

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
10.11.19

BILL 7

LLS NO. 20-0383.01 Bob Lackner x4350

INTERIM COMMITTEE BILL

Wildfire Matters Review Committee

BILL TOPIC: "Wildfire Resistant Materials New Construction"

A BILL FOR AN ACT

101 CONCERNING A REQUIREMENT THAT NEW STRUCTURES LOCATED IN
102 HIGH WILDFIRE HAZARD AREAS BE CONSTRUCTED SOLELY USING
103 WILDFIRE RESISTANT MATERIALS.

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/>.)

Wildfire Matters Review Committee. Not later than January 1, 2021, the bill requires the governing body of each county and municipality (local government) that contains all or any portion of a high wildfire hazard area within its territorial boundaries to enact an ordinance requiring that new structures located within such area be constructed

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

solely using wildfire resistant materials. The bill applies to the construction of, and any renovations or additions to, any commercial or residential building located within the territorial boundaries of the local government that is further located within a high wildfire hazard area.

The bill does not require the governing body to adopt a new ordinance if the local government has either adopted an ordinance or a building code, or another comparable code, that offers comparable protection against wildfires for structures located in high wildfire hazard areas.

The bill applies to any commercial or residential building for which a building permit application is received subsequent to the adoption of an ordinance.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-28-201, **add** (5)
3 as follows:

4 **30-28-201. Commissioners may adopt - emission performance**
5 **standards required.** (5) BY THE DATE ESTABLISHED IN SECTION
6 30-28-212 (3), EVERY BOARD OF COUNTY COMMISSIONERS OF A COUNTY
7 THAT CONTAINS ALL OR ANY PORTION OF A HIGH WILDFIRE HAZARD AREA
8 WITHIN ITS TERRITORIAL BOUNDARIES SHALL ADOPT AND ENFORCE A
9 REQUIREMENT THAT NEW STRUCTURES THAT ARE LOCATED IN SUCH AREAS
10 SHALL BE CONSTRUCTED SOLELY USING WILDFIRE RESISTANT MATERIALS
11 IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 30-28-212.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 30-28-212 as
13 follows:

14 **30-28-212. New construction in high wildfire hazard areas -**
15 **wildfire resistant materials - legislative declaration - definition.**

16 (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES
17 THAT:

18 (a) WILDFIRES POSE A REAL AND SIGNIFICANT RISK TO LIFE,
19 PROPERTY, AND INFRASTRUCTURE LOCATED IN HIGH WILDFIRE HAZARD

1 AREAS;

2 (b) IN THE CASE OF COUNTIES CONTAINING HIGH WILDFIRE HAZARD
3 AREAS WITHIN THEIR TERRITORIAL BOUNDARIES, A REQUIREMENT THAT
4 EACH COUNTY ADOPT AND ENFORCE A REQUIREMENT THAT NEW
5 STRUCTURES LOCATED IN SUCH AREAS SHALL BE CONSTRUCTED SOLELY
6 USING WILDFIRE RESISTANT MATERIALS WILL PROACTIVELY HELP ENSURE
7 THAT BUILDINGS LOCATED IN HIGH WILDFIRE HAZARD AREAS WILL BE ABLE
8 TO WITHSTAND THE DANGERS CAUSED BY WILDFIRES AND THAT THE
9 IMPACTS OF WILDFIRES ARE MITIGATED TO THE GREATEST EXTENT
10 POSSIBLE, WITH CONSEQUENT BENEFITS FOR THE RESIDENTS OF SUCH
11 AREAS AND THEIR PROPERTY;

12 (c) WILDFIRES OFTEN CREATE EFFECTS BEYOND THE TERRITORIAL
13 BOUNDARIES OF THE LOCAL GOVERNMENT WITHIN WHICH THE WILDFIRE
14 STARTED, AND THE STRAIN ON PUBLIC AND PRIVATE RESOURCES CAUSED
15 BY WILDFIRES IS NOT CONFINED TO JURISDICTIONAL BOUNDARIES; AND

16 (d) TO ADDRESS THESE SPILLOVER EFFECTS AND TO MINIMIZE THE
17 SIGNIFICANT RISK TO LIFE, PROPERTY, AND INFRASTRUCTURE LOCATED IN
18 HIGH WILDFIRE HAZARD AREAS, THERE IS A STATEWIDE INTEREST IN THE
19 ADOPTION AND ENFORCEMENT BY COUNTIES OF A REQUIREMENT THAT
20 NEW STRUCTURES TO BE LOCATED IN SUCH AREAS BE CONSTRUCTED
21 SOLELY USING WILDFIRE RESISTANT MATERIALS IN ORDER TO PROTECT THE
22 LIVES OF FIREFIGHTERS, PREVENT THE SPREAD OF WILDFIRE TO ADJACENT
23 PROPERTIES AND JURISDICTIONS, AND MINIMIZE THE DANGER TO PUBLIC
24 SAFETY.

25 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
26 REQUIRES, "HIGH WILDFIRE HAZARD AREA" MEANS AN AREA MAPPED BY
27 THE COLORADO STATE FOREST SERVICE, IDENTIFIED IN SECTION

1 23-31-302, AS FACING A SUBSTANTIAL AND RECURRING RISK OF EXPOSURE
2 TO SEVERE WILDFIRE HAZARDS.

3 (3) (a) NOT LATER THAN JANUARY 1, 2021, THE BOARD OF COUNTY
4 COMMISSIONERS OF EACH COUNTY THAT CONTAINS ALL OR ANY PORTION
5 OF A HIGH WILDFIRE HAZARD AREA WITHIN ITS TERRITORIAL BOUNDARIES
6 SHALL ENACT AN ORDINANCE REQUIRING THAT NEW STRUCTURES
7 LOCATED IN SUCH AREA BE CONSTRUCTED SOLELY USING WILDFIRE
8 RESISTANT MATERIALS. THE REQUIREMENTS OF THIS SUBSECTION (3)
9 APPLY TO THE CONSTRUCTION OF, AND ANY RENOVATIONS OR ADDITIONS
10 TO, ANY COMMERCIAL OR RESIDENTIAL BUILDING LOCATED WITHIN AN
11 UNINCORPORATED AREA OF THE COUNTY THAT IS FURTHER LOCATED
12 WITHIN A HIGH WILDFIRE HAZARD AREA.

13 (b) NOTHING IN THIS SECTION IS CONSTRUED TO REQUIRE A BOARD
14 OF COUNTY COMMISSIONERS TO ADOPT A NEW ORDINANCE MEETING THE
15 REQUIREMENTS OF THIS SECTION IF THE COUNTY HAS EITHER ADOPTED AN
16 ORDINANCE OR A BUILDING CODE, OR ANOTHER COMPARABLE CODE, IN
17 EFFECT AS OF THE EFFECTIVE DATE OF THIS SECTION, THAT OFFERS
18 COMPARABLE PROTECTION AGAINST WILDFIRES FOR STRUCTURES LOCATED
19 IN HIGH WILDFIRE HAZARD AREAS.

20 (4) THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION APPLY
21 TO ANY COMMERCIAL OR RESIDENTIAL BUILDING FOR WHICH A BUILDING
22 PERMIT APPLICATION IS RECEIVED SUBSEQUENT TO THE ADOPTION OF AN
23 ORDINANCE SATISFYING THIS SECTION.

24 **SECTION 3.** In Colorado Revised Statutes, **add** 31-15-603 as
25 follows:

26 **31-15-603. New construction in high wildfire hazard areas -**
27 **wildfire resistant materials - legislative declaration - definition.**

1 (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES
2 THAT:

3 (a) WILDFIRES POSE A REAL AND SIGNIFICANT RISK TO LIFE,
4 PROPERTY, AND INFRASTRUCTURE LOCATED IN HIGH WILDFIRE HAZARD
5 AREAS;

6 (b) IN THE CASE OF MUNICIPALITIES CONTAINING HIGH WILDFIRE
7 HAZARD AREAS WITHIN THEIR TERRITORIAL BOUNDARIES, A REQUIREMENT
8 THAT NEW STRUCTURES THAT ARE LOCATED IN HIGH WILDFIRE HAZARD
9 AREAS SHALL BE CONSTRUCTED SOLELY USING WILDFIRE RESISTANT
10 MATERIALS WILL PROACTIVELY HELP ENSURE THAT BUILDINGS LOCATED
11 IN HIGH WILDFIRE HAZARD AREAS WILL BE ABLE TO WITHSTAND THE
12 DANGERS CAUSED BY WILDFIRES AND THAT THE IMPACTS OF WILDFIRES
13 ARE MITIGATED TO THE GREATEST EXTENT POSSIBLE, WITH CONSEQUENT
14 BENEFITS FOR THE RESIDENTS OF SUCH AREAS AND THEIR PROPERTY;

15 (c) WILDFIRES OFTEN CREATE EFFECTS BEYOND THE TERRITORIAL
16 BOUNDARIES OF THE LOCAL GOVERNMENT WITHIN WHICH THE WILDFIRE
17 STARTED, AND THE STRAIN ON PUBLIC AND PRIVATE RESOURCES CAUSED
18 BY WILDFIRES IS NOT CONFINED TO JURISDICTIONAL BOUNDARIES; AND

19 (d) TO ADDRESS THESE SPILLOVER EFFECTS AND TO MINIMIZE THE
20 SIGNIFICANT RISK TO LIFE, PROPERTY, AND INFRASTRUCTURE LOCATED IN
21 HIGH WILDFIRE HAZARD AREAS, THERE IS A STATEWIDE INTEREST IN THE
22 ADOPTION AND ENFORCEMENT BY MUNICIPALITIES OF A REQUIREMENT
23 THAT NEW STRUCTURES TO BE LOCATED IN SUCH AREAS WITHIN THEIR
24 TERRITORIAL BOUNDARIES BE CONSTRUCTED SOLELY USING WILDFIRE
25 RESISTANT MATERIALS IN ORDER TO PROTECT THE LIVES OF FIREFIGHTERS,
26 PREVENT THE SPREAD OF WILDFIRE TO ADJACENT PROPERTIES AND
27 JURISDICTIONS, AND MINIMIZE THE DANGER TO PUBLIC SAFETY.

1 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
2 REQUIRES, "HIGH WILDFIRE HAZARD AREA" MEANS AN AREA MAPPED BY
3 THE COLORADO STATE FOREST SERVICE, IDENTIFIED IN SECTION
4 23-31-302, AS FACING A SUBSTANTIAL AND RECURRING RISK OF EXPOSURE
5 TO SEVERE WILDFIRE HAZARDS.

6 (3) (a) NOT LATER THAN JANUARY 1, 2021, THE GOVERNING BODY
7 OF EACH MUNICIPALITY THAT CONTAINS ALL OR ANY PORTION OF A HIGH
8 WILDFIRE HAZARD AREA WITHIN ITS TERRITORIAL BOUNDARIES SHALL
9 ENACT AN ORDINANCE REQUIRING THAT NEW STRUCTURES LOCATED
10 WITHIN SUCH AREA BE CONSTRUCTED SOLELY USING WILDFIRE RESISTANT
11 MATERIALS. THE REQUIREMENTS OF THIS SUBSECTION (3)(a) APPLY TO THE
12 CONSTRUCTION OF, AND ANY RENOVATIONS OR ADDITIONS TO, ANY
13 COMMERCIAL OR RESIDENTIAL BUILDING LOCATED WITHIN THE
14 TERRITORIAL BOUNDARIES OF THE MUNICIPALITY THAT IS FURTHER
15 LOCATED WITHIN A HIGH WILDFIRE HAZARD AREA.

16 (b) NOTHING IN THIS SECTION IS CONSTRUED TO REQUIRE A
17 MUNICIPALITY TO ADOPT A NEW ORDINANCE MEETING THE REQUIREMENTS
18 OF THIS SECTION IF THE MUNICIPALITY HAS EITHER ADOPTED AN
19 ORDINANCE OR A BUILDING CODE, OR ANOTHER COMPARABLE CODE, IN
20 EFFECT AS OF THE EFFECTIVE DATE OF THIS SECTION, THAT OFFERS
21 COMPARABLE PROTECTION AGAINST WILDFIRES FOR STRUCTURES LOCATED
22 IN HIGH WILDFIRE HAZARD AREAS.

23 (4) THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION APPLY
24 TO ANY COMMERCIAL OR RESIDENTIAL BUILDING FOR WHICH A BUILDING
25 PERMIT APPLICATION IS RECEIVED SUBSEQUENT TO THE ADOPTION OF AN
26 ORDINANCE SATISFYING THIS SECTION.

27 **SECTION 4. Effective date.** This act takes effect July 1, 2020.

1 **SECTION 5. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety. [**ASK COMMITTEE**]