about changes in the following laws. Governor Schwarzenegger signed into law on September 23, 2004, Senate Bill 1369.

Increase the minimum clearance (defensible space) requirement from 30' to 100'.

Provide for state law, or local ordinance, rule or regulation to specify requirements of greater than 100'.

Allows insurance companies to require home/building owners to maintain firebreaks greater than 100'.

**PRC 4291.**

A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, shall at all times do all of the following:

(a) Maintain around and adjacent to the building or structure a firebreak made by removing and clearing away, for a distance of not less than 30 feet on each side of the building or structure 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 that 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.

(b) Maintain around and adjacent to the building or structure additional fire protection or firebreak made by removing all brush, flammable vegetation, or combustible growth that is located within 100 feet from the building or structure or to the property line or at a greater distance if required by state law, or local ordinance, rule, or regulation. This section does not prevent an insurance company that insures a building or structure from requiring the owner of the building or structure to maintain a firebreak of more than 100 feet around the building or structure. Grass and other vegetation located more than 30 feet from the 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.

(c) Remove that portion of any tree that extends within 10 feet of the outlet of a chimney or stovepipe.

(d) Maintain any tree adjacent to or overhanging a building free of dead or dying wood.

(e) Maintain the roof of a structure free of leaves, needles, or other dead vegetative

growth.

(f) Provide and maintain at all times a screen over the outlet of every chimney or stovepipe that is attached to a 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.

(g) Prior to constructing a new building or structure or rebuilding a building or structure damaged by a fire in such an area, the construction or rebuilding of which requires a building permit, the owner shall obtain a certification from the local building official that the dwelling or structure, as proposed to be built, complies with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the certification, upon request, to the insurer providing course of construction insurance coverage for the building or structure. Upon completion of the construction or rebuilding, the owner shall obtain from the local building official, a copy of the final inspection report that demonstrates that the dwelling or structure was constructed in compliance with all applicable state and local building standards, including those described in subdivision (b) of Section 51189 of the Government Code, and shall provide a copy of the report, upon request, to the property insurance carrier that insures the dwelling or structure.

(h) Except as provided in Section 18930 of the Health and Safety Code, the director may adopt regulations exempting structures with exteriors constructed entirely of nonflammable materials, or conditioned upon the contents and composition of same, he or she may vary the requirements respecting the removing or clearing away of flammable vegetation or other combustible growth with respect to the area surrounding those structures.

No exemption or variance shall apply unless and until the occupant thereof, or if there is not an occupant, the owner thereof, files with the department, in a form as the director shall prescribe, a written consent to the inspection of the interior and contents of the structure to ascertain whether this section and the regulations adopted under this section are complied with at all times.

(i) The director may authorize the removal of vegetation that is not consistent with the standards of this section. The director may prescribe a procedure for the removal of that vegetation and make the expense a lien upon the building, structure, or grounds, in the same manner that is applicable to a legislative body under Section 51186 of the Government Code.

(j) As used in this section, "person" means a private individual, organization, partnership, limited liability company, or corporation.

Property Inspection Guide Title 14 Section 1299

**14 CA ADC § 1299**

§ 1299. Defensible Space.

Term 

14 CCR § 1299

Cal. Admin. Code tit. 14, § 1299

Barclays Official California Code of Regulations [Currentness](#)

Title 14. Natural Resources

Division 1.5. Department of Forestry and Fire Protection [\[FNA1\]](#)

Chapter 7. Fire Protection [\[FNA2\]](#)

Subchapter 3. Fire Hazard

☞ [Article 3.](#) Fire Hazard Reduction Around Buildings and Structures

[\[FNa2\]](#) Formerly Subchapter 7 of Chapter 2, Division 2, Title 14, Cal. Adm. Code.

➔ **§ 1299. Defensible Space.**

The intent of this regulation is to provide guidance for implementation of Public Resources Code 4291(a) and (b), and minimize the spread of fire within a 100 foot zone around a building or structure.

(a) A person that owns, leases, controls, operates, or maintains a building or structure in, upon, or adjoining any mountainous area, forest-covered lands, brush-covered lands, grass-covered lands, or any land that is covered with flammable material, and is within State Responsibility Area, shall do the following:

(1) Within 30 feet from each building or structure maintain a firebreak by removing and clearing away all flammable vegetation and other combustible growth pursuant to PRC § 4291(a). Single specimens of trees or other vegetation may be retained provided they are well-spaced, well-pruned, and create a condition that avoids spread of fire to other vegetation or to a building or structure.

(2) Within the 30 feet to 100 feet zone (Reduced Fuel Zone) from each building or structure (or to the property line, whichever is nearer to the structure), provide a fuelbreak by disrupting the vertical and/or horizontal continuity of flammable and combustible vegetation with the goal of reducing fire intensity, inhibiting fire in the crowns of trees, reducing the rate of fire spread, and providing a safer environment for firefighters to suppress wildfire pursuant to PRC § 4291(b).

(b) Any vegetation fuels identified as a fire hazard by the fire inspection official of the authority having jurisdiction shall be removed or modified provided it is required by subsection (a)(1) & (a)(2).

(c) Within the intent of the regulations, the fire inspection official of the authority having jurisdiction may approve alternative practices which provide for the same practical effects as the stated guidelines.

(d) Guidance for implementation of this regulation is contained in the publication: "General Guidelines for Creating Defensible Space" as published by the Board of Forestry and Fire Protection by resolution adopted on February 8, 2006.

Note: Authority cited: Sections 4102, 4125-4128 and 4291, Public Resources Code. Reference: Section 4291, Public Resources Code.

#### HISTORY

1. New article 3 (section 1299) and section filed 5-8-2006; operative 6-7-2006 (Register 2006, No. 19).

14 CCR § 1299, 14 **←CA ADC § 1299 →**

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