

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

INTRODUCED

LLS NO. 23-0364.01 Megan McCall x4215

HOUSE BILL 23-1075

HOUSE SPONSORSHIP

Snyder,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EVACUATION AND CLEARANCE TIME MODELING IN**
102 **WILDFIRE RISK AREAS OF THE STATE.**

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>.)

Section 1 of the bill directs the office of emergency management (office) to provide resources and technical assistance to an eligible entity to conduct evacuation and clearance time modeling and to publish the results to an interactive website. An eligible entity includes a fire department, governing body of a political subdivision, local or interjurisdictional emergency management agency, or homeowners'

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.*

association that is located in or provides services to a wildfire risk area. The office is required to conduct an outreach and education campaign to advise eligible agencies of the program.

On and after July 1, 2026, each local and interjurisdictional emergency management agency that has jurisdiction in a wildfire risk area must perform evacuation and clearance time modeling and include the information in the emergency management plan for its area.

Section 2 requires that, beginning on January 1, 2024, for proposed developments of a certain size, a developer must perform evacuation and clearance time modeling for the proposed development and submit the information to the local government that will consider the application for a development permit for approval. A local government cannot approve an application for a development permit submitted on or after that date unless the application includes the evacuation and clearance time modeling and the local government determines that it is adequate for the proposed development.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-33.5-718 as follows:

24-33.5-718. Resources for evacuation and clearance time modeling - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ELIGIBLE ENTITY" MEANS A LOCAL OR INTERJURISDICTIONAL EMERGENCY MANAGEMENT AGENCY, FIRE DEPARTMENT AS DEFINED IN SECTION 24-33.5-1202 (3.9), GOVERNING BODY OF A POLITICAL SUBDIVISION, OR HOMEOWNERS' ASSOCIATION THAT IS LOCATED IN OR PROVIDES SERVICES TO TERRITORY IN A WILDFIRE RISK AREA.

(b) "STATE FOREST SERVICE" MEANS THE COLORADO STATE FOREST SERVICE IDENTIFIED IN SECTION 23-31-302 AND THE DIVISION OF FORESTRY CREATED IN SECTION 24-33-104.

(c) "WILDFIRE RISK AREA" MEANS AN AREA DESIGNATED AS HIGH RISK OR HIGHEST RISK FOR WILDFIRE BY THE STATE FOREST SERVICE IN ITS

1 MOST RECENT PUBLICLY AVAILABLE STATEWIDE WILDFIRE RISK
2 ASSESSMENT MAP OR TOOL.

3 (2) AN ELIGIBLE ENTITY MAY REQUEST, AND THE OFFICE OF
4 EMERGENCY MANAGEMENT SHALL PROVIDE, RESOURCES AND TECHNICAL
5 ASSISTANCE TO:

6 (a) PERFORM EVACUATION AND CLEARANCE TIME MODELING FOR
7 THE ELIGIBLE ENTITY'S SERVICE AREA, TERRITORY, OR JURISDICTION; AND

8 (b) PUBLISH THE INFORMATION TO AN INTERACTIVE WEBSITE THAT:

9 (I) ALLOWS INDIVIDUALS TO LOOK UP INFORMATION ON
10 EVACUATION ROUTES, ZONES, AND CLEARANCE TIMES FOR A SPECIFIC
11 ADDRESS;

12 (II) PROVIDES INFORMATION ON HOW TO RECEIVE AND LOCATE
13 EVACUATION INFORMATION DURING AN EMERGENCY; AND

14 (III) EDUCATES INDIVIDUALS ON HOW TO MAKE EVACUATION
15 DECISIONS FOR THEIR OWN SAFETY DURING AN EMERGENCY.

16 (3) THE OFFICE OF EMERGENCY MANAGEMENT SHALL CONDUCT AN
17 OUTREACH AND EDUCATION CAMPAIGN TO ADVISE ELIGIBLE ENTITIES OF
18 THE AVAILABILITY OF ASSISTANCE FOR EVACUATION AND CLEARANCE
19 TIME MODELING. THE OFFICE OF EMERGENCY MANAGEMENT MAY
20 COLLABORATE WITH THE DEPARTMENT OF LOCAL AFFAIRS, THE DIVISION
21 OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC
22 SAFETY, AND OTHER STATE OR LOCAL AGENCIES TO PROMOTE AWARENESS
23 OF EVACUATION AND CLEARANCE TIME MODELING.

24 (4) ON AND AFTER JULY 1, 2026, EACH LOCAL AND
25 INTERJURISDICTIONAL EMERGENCY MANAGEMENT AGENCY WITH
26 JURISDICTION IN A WILDFIRE RISK AREA SHALL PERFORM EVACUATION AND
27 CLEARANCE TIME MODELING AND INCLUDE THAT INFORMATION AS PART

1 OF THE EMERGENCY MANAGEMENT PLAN REQUIRED BY SECTION
2 24-33.5-707 (8) FOR ITS AREA.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 29-22.5-106 as
4 follows:

5 **29-22.5-106. Requirement of evacuation and clearance time**
6 **modeling - legislative declaration - definitions.** (1) THE GENERAL
7 ASSEMBLY FINDS AND DECLARES THAT:

8 (a) WILDFIRE PREPAREDNESS FOR THE RESIDENTS OF THE STATE IS
9 A MATTER OF STATEWIDE CONCERN; AND

10 (b) WHILE INDIVIDUAL LAND USE DEVELOPMENT APPROVAL
11 DECISIONS ARE MATTERS OF LOCAL CONCERN, ENSURING THAT
12 DEVELOPERS OF RESIDENTIAL OR MIXED-USE DEVELOPMENTS IN AREAS OF
13 THE STATE AT HIGH RISK OF WILDFIRES HAVE CONSIDERED AND
14 PERFORMED EVACUATION AND CLEARANCE TIME MODELING FOR THE
15 DEVELOPMENT IS A MATTER OF STATEWIDE CONCERN AND NECESSARY FOR
16 THE PRESERVATION OF THE ENVIRONMENT AND OF PUBLIC HEALTH,
17 SAFETY, AND WELFARE IN COLORADO.

18 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
19 REQUIRES:

20 (a) "DEVELOPER" MEANS ANY PERSON, FIRM, PARTNERSHIP, JOINT
21 VENTURE, ASSOCIATION, OR CORPORATION PARTICIPATING AS OWNER,
22 PROMOTER, DEVELOPER, OR SALES AGENT IN THE PLANNING, PLATTING,
23 DEVELOPMENT, PROMOTION, SALE, OR LEASE OF A DEVELOPMENT.

24 (b) "DEVELOPMENT" MEANS A RESIDENTIAL OR MIXED-USE
25 DEVELOPMENT THAT WILL HAVE TEN OR MORE SINGLE FAMILY HOMES OR
26 MULTIFAMILY UNITS.

27 (c) "LOCAL GOVERNMENT" MEANS A COUNTY, A CITY AND

1 COUNTY, OR A MUNICIPALITY THAT HAS A GOVERNING BODY THAT
2 APPROVES DEVELOPMENT APPLICATIONS AND THAT HAS AN AREA WITHIN
3 ITS BOUNDARIES THAT IS IN A WILDFIRE RISK AREA.

4 (d) "WILDFIRE RISK AREA" HAS THE SAME MEANING AS SET FORTH
5 IN SECTION 24-33.5-718 (1)(c).

6 (3) ON AND AFTER JANUARY 1, 2024, A DEVELOPER SHALL NOT
7 SUBMIT AN APPLICATION TO A LOCAL GOVERNMENT FOR A DEVELOPMENT
8 PERMIT FOR A PROPOSED DEVELOPMENT UNLESS THE DEVELOPER HAS
9 PERFORMED EVACUATION AND CLEARANCE TIME MODELING FOR THE
10 PROPOSED DEVELOPMENT AND SUBMITS INFORMATION REGARDING THE
11 EVACUATION AND CLEARANCE TIME MODELING PERFORMED TO THE LOCAL
12 GOVERNMENT WITH THE APPLICATION.

13 (4) A LOCAL GOVERNMENT SHALL NOT APPROVE AN APPLICATION
14 FOR A DEVELOPMENT PERMIT SUBMITTED ON OR AFTER JANUARY 1, 2024,
15 UNLESS IT DETERMINES IN ITS SOLE DISCRETION, AFTER CONSIDERING THE
16 APPLICATION AND ALL OF THE INFORMATION PROVIDED, THAT THE
17 DEVELOPER HAS SATISFACTORILY DEMONSTRATED THAT THE EVACUATION
18 AND CLEARANCE TIME MODELING FOR THE PROPOSED DEVELOPMENT IS
19 ADEQUATE. A LOCAL GOVERNMENT SHALL MAKE THE DETERMINATION
20 REQUIRED BY THIS SUBSECTION (4) ONLY ONCE DURING THE DEVELOPMENT
21 PERMIT APPROVAL PROCESS UNLESS THE SIZE OR DENSITY OF THE SPECIFIC
22 PROJECT FOR WHICH THE DEVELOPMENT PERMIT IS SOUGHT MATERIALLY
23 CHANGES. A LOCAL GOVERNMENT HAS DISCRETION TO DETERMINE THE
24 STAGE IN THE DEVELOPMENT PERMIT APPROVAL PROCESS AT WHICH THE
25 DETERMINATION IS MADE.

26 **SECTION 3. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.