

Fire safety rules citations lag during drought

By Don Thompson, AP

SACRAMENTO – Amid the most destructive wildfire season in more than a decade, California's firefighting agency amped up its warnings to thousands of property owners who weren't doing enough to protect their homes by clearing brush and other flammable materials.

But it rarely put any muscle behind the threats: Violators were fined just 4 percent of the time, down from 10 percent when the drought was declared four years ago, according to CalFire statistics requested by Associated Press.

State law requires property owners in wildfire-prone areas to clear combustible materials near buildings and allows citations starting at \$100 for those who fail to do so. A third offense brings a misdemeanor charge and a \$500 fine.

The latest statistics show the number and rate of citations issued in the year ending June 30 were lower than when California's drought began. The rate of homeowners disobeying the law also increased during that period.

"There are people out there that won't do it unless they are forced to," said Mike Warren. A firefighter for 40 years, including seven in California as Sequoia National Park's fire management officer, Warren wants more aggressive enforcement to protect firefighters. "Not getting the clearance done puts firefighters at risk."

CalFire recorded about 29,000 violations last year, but imposed just 1,136 fines. Four years ago, there were 12,000 violations and just under 1,200 fines.

CalFire spokeswoman Janet Upton said inadequate protection was a significant factor in the loss of homes this fall in a wildfire that burned through in Amador and Calaveras counties in the Sierra Nevada foothills.

More violations were found there than in any other CalFire unit last year. While more than a third of inspections found poorly protected properties, CalFire issued citations there at less than half the statewide rate.

“The worst penalization of a homeowner who chooses not to comply is if their house burns down,” Upton said. “If you have been living in these areas and don’t think it can happen, you haven’t been paying attention.”

CalFire Director Ken Pimlott said the general approach is to educate homeowners rather than issue citations.

“We need that tool, because there are just those individuals, for whatever reason, (who) aren’t interested in complying,” he said. “I would rather have those individuals understand what we’re doing and now become the messenger for their community.”

He also defended policies that mean enforcement varies dramatically from county to county.

For instance, the Kern County Fire Department writes a citation for every violation it finds, by far the most of any county. By contrast, Los Angeles County writes no citations for property owners who fail to clear brush. After months of repeated warnings and inspections, Los Angeles County may eventually clear the brush and bill the property owner.

With the tougher punishment, homeowners in Kern County were 10 times more likely to comply with the rules than in Los Angeles County, statistics show.

Promoting compliance is “absolutely a priority,” Pimlott said. But, he said, resources and conditions vary widely across the

state, and methods of enforcement should as well.

In a bid to increase enforcement, CalFire hired more than 50 inspectors last year to aid firefighters. Both spend part of their time doing the repeated property checks that are required before homeowners can be cited for ignoring multiple warnings, but the actual citations must be written by arson investigators because they have law enforcement powers.

Inspections increased last year, but not as much as was anticipated, Upton said. She said the program “didn’t pan out as well as expected” because firefighters were busy fighting drought-driven wildfires, arson investigators were seeking the causes, and inspectors were often helping homeowners with drought-related tree deaths and tree-killing bark beetles.

The department is considering adjustments to get better results, Pimlott said.

The inspectors were hired using \$900,000 from a fee imposed on rural properties to help offset firefighting costs, drawing criticism from several state lawmakers who oppose what they call an illegal tax.

“It just angers me to see that money is being spent in an inefficient way,” said state Sen. Ted Gaines, R-El Dorado Hills, who represents a large swath of rural California. He said money spent on additional inspectors should instead go to programs helping homeowners comply with the law.

Assemblyman Frank Bigelow, R-O’Neals, who represents the area burned in the Sierra foothills fire, said the money should go to thinning forests and removing brush that contributes to the spread of wildfires.

Gaines, Bigelow and Assemblyman Don Wagner, R-Irvine, said CalFire should set the same standards for issuing citations statewide. If not, lawmakers should consider requiring equal enforcement, Gaines said.

“It’s one state with one challenge of wildfire statewide,”
Gaines said. “Everybody ought to be treated in the same
fashion.”