

**FINAL STATEMENT OF REASONS
FOR PROPOSED BUILDING STANDARDS
OF THE STATE FIRE MARSHAL
REGARDING THE 2025 CALIFORNIA WILDLAND-URBAN INTERFACE CODE,
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 7
(SFM 08/24)**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a Final Statement of Reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

UPDATES TO THE INITIAL STATEMENT OF REASONS:

Government Code Section 11346.9(a)(1) requires an update of the information contained in the Initial Statement of Reasons. If the update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the Initial Statement of Reasons, the state agency shall comply with Government Code Section 11347.1.

The Office of the State Fire Marshal (SFM) has not added any data (including technical, theoretical, or empirical studies, reports, or similar documents relied upon) that would necessitate an update of the information contained in the Initial Statement of Reasons.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s).

The SFM has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

The proposed regulations are minimum standards for fire prevention and protection of life and property against fire.

OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S).

Government Code Section 11346.9(a)(3) requires a summary of EACH objection or recommendation regarding the specific adoption, amendment, or repeal proposed, and an explanation of how the proposed action was changed to accommodate each objection or recommendation, or the reasons for making no change. This requirement applies only to objections or recommendations specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the action, or reasons for making no change. Irrelevant or repetitive comments may be aggregated and summarized as a group.

The text with proposed changes was made available to the public for a 45-day comment period from September 6, 2024, until October 21, 2024. Two (2) public comments were received during the 45-day public comment period. Please see below. There were no additional public comment periods.

ITEM 1-3

Chapter 1 Scope and Administration, Division I, Sections 1.1.7, Order of Precedence and Use through 1.11.11, Adopting Agency Identification

SFM proposes to copy Sections 1.1.7 through 1.11.11 of Title 24, Parts 2 and 9, which contain California amendments as part of Division I in Chapter 1 of the 2025 California Wildland-Urban Interface Code (CWUIC), California Code of Regulations (CCR), Title 24, Part 7 and adopt them with modifications. The amendments are based on current statutes and regulatory language.

Commenter(s) and Recommendation:

Jeff Hoag, CAL FIRE, Battalion Chief – Amador El Dorado Unit, Wildfire Resiliency Program Chief. The commenter asks for clarification on requests for code interpretations regarding Article 1 of the Fire Safe Regulations written by the Board of Forestry (BOF) proposed to be reprinted in CWUIC. The commenter cited Section 1.11.2.1.2 Reprint of Health and Safety Code Section 13108, which outlines the process of requesting interpretations from SFM.

Agency Response:

SFM acknowledges the commenter's questions regarding the authority on certain reprinted sections from the Natural Resources Code, Title 14, California Code of Regulations (CCR), relating to code interpretations. The adopted sections in Chapter 1 provide guidance and direction for the code's administrative purposes. In addition, Section 1.11.2.1.2 is applicable to SFM adopted regulations only. SFM does not propose to adopt any sections containing regulations from Title 14. SFM proposes to reprint these regulations without adoption, so the section about interpretations is not applicable. SFM has not proposed any changes to this section based on this comment.

ITEM 1-4

Chapter Chapter 1 Scope and Administration, Division I, Section 1.12 Board of Forestry

Enforcement Authority for Fire Safe Regulations (Title 14, Section 1270.06)

Commenter(s) and Recommendation:

Jeff Hoag, CAL FIRE, Battalion Chief—Amador El Dorado Unit, Wildfire Resiliency Program Chief. The commenter requests clarification on the enforcement of reprinted sections from the Natural Resources Code, Title 14, CCR, specifically as they pertain to Division 1.5, Chapter 7 Fire Protection, Subchapter 2, Articles 1-5, SRA “Fire Safe Regulations.”

Agency Response:

The reprinted sections are duplicates of the Title 14 regulations. SFM has not adopted the specific sections that are currently under the authority of the Board of Forestry. The enforcement practices outlined in Title 14 section 1270.06 have not changed, and SFM has not proposed any changes to this section based on this comment.

ITEM 1-6

**Chapter 1 Scope and Administration, Division II,
Sections 101 Scope and General Requirements**

SFM proposes to adopt only sections 101.1, 101.2, 101.3.1, 101.3.1.1, and 101.6 from the 2024 edition of the International Wildland-Urban Interface Code (IWUIC) with California amendments. SFM proposes NOT to adopt 101.2.1, 101.3, 101.4, and 101.5.

Commenter(s) and Recommendation:

Jeff Hoag, CAL FIRE, Battalion Chief—Amador El Dorado Unit, Wildfire Resiliency Program Chief. The commenter requests clarification of Sections 101.4 and 101.5, which are proposed to be printed but not adopted in Chapter 1 Division II and are relate to retroactive requirements.

Agency Response:

Chapter 1 Division II is printed but not adopted because the administrative provisions in this part of the document are made available to local jurisdictions. The business practices of each city, county, or city and county are determined at a local level, and the administrative provisions for each jurisdiction shall be adopted and amended at the local level. SFM has not proposed any changes to this section based on this comment.

ITEM 4-3

**Chapter 4 Wildland-Urban Interface Are Requirements,
Section 403 Access**

SFM proposes to delete 2024 IWUIC Section 403 and replace it with California amendments in the 2025 CWUIC. The amendments are a reprint of the regulations located in Title 14 addressing vehicle access. SFM proposes to print but not adopt.

Commenter(s) and Recommendation:

Jeff Hoag, CAL FIRE, Battalion Chief – Amador El Dorado Unit, Wildfire Resiliency Program Chief. The commenter requests clarification on enforcement of reprinted sections from the Natural Resources Code, Title 14, CCR.

Agency Response:

The reprinted sections are duplicates of the Title 14 regulations. Current enforcement practices have not changed, and SFM has not proposed any changes to this section based on this comment.

ITEM 5-10

Chapter 5 Special Building Construction Regulations, Sections 504.6 through 504.9

SFM proposes to adopt Sections 504.6 through 504.9 of the 2024 IWUIC with California amendments into the 2025 CWUIC. These amendments are needed to correlate the current state requirements for the protection of decks and projections with the IWUIC provisions and improve the clarity of the current state amendments. Amendments to Sections 504.7 #6, 504.7.3.2 #6 & #8, 504.8 #3, and 504.9 #4 provide correlation with requirements in Title 24, Part 2, California Building Code.

Commenter(s) and Recommendation:

Manny Muniz, Manny Muniz Consulting, LLC. The commenter requests adopting the model code language from IWUIC requirements for decks in Section 504.7.3.2 Deck Surfaces.

Agency Response:

SFM acknowledges that the current requirements for decking in the SFM regulations are less restrictive than those in the International Wildland-Urban Interface Code. The intent of the proposal for this new Part 7 California Wildland-Urban Interface document was to relocate current provisions from Part 2 California Building Code, Chapter 7A. The SFM long-standing Wildland-Urban Interface (WUI) workgroup will continue to meet, and this topic may be discussed with recommendations from the workgroup for future rulemaking proposals. SFM has not proposed any changes to this section based on this comment.

ITEM 15-2

APPENDIX H REFERENCED CALIFORNIA DOCUMENTS

SFM proposes to replace 2024 IWUIC Appendix H Wildland-Urban Interface Code Flowchart with a new Appendix H Referenced California Documents. Appendix H will be printed, but not adopted by SFM, in the 2025 CWUIC. Appendix H contains excerpts of California statutes and regulations utilized as source material for the proposed amendments in 2025 CWUIC.

Commenter(s) and Recommendation:

Jeff Hoag, CAL FIRE, Battalion Chief – Amador El Dorado Unit, Wildfire Resiliency Program Chief. The comment references Title 14, Section 1270.06(b) which discusses CalFire's authority to enforce Fire Safe Regulations.

Agency Response:

As Appendix H is contained in Title 24, Part 7 for reference only, it would not be appropriate to make changes to the language as part of this rulemaking. See Item 1-4 for select language added to Title 24, Part 7 from regulations located in Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 1.

DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS

Government Code Section 11346.9(a)(4) requires a determination with supporting information that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

SFM has determined that no reasonable alternatives have been identified and brought to SFM's attention that would be more effective in carrying out the purpose for which the action is proposed or that would be as effective and less burdensome to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES:

Government Code Section 11346.9(a)(5) requires an explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses, including the benefits of the proposed regulation per 11346.5(a)(3).

No alternatives were identified to lessen the adverse impact on small businesses.