

Real Property Transfer Inspection

Assembly Bill 38 (AB 38) Inspection

What is Assembly Bill 38 (AB38)?

In California, on and after July 1, 2021, when a parcel with a structure is sold and the parcel is located in a High Fire Severity Zone (HFSZ) or Very High Fire Hazard Severity Zone (VHFSZ) the seller shall provide documentation to the buyer demonstrating the property received and passed a AB38 inspection that complies with the California Public Resource Code (PRC) Section 4291 or a local Ordinance such as Contra Costa County Ordinance # 2023-07

Contra Costa County Ordinance #. 2023-07, Section 4

Sale or Transfer of Property

Before the close of escrow on the sale of any Parcel within the Fire District, the seller shall provide to the buyer documentation from the Fire Code Official stating that the property is currently in compliance with the fuel mitigation requirements of this ordinance. The Fire Code Official shall have the discretion to accept alternate means and measures to achieve compliance if completion of the required work will delay the sale or transfer of the property.

What is the purpose of an AB 38 inspection?

The purpose of an AB38 inspection is to ensure that the vegetation, on a parcel located in a High Fire Severity Zone or Very High Fire Severity Zone, is being maintained appropriately so that it does not significantly contribute to a wildfire. Also, by reducing the amount of vegetation and spacing out the vegetation a buffer known as “Defensible Space” can be created.

What is Defensible Space?

The reduction and spacing of vegetation (“fuel”), so that the vegetation does not contribute to a wildfire, creates a buffer (Defensible Space) between a structure and a wildfire.

The reduction of vegetation correlates directly to a reduction of “fuel” available to a wildfire and it also reduces the amount of material available for ember casting.

The reduction and spacing of vegetation, on a parcel, is dictated by the relation of the vegetation to the structure or by determining which Defensible Space “Zone” the vegetation is located in.

What is a Defensible Space “Zone”?

On every parcel, there are three (3) distinct Defensible Space “Zones”.

1. Zone Zero: 0-5ft. - Ember Resistant Zone

Zone 0, sometimes referred to as the “Ember Resistant Zone” extends from the face of a structure's exterior wall to five feet out from that point on the exterior wall. It requires the most stringent fuel reduction to ensure that fire or embers have minimal combustible material to burn. The combustible materials include plants, decks, and outdoor furniture. Gravel mulch and hardscaping is very effective in this area.

2. Zone 1: 5-30ft. – Lean, Clean & Green

Zone 1, referred to as the Lean, Clean and Green Zone extends from 5 ft. out from any structure or attached deck to 30 ft. out from the structure or attached deck. If the property line is less than 30 ft. away, then Zone 1 only extends to the property line. In this Zone, it is important to remove dead vegetation and debris and maintain spacing between shrubs and trees. Remove “ladder fuels” (i.e. trees or shrubs that are growing under other trees) because they can increase the probability of fire moving into the tree canopy. Keep vegetation in this zone irrigated. Hardscape and plant islands or beds can help maintain horizontal separation to reduce the spread of fire.

3.

Zone 2: 30-100ft – Fuel Reduction Zone

Zone 2, referred to as the Fuel Reduction Zone extends from 30ft away from any structure or attached deck to at least 100ft. Fuels need to be reduced in this zone. Dead grass, weeds, plants, and shrubs should be removed. Shaded fuel breaks that favor the growth of large native species by removing the understory, ladder fuels, and invasive species can favorably modify wildfire behavior while providing the foundation for a healthy and resilient forest.

How do I determine if a parcel is located in High Fire Severity Zone or Very High Fire Severity Zone?

1. The Natural Hazard Disclosure Report should identify

Or

2. Use the following link to access Cal Fire's - Fire Hazard Severity Zone viewer:

<https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/>

Or

3. Email the parcel's address to the Contra Costa County Fire Protection District to the following email address:

info@cccfpd.org

How long does an inspection take?

1. Initial inspection typically require the Fire Inspector to be on site for one to two hours depending on the size of the parcel and the amount of vegetation.
2. Re-inspections, typically require about one hour or less.

Do I need to be at property day of inspection?

No, an inspection report provides a written summary and pictures of deficiencies if any are found. The report will state deficiency and the corrections need to make in order to clear the identified deficiency. AB38 Inspection reports are provided via email and are typically emailed as soon as the inspection has been completed.

What if my property does not pass the inspection?

If your property does not pass on the first attempt, the Inspector will explain what work needs to be completed and schedule another appointment at a later date. If the property does not meet compliance with PRC 4291 standards or a local vegetation management ordinance, the seller and the buyer shall enter into a written agreement pursuant to which the buyer agrees to obtain documentation of compliance within one year after closing escrow.

When should I request the inspection?

Prior to closing.

How do I request an AB 38 inspection?

1. Verify that the parcel is within Contra Costa County Fire Protection District's jurisdiction
2. Verify that the parcel is located in a High Fire Severity Zone or a Very High Fire Severity Zone
3. Contact the Contra Costa County Fire Protection District, via email, to request an AB 38 inspection at (please ensure you provide an address for the parcel where the AB 38 will be needed):
info@cccfd.org
4. Submit application and pay fee.
5. Once the application is processed and the fee is paid, a Fire Inspector will make contact to schedule inspection. This process can take up to 5 working days.

