

## 4. NATURAL HAZARD DISCLOSURE FOR WILDFIRE

**Natural Hazard Disclosure** (NHD) for wildfire is a type of regulation that has resulted directly from fire losses in the Urban/Wildland Interface. It requires sellers of real property in [VHFHSZ](#) (LRA) and [Wildland Fire Areas](#) (SRA) to disclose to potential buyers that certain hazards exist in the area, and that the buyer may be subject to local laws requiring such things as vegetative clearance around structures and fire-retardant roofing. Buyers should be aware of these facts before purchasing property, resulting in this disclosure requirement. These regulations were first passed in the SRA (1989), then later in the LRA (1998). Since then the requirements have been synthesized (1999), and references to NHD for wildfire and other hazards can be found in the Public Resources Code, the Government Code and the Civil Code.

### 4.1. Wildland Fire Areas

Assembly Bill 1812 (Cortese) required Natural Hazard Disclosure for wildfire hazards in State Responsibility Areas (SRA) areas. This law was enacted in 1989, affecting [PRC Section 4136](#). It was proposed as a response to the destruction of 873 structures in wildfire conflagrations that year. Because Natural Hazard Disclosure had already been required for such hazards as earthquake fault zones and seismic hazards, the inclusion of wildfire in these regulations was a logical step in the disclosure process between buyers and sellers of real property. As specified on the official NHD form, this disclosure notifies a potential buyer of real property that the property is located in a wildland area subject to significant wildfire hazards. It further discloses when CDF has responsibility for fire protection.

This information must be disclosed for several reasons. One reason is that CDF's primary goal is natural resource protection. Also, many CDF fire stations are staffed only seasonally. This means that during certain times of the year first response will come from an alternate station farther away. Another reason is that a potential buyer must be notified that they are subject to the vegetation and structural maintenance requirements of [PRC 4291](#), such as creating 30-foot clearance around structures and installing screens on chimneys.

### 4.2. Very High Fire Hazard Severity Zones

Directly related to fire hazard assessment and zoning in the LRA is the passage of Assemblyman Torlakson's [Bill 1195](#) in 1998. This bill required Natural Hazard Disclosure (NHD) in LRA areas designated as a VHFHSZ mandated by the Bates Bill pursuant to [Government Code 51178](#). This requirement was "piggy-backed" onto the existing NHD requirements for SRA wildlands, earthquake, and flood hazards. The original bill for this purpose was titled AB 6X, which progressed through the Assembly with such ease that no member voted against it. Its implementation was delayed, however, until the passage of the similar AB 1195, which repealed [AB 6X](#). The effective date of the AB 1195 regulations was June 1, 1998. As a result of this legislation, the [Office of the State Fire Marshal and Teale Data Center](#) posted Natural Hazard Disclosure maps on the Internet in digital and picture formats, retrievable from various links such as [www.ceres.ca.gov/planning/nhd](http://www.ceres.ca.gov/planning/nhd).

A particular area of confusion has developed with the emergence of private sector industry firms that sell disclosures and maps. No express quality assurance (other than errors and omissions insurance and required engineering qualifications) exists for these firms, sometimes resulting in inaccurate disclosure information being disseminated. The CDF and Teale Data Center have publicized the original VHFHSZ identification maps as integrated with the SRA wildland maps for the sole purpose of providing NHD information to individuals who want information prior to sale, or who have been unable to locate maps

elsewhere. However, the LRA portion of these maps has always been subject to adoption or rejection by local agencies, so any firm that uses the CDF/Teale version of the maps for LRA NHD, without contacting the local agency to verify the boundaries, is likely to provide outdated or inaccurate information to its customers. Some of these companies are also still unaware that an SRA boundary update occurred in June of 1999. In addition, with the passage of [Assembly Bill 248](#) in September of 1999, which updates NHD requirements, even more information is now subject to error. These concerns should be addressed if the disclosure industry wishes to maintain compliance with state laws, and to provide their customers with accurate information.

Consequently, it is clear that although progress is being made in the arena of fire hazard zoning and code adoption and related safety measures, much remains to be done. Local implementation of these standards is increasing, but fully compliant jurisdictions are still in the minority. Cleanup legislation and new strategies for fire hazard assessment and zoning should be drafted, along with recommendations for funding and staffing the required local programs.

California is a wildfire culture, whether we like it or not. In order to adapt to our surroundings, we must take precautions and make [long-term plans](#) to reduce the risks we face in such an environment. No matter what Californians do, wildland fires will continue to happen. However, unlike other natural disasters, some wildfires are preventable. The question is, do we Californians have what it takes to save ourselves and our homes from this living threat? We have the tools: engineering, enforcement and education. Now let's use them together.