

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

REENGROSSED

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

LLS NO. 25-0269.03 Jed Franklin x5484

HOUSE BILL 25-1009

HOUSE SPONSORSHIP

Mauro and Joseph, Bacon, Bird, Boesenecker, Brown, Duran, Lindsay, Martinez, Titone, Velasco, Willford

SENATE SPONSORSHIP

Cutter,

House Committees

Agriculture, Water & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A VEGETATIVE FUEL MITIGATION PROGRAM FOR A**
102 **DISTRICT PROVIDING FIRE PROTECTION SERVICES.**

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>.)

The bill allows a fire protection district or a metropolitan district providing fire protection services (district) to create a program to mitigate the presence of dead or dry plant material that can burn and contribute to a fire on privately owned property within a district (vegetative fuel program). A district that creates a vegetative fuel program is required to adopt policies consistent with the 2024 International Wildland-urban

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
3rd Reading Unamended
February 7, 2025

HOUSE
Amended 2nd Reading
February 6, 2025

Interface Code or the standards and codes adopted or issued by the Colorado wildfire resiliency code board. A district that creates a vegetative fuel program may require an owner or occupier with an interest in private real property that contains vegetative fuel within the district to remove the vegetative fuel and assess a fine per incident of noncompliance. In order to assess a fine, for each incident, the district must provide written notice of the requirement to remove vegetative fuel and allow at least 10 days for the owner or occupier to comply. An owner or occupier that does not remove the vegetative fuel as provided in the first notice may be subject to a second notice requiring the removal of vegetative fuel. An owner or occupier has at least 10 days to comply with the second notice. An owner or occupier that does not comply within at least 10 days after the second notice may receive a third notice providing for a fine approximately equal to the cost of removing the vegetative fuel. The fine may not exceed \$300 per property per incident. An owner or occupier receiving a third notice may avoid a fine by removing the vegetative fuel within 10 days of the date of the third notice.

The money a district collects from a fine must be used by the district to remove vegetative fuel on private real property within the district's jurisdiction. An owner or occupier that is subject to a fine imposed by the district has standing to file an objection to the fine with the district's board. A district's board may waive the fine in all or in part, in its discretion, if it determines that the fine was not assessed pursuant to law, an owner or occupier is financially unable to pay the fine, or the vegetative fuel has been removed, and must prioritize use of the money to assist a low-income owner or occupier, a senior owner or occupier, or an owner or occupier with a disability in removing vegetative fuel from the owner or occupier's property.

A district shall adopt rules and policies after public notice and comment to implement the bill and shall post the adopted rules and policies to the district's website.

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) Colorado's wildfire season has grown in length and severity,
5 in some cases posing a year-round threat to communities throughout
6 Colorado;

7 (b) Wildfires present a grave risk to Colorado's residents,

1 property, and natural environment, whether in the mountains, on the
2 prairie, or in suburban areas;

3 (c) Wildfires can cause devastating property destruction and loss
4 of life; and

5 (d) The creation and maintenance of defensible space around
6 homes is a proven strategy to reduce wildfire risks and provide critical
7 time for responding firefighters, while overgrown, dead, or dying
8 vegetation increases the risk of fire spread, threatening homes and
9 neighboring properties.

10 (2) Therefore, the general assembly further finds and declares that
11 while the state of Colorado and local governments have invested
12 substantial resources in wildfire mitigation and suppression, there is a
13 need to further empower fire protection districts and metropolitan districts
14 providing fire protection services to implement localized vegetative fuel
15 management programs, which are essential to enhance community safety
16 and resilience in the face of an increasing wildfire threat.

17 **SECTION 2.** In Colorado Revised Statutes, 32-1-103, **add** (13.5),
18 (14.3), and (23.7) as follows:

19 **32-1-103. Definitions.** As used in this article 1, unless the context
20 otherwise requires:

21 (13.5) "NONPROFIT ENTITY" MEANS A PERSON THAT IS REGISTERED
22 AS AN EXEMPT CHARITABLE ORGANIZATION PURSUANT TO 26 U.S.C. SEC.
23 501 (c)(3) AND THAT IS EXEMPT FROM TAXATION PURSUANT TO 26 U.S.C.
24 SEC. 501 (a) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986".

25 (14.3) "PRIVATELY OWNED REAL PROPERTY" OR "PROPERTY"
26 MEANS PRIVATELY OWNED REAL PROPERTY THAT IS NOT CLASSIFIED AS
27 AGRICULTURAL LAND BY THE TAX ASSESSOR. "PRIVATELY OWNED REAL

1 PROPERTY" OR "PROPERTY" DOES NOT MEAN PRIVATELY OWNED REAL
2 PROPERTY OWNED BY A NONPROFIT ENTITY THAT IS LEASED FOR
3 AGRICULTURAL PURPOSES.

4 (23.7) "VEGETATIVE FUEL" MEANS ANY DEAD PLANT MATERIAL
5 THAT CAN BURN AND CONTRIBUTE TO A FIRE, INCLUDING LEAVES, GRASS,
6 SHRUBS, GROUND LITTER, DEAD LEAVES, AND FALLEN PINE NEEDLES.

7 **SECTION 3.** In Colorado Revised Statutes, 32-1-1002, **add** (1)(i)
8 as follows:

9 **32-1-1002. Fire protection districts - additional powers and**
10 **duties - definitions - vegetative fuel removal.** (1) In addition to the
11 powers specified in section 32-1-1001, the board of any fire protection
12 district has the following powers for and on behalf of the district:

13 (i) (I) A FIRE PROTECTION DISTRICT MAY ESTABLISH, IN ITS
14 DISCRETION, A PROGRAM TO REQUIRE THE REMOVAL OF VEGETATIVE FUEL
15 FROM PRIVATELY OWNED REAL PROPERTY WITHIN THE BOUNDARIES OF THE
16 DISTRICT, AND A FIRE PROTECTION DISTRICT THAT ESTABLISHES A
17 PROGRAM SHALL ADOPT POLICIES CONSISTENT WITH THE 2024
18 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, A SUBSEQUENT
19 CODE ESTABLISHED BY THE INTERNATIONAL CODE COUNCIL, OR THE
20 STANDARDS AND CODES ADOPTED OR ISSUED BY THE COLORADO WILDFIRE
21 RESILIENCY CODE BOARD.

22 (II) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM
23 PURSUANT TO SECTION (1)(i)(I) OF THIS SECTION MAY ASSESS A FINE IN
24 ACCORDANCE WITH THIS SUBSECTION (1)(i)(II). AN INCIDENT COVERS ALL
25 VEGETATIVE FUEL ON A PROPERTY. FOR EACH INCIDENT OF VEGETATIVE
26 FUEL ON A PROPERTY, A FIRE PROTECTION DISTRICT MUST PROVIDE TO AN
27 OWNER AND OCCUPIER OF THE PRIVATELY OWNED REAL PROPERTY

1 WRITTEN NOTICE OF THE REQUIREMENT TO REMOVE VEGETATIVE FUEL
2 FROM A PROPERTY AND THE AMOUNT OF A POTENTIAL FINE. AT LEAST TEN
3 DAYS AFTER PROVIDING A FIRST NOTICE, IF THE VEGETATIVE FUEL HAS NOT
4 BEEN REMOVED, A DISTRICT MAY PROVIDE A SECOND WRITTEN NOTICE TO
5 THE OWNER AND OCCUPIER CONTAINING THE SAME INFORMATION. AT
6 LEAST TEN DAYS AFTER PROVIDING A SECOND NOTICE, IF THE VEGETATIVE
7 FUEL HAS NOT BEEN REMOVED, A DISTRICT MAY ASSESS A FINE AGAINST
8 THE OWNER OR OCCUPIER BY PROVIDING WRITTEN NOTICE OF THE FINE TO
9 THE OWNER AND OCCUPIER BY CERTIFIED MAIL. THE AMOUNT OF A FINE
10 MUST BE APPROXIMATELY EQUAL TO THE COST OF REMOVAL OF THE
11 VEGETATIVE FUEL ON THE PROPERTY AND MUST NOT EXCEED THREE
12 HUNDRED DOLLARS PER PROPERTY PER INCIDENT. AN OWNER OR OCCUPIER
13 IS NOT SUBJECT TO MORE THAN ONE FINE FOR THE SAME INCIDENT. A FINE
14 IS WAIVED IF THE OWNER OR OCCUPIER REMOVES OR CAUSES THE
15 REMOVAL OF THE VEGETATIVE FUEL WITHIN TEN DAYS OF RECEIVING
16 NOTICE OF AN ASSESSMENT OF A FINE.

17 (III) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM
18 PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION MUST USE THE
19 MONEY COLLECTED FROM A FINE ASSESSED PURSUANT TO THIS SECTION
20 ONLY TO REMOVE VEGETATIVE FUEL ON PRIVATE REAL PROPERTY WITHIN
21 THE DISTRICT'S JURISDICTION. A FIRE PROTECTION DISTRICT MUST
22 PRIORITIZE USE OF THE MONEY TO ASSIST A LOW-INCOME OWNER OR
23 OCCUPIER, A SENIOR OWNER OR OCCUPIER, OR AN OWNER OR OCCUPIER
24 WITH A DISABILITY TO REMOVE VEGETATIVE FUEL FROM THE OWNER OR
25 OCCUPIER'S PROPERTY.

26 (IV) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM
27 PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION SHALL ESTABLISH A

1 PROCESS FOR A PERSON THAT OWNS OR OCCUPIES PROPERTY THAT IS
2 SUBJECT TO A FINE IMPOSED BY THE FIRE PROTECTION DISTRICT PURSUANT
3 TO SUBSECTION (1)(i)(II) OF THIS SECTION TO FILE AN OBJECTION TO THE
4 FINE WITH THE DISTRICT'S BOARD. A DISTRICT'S BOARD MAY WAIVE THE
5 FINE IN ALL OR IN PART, IN ITS DISCRETION, IF IT DETERMINES THAT:

6 (A) THE FINE WAS NOT ASSESSED IN COMPLIANCE WITH
7 SUBSECTION (1)(i)(II) OF THIS SECTION;

8 (B) THE OWNER OR OCCUPIER FILING AN OBJECTION IS
9 FINANCIALLY UNABLE TO PAY ALL OR A PORTION OF THE FINE; OR

10 (C) AN OWNER OR OCCUPIER AGAINST WHICH A FINE WAS
11 ASSESSED HAS REMOVED OR CAUSED THE REMOVAL OF THE VEGETATIVE
12 FUEL AFTER THE ASSESSMENT OF THE FINE.

13 (V) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM
14 PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION SHALL NOT ASSESS A
15 LIEN ON ANY PRIVATELY OWNED REAL PROPERTY FOR UNPAID FINES UNTIL
16 THE OWNER OR OCCUPIER OF THE PRIVATELY OWNED REAL PROPERTY HAS
17 FIVE OR MORE UNPAID FINES FOR VIOLATIONS CONCERNING THE SAME
18 PRIVATELY OWNED REAL PROPERTY. A LIEN FOR NON-PAYMENT OF A FINE
19 ASSESSED AGAINST A PROPERTY PURSUANT TO THIS SUBSECTION (1)(i)
20 MUST NOT BE FORECLOSED AND DOES NOT SUPERCEDE ANY PRIOR LIEN ON
21 A PROPERTY.

22 (VI) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM
23 PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION SHALL ADOPT RULES
24 AND POLICIES AFTER A PUBLIC HEARING, PUBLIC NOTICE, AND THE
25 ALLOWANCE OF PUBLIC COMMENT TO IMPLEMENT THIS SUBSECTION (1)(i)
26 AND SHALL POST THE ADOPTED RULES AND POLICIES ON THE DISTRICT'S
27 WEBSITE. AS PART OF THE ADOPTED RULES AND POLICIES A FIRE

1 PROTECTION DISTRICT SHALL DESIGNATE AN INDIVIDUAL TO OVERSEE AND
2 MANAGE THE PROGRAM.

3 (VII) A FIRE PROTECTION DISTRICT MAY WAIVE A FINE FOR DELAYS
4 DUE TO WEATHER OR UPON A PETITION FOR A TIME EXTENSION FROM AN
5 OWNER OR OCCUPIER IF AN OWNER OR OCCUPIER HAS UNDERTAKEN GOOD
6 FAITH EFFORTS TO REMOVE THE VEGETATIVE FUEL, AT THE DISCRETION OF
7 THE FIRE PROTECTION DISTRICT.

8 **SECTION 4.** In Colorado Revised Statutes, 32-1-1004, add
9 (1)(e) as follows:

10 **32-1-1004. Metropolitan districts - additional powers and**
11 **duties.** (1) In addition to the powers specified in section 32-1-1001, the
12 board of any metropolitan district has the following powers for and on
13 behalf of such district:

14 (e) A METROPOLITAN DISTRICT THAT PROVIDES FIRE PROTECTION
15 SERVICES MAY ESTABLISH, IN ITS DISCRETION, A PROGRAM TO REQUIRE
16 THE REMOVAL OF VEGETATIVE FUEL FROM PRIVATELY OWNED REAL
17 PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT, AS SPECIFIED IN
18 SECTION 32-1-1001 (1)(i) FOR FIRE PROTECTION DISTRICTS, AND A
19 METROPOLITAN DISTRICT THAT PROVIDES FIRE PROTECTION SERVICES AND
20 THAT ESTABLISHES A PROGRAM PURSUANT TO SECTION 32-1-1001 (1)(i)
21 SHALL ADOPT POLICIES CONSISTENT WITH THE 2024 INTERNATIONAL
22 WILDLAND-URBAN INTERFACE CODE, A SUBSEQUENT CODE ESTABLISHED
23 BY THE INTERNATIONAL CODE COUNCIL, OR THE STANDARDS AND CODES
24 ADOPTED OR ISSUED BY THE COLORADO WILDFIRE RESILIENCY CODE
25 BOARD.

26 **SECTION 5. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2026 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.