

CLIMATE & ENVIRONMENT

California should expedite rules that could have helped mitigate L.A. fires, lawmakers say



A firefighter looks at a home engulfed by the Palisades fire in Pacific Palisades on Jan. 7. (Genaro Molina / Los Angeles Times)

By Alex Wigglesworth
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- Rules requiring certain property owners to clear vegetation and debris from around their homes are years overdue
- Some lawmakers are now calling on the state to expedite the standards in the wake of the devastating Palisades and Eaton fires

California lawmakers are calling on the state to expedite rules that some scientists and fire officials say might have helped mitigate the damage from Los Angeles' devastating wildfires.

The idea is simple: By keeping the first 5 feet around a home clear of flammable vegetation, wooden fencing and debris, homeowners can reduce the risk of embers igniting their property — and, with that, the chances of an urban conflagration in which flames spread from structure to structure.

The California Legislature in 2020 passed a bill requiring property owners in fire-prone areas to maintain so-called ember-resistant zones around their homes. The legislation tasked the Board of Forestry and Fire Protection with writing up rules governing exactly what this should look like by Jan. 1, 2023. But the board still hasn't done so, and doesn't have a firm timeline for when they'll be finished.

Asked why the rule-making is more than two years behind schedule, board Executive Officer Edith Hannigan responded with a statement saying the agency is still in the "pre-rule-making phase" of developing the standards and is focused on finding options for financial assistance and education to help people comply with them.

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“There are many facets to consider as part of this complex process,” she said.

State Sen. Ben Allen (D-Santa Monica), who represents fire-ravaged Malibu and Pacific Palisades, is unhappy with the delay and is examining how the Legislature might prod the agency to pick up the pace, saying it’s important for the standards to be in place as homeowners rebuild.

“I’m frustrated that these regulations haven’t come out of the Board of Forestry yet,” said Allen, who chairs the subcommittee that approves the board’s budget. “After seeing my community burn, I want to see them take action.”



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Sen. Henry Stern (D-Calabasas) also is calling on the board to move more quickly.

“We cannot afford to kick the can down the road,” he said in a statement, calling the rules a matter of life and death for homeowners and their neighbors. “As we push to rebuild the Southland, we must also ensure our communities still standing around California won’t be next.”

In both the Palisades and Eaton fires, brush burning amid fierce Santa Ana winds [spewed embers](#) that ignited homes. Flames spread along privacy hedges and fences to neighboring properties, overwhelming firefighting resources, according to a preliminary report from the Insurance Institute for Business & Home Safety.

The goal of an ember-resistant zone — also known as zone zero — is to sever connections between properties to reduce the risk of that kind of spread, multiple experts said. Such precautions also lessen the chance of a home igniting by depriving embers of material to burn against a structure, they said.

“We definitely know from our research and post-fire analyses of defensible space that zone zero is the most critical,” said Steve Hawks, the institute’s senior director for wildfire.

The fires took place during [such extreme weather](#) that even if one homeowner took all the proper precautions, winds could have helped embers ignite a neighboring structure and then spread, said Ron Durbin, chief of the Los Angeles County Fire Department’s forestry division. At the same time, he said, having 5-foot ember-resistant zones around homes “still would have made a difference, had everybody done it right.”



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Rep. Laura Friedman (D-Glendale) introduced the zone zero legislation when she served in the state Assembly, following a string of destructive fires in 2017 and 2018 that highlighted the need to be more proactive in preparing for such conflagrations, she said.

“I’d say it’s way past time to get these regulations written and pushed out to the public,” Friedman said.

Once written, the standards will apply to new construction and existing homes in areas designated by the state to be at high risk of wildfire. Those areas may soon change, as legislation passed in 2021 required the state fire marshal to expand fire hazard severity mapping in areas of the state where local governments are responsible for fire suppression.

Those maps will be based on an updated wildfire hazard model that takes into account new science informing local climate data and improved predictions of how fires spread as well as how and where embers travel, said California Fire Marshal Daniel Berlant.

That probably will result in more areas being characterized as fire-prone, especially dense communities close to wildland areas such as Altadena, portions of which were razed by the Eaton fire, Durbin said.

The new maps, expected to be sent to affected cities for adoption this month, could result in more homes being required to comply with existing brush clearance programs and the pending zone zero regulations, as well as — for new construction — the state’s wildfire building code.

Some may find that onerous: Though the zone zero bill faced no formal organized opposition, several legislators recall getting an earful from property owners concerned about the cost or aesthetics of removing plants and fences from around

their homes.

“Certainly there are people who will say it’s not the state’s responsibility to tell private property owners what they should do with their land, full stop,” Friedman said. “But if you’re living in a community that’s in a high fire zone, we have to realize that one property that’s patently unsafe can put a whole neighborhood at risk.”



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Bill Dodd, a retired Democratic state senator who represented fire-prone areas including Napa County and part of Sonoma County, said many homeowners resisted zone zero regulations even after fires damaged their communities in 2017.

“Even after the fires in Napa, we had people that said, ‘I’m never taking out my trees,’” he said.

Before leaving the Senate last year, Dodd authored successful legislation giving property owners three years to comply with any zone zero rules, saying he was concerned about the costs to rural homeowners. That three-year phase-in is to apply only to those who need to retrofit their property, not to new construction.

Friedman, however, said the rules could save homeowners money in the long run by incentivizing insurance companies to continue writing policies covering homes in fire-prone areas. And both she and Allen pointed out that the cost of complying is far outweighed by that of losing one’s home to fire.

“After either losing their homes, being evacuated from their homes, seeing friends losing homes, people don’t want to play around,” Allen said. “I think there’s an

appetite for more serious regulation when it comes to ensuring that our communities are better prepared for catastrophic wildfires.”

Board of Forestry and Fire Prevention staff aim to have a draft proposal of the rules “as soon as is feasible,” Hannigan said in her statement. The fire marshal must then approve them.

Hannigan pointed out that many local jurisdictions, including San Diego and Napa counties, the Orange County Fire Authority, Rancho Santa Fe, San Rafael, Santa Rosa, Ben Lomond, Humboldt and Laguna Beach, have already adopted their own zone zero ordinances in the meantime.

L.A. County hasn’t adopted such an ordinance pending guidance from the state, but inspectors of new construction projects have been instructed to write up vegetation growing on a structure as a violation, Durbin of the L.A. County Fire Department said.

He attributes the state’s delay in enacting the rules to difficulty forging consensus on exactly what they should look like.

“There’s probably a little bit of politics involved associated with insurance and aesthetics and trying not to upset people,” he said. “But when it’s between upsetting people and having a home standing, having a home standing has got to be the most important piece.”

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