

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0736.01 Caroline Martin x5902

HOUSE BILL 26-1334

HOUSE SPONSORSHIP

Flanell and Paschal,

SENATE SPONSORSHIP

(None),

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE STANDARDS OF THE WILDFIRE
102 RESILIENCY CODE BOARD.

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>.)

Current law requires the wildfire resiliency code board (code board) to adopt minimum codes and standards related to wildfire resiliency (codes and standards) and to review the codes and standards every 3 years. The bill requires the code board to initially review the codes and standards no later than July 1, 2026, and to review the codes and standards as often as the board deems necessary but no less

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.

frequently than once every 3 years.

Current law also requires the code board to establish a process by which a governing body of certain local governments within the wildland-urban interface (governing body) may petition the code board for a modification to the code and requires a governing body to adopt a code that meets or exceeds the minimum standards set forth by the code board by April 1, 2026.

The bill requires the code board to establish a process by which a person impacted by the codes and standards may petition the code board for a modification to the code and extends the timeline by which a governing body is required to adopt a code that meets or exceeds the minimum standards set forth by the code board to April 1, 2027.

The bill also requires the department of public safety to annually report certain information regarding the implementation of the codes and standards related to wildfire resiliency to the general assembly.

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) Increasing wildfire risk in Colorado prompted the passage of
5 Senate Bill 23-166, which created the Colorado wildfire resiliency code
6 board within the department of public safety and charged the code board
7 with establishing a minimum code and standards for hardening structures
8 and reducing fire risk in the defensible space surrounding structures in the
9 wildland-urban interface. Senate Bill 23-166 also included a requirement
10 that local governments adopt the minimum code on or before April 1,
11 2026.

12 (b) More meaningful and ongoing public transparency and
13 engagement are needed to:

14 (I) Benefit the operation of the Colorado wildfire resiliency code
15 board;

16 (II) Ensure the success of the Colorado wildfire resiliency code;

17 (III) Support local governments that have been tasked with

1 implementing the Colorado wildfire resiliency code; and

2 (IV) Promote a shared understanding and appreciation between all
3 levels of government, property owners, and builders of the Colorado
4 wildfire resiliency code.

5 (2) Therefore, the general assembly further finds and declares that
6 it is necessary to:

7 (a) Extend the timeline of the code adoption requirement by one
8 year to ensure the Colorado wildfire resiliency code board has time to
9 fulfill its duty to provide support and data to local governments, thereby
10 allowing local governments to complete code review and adoption
11 processes in a technically sound and locally defensible manner;

12 (b) Direct the Colorado wildfire resiliency code board to review
13 the code within the first year to address unintended consequences and to
14 promote transparency and engagement;

15 (c) Expand the appeals process to include more impacted parties;
16 and

17 (d) Direct the department of public safety to report on the
18 Colorado wildfire resiliency code board's activities during the
19 department's annual SMART Act hearing process.

20 (3) This act affirms Colorado's commitment to mitigating fire risk
21 and supporting local governments in creating and enforcing
22 wildfire-resilient communities.

23 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1236,
24 **amend** (4)(b), (4)(b)(II)(D), and (4)(b)(IV) as follows:

25 **24-33.5-1236. Wildfire resiliency code board - powers and**
26 **duties - rules - cash fund - legislative declaration - definitions.**

27 (4) **Powers and duties.**

1 (b) In furtherance of its mission, the board shall promulgate
2 ADOPT rules in accordance with article 4 of this title 24 concerning the
3 adoption of minimum codes and standards for hardening structures and
4 reducing fire risk in the defensible space surrounding structures in the
5 wildland-urban interface in Colorado. Notwithstanding section 24-1-105
6 (1)(c) or any other law to the contrary, the rules promulgated ADOPTED by
7 the board are not subject to approval or modification by the director or the
8 executive director. At a minimum, the rules must:

9 (II) Adopt minimum codes and standards, referred to in this
10 section as the "codes", that must:

11 (D) Be initially adopted by the board no later than July 1, 2025,
12 and INITIALLY REVIEWED BY THE BOARD NO LATER THAN JULY 1, 2026,
13 reviewed by the board AS OFTEN AS THE BOARD DEEMS NECESSARY BUT
14 NO LESS FREQUENTLY THAN ONCE every three years, and updated or
15 supplemented as the board determines may be DEEMS necessary;

16 (IV) Establish the process by which a governing body OR A
17 PERSON IMPACTED BY THE CODES may petition the board for a
18 modification to the codes in accordance with section 24-33.5-1237 (3);

19 **SECTION 3.** In Colorado Revised Statutes, 24-33.5-1237,
20 **amend** (2)(a); and **add** (5) as follows:

21 **24-33.5-1237. Application of wildfire resiliency codes -**
22 **enforcement - definitions.**

23 (2) (a) An adopting governing body shall, ON OR BEFORE APRIL 1,
24 2027, adopt a code that meets or exceeds the minimum standards set forth
25 in the codes. ~~within nine months of the board adopting the codes in~~
26 ~~accordance with section 24-33.5-1236 (4)(b)(H)(D)~~

27 (5) BEGINNING IN JANUARY 2027, AND IN JANUARY EVERY YEAR

1 THEREAFTER, THE DEPARTMENT SHALL INCLUDE, AS PART OF ITS
2 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
3 SECTION 2-7-203, INFORMATION CONCERNING:

4 (a) THE PROGRESS OF THE ADOPTION AND IMPLEMENTATION OF
5 MINIMUM CODES AND STANDARDS FOR HARDENING STRUCTURES AND
6 REDUCING FIRE RISK IN THE DEFENSIBLE SPACE SURROUNDING
7 STRUCTURES IN THE WILDLAND-URBAN INTERFACE IN COLORADO;

8 (b) ANY KNOWN CHALLENGES LOCAL GOVERNMENTS HAVE
9 EXPERIENCED DURING THE PREVIOUS CALENDAR YEAR IN IMPLEMENTING
10 THE CODES AND STANDARDS; AND

11 (c) ANY COST IMPACTS TO PROPERTY OWNERS, INCLUDING
12 INSURANCE PREMIUM INCREASES, RESULTING FROM THE ADOPTION OR
13 IMPLEMENTATION OF THE CODES AND STANDARDS.

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 (August
17 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within such period, then the act, item, section, or part will not take effect
21 unless approved by the people at the general election to be held in
22 November 2026 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.