



STATE OF CALIFORNIA FIRE PREVENTION FEE PETITION FOR REDETERMINATION



Instructions are included on the back of this Petition form. To ensure proper processing and petition evaluation, all fields in the Required Information section must be completed. Full explanations and documentation must be provided where explanations are requested.

I am filing a Petition for Redetermination of the fire prevention fee billing dated _____ for the fee amount of _____.

Required Information:

Notice ID: (see upper right of your bill): _____
Parcel Number (APN): _____ or Decal Number: _____
County: _____

Property Owner's Name(s): _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Day Time Phone: _____

Reason for Petition (choose one or more):

The habitable structure(s) on this property is/are not in the State Responsibility Area (SRA) for the following reason (you must state a reason and provide an explanation and include any documentation):

This property was charged for one or more habitable structures in the SRA, but this property/parcel contains only (insert number) # _____ habitable structures (explain, for example, the other structure is a barn or workshop and provide documentation):

This property did not receive the \$35 exemption per habitable structure, but the property/structure(s) is/are within the boundaries of the following local agency which provides fire protection services (list: name of fire protection agency, number of habitable structures qualifying for credit and provide documentation for each structure claimed):

Other reason(s) (explain and provide documentation): _____

Verification and Signature of Property Owner (Required)

I understand that if my Petition is denied and the fee is not paid by the due date indicated on the Notice of Redetermination, I will be subject to a monthly penalty and interest charges per Public Resources Code Section 4225 which will continue to accrue until the fee is paid in full. The information above is true and correct to the best of my knowledge.

Signature of Property Owner

Date

DO NOT ENCLOSE YOUR PAYMENT WITH THIS FORM

Mail to: Fire Prevention Fee Service Center, Attn: Petitions, P.O. Box 2254, Suisun City, CA 94585

REASON FOR PETITION

Article 13A, section 3(a) of the California Constitution, as amended by Proposition 26, reads: “Any change in state statute which results in any taxpayer paying a higher tax must be ... passed by not less than two-thirds of all members elected to each of the two houses of the Legislature.” Section 3(b) then defines “tax” to mean “any levy, charge, or exaction of any kind imposed by the State,” unless it fits one of five listed exceptions.

Public Resources Code section 4214(d) specifies the activities to be funded with revenue from the fire prevention fee. Other than item 4 (“inspections by the department for compliance with defensible space requirements around structures”), none of the activities listed qualifies as an exception to the two-thirds legislative vote requirement for a “tax” in section 3(b). (Even as to item 4, many parcels subject to the fee will not be inspected.) Therefore, the bill imposing this levy (ABX1-29) needed two-thirds legislative approval to become law. It received only majority approval. The entirety of the bill, and thus the entirety of the fire protection fee levied thereby, is unenforceable.

Public Resources Code section 4124(d)(1) and (e) require the Department of Forestry and Fire Protection to use fire prevention fee revenue to make local assistance grants to counties and special districts to fund local fire prevention activities. Yet article 13, section 24 provides: “The Legislature may not impose taxes for local purposes but may authorize local governments to impose them.” For this additional reason, the fire prevention fee is invalid.

PETITION INSTRUCTIONS

Generally, the person for whom a fire prevention fee billing has been issued may petition for redetermination if they believe their Fire Prevention Fee has been calculated incorrectly for their property. Examples of specific issues that may be considered in a Petition include whether the structure is actually located in the SRA, the number of habitable structures that should be charged the Fee, the \$35 per structure reduction for structures located in an area that receives local fire protection services, and the Fee amount calculation. A Petition for Redetermination must be submitted in writing within 30 days from the Notice of Determination (fee billing) issued by the State Board of Equalization. Feepayers submitting a Petition should be prepared to submit documentary evidence along with this completed form to support the specific grounds upon which the Petition is being made.

Please complete and return this Petition for Redetermination form and supporting documentation to the Fire Prevention Fee Service Center, Attn: Petitions, PO Box 2254, Suisun City, CA 94585. The envelope in which you mail the form must be postmarked no later than 30 days from the date of the bill. The form must be filled in completely. **Do not mail any payments with this Petition.** For questions about where to send your payment or to make payment arrangements, call the Fire Prevention Fee Service Center at 1-888-310-6447.

Form Instructions

Notice ID: The identification number on the Notice of Determination (billing notice) received from the State Board of Equalization

Parcel Number: The Assessor Parcel Number (APN), also found on the billing notice, or on a property tax statement.

Decal Number: If the property is a mobile or manufactured home and does not have an Assessor Parcel Number, it should have a decal number. The decal identification number is issued by the California Department of Housing and Community Development (HCD) and should be included in the annual billing from HCD. The Decal Number (DN) is referenced on the billing notice

Phone Number: A day time phone number with area code is required, because the Petition reviewer may need to contact you in case there are any questions regarding the Petition.

Reason and Explanation for the Petition: Please check at least one of the boxes and provide sufficient explanation and documentation so your Petition can be properly evaluated.

Signature and Date: A valid signature and date of the Petition are required for processing.

Other Information:

If your fully completed Petition and documentation are received before the deadline, collection of the Fire Prevention Fee will be suspended until after you are mailed a letter notifying you of the outcome of your Petition. You should pay the full amount of the bill prior to filing a Petition for Redetermination, so as to avoid the accrual of interest and penalty. If you have already paid the bill and your Petition is approved, you will be refunded any amount determined to be overpaid.

SRA: SRA means "State Responsibility Area" including non-federal and privately-owned forest, watershed, and rangeland for which the primary financial responsibility of preventing and suppressing fires rests with the State.

Fee Rate: For fiscal year 2011-12, the Fire Prevention Fee is levied at the rate of \$150 per habitable structure in the State Responsibility Area (SRA). However, owners of habitable structures within the SRA and also within the boundaries of a local agency that provides fire protection services will receive a reduction of \$35 per habitable structure. The specific fee amount and exemptions (if any) for your property can be found on the billing notice.

Fee Eligible Structures: "Habitable Structure" means a building that contains one or more dwelling units that can be occupied for residential use. Structures occupied for residential use include single family homes, multi-dwelling structures, mobile and manufactured homes, condominiums and apartment buildings. Habitable structures do not include incidental buildings such as detached garages, barns, outdoor sanitation facilities and sheds. For apartment buildings on the same parcel, each separate building is considered a habitable structure. The number of dwelling units within each building does not affect the amount of fees due or credits provided.

More Information: For more information about the Fire Prevention Fee program, or to obtain an electronic Petition form that can be filled out online, please visit www.FirePreventionFee.org. If you have any further questions about the fee or how to complete this form, please call the Fire Prevention Fee Service Center at 1-888-310-6447, M-F 8:00 AM – 5 PM, excluding state holidays.

EXAMPLES OF ACCEPTABLE DOCUMENTATION

Acceptable documentation to support the claims made in your Petition may include, but are not limited to:

- Property tax bill or map showing the property is located within the boundaries of an incorporated city.
- Property tax bill or map showing the property is within the boundaries of an agency that provides fire protection services.
- Newsletter or other documentation showing that a particular agency, such as a Community Services District (CSD), provides fire protection services.
- Printed copy of map from CAL FIRE website showing structure is not within the SRA.
- Photos of a structure showing it is not a habitable structure.
- Building permit, building plans, or other documentation showing a structure is not a habitable structure.
- Deed of Trust or other documentation showing a property is owned by a Federal agency.
- Two Notices of Determination showing the same mobile home was charged twice, once on the Assessor's Parcel Number and again on the Decal Number.
- Any other documentation that could further support your Petition for Redetermination.