

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 24-0322.01 Alison Killen x4350

HOUSE BILL 24-1300

HOUSE SPONSORSHIP

Story and Brown,

SENATE SPONSORSHIP

Marchman,

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING WILDFIRE MITIGATION REQUIREMENTS IN CONNECTION**
102 **WITH THE SALE OF A RESIDENCE.**

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>.)

Currently, 12 Colorado counties, including Archuleta, Boulder, Chaffee, Clear Creek, Douglas, Eagle, El Paso, Gilpin, Gunnison, Jefferson, Ouray, and Summit (affected counties), require some form of wildfire mitigation in connection with the construction of a new residence but not with the sale of an existing residence. Because the affected counties are among the most at-risk counties for wildfires, **section 2** of

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.*

HOUSE
Amended 2nd Reading
April 23, 2024

the bill requires the affected counties to leverage their existing wildfire mitigation expertise to establish a program for point-of-sale wildfire mitigation certification in connection with the sale of an existing residence located in the county.

Section 3 details the minimum requirements for a county point-of-sale wildfire mitigation certification program. The bill also specifies limitations on such programs and encourages counties to create and maintain a web-based clearing house of state and county-level technical assistance and funding resources. **Section 3** also authorizes any county that is not an affected county and any municipality to establish by ordinance or regulation a program for a homeowner to obtain certification of compliance with the Colorado state forest service's phase one wildfire mitigation standards in connection with the sale of the homeowner's residence.

Section 4 makes a conforming amendment to the existing Colorado state forest service web-based clearing house to require the inclusion of information to educate and assist homeowners in accessing resources to comply with the county point-of-sale programs established pursuant to **section 3**.

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

2

3 **SECTION 1.** In Colorado Revised Statutes, 30-15-401, **add**
4 (1)(u) as follows:

5 **30-15-401. General regulations - definitions.** (1) In addition to
6 those powers granted by sections 30-11-101 and 30-11-107 and by parts
7 1, 2, and 3 of this article 15, the board of county commissioners may
8 adopt ordinances for control or licensing of those matters of purely local
9 concern that are described in the following enumerated powers:

10 (u) TO ESTABLISH BY ORDINANCE OR REGULATION A PROGRAM TO
11 REQUIRE WILDFIRE MITIGATION OF EXISTING RESIDENCES AND OTHER
12 STRUCTURES IN ACCORDANCE WITH WILDFIRE MITIGATION STANDARDS
13 DEVELOPED BY THE INSURANCE INSTITUTE FOR BUSINESS AND HOME
14 SAFETY, THE COLORADO STATE FOREST SERVICE, THE WILDFIRE

1 RESILIENCY CODE BOARD, OR OTHER STANDARDS AS DETERMINED BY THE
2 COUNTY.

3 SECTION 2. In Colorado Revised Statutes, add 30-28-213 as
4 follows:

5 30-28-213. Point-of-sale wildfire mitigation program for
6 residences in certain counties - definitions - limitations. (1) AS USED
7 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 (a) (I) "AFFECTED COUNTIES" MEANS THE COUNTIES OF
9 ARCHULETA, BOULDER, CHAFFEE, CLEAR CREEK, DOUGLAS, EAGLE, EL
10 PASO, GILPIN, GUNNISON, JEFFERSON, OURAY, AND SUMMIT.

11 (II) "AFFECTED COUNTIES" ALSO INCLUDES ANY COUNTY THAT
12 ADOPTS A BUILDING CODE THAT INCLUDES WILDFIRE MITIGATION
13 REQUIREMENTS IN CONNECTION WITH THE ISSUANCE OF A RESIDENTIAL
14 BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY SUBSEQUENT TO THE
15 EFFECTIVE DATE OF HOUSE BILL 24-1300, ENACTED IN 2024.

16 (b) "COUNTY MITIGATION AREA" MEANS AN AREA LOCATED
17 WITHIN AN AFFECTED COUNTY THAT IS SUBJECT TO A BUILDING CODE THAT
18 INCLUDES WILDFIRE MITIGATION REQUIREMENTS IN CONNECTION WITH THE
19 ISSUANCE OF A RESIDENTIAL BUILDING PERMIT OR CERTIFICATE OF
20 OCCUPANCY.

21 (c) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST
22 SERVICE IDENTIFIED IN SECTION 23-31-302.

23 (d) "IBHS" MEANS THE INSURANCE INSTITUTE FOR BUSINESS AND
24 HOME SAFETY OR ITS SUCCESSOR ORGANIZATION.

25 (e) "IBHS WILDFIRE MITIGATION STANDARDS" MEANS THE
26 REQUIREMENTS FOR A WILDFIRE-PREPARED HOME ESTABLISHED BY THE
27 IBHS.

1 (f) "ZONE ONE WILDFIRE MITIGATION STANDARDS" MEANS THE
2 WILDFIRE MITIGATION STANDARDS SET FORTH IN THE FOREST SERVICE'S
3 PUBLICATION "THE HOME IGNITION ZONE", OR A SUCCESSOR
4 PUBLICATION, APPLICABLE TO LAND THAT IS ZERO TO FIVE FEET FROM A
5 RESIDENCE OR FROM ZERO FEET FROM A RESIDENCE TO THE HOMEOWNER'S
6 PROPERTY LINE IF THE RESIDENCE IS LESS THAN FIVE FEET FROM THE
7 PROPERTY LINE.

8 (g) "ZONE TWO WILDFIRE MITIGATION STANDARDS" MEANS THE
9 WILDFIRE MITIGATION STANDARDS SET FORTH IN THE FOREST SERVICE'S
10 PUBLICATION "THE HOME IGNITION ZONE", OR A SUCCESSOR
11 PUBLICATION, APPLICABLE TO LAND THAT IS ZERO TO THIRTY FEET FROM
12 A RESIDENCE OR FROM ZERO FEET FROM A RESIDENCE TO THE
13 HOMEOWNER'S PROPERTY LINE IF THE RESIDENCE IS LESS THAN THIRTY
14 FEET FROM THE PROPERTY LINE.

15 (h) "ZONE THREE WILDFIRE MITIGATION STANDARDS" MEANS THE
16 WILDFIRE MITIGATION STANDARDS SET FORTH IN THE FOREST SERVICE'S
17 PUBLICATION "THE HOME IGNITION ZONE", OR A SUCCESSOR
18 PUBLICATION, APPLICABLE TO LAND THAT IS ZERO TO ONE HUNDRED FEET
19 FROM A RESIDENCE OR FROM ZERO FEET FROM A RESIDENCE TO THE
20 HOMEOWNER'S PROPERTY LINE IF THE RESIDENCE IS LESS THAN ONE
21 HUNDRED FEET FROM THE PROPERTY LINE.

22 (i) "WILDFIRE RESILIENCY CODE BOARD" MEANS THE WILDFIRE
23 RESILIENCY CODE BOARD CREATED IN THE DIVISION OF FIRE PROTECTION
24 AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY PURSUANT TO
25 SECTION 24-33.5-1236.

26 (j) "WILDFIRE RESILIENCY CODE BOARD WILDFIRE MITIGATION
27 STANDARDS" MEANS THE CODES AND STANDARDS ADOPTED BY THE

1 WILDFIRE RESILIENCY CODE BOARD IN ACCORDANCE WITH SECTION
2 24-33.5-1236 (4).

3
4 (2) (a) THE BOARD OF COUNTY COMMISSIONERS FOR EACH OF THE
5 AFFECTED COUNTIES MAY ESTABLISH BY ORDINANCE OR REGULATION A
6 PROGRAM TO REQUIRE WILDFIRE MITIGATION OF AN EXISTING RESIDENCE
7 OR STRUCTURE LOCATED IN A COUNTY MITIGATION AREA IN ACCORDANCE
8 WITH ONE OR MORE OF THE FOLLOWING:

- 9 (I) IBHS WILDFIRE MITIGATION STANDARDS;
- 10 (II) ZONE ONE WILDFIRE MITIGATION STANDARDS;
- 11 (III) ZONE TWO WILDFIRE MITIGATION STANDARDS;
- 12 (IV) ZONE THREE WILDFIRE MITIGATION STANDARDS;
- 13 (V) WILDFIRE RESILIENCY CODE BOARD WILDFIRE MITIGATION
14 STANDARDS; OR
- 15 (VI) OTHER STANDARDS AS DETERMINED BY THE COUNTY.

16 (b) A PROGRAM ESTABLISHED PURSUANT TO SUBSECTION (2)(a) OF
17 THIS SECTION MUST INCLUDE A WRITTEN POLICY AND PROCEDURE FOR A
18 HOMEOWNER TO SEEK A REASONABLE EXTENSION OF A PROGRAM
19 DEADLINE OR AN EXEMPTION FROM A PROGRAM REQUIREMENT ON THE
20 BASIS OF UNFORSEEN OR EMERGENCY CIRCUMSTANCES OR UNDUE BURDEN,
21 AS DETERMINED BY THE COUNTY.

22 (3) (a) EACH OF THE AFFECTED COUNTIES MUST POST ON A PUBLIC
23 WEBSITE A LIST OF INDIVIDUALS AND ENTITIES THAT PERFORM WILDFIRE
24 MITIGATION SERVICES IN THE COUNTY INCLUDING CONTACT INFORMATION
25 FOR ALL INDIVIDUALS AND ENTITIES LISTED. EACH AFFECTED COUNTY IS
26 ENCOURAGED TO INCLUDE ON THE SAME WEBSITE A COPY OF OR LINK TO:

- 27 (I) THE IBHS'S WILDFIRE-PREPARED HOME PROGRAM GUIDE, OR A

1 SUCCESSOR PUBLICATION;
2 (II) THE FOREST SERVICE'S PUBLICATION "THE HOME IGNITION
3 ZONE", OR A SUCCESSOR PUBLICATION;
4 (III) THE WILDFIRE RESILIENCY CODE BOARD'S RECOMMENDATIONS
5 FOR WILDFIRE MITIGATION, INCLUDING RECOMMENDATIONS SET FORTH IN
6 CODES, STANDARDS, OR RULES OF THE BOARD; AND
7 (IV) COUNTY-SPECIFIC TECHNICAL ASSISTANCE AND FUNDING
8 RESOURCES FOR WILDFIRE MITIGATION BY HOMEOWNERS.
9 (4) ANY COUNTY THAT IS NOT AN AFFECTED COUNTY AND ANY
10 MUNICIPALITY MAY ESTABLISH BY ORDINANCE OR REGULATION A
11 PROGRAM FOR WILDFIRE MITIGATION IN ACCORDANCE WITH THIS
12 SECTION.

13
14 **SECTION 3. 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.