



TO: Chair Terry O'Brien and the Board of Forestry and Fire Protection
FROM: Board Staff
DATE: July 2026
RE: Update and Technical Clarifications on Zone 0 Draft Regulations

PURPOSE OF THIS MEMORANDUM

This memorandum provides information to the California Board of Forestry and Fire Protection (Board) on the latest draft of the Zone Zero regulatory package, which will come before the Board for consideration at its August 19, 2026 meeting.

At its June 16, 2026 meeting, the Board's Zone Zero Regulatory Advisory Committee (Advisory Committee) reviewed the draft rule package released in April 2026. Following discussion and consideration of public comments received throughout the rulemaking process, the Advisory Committee voted unanimously to forward the draft regulation to the full Board for consideration in August.

During that meeting, Chair O'Brien and Advisory Committee members requested that staff prepare a summary memorandum identifying the work completed to date, key policy decisions reflected in the draft regulations, and several final clarifications prior to Board consideration.

This memorandum fulfills this request and provides Board members with additional background and context in advance of formal action in August.

BACKGROUND AND RULEMAKING SUMMARY

In recent years, state leaders have taken a series of actions and made significant investments to reduce wildfire risk, strengthen community protection, and improve defensible space standards across California. The proposed Zone 0 regulations represent one important tool in this broader wildfire risk reduction effort. These regulations, if adopted, will apply to Very High Fire Hazard Severity Zones managed by local agencies and to areas under the State Responsibility Area for fire protection.



2025 Actions and Directives

Following the devastating Los Angeles fires in January 2025, state leaders underscored the need for fire mitigations to protect homes and communities. Zone 0 is a part of that effort and refers to achieving defensible space in the first five feet around a structure—an area where wind-blown embers can accumulate and where combustible materials may directly contribute to structure ignition.

Assembly Bill 3074 (2020), Senate Bill 504 (2024), Assembly Bill 1455 (2025), and Governor Newsom's Executive Order N-18-25 directed the Board to develop new defensible space regulations for this ember-resistant space, or Zone 0, in specified fire-prone areas of the state.

Public Engagement

In response, over the past 15 months, the Board has conducted extensive public and partner engagement. This includes nearly 20 public workshops and town hall presentations, numerous site visits and walking tours, review of relevant research and fire science, public comment review, and participation in community tour events with homeowners, fire professionals, environmental organizations, and local governments.

Numerous regional and stakeholder perspectives emerged during this process regarding how to best address combustible materials within Zone 0, particularly with respect to trees, living vegetation, fences, affordability, enforcement, and local flexibility. The Advisory Committee considered multiple approaches with the goal of developing regulations that meet statutory requirements while remaining practical to implement across diverse communities and landscapes.

Phased Implementation

A central objective of the Zone 0 rulemaking process is to provide homeowners with time, guidance, and resources to make meaningful progress toward compliance while improving fire safety for neighborhoods, communities, and fire professionals. To support this approach, the draft regulations include phased implementation and recognize that compliance requires planning, prioritization, and investment over time. The intent is to make measurable progress toward compliance over a five-year implementation



period. The emphasis throughout implementation will be on education, technical assistance, and demonstrated progress rather than immediate enforcement.

Where and When the Standards Would Apply

The proposed regulations would require property owners in State Responsibility Areas and Very High Fire Hazard Severity Zones in Local Responsibility Areas to greatly reduce combustible materials within the first five feet of homes and other structures. The draft rule package permits a limited amount of well-maintained plants and trees in portions of Zone 0. The regulations would apply to new construction immediately yet permit phased implementation for existing structures. Local jurisdictions would be able to enact alternative approaches—so long as they provide substantially similar practical effects—that account for local conditions such as fire risk, topography, emergency response, and building standards.

FINAL CLARIFICATIONS AND TECHNICAL REVIEW

1. Fence Materials and Noncombustible Standard | Staff Action

The Board received numerous comments regarding the treatment of fences and fencing materials within Zone 0. The current draft regulations prohibit construction of new combustible fences *within Zone 0* (within five feet of the structure) while continuing to allow existing combustible fences to remain in place and having no impact on fences beyond Zone 0. Property owners may continue to repair existing combustible fences using the same materials, avoiding unnecessary replacement costs. Where a fence or gate is attached to an occupied structure, however, the regulations require a noncombustible section (e.g. a non-combustible gate) within five years of implementation. Fences more than five feet from the structure are not impacted by the draft regulation.

Several commenters requested that the regulations incorporate or reference the California Wildland-Urban Interface (CWUI) Building Standards description of "noncombustible materials" regarding fences. Staff is adding a definition of "Noncombustible," consistent with existing CWUI Building Standards, to provide greater clarity and consistency for property owners, inspectors, and local jurisdictions.

Staff notes that the purpose of the regulations is not to require wholesale replacement of existing wood fences. Existing combustible fences may remain, repairs using existing materials may continue, and only where an attaching combustible gate exists or a



fence is fully replaced would the applicable Zone 0 standards apply (within Zone 0—not beyond).

2. Good Faith Progress Toward Compliance | Staff Action

Throughout public engagement, stakeholders asked how local inspectors should approach situations in which homeowners are making meaningful progress toward compliance but are unable to complete all improvements within the five-year implementation period.

Staff plans on addressing this issue through accompanying implementation guidance rather than within the regulations themselves. The guidance document will clarify that good-faith progress toward compliance should be recognized when conducting inspections; and that technical assistance, education, and continued progress should be prioritized.

3. Cultural Institutions | Staff Action

Several commenters requested that the regulations include an exemption for cultural institutions such as museums and similar facilities. While the Board does not have the authority to do this, the ability of a local jurisdiction to adopt alternative practices (within Section 1298.03 of the draft regulations) could address some of the concerns raised by stakeholders regarding certain unique properties.

Staff conducted legal and policy analysis of this request. Existing statutes expressly identify the categories of property exempt from defensible space (including Zone 0) requirements within the Local Responsibility Area or LRA (Gov. Code sec. 51184) and the State Responsibility Area or SRA (Pub. Res. Code sec. 4291). For the LRA, these generally include habitats for threatened or endangered species, natural lands, and open space lands. It could also include, if exempted by a local agency, structures made entirely of nonflammable material (Gov. Code sec. 51183). Within the SRA, the State Fire Marshal may adopt regulations exempting structures with nonflammable exteriors. Because the Legislature has specifically established these exemptions to the defensible space requirements, the Board does not possess independent authority through this rulemaking to create additional exempt categories.

Accordingly, staff will not add an exemption for cultural institutions in the final regulations. Local jurisdictions within an LRA may, however, enact an alternative practice that takes into consideration location variations (including fire risk, structure



composition, potential response to emergency conditions, etc.). Alternatively, a cultural institution could seek an exemption from its local jurisdiction under Government Code section 51183 or the CAL FIRE Director pursuant to Public Resources Code section 4291.

Concerns for buildings with “green roofs” came up within some comments regarding cultural institutions. The Board’s jurisdiction for Zone 0 does not include structures themselves, as the defensible space regulations concern the area *adjacent to* and *around* the structure. A true green roof (one established via the design and construction process, rather than a roof with overgrown vegetation on it) is part of the structure itself and therefore not part of Zone 0. Whether a green roof is permitted is governed by building codes, including the CWUI where applicable. Staff are adding clarifying language to the regulations to address this issue.

4. Local Variation/Alternatives | Staff Action

Throughout the rulemaking process, local governments requested additional clarification regarding the process set forth in Section 1298.03 of the draft regulation for adopting local variations and locally appropriate alternatives to the statewide Zone 0 requirements.

Staff plans to add clarifying language to the regulations specifying that local alternatives must be formally adopted by the appropriate governing body (such as a city council or county board of supervisors), supported by findings from the local fire protection authority, and determined by the local jurisdiction to provide a substantially similar level of fire protection as the statewide regulations.

5. Tree Limb Requirements | Staff Action

Several commenters requested an exemption that would permit homeowners to keep healthy tree limbs measuring two inches or more in diameter regardless of location within Zone 0. State law currently requires the removal of all branches within 10 feet of a chimney or stovepipe as well as all dead or dying branches overhanging a structure. The Board’s regulations cannot conflict with these laws. Following consultation with CAL FIRE, staff does not plan to make changes to the draft regulations; local jurisdictions may, however, pursue alternative practices to account for location variations under Section 1298.03 which could address this issue.

6. Rule Alignment | Staff Action



Staff will make minor edits to the draft regulations to ensure alignment with all state laws regarding trees. Current statute requires removing dead or dying branches overhanging the roof of an occupied structure, and that all branches be at least ten feet from a chimney or stovepipe. Previous rule pleads have listed these requirements within the three-year compliance timeline. To meet statutory requirements, the rule plead will be updated to require compliance immediately for dead and dying branches (and thus require removal of dead/dying branches upon regulation adoption).

In response to numerous public comments, Staff will also add language to the 2026 Guidance Document to align with the CWUI provisions related to new trees, to avoid confusion for homeowners.

Earlier drafts of the rule text retired the 2006 Guidance Document that clarified implementation in Zones 1 and 2 in order to make way for the updated 2026 Guidance Document. Staff review of that document indicated that there were terms and diagrams that are incorporated by reference that are essential for enforcement of defensible space requirements within the SRA. Adding those terms to the rule text would fall outside of the statutory authorization for emergency rulemaking. Staff recommends retaining the 2006 Guidance Document reference for the Zone 0 emergency rulemaking.

IMPLEMENTATION AND NEXT STEPS

Should the Board approve the proposed regulations on August 19, 2026, staff will immediately submit the emergency rulemaking package to the California Office of Administrative Law (OAL) for review.

Under the emergency rulemaking provisions established by Assembly Bill 1455 (2025), OAL will conduct an expedited review to determine whether the regulations satisfy the requirements of the Administrative Procedure Act. Following the public comment period, an upon OAL approval and filing with the Secretary of State, the regulations would become effective immediately. Assuming the anticipated review timeline, staff expect the regulations could become effective as early as September 2026. Once effective, staff will coordinate closely with the CAL FIRE – OFSM as the office assumes the transition from rulemaking to implementation.

When the regulations go into effect, staff will continue developing implementation guidance, educational materials, and outreach resources to assist homeowners, local



governments, fire agencies, and inspectors throughout the phased implementation period. Additionally, as new information becomes available on plant and material combustibility, the Board may conduct periodic reviews to refine both the regulations and the guidance materials.