

COMMUNITY WILDFIRE PREPAREDNESS FOR REAL ESTATE

Larry Williams, FPO
CWP / FHRP Unit Manager

Defensible Space Inspections and Compliance Reports for Real Estate Transactions in High or Very High Fire Hazard Severity Zone.

(AB-38)



Goal: Provide awareness on the defensible space requirements of the VCFD and the Real Estate Disclosure requirement / process

Target Audience: Real Estate Agents doing business in VCFD



Applicability: All areas served by the VCFD. This includes private, public, and State-owned lands. Does not apply to Federally owned lands

Assembly Bill 38 (2019) established that, as of July 1, 2021, California Civil Code Section 1102.19 requires a seller of real property located in a High or Very High Fire Hazard Severity Zone (FHSZ) to provide the buyer with documentation the property is in compliance with defensible space requirements, including local Vegetation Management Ordinances.

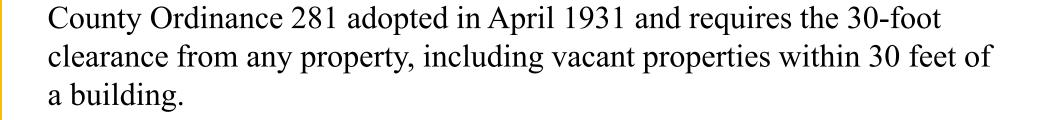


The law allows, that if documentation demonstrating compliance cannot be obtained by the close of escrow, the seller and buyer can enter into a written agreement showing that the buyer agrees to obtain documentation of compliance within one year of the close of escrow.

History of Brush Clearance Ordinances in Ventura County

30-Foot Clearance:

First mention of any type of brush clearance for homes is found in Ventura County Ordinance 263 adopted May 21, 1929. Ordinance 263 required a minimum 30 feet of clearance around structures.





History of Brush Clearance Ordinances in Ventura County

60-Foot Clearance

County Ordinance 456 adopted in 1950 & Fire District Ordinance 1 adopted in 1953 required a 60-foot-wide fire break from all structures by June 1st each year.



A more formal requirement, along with notices to abate and lot posting was placed in Ordinance 4 (1959) as a "Lot Clean Up" article with the same 60-foot requirement. This later involved to a more formal program in the late 1960's.

History of Brush Clearance Ordinances in Ventura County

100-Foot Clearance

In January 1991, Ordinance 18 increased the clearance requirement to 100-feet. This requirement has been carried forward in each new triannual ordinance since.



In 2006, the State of California adopted a 100-foot clearance requirement, partially due to the success of our program. Previously, the State only had a 30-foot clearance requirement (1965).

The goal of the Fire Hazard Reduction Program termed, "WEED ABATEMENT" in the past, is to prevent the loss of life and property due to uncontrolled wildfire in the urban/wild land interface areas, while providing a 100' defensible space in fire emergencies.



SRA vs LRA

STATE RESPONSIBILITY AREAS (SRA). Lands that are classified by the Board of Forestry pursuant to Public Resources Code Section 4125 where the financial responsibility of preventing and suppressing wildfires is primarily the responsibility of the state.

LOCAL RESPONSIBILITY AREAS (LRA). Areas of the state in which the financial responsibility of preventing and suppressing fires is the primary responsibility of a city, county, city and county, or district.

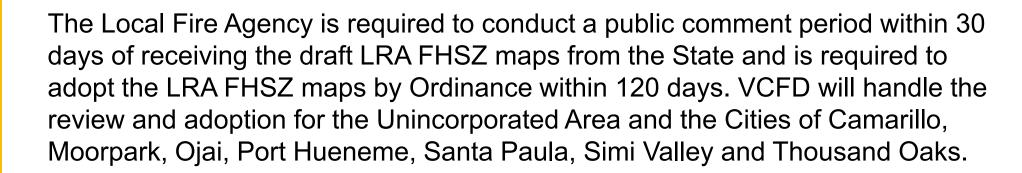


These are not Fire Hazard Severity Zones. SRA/LRA boundaries are undergoing the 5-year review cycle for adoption in Spring 2025

FIRE HAZARD SEVERITY ZONES

All areas in the SRA are within a designated FHSZ. The State has final say of the SRA FHSZ layers. Review of the SFM Fire Hazard Severity Zone (FHSZ) SRA maps were completed and in effect April 1, 2024.

SB 63 (2021) requires the SFM to now map the High and Moderate FHSZ in the LRA. The LRA FHSZ map review process is still being developed by the SFM. There is no ETA for the rollout to local AHJs.





FIRE HAZARD SEVERITY ZONES

FIRE HAZARD SEVERITY ZONES (FHSZ). Geographical areas designated pursuant to California Public Resources Codes, Sections 4201 through 4204 and classified as Very High, High or Moderate in State Responsibility Areas or as Local Responsibility Area Very High, High or Moderate Fire Hazard Severity Zones designated pursuant to California Government Code, Sections 51175 through 51189.

Federally owned land (FRA) is not subject to FHSZ

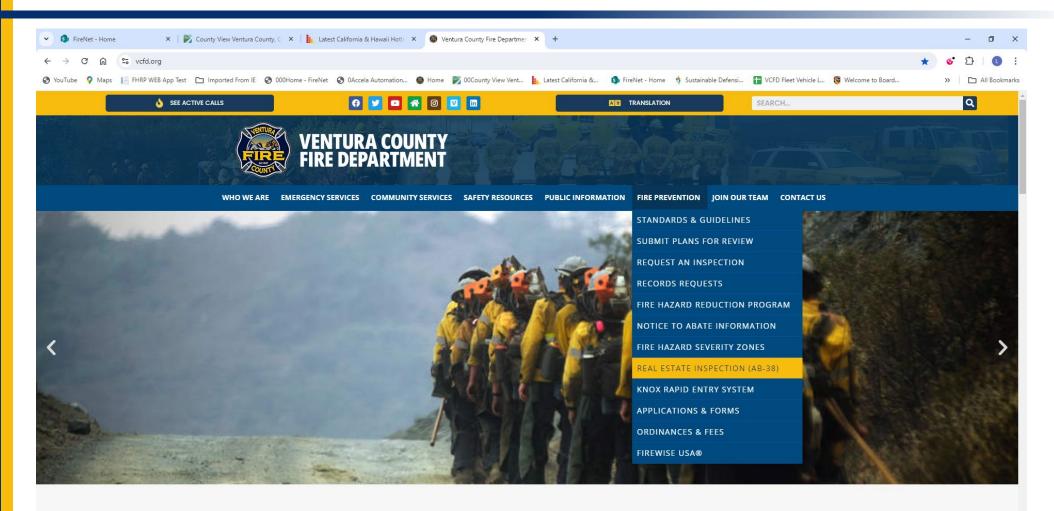
To determine if you are in a State mapped FHSZ, visit:

- Calfire FRAP FHSZ Viewer.
- The SRA FHSZ maps are from 2007.
- The LRA Very High FHSZ map is from 2010



- New Zone 0 Implementation once BOF regulations are issued. Will apply as retro-fit for all existing buildings 1 year after regulation are approved for new buildings.
- SB504 signed Sept 2024 now extends the retro-fit to 3 years from date of adopted regs.
- VCFD has a Zone 0 for new buildings. (April 2019)











Q APN Lookup

CAL FIRE FHSZ Viewer

AB-38 DSI Request Form

State Fire Marshal AB38

Informational Bulletin

CAL FIRE AB 38 Defensible Space

Information

☑ PRC 4291

GC 51182

■ Title 14 1299.03

■ Title 19 Sec 3.07

VCFD Ordinance 32

REAL ESTATE INSPECTION - ASSEMBLY BILL 38 (AB-38)

Real Estate Inspection (AB-38) and Compliance Reports for Real Estate Transactions in High or Very High Fire Hazard Severity Zone (FHSZ)

Assembly Bill 38 (2019) established that, as of July 1, 2021, California Civil Code Section 1102.19 requires a seller of real property located in a High or Very High Fire Hazard Severity Zone (FHSZ) to provide the buyer with documentation the property is in compliance with defensible space requirements.

The law allows, that if documentation demonstrating compliance cannot be obtained by the close of escrow, the seller and buyer can enter into a written agreement showing that the buyer agrees to obtain documentation of compliance within one year of the close of escrow.

Read CIV 1102.19

How do I determine if the property is in a FHSZ subject to Real Estate Inspection (AB38)?

If the property is within the SRA, A Real Estate Inspection (AB38) is required in both High and Very High FHSZ. If the property is within the LRA, A Real Estate Inspection (AB38) is required in the Very High FHSZ.

You can use the FHSZ map to locate your property and determine which zone your home is in using the Calfire FHSZ Viewer: CAL FIRE FHSZ Viewer.

- If your property is located within an orange, pink, or red area, a Real Estate Inspection (AB38) inspection is required.
- If your property is not located within in High or Very High FHSZ, STOP. You are not subject to the requirements of Real Estate Inspection (AB-38).

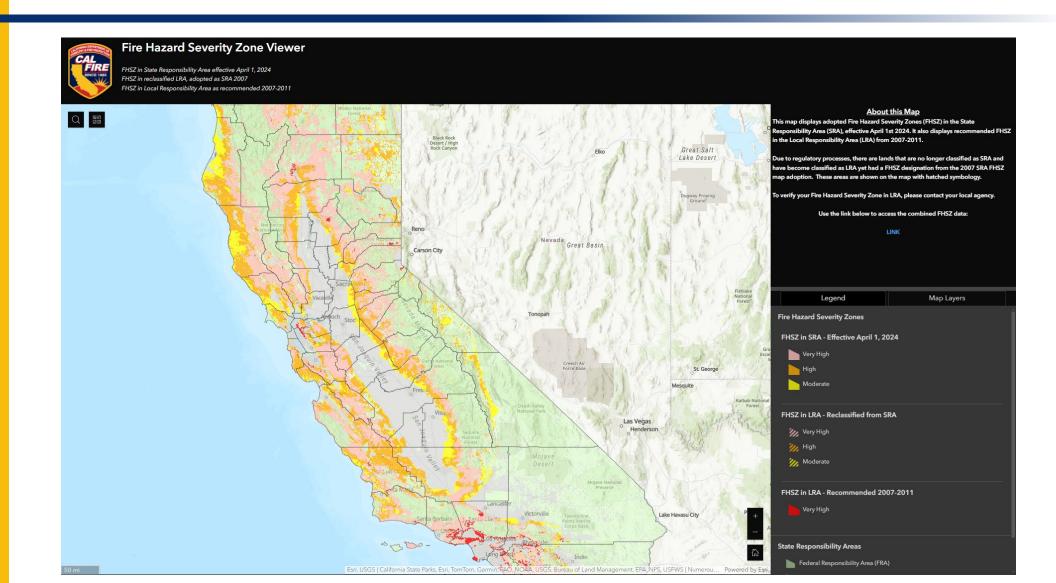
Prior to requesting a Real Estate Inspection (AB38), please verify that the property is located within the jurisdictional responsibility of the Ventura County Fire Department.

The Ventura County Fire Department (VCFD) is responsible for inspections of properties in the cities of Camarillo, Moorpark, Ojai, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, and the unincorporated area of Ventura County.

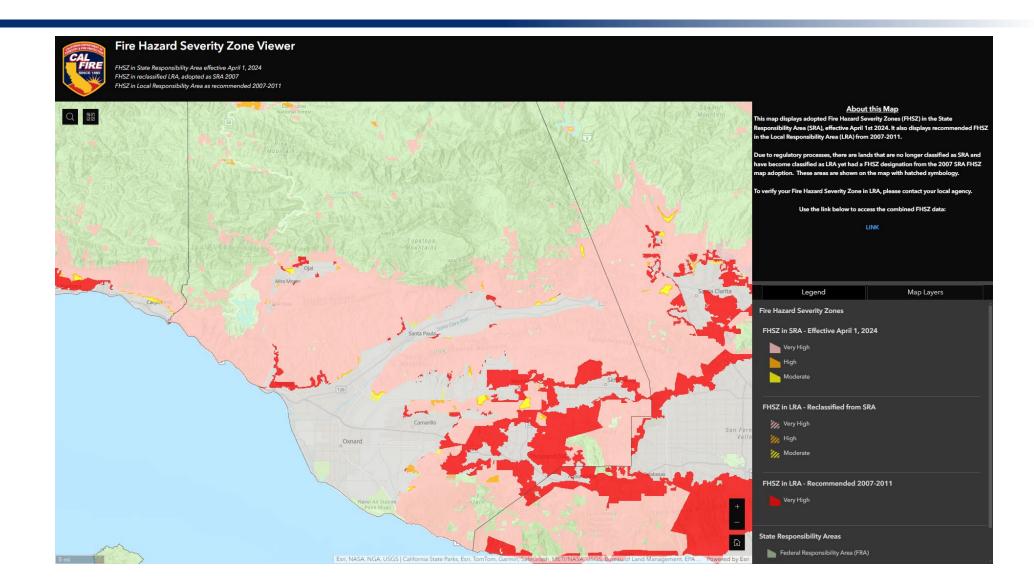




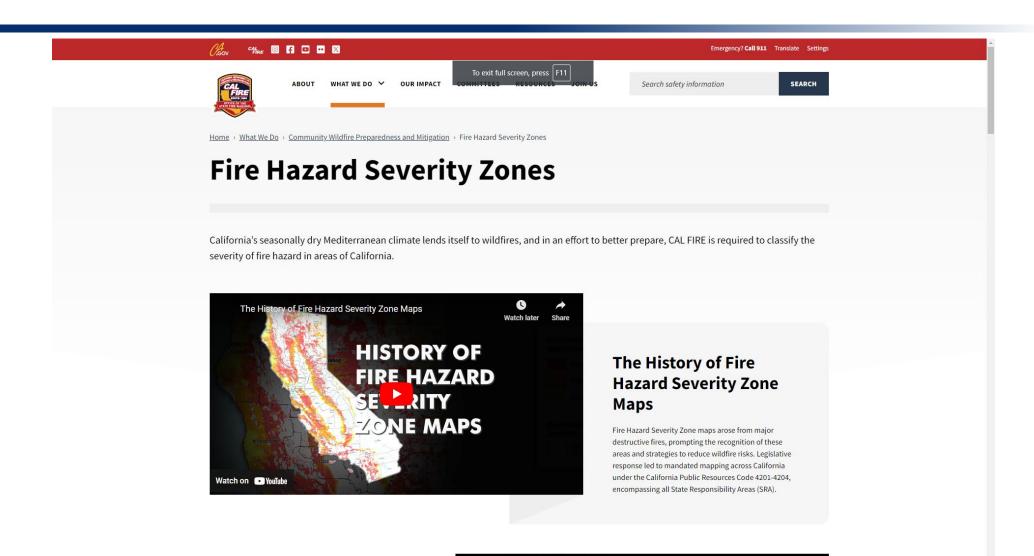












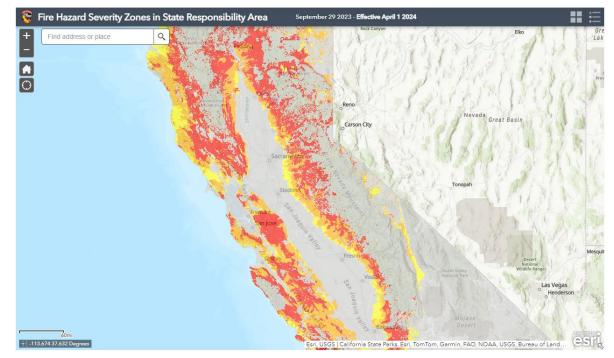


considering mitigation measures such as home hardening, recent wildfire, or fuel reduction efforts. "Risk" is the potential damage a fire can do to the area under existing conditions, accounting for any modifications such as fuel reduction projects, defensible space, and ignition resistant building construction.

Fire Hazard Severity Zones viewer in the State Responsibility Area Effective April 1, 2024

You can enter your address to locate your property on a map showing Fire Hazard Severity Zones. Due to the nature of this content, some users who require Assistive Technology may experience accessibility issues. If you experience any problems while trying to access this content, please call the hotline at (916) 633-7655 or e-mail: FHSZinformation@fire.ca.goy.

View Map on Cell/Tablet Device

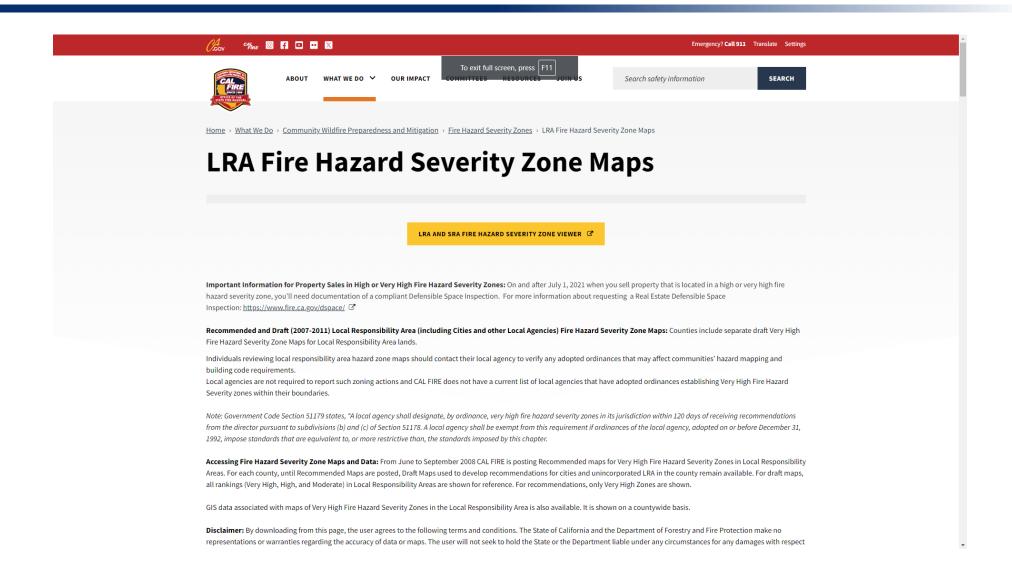


SRA FHSZ Data Effective April 1, 2024

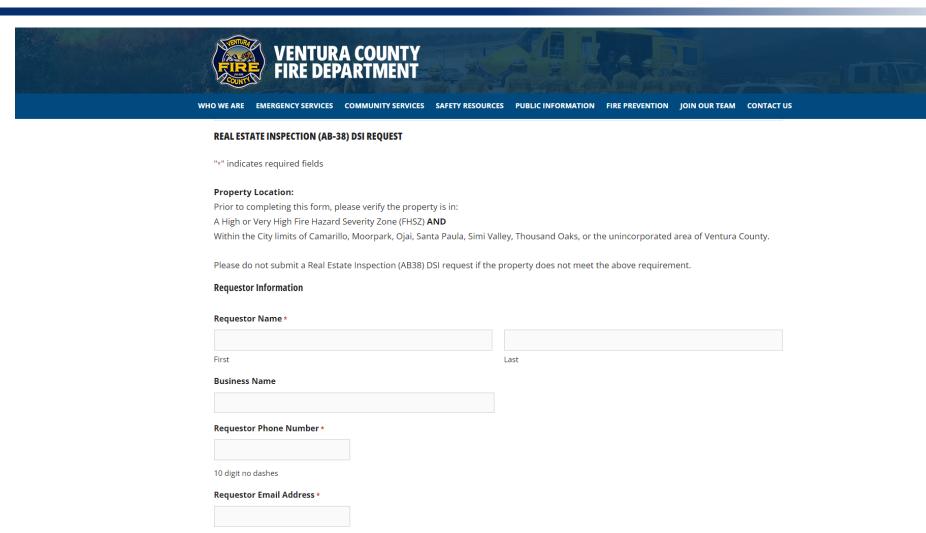
Map Adoption Process

Classification of all lands within State Responsibility Areas into fire hazard severity zones is required by law. Therefore, the fire hazard severity zone designations and accompanying











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Property Owner Information

Review, inspection and processing can take 7-10 business days. This is an exterior inspection of the parcel. We do not need to enter the home or building.

The basic items we will be looking for in the 100-foot zone from structures (or to property line if less than 100 feet) included, but are not limited to:

- Any dead grasses, shrubs, weeds, and vegetation shall be removed.
- Trees shall have any dead branches removed, including dead palm fronds.
- Trees shall have a minimum 3-foot clearance above any roof, to the sides and underneath roof/eave projections.
- Roofs are free of any leaves, needles, or other vegetation. This includes rain gutters, but we do not climb to inspect them.
- Trees shall have a minimum 10-foot clearance from any chimneys or stovepipe.
- Mulch and wood chips are prohibited within 5 feet of any building. (VCFD Ordinance)



VCFD Guideline 423 - Defensible Space Maintenance Guide



VENTURA COUNTY FIRE PROTECTION DISTRICT

Fire Prevention Bureau

2400 Conejo Spectrum Street Thousand Oaks, CA 91320-1445 (805) 389-9710, (805) 383-4799 FAX www.vcfd.org

August 1, 2024

VCFD 121 - DEFENSIBLE SPACE COMPLIANCE REPORT

Approval Date: August 1, 2024 DSI Record ID. FDSI24-00000 123 Main St Property Location: Assessor's Parcel No.: Any City, CA 91320

The above property was inspected and found to be in compliance with defensible space requirements as of the approval date noted. Property owners are advised that defensible space requirements, including the responsibility to maintain defensible space from structures, apply throughout the year.

If you receive a Notice to Abate Fire Hazard after the date of this Compliance Report, additional defensible space work may be required. Please contact the fire station listed on the Notice to Abate Fire Hazard for more information.

This report may be disclosed as documentation that the Property Inspected complies with Public Resource Code Sec 4291, Government Code Sec 51182 or the VCFD Fire Hazard Reduction Program (FHRP) (i.e., the Department's vegetation management ordinance) as of the Date of Approval as required by California Civil Code section 1102.19.

Requirements for defensible space, fire hazard clearance, and general fire safety can be found on our website at vcfd.org or vcfhrp.org.

Advisory Notice: If you sell or transfer your property, you must notify the new owner of the requirements regarding defensible space and to maintain the property clear of any fire hazard. To receive future notices, you must notify the Ventura County Assessor's office of any mailing address change.

Thank you for completing the defensible space and fire hazard clearance on your property. For questions regarding this report, please contact the FHRP Unit at 805-389-9759 or fhrp@ventura.org



VENTURA COUNTY FIRE PROTECTION DISTRICT

Fire Prevention Bureau

2400 Conejo Spectrum Street Thousand Oaks, CA 91320-1445 (805) 389-9710. (805) 383-4799 FAX www.vcfd.org

August 19, 2024

VCFD 118A - DEFENSIBLE SPACE INSPECTION CORRECTION NOTICE

Date of Inspection: 08/19/2024 DSI Record ID. FDSI24-00615 Property Location: 123 MainSt, MOORPARK, CA 93021

Assessor's Parcel No.: 000-0-000-000

An inspection of the subject parcel was conducted to determine compliance with Public Resource Code Sec 4291, Government Code Sec 51182, and or the Ventura County Fire Code. The following items need to be corrected for a Defensible Space Compliance Report to be issued.

CORRECTIONS

1 Remove tree branches within three (3) feet above any roof of a building and maintain the roof free of leaves, needles, including rain gutters.

When the above items are completed, please schedule a re-inspection online at: https://vcfd.org/ab38/

	Assignment (Print): Fire Prevention Bureau	Phone:



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Rev. May. 10, 2024 Defensible Space Correction Notice VCFD 121 Rev. May 10, 2024 Defensible Space Compliance Report VCFD 121

State Laws and Regulations

• PRC 4291 – Applies to SRA

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC§ionNum=4291.

• GC 51182 – Applies to LRA Very High FHSZ only

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=51182.

• Changes in Above Laws: Zone 0, Terms, Requirements



State Laws and Regulations

• CCR Title 14, Division 1.7, Chapter 7, Subchapter 3, Article 3, Sections 1276 and 1299 – Applies to SRA and LRA VHFHSZ

Section 1276.01 (c):

https://govt.westlaw.com/calregs/Document/I478069165B4D11EC976B0 00D3A7C4BC3?viewType=FullText&originationContext=documenttoc &transitionType=CategoryPageItem&contextData=(sc.Default)



State Laws and Regulations

• Section 1299:

https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I47D3E0405B4D11EC976B000D3A7C4BC3&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)



BOF General Guideline for Creating Defensible Space 2006

Note: Major changes in process for new Zone 0 regulations

State Laws and Regulations

• CCR Title 19 Division 1, Chapter 1, Subchapter 1, Article 3, Section 3.07 – Applies to all SFM regulated buildings and occupancies.

https://govt.westlaw.com/calregs/Document/I0896C62A5BE511EC98C8 000D3A7C4BC3?viewType=FullText&originationContext=documenttoc &transitionType=CategoryPageItem&contextData=(sc.Default)



• VCFD has greatly modified CFC Chapter 49.



Local Defensible Space Requirements

- Ordinance 32, Chapter 49.
- VCFD Standards and Guidelines:
 - VCFD Standard 515 <u>Defensible Space and Fuel Modification</u> Zones.
 - VCFD Standard 517 <u>Application of Mulch and Chips in Defensible Space</u>.
 - VCFD Guideline 410 Prohibited Plant List.
 - VCFD Guideline 416 <u>Landscape Plans</u>.
 - VCFD Guideline 417 Plant Reference Guide.
 - VCFD Guideline 418 <u>Defensible Space.</u>
 - VCFD Guideline 421 Combustible Fencing in the Defensible Space Zone.



VCFD Local Regulations:

Ordinance 32: VCFPD Ordinance 32 adopts the 2023 Ventura County Fire Code (VCFC) which includes local amendments to both the California Fire Code (CFC) and International Fire Code (IFC). Ordinance 32 is effective January 1, 2023.

VCFC Chapter 49: CFC Chapter 49 has been modified by Ordinance 32 and is now VCFC Chapter 49. Previous VCFC Appendix W: Vegetation Management / Defensible Space, has been relocated into Chapter 49.



Highlights of new provisions in VCFD Chapter 49:

Section 4902 Definitions: All definitions related to defensible space have been relocated to this section.

Section 4903 Fire Protection Plans: Fire Protection Plans are now required for all new development except single family dwellings on an existing legal parcel.

Section 4905.4 Fencing: This section prohibits some new combustible fencing located within 5-feet of a building located in a Wildland-Urban Interface (WUI) area. Also specifies when retrofit of existing combustible fencing is required. Note: Wood, wood composite, and vinyl fencing is considered combustible fencing.



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4905.4 Fencing.

4905.4.1 Scope. This section only applies to fences, including gates within the fencing, within 5 feet of building(s) that are in the WUI area.

4905.4.2 New fencing. New fencing and gates installed on or after January 1, 2023, shall comply with the following:

- 1. Combustible fencing shall not be installed back-to-back. Two parallel combustible fences shall be separated by at least 5 feet.
- 2. There shall be no mulch, combustible vegetation, or any other combustible material lined at the bottom and within 12 inches on each side of combustible fences.
- 3. Fencing and gates that are not parallel to the building, and are within 5 feet of the building, shall be of non-combustible material.



4905.4.3 Existing fencing. Fencing installed prior to January 1, 2023, may remain.

Exception: The entire fencing not parallel and within 5 feet of the building, including gates within the fencing, shall be of non-combustible material when any portion of existing fencing within 5 feet is being replaced. Fencing beyond 5 feet from the building is not required to be replaced with non-combustible material.



4905.5 Building Setbacks: This section carries forward the existing California Code of Regulations, Title 14, Section1276.01 regulations currently in effect.

4905.5.1 Restricted development setbacks. New Structures and additions to existing Structures shall not be constructed less than 100 feet (30 480 mm) from any protected habitat, whether on the same or adjacent Parcels, where the 100 foot (30 480 mm) Defensible Space required under Section 4907.6 cannot be provided, unless an alternate method of construction and protection is provided that can ensure the safety of the Structure and emergency responders as approved by the Fire Code Official. Protected habitat includes lands restricted from brush clearance or modification due to Federal or State listed endangered species.



Section 4906 Vegetation Management Requirements for New Landscaping: All new landscaping, and major revisions to existing landscape, requires formal plans to be submitted and approved by the Fire Department in addition to any other agency requirements. See VCFD Guideline 416 for information on landscape plans.

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Section 4911 Fire Safety Provisions for WUI Areas: Previous Ordinance 31, Appendix V has been relocated to Section 4911.

Accessory Storage Buildings. New accessory buildings install after January 1, 2023, and located within 50-feet of an applicable building on the same parcel, shall be constructed of non-combustible materials or of ignition-resistant materials as required in CBC Section 704A.2.



Local Defensible Space Requirements

VCFD Defensible Space Standard 515: VCFD Standard 515 – Defensible Space and

<u>Fuel Modification Zones</u> has been updated to reflect changes in State and Local Laws and Regulations. This standard provides more detailed requirements for defensible space zones based upon State Laws and Regulations and VCFPD Ordinance. It also includes Zone 0, 0-5 feet from structures, to address vegetation and combustible materials subject to ignition from embers adjacent to buildings.

Defensible Space Retrofit: Also contained within Standard 515 are provisions for retrofit of existing landscape areas to bring them into reasonable compliance with the new standard and existing State Laws and Regulations. There is no grandfathering of existing landscape installations. Please see VCFD Administrative Ruling 20-806 for more discussion regarding retrofit of defensible space zones.

Standard 515 will be reviewed and updated (if needed) to meet State minimum regulations after they are adopted by the Board of Forestry. See **New Zone 0** below.



Local Defensible Space Requirements

- Protected Trees:
 All Cities and County have Oak Tree and Other Tree protection requirements. Size limitations vary from 2-4 inch diameter branches before permits required.
- Contact each City or County to determine requirements. There are some exceptions for hazard trees.
- New VCFD Guideline 425 Protected Tree Clearance Requirements.





COMMUNITY WILDFIRE PREPAREDNESS

FIRE HAZARD REDUCTION PROGRAM (FHRP)

The Fire Hazard Reduction Program, commonly known as "FHRP", is the cornerstone of our **Wildland Fire Action Plan.** Property owners included in the program will receive an annual "Notice to Abate Fire Hazard". Property

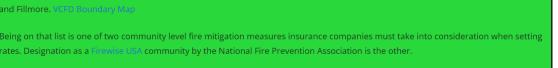
owners are expected to maintain their property free of fire hazards or nuisance vegetation year round. See **Ventura County Fire Code Chapter 49** for specific requirements of the FHRP program. For more information

contact FHRP at (805) 389-9759 or **fhrp@ventura.org**

entura County Fire Department Receives 2024-2026 Fire Risk Reduction Community Recognition







he fire department's recognition covers all properties within its jurisdiction, which is all of Ventura County except cities of Ventura, Oxnar

Click here for more information.





EMERGENCY SERVICES COMMUNITY SERVICES SAFETY RESOURCES PUBLIC INFORMATION FIRE PREVENTION

please see the following:

Modification

Regulations

Requirements

DEFENSIBLE SPACE REQUIREMENTS

• Standard 517 - Mulch and Chips in Defensible Space

For information regarding defensible space requirements,

Standard 515 - Defensible Space and Fuel

• Guideline 418 - Defensible Space • Guideline 420 - Defensible Space Laws and

VCFC and VCFD Standard 515

BRUSH CLEARANCE NOTICE AND REQUIREMENTS

Notices to Abate Fire Hazard are mailed on April 20th each year. For more information, see the links below.

- Frequently Asked Questions
- Definitions Applicable to Fire Hazard Reduction **Program**
- Assessor Parcel Information
- FHRP Abatement Assessment and Appeal Process
- Tips for Safe Weed Clearing

Contact FHRP

If you would like to notify the Fire District that your required fire hazard clearance has been completed or to request additional information, please click here.

NOTICE TO ABATE FIRE HAZARD CLEARANCE WORK APPROVAL To check if clearance work on your parcel has been approved for this year, please click here

REAL ESTATE DEFENSIBLE SPACE INSPECTIONS (AB38)

For Information regarding Real Estate Defensible Space Compliance Reports for properties located in High and Very High Fire Hazard Severity Zones - Click here.

LANDSCAPE AND FUEL MODIFICATION PLANS

· Administrative Ruling 23-804 Applicability of the

• Guideline 423 - Defensible Space Maintenance

• Guideline 425 - Protected Tree Clearance

Landscape Plans are required for New Buildings, including accessory dwellings and modification to existing landscape. For additional information see the below documents:

- Guideline 416 Landscape and Fuel Modification Plans
- Prohibited Plant List
- Plant Reference Guide
- 610 Fire Permit Application







WHO WE ARE EMERGENCY SERVICES COMMUNITY SERVICES SAFETY RESOURCES PUBLIC INFORMATION FIRE PREVENTION

• CAL FIRE Home Hardening Low Cost Retrofit List

• Cal OES Wildfire Home Hardening Framework

Additional Information and Resources:

- VCFPD Wildfire Property Assessment Brochure
- . Building and Living in the Wildland-Urban Interface
- Sustainable Defensible Space
- Ventura County Community Wildfire Protection
- · Ready-Set-Go Wildfire Action Plan

Insurance Institute for Business & Home Safety (IBHS):

- 2019 Demo & info links
- 2011 Ember Storm Video

University of California Cooperative Extension Fire in California.

To learn more about Firewise USA or to become a Firewise USA community, please contact the FHRP Unit.

• Firewise USA®

FIRE INSURANCE RELATED INFORMATION

The California Department of Insurance (CDI) has several resources that can assist homeowners regarding fire insurance, including new regulations for insurance companies. If you have questions regarding a notice you received from your insurer about wildfire risk on your property, you can contact the Department of Insurance at 800-927-4357 or online chat at insurance.ca.gov. Please see the CDI links below.

- CDI Home Page
- CDI Safer from Wildfires
- CDI Fire Insurance Rate Information (Press Release Oct 2022)
- New Regulations: Fire Risk Mitigation Factors (14CCR Title 10) (Effective April10,2023)
- CDI List of Insurers Currently Offering Discounts

The FHRP Unit may also be able to answer questions about the specific fire risk mitigation factors.







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WELCOME TO FIREWISE USA® COMMUNITIES



WHAT IS FIREWISE USA®. Firewise USA® Communities raise awareness, organize at the community level, coordinate work parties, and take action to create fire-adapted communities through the implementation of defensible space standards.

Why become a Firewise USA® Community? Scientific research has proven that when adequately prepared, a house has a better chance to withstand a wildfire without the intervention of fire suppression services. And when

firefighters do make a stand to save a home, Firewise USA® Communities provide a safer working environment to help make a nearly impossible job possible.

The goal is to encourage and acknowledge action that can minimize home loss to wildfire. It teaches you to prepare for a fire before it occurs. The program adapts well to small communities, developments, and residential associations of all types, but can work for any neighborhood where motivated homeowners come together to create a safer environment.

The Ventura County Fire Department along with CAL FIRE and local Ventura County Fire Safe Councils can help you with understanding

Firewise USA® and how to become a Firewise community. We are available to present to the community in person information about the Firewise program and the benefits of joining the program and can assist with providing free defensible space evaluations.



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VENTURA COUNTY FIRE DEPARTMENT

The Firewise USA® recognition program is administered by the National Fire Protection Association (NFPA) and is intended to serve as a



Communities that are concerned enough about wildfire can work together to protect their community by becoming a Firewise USA® Community.

The Ventura County Fire Department is solely responsible for the development and content of these materials. For more information about Firewise USA® Communities or to request assistance creating a Firewise USA® Community, please contact the Ventura County Fire Department's FHRP Unit at 805-389-9759 or FHRP@ventura.org





- + BENFEITS OF FIREWISE USA® COMMUNITIES
- + SETTING UP A FIREWISE USA® COMMUNITY
- + FIREWISE USA® APPLICATION PROCESS
- **+** MAINTAINING THE FIREWISE USA® COMMUNITY





More Information:

VCFD.ORG

VCFHRP.ORG

Contact: FHRP@ventura.org

Phone: 805-389-9759



QUESTIONS?

