

Board of Forestry and Fire Protection

FINAL STATEMENT OF REASONS

“Fire Safety Survey, 2019”

**Title 14 of the California Code of Regulations (14 CCR),
Division 1.5, Chapter 7, Subchapter 3, Article 4**

Adopt

Article 4

§§ 1267.00; 1267.01; 1267.02; 1267.03

UPDATE OF INFORMATION CONTAINED IN ISOR (pursuant to GOV §11346.9(a)(1))

No information contained in the ISOR requires update. All material relied upon was identified in the ISOR and made available for public review prior to the close of the public comment period.

SUMMARY OF BOARD’S MODIFICATIONS TO 45-DAY NOTICED RULE TEXT AND INFORMATION REQUIRED PURSUANT TO GOV §11346.2(b)(1)) (pursuant to GOV §11346.9(a)(1))

The rule text was adopted in its 45-Day noticed form.

MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS (pursuant to GOV §11346.9(a)(2)):

The adopted regulation imposes a mandate on local agencies which is not reimbursable pursuant to section 17500 of the Government Code.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH THE APPLICABLE GOVERNMENT CODE SECTIONS COMMENCING WITH GOV §17500 (pursuant to GOV §11346.9(a)(2)):

The adopted regulation does not impose a reimbursable cost to any local agency or school district. There are no mandates imposed to any local agencies by the adopted regulation.

ALTERNATIVE 3, BOARD’S ADOPTED ALTERNATIVE (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4)): Adopt Rulemaking Proposal as Noticed

The Board selected Alternative #3 as proposed and noticed. The Board adopted the rule text published with the 45-Day Notice on March 22, 2019. Additionally, the proposed action is the most cost-efficient, equally or more effective, and less burdensome alternative.

Alternatives 1 and 2 would not be more effective or equally effective while being less burdensome and impacting fewer small businesses than the proposed action.

ALTERNATIVES DETERMINATION (pursuant to GOV §11346.9(a)(4) and (5))

No other alternatives have been proposed or otherwise brought to the Board's attention, except as set forth in the ISOR and provided herein in the summary and responses to comments. Based upon the findings below and a review of alternatives

the Board has determined the following:

- No alternative considered would be more effective in carrying out the purpose for which the regulation was intended.
- No alternative would be as effective and less burdensome to affected private persons than the adopted regulation.
- No alternative would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. (reference ECONOMIC IMPACT ANALYSIS in ISOR)
- No alternative considered would lessen any adverse economic impact on small business. (reference ECONOMIC IMPACT ANALYSIS in ISOR)

FINDINGS (BASED ON INFORMATION, FACTS, EVIDENCE AND EXPERT OPINION) TO SUPPORT THE ALTERNATIVES DETERMINATION

- The Board finds that AB 2911 (Friedman, 2018) added new requirements to Government Code for the Board and the Office of the State Fire Marshal (OSFM) to survey subdivisions in the state for fire safety.
- The Board finds that regulations are necessary to provide unambiguous and transparent information about the selection of subdivisions to survey under this program.
- The Board finds the adopted alternative fulfills the obligations of the Board specified in statute, and represents a product based upon compromise and the greatest degree of consensus achievable at the time the Board authorized noticing of these adoptions.

BRIEF SYNOPSIS OF ADDITIONAL ALTERNATIVES CONSIDERED AND REJECTED (update, pursuant to GOV §11346.9(a)(1)), of information pursuant to GOV §11346.2(b)(4))

Alternative 1: No Action Alternative

The Board considered taking no action, since the statutory language in PRC 4920.5 is rather prescriptive in nature and requires little to no interpretation or clarification. However, the Board was concerned about creating confusion among the regulated public regarding which subdivisions would be surveyed and what qualified as a “secondary egress route,” and felt that clarifying regulations were necessary.

Alternative 2: Copying Statute Verbatim

The Board considered copying statute verbatim into regulation. However, the Board noted a few places that could use further clarification and alignment with existing Board rules.

SUMMARY AND RESPONSE TO COMMENTS (pursuant to GOV 11346.9(a)(3))

The Board received no comments on the proposed rulemaking.