

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0968.01 Megan McCall x4215

HOUSE BILL 23-1273

HOUSE SPONSORSHIP

Snyder and Joseph, Amabile, Bird, Bockenfeld, Brown, Dickson, English, Froelich, Gonzales-Gutierrez, Hamrick, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, McCluskie, McCormick, McLachlan, Michaelson Jenet, Story, Titone, Velasco, Young

SENATE SPONSORSHIP

Roberts,

House Committees

Agriculture, Water & Natural Resources
Appropriations

Senate Committees

Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE WILDFIRE RESILIENT HOMES**
102 **GRANT PROGRAM, AND, IN CONNECTION THEREWITH, MAKING**
103 **AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates the wildfire resilient homes grant program (program) within the division of fire prevention and control (division). The program allows homeowners to apply to receive a grant for retrofitting or improving a house or other structure on the homeowner's property with strategies and technologies for structure hardening in order

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

SENATE
2nd Reading Unamended
May 5, 2023

HOUSE
Amended 3rd Reading
May 3, 2023

HOUSE
Amended 2nd Reading
May 2, 2023

to make the house or structure more resilient to the risk of wildfire.

The bill also creates the wildfire resilient homes grant program cash fund (fund) for use by the division to award grants and to promote best practices for structure hardening, and on August 15, 2023, the state treasurer is required to transfer \$2 million from the general fund to the fund. The division is required to annually report to the wildfire matters review committee on expenditures made from the fund and grants that are awarded pursuant to the program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) Home ownership in the United States has long been a
5 cornerstone of the American dream;

6 (b) Home ownership presents an opportunity to accumulate
7 wealth, build community, reduce wealth inequality, and improve
8 generational wealth;

9 (c) Wildfires in Colorado threaten the American dream;

10 (d) Wildfires have become one of the greatest threats to
11 Coloradans, their homes, and their aspirations to build wealth and
12 community as evidenced by the ever increasing devastating wildfires in
13 the state;

14 (e) Over the last ten years, the most destructive wildfires in the
15 state led to the loss of over 2,544 homes;

16 (f) These wildfires not only destroy homes and communities, but
17 also contribute negatively to the environment and public health;

18 (g) The toxic chemicals released during wildfires include nitrogen
19 oxides, sulfur dioxide, volatile organic chemicals, and polycyclic organic
20 matter. Plastic and treated wood burns also release heavy metals and other
21 toxic chemicals, such as dioxin.

1 (h) When household waste, like wood and leaves, burn, it
2 produces smoke-containing vapors and particulate matter, both solid and
3 liquid droplets suspended in the air;

4 (i) Air pollution from smoke can impact human health. People
5 exposed to these air pollutants can experience eye and nose irritation,
6 difficulty breathing, coughing, and headaches. People with heart disease,
7 asthma, emphysema, or other respiratory diseases are especially sensitive
8 to air pollutants. Other health problems aggravated by wildfires include
9 lung infections, pneumonia, bronchiolitis, and allergies.

10 (j) Our climate continues to trend towards warmer and drier
11 temperatures, coupled with the fact that the average homes in Colorado
12 are decades old, creating optimum conditions for destructive wildfires;

13 (k) While no home is fireproof, a home constructed with
14 mitigation measures can limit the catastrophic reach of wildfire into our
15 neighborhoods;

16 (l) Natural hazard mitigation can save four times the amount that
17 would have been spent on construction costs for rebuilding;

18 (m) Retrofitting a home can range from \$4,000 to \$80,000 and is
19 far cheaper than rebuilding a home;

20 (n) According to the United Nations, the publicly recognized costs
21 of wildfires are usually based on direct economic costs to the public
22 sectors, including fire suppression costs, asset loss, loss of lives, and
23 insurance costs. However, wildfires also have broad and long-lasting
24 impacts on the economic, social, and environmental aspects of sustainable
25 development. Traditionally, such costs have not been factored into the
26 costs of fires, as they are difficult to assess and quantify. Underestimating
27 the full costs of wildfires has often led to less political attention and

1 inadequate budget allocations being devoted to address wildfires.

2 (o) Protecting Colorado homes from wildfires by retrofitting them
3 with wildfire resilient strategies and technologies will lower the damage
4 done by destructive wildfires and lessen the cost of these fires on our
5 economy, environment, and society.

6 (2) Therefore, the general assembly finds and declares that it is
7 necessary to create a wildfire resilient homes grant program to protect
8 Coloradans and their homes and surrounding communities from the ever
9 increasing threats and destruction of wildfires.

10 **SECTION 2.** In Colorado Revised Statutes, add 24-33.5-1236 as
11 follows:

12 **24-33.5-1236. Wildfire resilient homes grant program - fund**
13 **- rules - report - definitions - repeal.** (1) AS USED IN THIS SECTION,
14 UNLESS THE CONTEXT OTHERWISE REQUIRES:

15 (a) "FUND" MEANS THE WILDFIRE RESILIENT HOMES GRANT
16 PROGRAM CASH FUND CREATED IN SUBSECTION (4)(a) OF THIS SECTION.

17 (b) "HOMEOWNER" MEANS A PERSON WHO OWNS PROPERTY ON
18 WHICH THERE IS A HOUSE AND ON WHICH THERE MAY ALSO BE OTHER
19 NONRESIDENTIAL STRUCTURES THAT IS IN THE STATE AND LOCATED IN AN
20 AREA THAT IS SUSCEPTIBLE TO RISK OF WILDFIRES.

21 (c) "PROGRAM" MEANS THE WILDFIRE RESILIENT HOMES GRANT
22 PROGRAM CREATED IN SUBSECTION (2)(a) OF THIS SECTION.

23 (2) (a) THERE IS HEREBY CREATED WITHIN THE DIVISION THE
24 WILDFIRE RESILIENT HOMES GRANT PROGRAM TO PROVIDE GRANTS TO
25 HOMEOWNERS FOR THE PURPOSE OF RETROFITTING OR OTHERWISE
26 IMPROVING A HOUSE OR OTHER EXISTING NONRESIDENTIAL STRUCTURES
27 ON A HOMEOWNER'S PROPERTY WITH BEST PRACTICE TECHNIQUES FOR

1 STRUCTURE HARDENING IN ORDER TO MAKE THEM MORE RESILIENT TO
2 WILDFIRE RISK. TO IMPLEMENT THE PROGRAM, THE DIVISION MAY USE
3 FEDERAL FUNDS THAT ARE OR BECOME AVAILABLE TO THE DIVISION FOR
4 THE SAME PURPOSES AS THE PURPOSES OF THE PROGRAM.

5 (b) TO RECEIVE A GRANT, A HOMEOWNER MUST SUBMIT AN
6 APPLICATION TO THE DIVISION IN A FORM AND MANNER PRESCRIBED BY
7 THE DIVISION.

8 (c) IN AWARDING GRANTS PURSUANT TO THE PROGRAM, THE
9 DIVISION SHALL CONSIDER THE LOCATION OF THE HOMEOWNER'S
10 PROPERTY, WHETHER THE PROPERTY IS A PRIMARY RESIDENCE OF THE
11 HOMEOWNER, THE INCOME OR ASSETS FROM ALL SOURCES OF THE
12 HOMEOWNER, THE TYPE OF IMPROVEMENT PROPOSED BY THE
13 HOMEOWNER, AND ANY OTHER CRITERIA ESTABLISHED BY THE DIVISION
14 PURSUANT TO SUBSECTION (3) OF THIS SECTION. THE DIVISION MAY
15 REQUIRE APPLICANTS TO PROVIDE INFORMATION ON THE APPLICANT'S
16 INCOME, AND THE DIVISION MAY PRIORITIZE INCOME LEVELS OF
17 APPLICANTS IN AWARDING GRANTS.

18 (d) A HOMEOWNER WHO RECEIVES A GRANT PURSUANT TO THIS
19 SUBSECTION (2) SHALL NOT USE THE MONEY FOR ANY PURPOSE THAT IS
20 NOT AUTHORIZED BY THIS SECTION OR BY ANY RULES PROMULGATED BY
21 THE DIRECTOR PURSUANT TO SUBSECTION (3) OF THIS SECTION. UPON
22 COMPLETION OF THE RETROFIT OR IMPROVEMENTS FOR WHICH THE GRANT
23 WAS AWARDED, A HOMEOWNER SHALL SUBMIT TO THE DIVISION A
24 CERTIFICATION OF COSTS AND ANY OTHER DOCUMENTATION THE DIVISION
25 MAY REQUIRE.

26 (3) THE DIRECTOR MAY ADOPT RULES FOR THE IMPLEMENTATION
27 AND ADMINISTRATION OF THE PROGRAM.

1 (4) (a) THE WILDFIRE RESILIENT HOMES GRANT PROGRAM CASH
2 FUND IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS
3 OF MONEY APPROPRIATED OR TRANSFERRED TO THE FUND BY THE
4 GENERAL ASSEMBLY, ALL PRIVATE AND PUBLIC MONEY RECEIVED
5 THROUGH GIFTS, GRANTS, OR DONATIONS THAT ARE TRANSMITTED TO THE
6 STATE TREASURER AND CREDITED TO THE FUND, AND MONEY
7 TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (5) OF THIS
8 SECTION. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
9 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
10 FUND TO THE FUND.

11 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
12 ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE FUND FOR THE
13 FOLLOWING PURPOSES:

14 (I) TO AWARD GRANTS FOR THE PROGRAM; OR

15 (II) TO PROMOTE STRATEGIES AND TECHNOLOGIES THAT INCREASE
16 RESILIENCY AGAINST WILDFIRES FOR A HOUSE OR OTHER NONRESIDENTIAL
17 STRUCTURES ON A PROPERTY, INCLUDING FOR NEW BUILDS, NEW
18 CONSTRUCTION, OR REBUILDS, THROUGH OUTREACH TO HOMEOWNERS
19 AND BY PREPARING EDUCATIONAL MATERIALS FOR HOMEOWNERS.

20 (5) (a) ON AUGUST 15, 2023, THE STATE TREASURER SHALL
21 TRANSFER ONE HUNDRED THOUSAND DOLLARS FROM THE GENERAL FUND
22 TO THE FUND.

23 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2024.

24 (6) THE DIVISION SHALL SUBMIT AN ANNUAL REPORT ON THE
25 EXPENDITURES FROM THE FUND TO THE WILDFIRE MATTERS REVIEW
26 COMMITTEE CREATED IN SECTION 2-3-1602. THE REPORT MUST INCLUDE
27 INFORMATION ON THE NUMBER OF GRANTS MADE, OUTREACH THE DIVISION

1 UNDERTAKES TO EDUCATE HOMEOWNERS ON BEST PRACTICES FOR
2 STRUCTURE HARDENING, DETAILS ON THE RETROFITS OR IMPROVEMENTS
3 MADE BY GRANT RECIPIENTS, AND ANY FEDERAL FUNDS THE DIVISION
4 USED IN CONNECTION WITH IMPLEMENTATION OF THE PROGRAM.
5 NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I),
6 THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS SUBSECTION
7 (6) CONTINUES FOR THE DURATION OF THE PROGRAM.

8 **SECTION 3. Appropriation.** For the 2023-24 state fiscal year,
9 \$100,000 is appropriated to the department of public safety for use by the
10 division of fire prevention and control. This appropriation is from the
11 wildfire resilient homes grant program cash fund created in section
12 24-33.5-1236 (4)(a), C.R.S. To implement this act, the division may use
13 the appropriation for the wildfire resilient homes grant program.

14 **SECTION 4. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly; except
17 that, if a referendum petition is filed pursuant to section 1 (3) of article V
18 of the state constitution against this act or an item, section, or part of this
19 act within such period, then the act, item, section, or part will not take
20 effect unless approved by the people at the general election to be held in
21 November 2024 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.