



February 19, 2024

RE: HB24-1091 Fire -Hardened Building Materials in Real Property - SUPPORT

Dear Members of the Senate Local Government and Housing Committee.

I am testifying in support of HB24-1091, on behalf of the League of Women Voter's Legislative Action Committee.

The League of Women Voters of Colorado (LWVCO) has been a nonpartisan organization for 104 years, encourages informed and active participation government, and influences public policy through education and advocacy. Our members spans the state of Colorado with 20 local leagues operating in many regions around the state.

The LWVCO supports policies to provide a decent home and a suitable living environment for every person. Our Justice, Equity, Diversity, and Inclusion (JEDI) values are served when local communities and their governmental authorities can adopt regulations that benefit their communities.

After the massive Marshall Fire in late December, 2021, state lawmakers have looked at ways to prevent such an event happening again. Fire Marshalls and experts have told many of you law makers that at present there are dangerous housing material and design

features that magnify the effects of a wild fire. A wooden fence was identified as a single key link in a destructive chain reaction.

I live in Highlands Ranch which has beautiful wooden fences. They are not only along major roads but divide each home and come right up to the homes. This sounds like the prospect of a major fire possibility. Right now a home owner does not have the right to use fire hardened fencing material but must comply with the Special District in Highlands Ranch's decision. Other HOAs, even in the area devastated by the Marshall Fire, REQUIRE cedar fences and other flammable building products, and will not permit alternatives that are fire-hardened.

We urge the committee to vote **YES** on **HB24-1091**. Thank you for your consideration of this important bill.

Respectfully,
Jo Feder, Volunteer Lobbyist - Housing
Legislative Action Committee
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Testimony of Jennifer Brant
Regarding Fire Hardened Building Materials

I live in unincorporated Douglas County in a rural area with an 8B fire rating and have been recently declared as uninsurable by most insurances due to fire risk. Our rural community does not have fire hydrants, and our assigned fire house is a volunteer station that is 20 minutes from our community. The other two fire stations, Larkspur, and Castle Rock are subject to impedance by a railway that blocks the single entrance to our community in the event of a train passing at the time of a fire. In addition we have an over zealous HOA that has shown lack of reason on a litany of items in our community, to include the progression of use of new building materials. Many in the community have challenged the HOA on these items and we have gotten no where as a community, and many people have been flatly denied the ability to use some of these fire hardened materials.

To substantiate this, in 2020 we built a barn and detached garage. We wanted to use steel siding primarily for fire protection, but also as a hardened surface for horses and hail. We were encouraged by a single board member (who happened to be a builder) that we would be able to use these materials even though it was unclear in the governing documents if they would ultimately be approved. We did depend on the information provided by the board member and ultimately used the steel siding on our barn and garage which subsequently resulted in the HOA filing suit against us. Yes, we are being sued simply for the use of the fire hardened material steel being potentially averse to the covenants; NOT because of a claim by the HOA that the structure doesn't meet required design, color or appearance. The HOA has refused to be reasonable and has persisted in the lawsuit with the only acceptable resolution by the HOA being to tear down the steel and replace with one of the products listed in our Declaration which is stone, wood or stucco. Clearly, stone is unreasonable and cost prohibitive, and wood is a terrible alternative to a high fire risk area! Stucco, though it is a fire hardened building material is not at all a reasonable product for use around livestock.

That all being said, homeowners are stuck with their declarations and covenants which are sometimes 20-30 years old which may prohibit new building materials all together. HOA boards are often unreasonable and unmovable on these subjects as well. Moreover, changing covenants is difficult and often not practical or successful and requires significant expense and a requisite vote of the owners of the association with a minimum of 67% for some covenants.

HOAs therefore must be prohibited from preventing homeowners from building expensive investments that are designed to resist fire, especially in high fire areas like ours. Homeowners should be free to use ANY fire hardened material that may be appropriate to the purpose of the structure.

Additionally, we are mandated to use wood 3 rail fences in our community. We have discussed the high fire risk and wicking with these fences to homes and other structures and yet again the HOA has been firm on not allowing such improvements to be anything other than wood and will not entertain a vote to amend the rules regarding these fences. The allowance of fire resistant fences should without reservation be

allowed in all communities to help prevent spread of fire, and to protect the investment itself as well.

As a strict conservative and registered Republican, I do not see this as increased government control at a local level - this bill brings freedoms that homeowners would not otherwise have in an interest to protect their investments and truly is a public policy issue since so many of us in Colorado live under the control of an HOA. The bill may not be directly or immediately related to a decrease in insurance premiums or coverage for high fire areas, but it does give homeowners a fighting chance to protect their homes and structures in the event of a fire and that right shouldn't be prohibited by an HOA. There should be a bipartisan effort to approve this bill.

Thank you
Jennifer Brant