

August 30, 2012

Shauna Clark, City Manager
La Habra Heights City Hall
1245 N. Hacienda Road
La Habra Heights, CA 90631

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Re: Compliance With New State Law Regarding Vegetation Clearance

Dear Ms. Clark:

This letter is to inform you that at the July 2012 Board meeting of the Puente Hills Habitat Preservation Authority (Habitat Authority), the Board was compelled to change its annual fuel modification clearance policy in order to be in compliance with recently enacted state law. Government Code Section 51175(b) was amended to provide as follows "The prevention of wildland fires is not a municipal affair...but instead is a matter of statewide concern."

In the past, the Habitat Authority has undertaken vegetation clearance on our parkland where clearance for the structure extends onto Habitat Authority parkland to comply with fire department regulations. However, beginning in January 2013, the Habitat Authority will no longer be able to undertake vegetation clearance on our parkland near structures not on our property, and adjacent property owners will now be responsible for this clearance in order to comply with your fire department requirements.

As amended Section 51182 of the Government Code provides that the owner of an occupied structure is solely responsible for maintaining "defensible space" around the structures on their own property and, if permission is granted, on adjacent property. Defensible space includes the area in which a home can be safely defended from fire. The law however, enables us to retain responsibility for clearance that involves restored habitat, sensitive species or particular roadside clearance areas.

Government Code Section 51184(d) provides: "In the event that any lands adjacent to any land or water area described in subdivision (a) are improved such that they are subject to Section 51182, the obligation to comply with Section 51182 shall be with the person owning...the occupied dwelling or occupied structure on the improved lands. All maintenance activities and other fire prevention measures required by Section 51182 shall be required only for the improved lands, not the land and water areas described in subdivision (a)." Section 51184(a) lands include lands kept in environmentally natural state for habitat for wildlife, plant or animal communities and open space lands that are environmentally sensitive parklands.

Please note that although Section 511834 excludes the above described lands from clearance requirements the Habitat Authority recognizes the safety implications of providing defensible space and does not intend to prevent clearance by the adjacent improved landowners.

It is estimated that up to 70 La Habra Heights homes, 160 Whittier homes, and 30 homes in unincorporated Los Angeles will be affected by this change in policy. Attached for your reference is the state Attorney General's analysis of this law as it affects a similar park agency. Attached is an action plan for how the Board intends to make this information available to the public in the next few months.

I hope that we can work together in helping to make adjustments for compliance with the new state law. We value the safety of the community, and want to make this as easy for the homeowners as possible. Please don't hesitate to contact me with any questions.

Sincerely,

Andrea Gullo
Executive Director

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C: Board of Directors
Citizens Technical Advisory Committee