

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.

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

4 (a) In recent years, wildfires have caused devastating loss of life
5 and damage to property, including homes, throughout Colorado;

6 (b) Reducing the monetary, physical, mental, and emotional costs
7 of these disasters is a matter of statewide concern to be addressed in a
8 variety of ways, including by encouraging individuals to take responsible
9 actions;

10 (c) All Coloradans, including homeowners, must take reasonable
11 responsibility for protecting themselves, their families, and their
12 communities from harm caused by wildfires;

13 (d) Being a responsible homeowner and citizen of this state
14 includes maintaining the land around your home in a manner that has

1 been scientifically proven to reduce the risk of wildfire ignition and
2 spread;

3 (e) However, many homeowners, even in the counties at highest
4 risk for wildfires, do not maintain their properties in accordance with
5 such scientifically-based wildfire mitigation standards;

6 (f) Moreover, the most significant existing consequence of this
7 failure to act - the loss of their own home - comes too late to make a
8 difference in their behavior;

9 (g) Therefore, the general assembly declares that it is necessary
10 and appropriate to require those counties at highest risk for wildfires,
11 which take steps to address these issues with regard to new construction,
12 to establish and administer a point-of-sale wildfire mitigation program
13 for all residential structures in those counties using the wildfire mitigation
14 standards set by the Colorado state forest service.

15 (h) By making wildfire mitigation inspection part of a residential
16 real estate transaction at the point of sale, these programs will help to
17 educate homeowners, new and old, about their rights and responsibilities
18 in the fight against wildfires;

19 (i) Requiring proof of wildfire mitigation certification at closing
20 will also create a significant monetary motivation for homeowners to
21 properly maintain their residential properties; and

22 (j) At the same time, the programs will have built-in limits
23 designed to avoid undue burden and delay in connection with the sale of
24 a residence.

25 **SECTION 2.** In Colorado Revised Statutes, 30-15-401, **add**
26 (1)(u) as follows:

27 **30-15-401. General regulations - definitions.** (1) In addition to

1 those powers granted by sections 30-11-101 and 30-11-107 and by parts
2 1, 2, and 3 of this article 15, the board of county commissioners may
3 adopt ordinances for control or licensing of those matters of purely local
4 concern that are described in the following enumerated powers:

5 (u) TO ESTABLISH BY ORDINANCE OR REGULATION A PROGRAM TO
6 REQUIRE WILDFIRE MITIGATION OF EXISTING RESIDENCES AND OTHER
7 STRUCTURES IN ACCORDANCE WITH WILDFIRE MITIGATION STANDARDS
8 DEVELOPED BY THE INSURANCE INSTITUTE FOR BUSINESS AND HOME
9 SAFETY, THE COLORADO STATE FOREST SERVICE, OR OTHER STANDARDS
10 AS DETERMINED BY THE COUNTY.

11 **SECTION 3.** In Colorado Revised Statutes, **add** 30-28-213 as
12 follows:

13 **30-28-213. Point-of-sale wildfire mitigation program for**
14 **residences in certain counties - definitions - limitations.** (1) AS USED
15 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

24 (b) "COUNTY MITIGATION AREA" MEANS AN AREA LOCATED
25 WITHIN AN AFFECTED COUNTY THAT IS SUBJECT TO A BUILDING CODE THAT
26 INCLUDES WILDFIRE MITIGATION REQUIREMENTS IN CONNECTION WITH THE
27 ISSUANCE OF A RESIDENTIAL BUILDING PERMIT OR CERTIFICATE OF

1 OCCUPANCY.

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

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

6 (e) "IBHS WILDFIRE MITIGATION STANDARDS" MEANS THE
7 REQUIREMENTS FOR A WILDFIRE-PREPARED HOME ESTABLISHED BY THE
8 IBHS.

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

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

23

24 (2) (a) THE BOARD OF COUNTY COMMISSIONERS FOR EACH OF THE
25 AFFECTED COUNTIES MAY ESTABLISH BY ORDINANCE OR REGULATION A
26 PROGRAM TO REQUIRE WILDFIRE MITIGATION OF AN EXISTING RESIDENCE
27 OR STRUCTURE LOCATED IN A COUNTY MITIGATION AREA IN ACCORDANCE

1 WITH ONE OR MORE OF THE FOLLOWING:

2 (I) IBHS WILDFIRE MITIGATION STANDARDS;

3 (II) PHASE ONE WILDFIRE MITIGATION STANDARDS;

4 (III) PHASE TWO WILDFIRE MITIGATION STANDARDS; OR

5 (IV) OTHER STANDARDS AS DETERMINED BY THE COUNTY.

6 (b) A PROGRAM ESTABLISHED PURSUANT TO SUBSECTION (2)(a) OF

7 THIS SECTION MUST INCLUDE A WRITTEN POLICY AND PROCEDURE FOR A

8 HOMEOWNER TO SEEK A REASONABLE EXTENSION OF A PROGRAM

9 DEADLINE OR AN EXEMPTION FROM A PROGRAM REQUIREMENT ON THE

10 BASIS OF UNFORSEEN OR EMERGENCY CIRCUMSTANCES OR UNDUE BURDEN,

11 AS DETERMINED BY THE COUNTY.

12 (3) (a) EACH OF THE AFFECTED COUNTIES MUST POST ON A PUBLIC

13 WEBSITE A LIST OF INDIVIDUALS AND ENTITIES THAT PERFORM WILDFIRE

14 MITIGATION SERVICES IN THE COUNTY INCLUDING CONTACT INFORMATION

15 FOR ALL INDIVIDUALS AND ENTITIES LISTED. EACH AFFECTED COUNTY IS

16 ENCOURAGED TO INCLUDE ON THE SAME WEBSITE A COPY OF OR LINK TO:

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

18 SUCCESSOR PUBLICATION;

19 (II) THE FOREST SERVICE'S PUBLICATION "THE HOME IGNITION

20 ZONE", OR A SUCCESSOR PUBLICATION;

21 (III) THE FOREST SERVICE'S WEB-BASED CLEARINGHOUSE FOR

22 TECHNICAL ASSISTANCE AND FUNDING RESOURCES CREATED PURSUANT TO

23 SECTION 23-31-313 (9); AND

24 (IV) COUNTY-SPECIFIC TECHNICAL ASSISTANCE AND FUNDING

25 RESOURCES FOR WILDFIRE MITIGATION BY HOMEOWNERS.

26 (4) ANY COUNTY THAT IS NOT AN AFFECTED COUNTY AND ANY

27 MUNICIPALITY MAY ESTABLISH BY ORDINANCE OR REGULATION A

1 PROGRAM FOR [REDACTED] [REDACTED] WILDFIRE MITIGATION IN ACCORDANCE WITH THIS
2 SECTION.

3 [REDACTED] [REDACTED]

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