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# Legal Regulation of Fuel Management Areas and Insurance issues

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9th INTERNATIONAL CONFERENCE ON

## FOREST FIRE RESEARCH

& 17th International Wildland Fire Safety Summit



# Legal Regulation of Fuel Management Areas

- Fuel management areas (FMA) can be classified depending on their different objectives, as primary, secondary and tertiary, and can be made up of firebreaks fuelbreaks and fuelbreak shades.
- Given the recognized importance of these areas (as defensible spaces), but also their variety, they may be found in several legislations but regulated in quite different modes.
- Portuguese legislation adopts na over simplified approach to secondary FMA, considering only the type of activity at hand and the type of land (forest or agricultural) in the surroundings, and no other relevant factors as topography, climate and concrete vegetation



# Legal Regulation of Fuel Management Areas

- How is law relevant in this field?
- Regulation of property models and restrictions
  - Negative restrictions (impediments to construction and to the development of activities)
  - Positive obligations (fuel management; reforestation; effective use of land)
- How hard is it to regulate?
- Justice and stability as essential dimensions of Law.
- Therefore predictability based on legal instruments (for instance maps/regulations) adopted by competent public entities are the basis in law and not highly mutable technical data and information).
- The possibility to legally contest technical decisions and criteria – need for a balance check of Law and Technique.



# Survey – Insurance Market

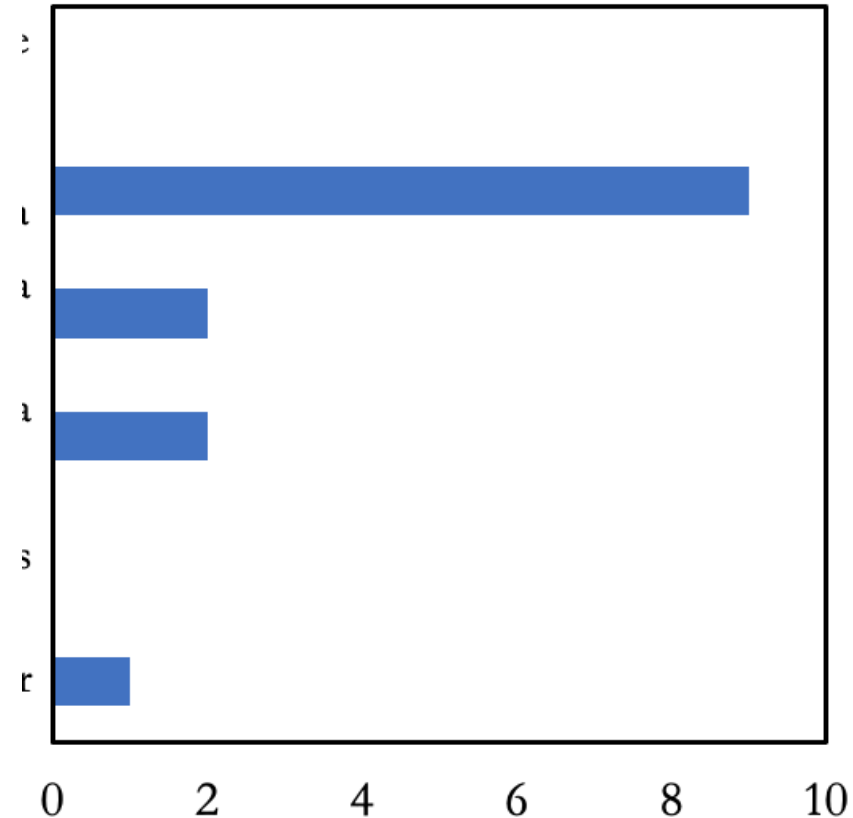
- Questions 2.1. to 2.4., refers to the current practices of acceptance or refusal of fire risks in urban-forest interface.
- Questions 2.5 and 2.6, correspond to a prospective analysis, referring to the factors that could induce the acceptance of more risks, as well as to the variables that, in abstract, are considered more relevant for the assessment.
- The survey was answered in 2021 by 14 (fourteen) insurers present in the Portuguese insurance market, corresponding, according to information provided by the Portuguese Insurers Association (APS), to 93% of the market share (Multirisk Home insurance premiums in 2020).





Consider a house exposed to a rural fire. Indicate the options that best suit your approach to risk management

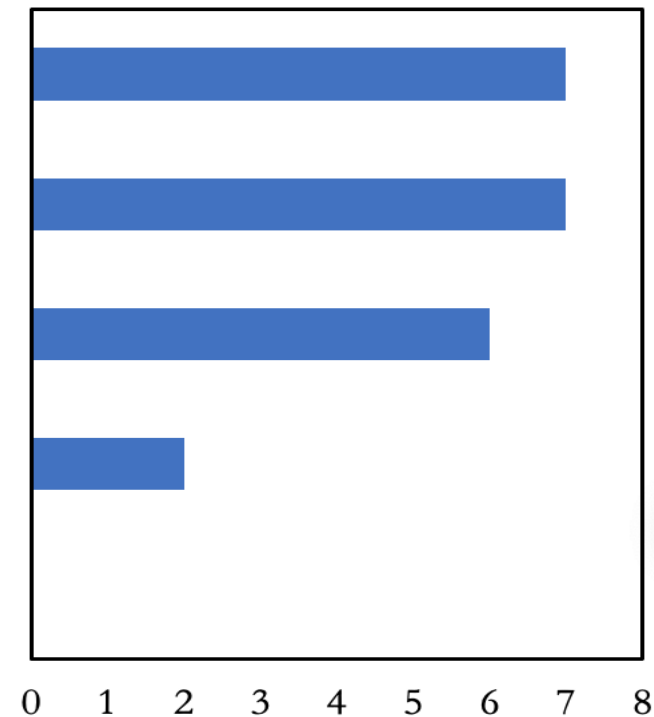
- If the house is exposed to rural fire, acceptance of the risk is outrightly refused
- If the house is exposed to rural fires, the acceptance of risk is a priori refused, except analysis on a case-by-case basis
- If the house is exposed to rural fires, risk acceptance is analysed using risk assessment models
- If the house is exposed to rural fires, the risk is accepted and the tariff is determined using specific models
- Other possibilities
- Don't know or prefer not to answer



Having admitted to accept the risk exceptionally, on a case-by-case basis, which criteria would you use?



- Type or dimension of the cliente (individual/corporate)
- Relationship with the cliente (prior contracts)
- Dimension of the risk – the insured person demonstrates to have taken adequate mitigation measures
- Other possibilities
- Don't know or prefer not to answer



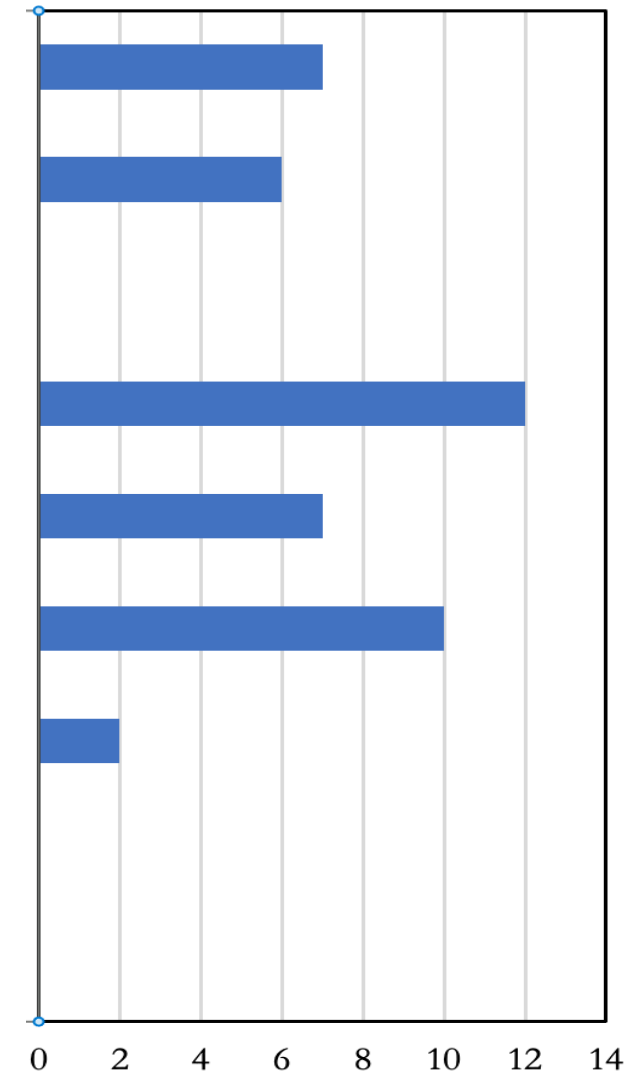
# Risk Assessment Models

- **Relevant factors**
- fire history in the area (municipality, region)
- house surroundings - forest fuels (e.g., location in a forest area)
- construction materials (e.g., wooden house).
- house surroundings – topography (e.g. canyon)
- existence of self-protection systems (e.g., external sprinkler system),
- type of occupation (e.g., permanent/occasional, owned/rented house).



# Factors that could lead to the acceptance of more fire risk coverage at the urban-forest interface

- Changes to the law on construction rules
- Changes to the law on fuel management
- Other legal changes
- Existence of models that allow for best risk assessment
- Existence of methodologies that allow for the best evaluation of dynamic conditions
- Solutions that minimize the exposure of houses to wildfires
- Other possibilities
- In any case, no risk could be covered
- Legal Regulation of Fuel Management Areas







# Way forward

- The market seems to be receptive to taking more risks, once it has more reliable and detailed models for evaluating rural fire risks, and solutions to minimise the exposure of housing to these risks.
- Importance of technical factors to potentiate the taking of more risks. Hence, the importance of research and proposals for the application of the results in this area, focusing on the improvement of risk assessment models, as well as methodologies of verification of parameters and the monitoring of compliance.
- In wth regard to the influence of the applicable regulations, it seems that the concern of the respondents does not lie in the absence of relevant regulations, but rather in the lack of their effectiveness. Need to clarify the spheres of responsibility for compliance with risk control standards - from the outset.



# Outputs developed under Project House Refuge

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