



FIRE PREVENTION BUREAU STANDARD

AB38 Real Estate Disclosure - WILDFIRE - INFORMATION

January 12 2026

AB 38 Wildfire Disclosure — Buyer & Seller Handout

What Is AB 38?

AB 38 is a California law that requires wildfire safety disclosure at the time of sale for certain residential **properties** located in High or Very High Fire Hazard Severity Zones (FHSZ).

AB 38 is a disclosure requirement

When Does AB 38 Apply?

AB 38 applies when **all** of the following are true:

- The property is **real property** (land with a residential structure)
- The property is located in a **High or Very High Fire Hazard Severity Zone**
- The property is being **sold** (not rented)

AB 38 does NOT apply to:

- Mobile homes sold as **personal property** in parks where the land is not owned
- Rentals
- Vacant land
- Commercial or industrial properties



Sonoma Valley Fire District

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What Must Be Disclosed?

The seller must disclose **whether the property is in compliance with existing wildfire safety requirements**, including:

1. Defensible Space

- Required under **PRC §4291 / Government Code §51182**, where applicable
- Generally includes:
 - 0–30 feet: lean, clean, and green
 - 30–100 feet: fuel reduction and vegetation spacing

2. Home Hardening

- Ember-resistant construction features required **at the time the home was built**
- Examples include:
 - Vents
 - Roofing
 - Eaves
 - Windows

AB 38 does **not** require upgrades to current building or WUI codes.



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Does the Property Have to Be Fixed Before Sale?

No.

AB 38 does **not**:

- Require corrections before closing
- Delay or prevent escrow
- Create new enforcement authority

The law is **disclosure-based**, not compliance-based.

Why AB 38 Exists

AB 38 is intended to:

- Inform buyers of wildfire risks and obligations
- Improve transparency in real-estate transactions
- Reduce disputes after sale
- Support long-term wildfire resilience

Key Takeaways

- AB 38 = Disclosure, not inspection
- No fire department approval required
- No mandatory upgrades
- Applies only to real property in High or Very High FHSZ