

**Subject:** Fwd: legislation summary

**From:** Laura Dyberg-MRFSC <dyberg4fsc@gmail.com>

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**Date:** Saturday, 03/19/2022 8:18 PM

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Here is the information Susan Frommer (SW Riverside FSC) mentioned at the last IEFSA meeting. She sent this last week, so I apologize for just getting it to you until now. When I get her draft letter I will forward taht as well.

Thank you for this Susan!

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Here is the summary article of the proposed legislation with some of my own comments. Some of the language is targeted at our Plateau residents, so it should be ignored by anyone else you send it to when it does not apply to their situation.

I write it in an Adobe program **In Design** in a two column format, so when I copy it to send to you some of the spacing will look awkward . Hope that won't throw people off too far.

I hope people can read the summary and use the information it contains to send in their own comments or piggyback on what I am going to write.

I probably won't get around to drafting my letter with comments until the weekend which is fine because the comment deadline is April 13. Once I get it written, I will send you a copy.

Cheers,

Susan

## **Two Important Issues That Need Residents' Comments**

The first issue is one that is severely affecting our Plateau residents - fire insurance. First some background. With increasing premiums and sometimes outright denial of renewals for properties located in what have been deemed high fire zones, the issue has attracted the attention of California's Office of Insurance and specifically Ricardo Lara, the State Insurance Commissioner. Due to the work of many entities - United Policy Holders, Fire Safe Councils, CalFire, and Insurance Companies just to name a few - the State is proposing new legislation that would define what characteristics of a property the insurers must take into account when setting rates and offering insurance.

Previously, insurance companies were not obligated to take into account the steps home owners have taken to make their home and surrounding property more fire safe. (This is called **mitigation**). The new legislation, if passed, will obligate them to do so. The new legislation will incorporate the specific characteristics that a fire resistant home and landscape will present so that an owner, whose home or landscape does not incorporate these characteristics, will know what needs to be changed in order to meet the standards and thereby obtain fire insurance at what is deemed by the legislation a "reasonable" cost.

Now here is some technical stuff. Insurance companies use rating factors to rate individual policies and to classify insured risks into groups that are expected to have similar underlying claim costs in the future. Classifying in this manner is referred to as **rate segmentation**. Insurance companies use historic California losses (or "claims") and expense data to establish rates for the coverage being offered. The language of the legislation addresses the problem that insurance companies currently do not have sufficient volume of California wildfire loss data to accurately develop segments, rating differentials or surcharges.

The legislation sets time limits on when policy holders must be notified of their risk scores so they have time to work with the insurer, for example, to carry out mitigation measures to modify the risk score.

Here are the major mitigation measures cited in the proposed legislation for the **BBE (Building Being Evaluated)**:

1. Class A Fire Rated Roof - Standard set by the California Building Code
2. Enclosed Eaves - Defined as roof eaves that have either (1) boxed-in roof eave soffits with a horizontal underside or (2) an exterior covering applied to the underside of rafter tails supporting the eaves.....
3. Fire-resistant Vents - Are vents that are fully covered with wildland flame and ember resistant vents approved and listed by the State Fire Marshall or with vents listed to the ASTM E2886 standard.
4. Firewise USA Site in Good Standing - Thanks to the efforts of Erin Fairfax and all the residents who provided her with data on their fire-resistant actions, the Plateau has this designation. It needs to be renewed every year, so please continue to send your data to her.
5. A Shelter-in-Place Community (SIPC) - We have been informed by various fire personnel, that we most likely would have to shelter in place due to the nature of our terrain and roads. However, we are NOT formally designated as a SIPC. To obtain that designation would be an arduous process involving road widths, community-wide vegetation management plans, homes built to specific standards, etc. and most likely would not be reasonable for our community as it currently exists.



and gates, which are situated within five feet of the BBE

9. Removal or absence of combustible structures, including sheds and other outbuildings from the area within 30 feet of the BBE or, in the event that the applicant or insured does not control the entirety of the area extending thirty feet from the BBE, removal of combustible structures from as much of such area as is under the control of the applicant or policy holder. (This one is a difficult one to implement considering that it might mean considerable expense and time to remove firmly implanted structures)

10. Whether the property upon which the BBE is situated complies with Section 4291 of the Public Resources Code, and any applicable local ordinances governing defensible space.

11. Multipane windows, including dual pane windows or functional shutters which, when closed, cover the entire window and do not have openings.

12. At least six inches of noncombustible vertical clearance at the bottom of the exterior surface of the BBE, measured from the ground up.

Optional factors for the insurer to consider include:

1. This factor shall take into account the various types of combustible materials and the density of these materials in the vicinity of the structure in question including the location of trees, grass, brush and other vegetation. The fuel factor shall take into account the fact that different fuels burn at different rates and intensities, resulting in different levels of wildfire risk.....

2. Slope - This factor shall take into account the position of the structure in question on a slope relative to potential sources of ignition and the steepness of the slope.....

3. Access - Access reflects the ease or difficulty with which firefighting personnel and equipment can reach structures at risk of wildfire.

It goes on to list factors such as dead-end roads, road width, shoulders, and multiple access points.

4. Aspect- the aspect factor shall reflect the direction of the slope upon which the structure in question is located faces. (This is a factor since south-facing slopes receive higher daytime temperatures, hence the fuel becomes drier relative to north-facing slopes).

5. Structural characteristics - This factor shall reflect the materials used in the construction, and may reflect such items as the design of the structure in question. (The language of this item is confusing as it continues and seems to contradict itself)

6. Wind - The wind factor shall take into account the degree to which wind speed and direction in the vicinity of the structure in question may impact a wildfire's progression.....

7. Other community-level or property-level mitigation efforts not specified in other sections as recommended by a state or local fire safety agency or organization as reducing wildfire risk

insurance that you make your thoughts known on this proposed legislation.

You can register for the web-based virtual format at  
<https://us06web.zoom.us/webinar/register/WN-MAoTevOKCRdKSe9GAmZESHw>

You can send written comments via email to this address only:  
[daniel.wade@insurance.ca.gov](mailto:daniel.wade@insurance.ca.gov)

DEADLINE IS APRIL 13, so don't wait till the last minute to comment. The virtual meeting is also on April 13

(the second issue referred to in the headline is relevant only to our subscribers on the Plateau, so this is the end of the article for you)

Cheers,  
Susan Frommer