

**State of California
Office of Administrative Law**

In re:

Board of Forestry and Fire Protection

Regulatory Action:

Title 14, California Code of Regulations

Adopt sections: 1665.1, 1665.2, 1665.3,
1665.4, 1665.5, 1665.6,
1665.7, 1665.8

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE**

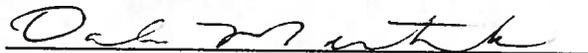
**Government Code Section 11349.1 and
11349.6(d)**

OAL File No. 2013-0122-03 C

This rulemaking action makes permanent the emergency regulations and adopts amendments to the emergency regulations which implement Assembly Bill X1 29, Chapter 8 of 2011. The regulations define necessary terms for the assessment of fire prevention activity fees on habitable structures located in State Responsibility Areas. The regulations also specify, among other things, an appeal process which property owners may use to challenge assessed fees and a fee reduction for habitable structures located in both a State Responsibility Area and a local fire protection district.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code. Amendments made to the emergency regulations become effective July 1, 2013, per Government Code section 11343.4(a)(3).

Date: 3/6/2013



**Dale P. Mentink
Senior Staff Counsel**

**For: DEBRA M. CORNEZ
Director**

**Original: George Gentry
Copy: Eric Huff**

CERT

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

ENDORSED FILED
IN THE OFFICE OF

2013 MAR -6 PM 3:32

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2012-0925-04	REGULATORY ACTION NUMBER 2013-0122-030	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

2013 JAN 22 PM 4:52
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY
California Board of Forestry and Fire Protection

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY		ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2012, 40-2	PUBLICATION DATE 10-5-2012

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) State Responsibility Area Fire Prevention Benefit Fees, 2012		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2012-0112-02 E, 2012-0628-01 E, 2012-1008-01 EE	
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 14 CCR §§ 1665.1, 1665.2, 1665.3, 1665.4, 1665.5, 1665.6, 1665.7, 1665.8
	AMEND
	REPEAL

TITLE(S)
14

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) 7/1/13 per Gov. Code 11343.4
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input checked="" type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Eric Huff, Regulations Coordinator	TELEPHONE NUMBER 916-653-9633	FAX NUMBER (Optional) 916-653-0989	E-MAIL ADDRESS (Optional) eric.huff@fire.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Eric Huff</i>	DATE January 22, 2013
TYPED NAME AND TITLE OF SIGNATORY Eric Huff, Regulations Coordinator	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAR 06 2013

Office of Administrative Law

1 **STATE RESPONSIBILITY AREA FIRE PREVENTION BENEFIT FEES, 2012**

2 **Title 14 – Department of Forestry and Fire Protection**

3 **Chapter 13 – State Responsibility Area Fees**

4
5 **Amended Rule Sections Under Chapter 13 as Follows:**

- 6 § 1665.1. Authority.
- 7 § 1665.2. Definitions.
- 8 § 1665.3. Determination of Eligible Habitable Structure.
- 9 § 1665.4. Imposition of the ~~Benefit~~ Fee.
- 10 § 1665.5. Request for Review and Refunds.
- 11 § 1665.6. Fee Structure.
- 12 § 1665.7. Fee eExemptions.
- 13 § 1665.8. Grant Program.

14
15 **§ 1665.1. Authority.**

16 This chapter sets out procedures for implementation and collection of "State
17 Responsibility Area Fire Prevention Benefit Fees" (hereafter referred to as "~~Benefit~~
18 "Fee"), as required by Assembly Bill X1 29, Chapter 8, Statutes 2011, Public Resources
19 Code Section 4210, et seq.

20
21 Note: Authority cited: Public Resources Code Section 4212. Reference: Public
22 Resources Code Sections 4102, 4111, 4114, and 4125.

23
24 **§ 1665.2. Definitions.**

25 "Department" means the California Department of Forestry and Fire Protection.

1 "Designated Fee Administrator" means a person, company, or other entity
2 retained by the Department to assist with implementation of the Fee and who is
3 qualified by experience in preparing and administering one of the following for a fire
4 district: benefit assessments, benefit fees, or special taxes.

5 "Dwelling Unit", ****

6 "Fee" means the fire prevention benefit fee imposed pursuant to Sections 4210-
7 4228 of the Public Resources Code.

8 "Fire Prevention Fund" means the State Responsibility Area Fire Prevention
9 Fund created by Public Resources Code Section 4214 for deposit of all annual Fees
10 collected and from which expenditures are authorized pursuant to the annual Budget
11 Act, including grants that may be awarded pursuant to 14 CCR Section 1665.8.

12 "Habitable Structure", for purposes of implementation of Sections 4210-4228 of
13 the Public Resources Code, means a building ~~that contains~~ containing one or more
14 dwelling units or that can be occupied for residential use. Buildings occupied for
15 residential use include single family homes, multi-dwelling structures, mobile and
16 manufactured homes, and condominiums. Habitable structures do not include incidental
17 buildings such as detached garages, barns, outdoor sanitation facilities, and sheds.

18 "Manufactured home" ****

19 "Mobile home" ****

20 "Property Owner", means that individual, company, corporation, or other entity
21 that is the owner of record of said habitable structure ~~in the county tax assessor rolls or~~
22 ~~as recorded in the records of the Department of Housing and Community Development~~
23 on July 1 of the state fiscal year for which the ~~f~~Fee is due.

24 "State Responsibility Area" means those areas defined in Section 4102 and
25 delineated pursuant to Sections 4125-4128 of the Public Resources Code. These lands

1 are shown on digital maps maintained by the California Department of Forestry and Fire
2 Protection at its Sacramento Headquarters and may be viewed there or in low resolution
3 at the California Department's of Forestry and Fire Protection website:

4 http://www.bof.fire.ca.gov/sra_viewer/.

5 "Benefit Fee" means ~~the fire prevention benefit fee imposed pursuant to Sections~~
6 ~~4210-4228 of the Public Resources Code.~~

7 "Fire Prevention Fund" means ~~the State Responsibility Area Fire Prevention~~
8 ~~Fund created by Public Resources Code Section 4214 for deposit of all annual Benefit~~
9 ~~Fees collected and from which expenditures are authorized pursuant to the annual~~
10 ~~Budget Act, including grants that may be awarded pursuant to 14 CCR Section 1665.8.~~

11
12 Note: Authority cited: Public Resources Code Sections 4211, 4212, and 4214.

13 Reference: Public Resources Code Sections 4102, and 4211, Health and Safety Code
14 Sections 18007(a), and 18008(a).

15
16 **§ 1665.3. Determination of Eligible Habitable Structure.**

17 Determinations of eligible habitable structures and the associated fees within
18 State Responsibility Areas shall be completed statewide by the Department or for the
19 Department by its "Designated Fee Administrator" pursuant to Public Resources Code
20 Section 4210, et seq. and ~~14 CCR Sections 1665.1-1665.8~~ the regulations contained
21 herein.

22
23 Note: Authority cited: Public Resources Code Sections 4212, 4213, and 4214.

24 Reference: Public Resources Code Sections 4111, 4212, 4213, and 4214.
25

1 **§ 1665.4. Imposition of the Benefit Fee.**

2 The Benefit Fee will be imposed on all property owners with one or more
3 habitable structures within State Responsibility Areas as defined in Public Resources
4 Code Section 4102 and pursuant to Public Resources Code Sections 4125-4128.

5
6 Note: Authority cited: Public Resources Code Section 4212. Reference: Public
7 Resources Code Sections 4102, 4111, 4210, and 4211.

8
9 **§ 1665.5. Request for Review and Refunds.**

10 (a) A property owner from whom the Benefit Fee is determined to be due under
11 Public Resources Code Section 4213 et seq. may petition the Department for a
12 redetermination regarding the fee and amount determined within 30 days after service
13 upon him or her of a notice of the determination.

14 (1) The Department may delegate the receipt and review of petitions to a
15 Designated Fee Administrator of its choice. ~~The Designated Fee Administrator must be~~
16 ~~qualified by experience in preparing and administering one of the following for a fire~~
17 ~~district: benefit assessments, benefit fees, or special taxes.~~

18 (2) The petition may be filled out and submitted by a property owner
19 subject to the Benefit Fee or by the Department or Designated Fee Administrator in
20 consultation with and on behalf of the property owner.

21 (3) ~~The petition shall include information that states the specific basis or~~
22 ~~grounds upon which the petition is founded and includes supporting documentation. The~~
23 petition must be based on whether the fee as specified in Public Resources Code
24 Section 4213 et seq. applies to the specific property for which the petition was filed.
25 Examples of specific issues that may be considered by the Department or Designated

1 Fee Administrator include, but are not limited to, the location of the structure in an SRA,
2 determination of the number of applicable habitable structures, and the related fee
3 amount calculated.

4 (4) The petition may, but is not required to be on a form prescribed by the
5 Department. At a minimum, the petition must include the following information:

6 A. The bill identification or decal number, the parcel number, the
7 County, and other information on the original Fee bill received by the petitioner that
8 allows identification of the bill that is the subject of the petition.

9 B. The name of the property owner(s), their mailing address, and a
10 daytime telephone number at which they may be reached.

11 C. The specific reasons upon which the petition is made including,
12 but not limited to, dispute of: the record of ownership or location within an SRA
13 boundary, the number of habitable structures included in the calculation of the Fee, and
14 exclusion of the Fee Exemption deduction specified by 14 CCR Section 1665.7 from the
15 Fee bill.

16 D. Documentation that provides support for each reason cited in the
17 petition pursuant to item C. above.

18 E. The signature of the property owner.

19 (45) Petitions received by the Department or Designated Fee
20 Administrator more than 30 days from service upon him or her of a notice of the
21 determination shall not be considered. If a petition will not be considered, the
22 Department or Designated Fee Administrator shall notify the petitioner.

23 (56) After receipt of a petition, the Department or the Designated Fee
24 Administrator may request additional information from the property owner if, in their
25

1 opinion, the information contained in the petition ~~does not give adequate information to~~
2 ~~permit full review of the fee and the petition~~ is incomplete.

3 (67) The petition may be amended to state additional grounds or provide
4 additional documentation at any time prior to the date that the Department or the
5 Designated Fee Administrator issues its decision ~~with regard to~~ on the petition ~~for~~
6 ~~redetermination~~.

7 (78) The petition shall be sent by the petitioner to the addresses indicated
8 by the Department for sending to the Department, the Board of Forestry and Fire
9 Protection, and the Board of Equalization; this the Department's address may be the
10 address of the Department's Designated Fee Administrator.

11 (89) The Department or its Designated Fee Administrator shall complete
12 its review of the petition for redetermination within 60 days.

13 (910) Based on its review of the petition for redetermination, the
14 Department or its Designated Fee Administrator may decide if the fFee is valid and due
15 in the amount of the original fFee, may modify the fFee, or may eliminate the fFee
16 based on a determination that it should not apply to the property owner who filed the
17 petition.

18 (1011) The decision of the Department or its Designated Fee
19 Administrator shall be in writing and shall indicate the reasons for the decision on the
20 petition.

21 (1112) If the decision modifies or eliminates the fFee, the Department or
22 its Designated Fee Administrator shall make appropriate modifications to the next and
23 subsequent lists of property owners and fFee amounts submitted to the State Board of
24 Equalization.

1 (4213) The decision on the petition for redetermination by the Department
2 or its Designated Fee Administrator shall be served on the petitioner as described in
3 Section 4226 of the Public Resources Code. On the same date, the Department or its
4 Designated Fee Administrator shall notify the Board of Forestry and Fire Protection and
5 the State Board of Equalization. The Department will maintain copies of decisions on all
6 petitions for redetermination ~~petitions~~ for use of the Board of Forestry and Fire
7 Protection and State Board of Equalization.

8 (4314) The decision of the Department or its Designated Fee
9 Administrator upon a petition for redetermination of the ~~Benefit~~ Fee shall become final
10 30 days after service upon the petitioner of notice of the determination.

11 (4415) If the Department or its Designated Fee Administrator determines
12 that a property owner is entitled to a refund of all or part of the ~~Benefit~~ Fee paid
13 pursuant to this chapter, the property owner, or the Department or Designated Fee
14 Administrator on behalf of the property owner, shall make a claim to the State Board of
15 Equalization pursuant to Chapter 5 (commencing with Section 55221) of Part 30 of
16 Division 2 of the Revenue and Taxation Code.

17
18 Note: Authority cited: Public Resources Code Sections 4212, 4213, 4214, and 4220.

19 Reference: Public Resources Code Sections 4221, 4222, 4222.5, 4223, 4224, 4225,
20 4226, and 4227.

21
22 **§ 1665.6. Fee Structure.**

23 (a) The Board has been directed by the ~~l~~ Legislature to impose a ~~f~~ Fee that will
24 provide funding necessary for fire prevention activities.

1 (b) The ~~Benefit~~ Fee shall be one hundred-fifty dollars (\$150.00) per habitable
2 structure.

3 (c) Fees shall be deposited in the Fire Prevention Fund.

4 (d) On July 1, 2013 and at its June meeting prior to each subsequent July 1, the
5 Board shall adjust the Fee rate to reflect the percentage of change in the average
6 annual value of the Implicit Price Deflator for State and Local Government Purchases of
7 Goods and Services for the United States, as calculated by the United States
8 Department of Commerce for the 12-month period in the third quarter of the prior
9 calendar year, as reported by the Department of Finance.

10
11 Note: Authority cited: Public Resources Code Sections 4212, 4213, and 4214.
12 Reference: Public Resources Code Sections 4210, 4211, 4212, and 4214.

13
14 **§ 1665.7. Fee ~~e~~Exemptions.**

15 Property owners of habitable structures within a State Responsibility Area and
16 also within the boundaries of a local agency that provides fire protection services shall
17 receive a Fee reduction of thirty-five dollars (\$35.00) per habitable structure.

18
19 Note: Authority cited: Public Resources Code Section 4212. Reference: Public
20 Resources Code Sections 4117, 4125, 4127, and 4210.

21
22 **§ 1665.8. Grant Program.**

23 (a) The Board shall administer a granting program funded from the ~~Benefit~~ Fees
24 collected. Grants shall be awarded to organizations within counties in direct proportion
25 to the ~~benefit~~ fEes paid by individual property owners in that county.

1 (b) Grants awarded from the Fire Prevention Fund shall be awarded to local
2 agencies, Fire Protection Districts, Fire Safe Councils, the California Conservation
3 Corps, and other organizations accepted by the Board. Grants will only be awarded in
4 those counties that are in compliance with the Board's fire safe regulations, 14 CCR
5 Section 1270, et seq., as required pursuant to Public Resources Code Section 4290. to
6 support the following priorities:

7 (1) ~~Development or updating of a Community Wildfire Protection Plan~~
8 ~~(CWPP), local hazard mitigation plan, or community-based wildfire hazard or risk~~
9 ~~analysis.~~

10 (2) ~~Development of General Plan elements, including the Safety Element,~~
11 ~~and "Fire Safe Regulations" to be certified by the Board pursuant to Public~~
12 ~~Resources Code Section 4290.~~

13 (3) ~~Community fuel reduction projects in State Responsibility Areas.~~

14 (4) ~~Other community fire safety and fire prevention projects, including fire~~
15 ~~prevention education, designed to reduce the risk of wildfire in State~~
16 ~~Responsibility Areas.~~

17
18 Note: Authority cited: Public Resources Code Sections 4212, 4214. Reference: Public
19 Resources Code Sections 4102, 4111, 4112, 4113, 4114, 4740, and 4741.

20
21 ###

**Title 14 California Code of Regulations
Division 1.5 Department of Forestry and Fire Protection
Chapter 13 State Responsibility Area Fees
Sections 1665.1-1665.8**

§ 1665.1. Authority.

This chapter sets out procedures for implementation and collection of “State Responsibility Area Fire Prevention Benefit Fees” (hereafter referred to as “Fee”), as required by Assembly Bill X1 29, Chapter 8, Statutes 2011, Public Resources Code Section 4210, et seq.

Note: Authority cited: Section 4212, Public Resources Code. Reference: Sections 4102, 4111, 4114 and 4125, Public Resources Code.

§ 1665.2. Definitions.

“Department” means the California Department of Forestry and Fire Protection.

“Designated Fee Administrator” means a person, company, or other entity retained by the Department to assist with implementation of the Fee and who is qualified by experience in preparing and administering one of the following for a fire district: benefit assessments, benefit fees, or special taxes.

“Dwelling Unit”, for purposes of implementation of Sections 4210-4228 of the Public Resources Code, is a unit providing independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation. Mobile and manufactured homes and condominiums are considered as dwelling units.

“Fee” means the fire prevention benefit fee imposed pursuant to Sections 4210-4228 of the Public Resources Code.

“Fire Prevention Fund” means the State Responsibility Area Fire Prevention Fund created by Public Resources Code Section 4214 for deposit of all annual Fees collected and from which expenditures are authorized pursuant to the annual Budget Act, including grants that may be awarded pursuant to 14 CCR Section 1665.8.

“Habitable Structure”, for purposes of implementation of Sections 4210-4228 of the Public Resources Code, means a building containing one or more dwelling units or that can be occupied for residential use. Buildings occupied for residential use include single family homes, multi-dwelling structures, mobile and manufactured homes, and condominiums. Habitable structures do not include incidental buildings such as detached garages, barns, outdoor sanitation facilities, and sheds.

“Manufactured home” has the same meaning as Health and Safety Code Section 18007(a).

“Mobile home” has the same meaning as Health and Safety Code Section 18008(a).

“Property Owner”, means that individual, company, corporation, or other entity that is the owner of record of said habitable structure on July 1 of the state fiscal year for which the Fee is due.

“State Responsibility Area” means those areas defined in Section 4102 and delineated pursuant to Sections 4125-4128 of the Public Resources Code. These lands are shown on digital maps maintained by the Department at its Sacramento Headquarters and may be viewed there or in low resolution at the Department’s website: http://www.bof.fire.ca.gov/sra_viewer/.

Note: Authority cited: Sections 4211, 4212 and 4214, Public Resources Code. Reference: Sections 4102 and 4211, Public Resources Code; and Sections 18007(a) and 18008(a), Health and Safety Code.

§ 1665.3. Determination of Eligible Habitable Structure.

Determinations of eligible habitable structures and the associated fees within State Responsibility Areas shall be completed statewide by the Department or for the Department by its “Designated Fee Administrator” pursuant to Public Resources Code Section 4210, et seq. and the regulations contained herein.

Note: Authority cited: Sections 4212, 4213 and 4214, Public Resources Code. Reference: Sections 4111, 4212, 4213 and 4214, Public Resources Code.

§ 1665.4. Imposition of the Fee.

The Fee will be imposed on all property owners with one or more habitable structures within State Responsibility Areas as defined in Public Resources Code Section 4102 and pursuant to Public Resources Code Sections 4125-4128.

Note: Authority cited: Section 4212, Public Resources Code. Reference: Sections 4102, 4111, 4210 and 4211, Public Resources Code.

§ 1665.5. Request for Review and Refunds.

(a) A property owner from whom the Fee is determined to be due under Public Resources Code Section 4213 et seq. may petition the Department for a

redetermination regarding the fee and amount determined within 30 days after service upon him or her of a notice of the determination.

(1) The Department may delegate the receipt and review of petitions to a Designated Fee Administrator of its choice.

(2) The petition may be filled out and submitted by a property owner subject to the Fee or by the Department or Designated Fee Administrator in consultation with and on behalf of the property owner.

(3) The petition must be based on whether the Fee as specified in Public Resources Code Section 4213 et seq. applies to the specific property for which the petition was filed. Examples of specific issues that may be considered by the Department or Designated Fee Administrator include, but are not limited to, the location of the structure in an SRA, determination of the number of applicable habitable structures, and the related Fee amount calculated.

(4) The petition may, but is not required to be on a form prescribed by the Department. At a minimum, the petition must include the following information:

(A) The bill identification or decal number, the parcel number, the County and other information on the original Fee bill received by the petitioner that allows identification of the bill that is the subject of the petition.

(B) The name of the property owner(s), their mailing address, and a daytime telephone number at which they may be reached.

(C) The specific reasons upon which the petition is made including, but not limited to, dispute of: the record of ownership or location within an SRA boundary, the number of habitable structures included in the calculation of the Fee, and exclusion of the Fee Exemption deduction specified by 14 CCR Section 1665.7 from the Fee bill.

(D) Documentation that provides support for each reason cited in the petition pursuant to item C. above.

(E) The signature of the property owner.

(5) Petitions received by the Department or Designated Fee Administrator more than 30 days from service upon him or her of a notice of the determination shall not be considered. If a petition will not be considered, the Department or Designated Fee Administrator shall notify the petitioner.

(6) After receipt of a petition, the Department or the Designated Fee Administrator may request additional information from the property owner if, in their opinion, the information contained in the petition is incomplete.

(7) The petition may be amended to state additional grounds or provide additional documentation at any time prior to the date that the Department or the Designated Fee Administrator issues its decision on the petition.

(8) The petition shall be sent by the petitioner to the addresses indicated by the Department for sending to the Department, the Board of Forestry and Fire Protection, and the Board of Equalization; the Department's address may be the address of the Department's Designated Fee Administrator.

(9) The Department or its Designated Fee Administrator shall complete its review of the petition for redetermination within 60 days.

(10) Based on its review of the petition for redetermination, the Department or its Designated Fee Administrator may decide if the Fee is valid and due in the amount of the original Fee, may modify the Fee, or may eliminate the Fee based on a determination that it should not apply to the property owner who filed the petition.

(11) The decision of the Department or its Designated Fee Administrator shall be in writing and shall indicate the reasons for the decision on the petition.

(12) If the decision modifies or eliminates the Fee, the Department or its Designated Fee Administrator shall make appropriate modifications to the next and subsequent lists of property owners and Fee amounts submitted to the State Board of Equalization.

(13) The decision on the petition for redetermination by the Department or its Designated Fee Administrator shall be served on the petitioner as described in Section 4226 of the Public Resources Code. On the same date, the Department or its Designated Fee Administrator shall notify the Board of Forestry and Fire Protection and the State Board of Equalization. The Department will maintain copies of decisions on all petitions for redetermination for use of the Board of Forestry and Fire Protection and State Board of Equalization.

(14) The decision of the Department or its Designated Fee Administrator upon a petition for redetermination of the Fee shall become final 30 days after service upon the petitioner of notice of the determination.

(15) If the Department or its Designated Fee Administrator determines that a property owner is entitled to a refund of all or part of the Fee paid pursuant to this chapter, the property owner, or the Department or Designated Fee Administrator on behalf of the property owner, shall make a claim to the State Board of Equalization pursuant to Chapter 5 (commencing with Section 55221) of Part 30 of Division 2 of the Revenue and Taxation Code.

Note: Authority cited: Sections 4212, 4213, 4214 and 4220, Public Resources Code. Reference: Sections 4221, 4222, 4222.5, 4223, 4224, 4225, 4226 and 4227, Public Resources Code.

§ 1665.6. Fee Structure.

(a) The Board has been directed by the Legislature to impose a Fee that will provide funding necessary for fire prevention activities.

(b) The Fee shall be one hundred-fifty dollars (\$150.00) per habitable structure.

(c) Fees shall be deposited in the Fire Prevention Fund.

(d) On July 1, 2013 and at its June meeting prior to each subsequent July 1, the Board shall adjust the Fee rate to reflect the percentage of change in the average annual value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as calculated by the United States Department of Commerce for the 12-month period in the third quarter of the prior calendar year, as reported by the Department of Finance.

Note: Authority cited: Sections 4212, 4213 and 4214, Public Resources Code. Reference: Sections 4210, 4211, 4212 and 4214, Public Resources Code.

§ 1665.7. Fee Exemptions.

Property owners of habitable structures within a State Responsibility Area and also within the boundaries of a local agency that provides fire protection services shall receive a Fee reduction of thirty-five dollars (\$35.00) per habitable structure.

Note: Authority cited: Section 4212, Public Resources Code. Reference: Sections 4117, 4125, 4127 and 4210, Public Resources Code.

§ 1665.8. Grant Program.

(a) The Board shall administer a granting program funded from the Fees collected. Grants shall be awarded to organizations within counties in direct proportion to the Fees paid by individual property owners in that county.

(b) Grants awarded from the Fire Prevention Fund shall be awarded to local agencies, Fire Protection Districts, Fire Safe Councils, the California Conservation Corps, and other organizations accepted by the Board. Grants will only be awarded in those counties that are in compliance with the Board's fire safe regulations, 14 CCR Section 1270, et seq., as required pursuant to Public Resources Code Section 4290.

Note: Authority cited: Sections 4212 and 4214, Public Resources Code. Reference: Sections 4102, 4111, 4112, 4113, 4114, 4740 and 4741, Public Resources Code.