

Senate Local Government & Housing

03/16/2023 Upon Adjournment

SB23-166 Establishment Of A Wildfire Resiliency Code Board

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Michael White</p> <p>For</p> <p>themselves</p>	<p>Dear Colorado Legislators,</p> <p>As a victim of the Marshall Fire in December 2021, I am writing to express my strong support for the new statewide bill that proposes building codes to prevent wildfires. The devastation caused by the Marshall Fire was an eye-opener for all of us, and we need to take proactive measures to prevent such tragedies from happening again.</p> <p>These measures will not just help prevent fires from spreading and will ensure that homes and buildings are more resilient to wildfires but will provide peace of mind to many Colorado citizens on our numerous dry and windy days.</p> <p>Having personally experienced the trauma of losing my home in the Marshall Fire, I can attest to the importance of these measures. The fire destroyed everything we had worked so hard to build, and it was devastating to see our home and our neighbors homes reduced to ashes. It was clear that the building codes in place at the time were/are inadequate to prevent the spread of the fire, and this is why I believe that stricter building codes are necessary to prevent future wildfires.</p> <p>The building industry arguments on increases in costs are indicative of what we hear from various industries on all sorts of public health issues. From car seat belts, food safety to clean drinking water, industries consistently over estimate costs and underestimate public health benefits. I ask that you ignore their profit focused motives and listen to citizens who know what a complete lack of any real wildfire codes can cause. By implementing these codes, we can help protect the lives and properties of Colorado residents and reduce the financial burden of rebuilding after a wildfire.</p>

	<p>I strongly urge you to support this bill and help prevent future tragedies like the Marshall Fire. Thank you for your consideration.</p> <p>Michael White Louisville, Colorado</p>
<p>Marsha Porter-Norton For La Plata County</p>	<p>Dear Senator Jacquez Lewis and Members:</p> <p>Thank you for the opportunity to give this written testimony in support of SB 23-166.</p> <p>The La Plata County Board of County Commissioners is in support because much of our county is in the Wildland Urban Interface. Residents and in fact entire municipalities here have been threatened with many wildfires due to the mega drought that we are in which is the worst in 1,200 years. The southern portion of Colorado is being hit very hard and this is just one reason we support a robust, statewide code. It will increase safety and resiliency in the face of what we now experience as a year-round wildfire season. We believe this Code needs to account for unique factors in Colorado's diverse landscapes and watersheds, and include stakeholders and the public every step of the way.</p> <p>As for our county's part, we have established a Wildfire Advisory Board to advise the BOCC on wildfire policy. In 2021, La Plata County, with the City of Durango and Durango Fire Protection District, established an IGA and program called the Wildfire and Watershed Protection Fund (WWPF). We have raised 2.5M in State and Federal grants to mitigate targeted areas in and around Durango including a goal to protect the City of Durango's water supply, the Florida River.</p> <p>La Plata County is one of seven COSWAP communities and we greatly appreciate the DNR's partnership and assistance via grants and sending inmate crews here to do mitigation in our County Rights of Way.</p> <p>The County is committing significant General Fund dollars to the WAB and WWFP. So, we are doing our part. However, we also desire a Statewide Code for consistency and overall safety.</p>

	Please do not hesitate to contact me with questions and thank you for your service.
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March 8, 2023

Subject: Support SB23-166: Building Fire Resistant Homes and Communities  
Appendix A.) Code Considerations and Support Resources:  
Appendix B.) Recommended Bill Amendments

Dear Senator Cutter, Senator Exum, and members of the Senate Committee on Local Government and Housing,

**Fire Adapted Colorado's (FACO) board and staff support the intent of SB23-166, BUILDING FIRE RESISTANT HOMES AND COMMUNITIES** to develop and enact minimum statewide wildfire resilience building codes.

The safety, health, and welfare of Coloradans and first responders grows with each new, vulnerable structure built or moved into hazardous wildfire conditions. **Right now, Colorado lawmakers have the opportunity to ensure future construction in Colorado's wildfire prone landscapes incorporates wildfire resistant building practices to curb the growing risk.**

State-wide minimum codes would facilitate and enhance the work of [Fire Adapted Colorado's place-based member organizations](#) already working to increase wildfire resilience including many supporting regulations in their jurisdictions. It also would enhance the ability of the state and local governments to secure outside funding, including federal funding which grants priority to places with wildfire urban interface regulations in effect.

As development continues pushing the edges of Colorado's urban areas, it is paramount that we collectively take steps to reduce structure ignition potential. Not only does the threat to human life increase, but when structures burn there are significant short- and long-term economic costs for the individuals who have lost their home, for their community, and for the state. There are also significant physical and emotional health impacts. The most wide reaching health impacts are from smoke. Toxic compounds released when structures burn are more harmful to public and firefighter health than burning vegetation.

The economic and health costs to communities experiencing wildfire destruction are heartbreaking, but **while wildfires are inevitable, wildfire disasters don't have to happen!** Scientific evidence clearly demonstrates that homes primarily ignite because of structural vulnerabilities to burning embers, far exceeding ignitions from direct flame contact or radiant heat from nearby vegetation during a passing wildfire front.



**While the cost of doing nothing is exorbitant, the cost of building safer from the start is minimal and often more affordable** than building with highly combustible materials. Key ignition-resistant features also carry many additional benefits, such as durability of ignition resistant siding and decking, energy efficiency of double-paned windows, and keeping out unwanted critters through screening crawl space and vent openings to stop ember intrusion.

While many communities offer fuels reduction and home hardening support, voluntary efforts alone cannot keep up with and expanding development in Colorado's wildfire prone landscapes. Although model codes have been available for over a decade and some local governments have enacted regulations to help keep homes from igniting in wildfires, homes are still built with shake shingle roofing and wooden decks overhanging hillsides and adjacent homes in different jurisdictions can be built to very different wildfire standards. **A minimum code will provide a basic level of consistency between jurisdictions and ease the burden of developing individualized local code requirements.** (See Appendix A.)

FACO recognizes that implementation of a minimum code will be challenging but we believe these challenges can and must be overcome. The proposed approach to develop a robust code board will put 24 subject matter experts from all relevant disciplines into the driver's seat. A standing code board will enable the minimum code to be amended as needed to meet the intent and remedy unanticipated consequences or complications of implementation.

If enacted, Fire Adapted Colorado will work with our many network members across the state to support implementation and development of complimentary programs. As FACO's network includes many of Colorado's wildfire resistant construction experts who engage with property owners in fire prone areas every day, FACO will gladly offer subject matter expertise at any stage of this effort. Please reach out with any questions about the need for a statewide minimum code or how existing regulations function. We also welcome questions about about specific ways that the proposed bill might best ensure it addresses the most critical needs. (See Appendix B.)

**In support of FACO's mission to improve wildfire outcomes in Colorado communities and landscapes, we urge you to adopt this bill into law, to put experts in charge of developing a minimum code which we expect will have a measurable impact on the health, safety, and welfare of Coloradans.**



## **Appendix A.) Code Considerations and Support Resources:**

A statewide code should establish minimum standards for practices that have been scientifically shown to increase ignition resistance, including Class A roofing and other smart construction practices such as double-paned windows, screened or closing vents, and non-combustible aprons around structures. **It is important that this proposed law does not roll back stronger rules already in place.**

Voluntary programs, such as Boulder Wildfire Partners, RealFire (Eagle County), and MyWildfireRisk (West Region Wildfire Council), showcase how more detailed home hardening and community preparedness can be accomplished for existing structures over time and help homeowners maintain wildfire resilient homes and lifestyles. These programs complement, but don't replace, their locally adopted wildfire resilience codes that ensure new structures are safer from the start.



Above examples of maintenance retrofits are part of a photo library developed by Boulder Wildfire Partners with Fire Adapted Colorado support. Resources such as these can help support implementation of statewide codes for retrofits and remodels.



## **Appendix B.) Recommended Bill Amendments:**

**Recommendation:** Remove the provision exempting single residences on 35 acres not abutting a residential or commercial area.

~~DEFINE THE WILDLAND- URBAN INTERFACE AND IDENTIFY THE  
AREAS OF COLORADO THAT ARE INCLUDED WITHIN IT ; EXCEPT THAT,  
NOTWITHSTANDING THE AREA THAT THE BOARD IDENTIFIES AS INCLUDED  
WITHIN THE WILDLAND- URBAN INTERFACE , ANY THIRTY FIVE ACRE  
PARCEL WITH ONLY ONE RESIDENTIAL STRUCTURE ON IT THAT DOES NOT  
ABUT A RESIDENTIAL OR COMMERCIAL AREA IS EXEMPT FROM ADHERENCE  
TO THE CODES .~~

Justification: 35+ acre lots are exempt from the subdivision process in Colorado but building standards and codes still apply in most jurisdictions, **including in local jurisdictions that have already adopted wildland-urban interface codes and it is important that this proposed law does not roll back stronger rules already in place in these jurisdictions.**

This provision implies an intent to maintain local control where public safety isn't impacted. However, while the risk of igniting adjacent structures is minimized for a single home on 35+ acres, there is still an increased risk for firefighters defending a structure, economic impacts, and the toxic smoke and debris left in the wake of a burning structure, a risk that can be minimized through wildfire smart home construction.

If this provision is not removed, the definition of 'abutting residential or commercial area" should be clarified. Zoning around the state is not clear enough to make such a determination.

Alternatives: Modify exempt to below a minimum structure size or other structure characteristics, such as if it is heated where the structure is greater than 50' from other structures and property lines.

This alternative would exempt auxiliary structures that are unlikely to ignite adjacent structures and property from their radiant heat, but any burning structure has health, safety, and economic impacts..



**Recommendation:** Add impacts to 25% or more of the roof to the substantial remodel provision.

"SUBSTANTIALLY REMODELS "

MUST BE DEFINED IN THE BOARD'S RULES AND MUST INCLUDE INCREASING

THE FOOTPRINT OF A STRUCTURE BY TWENTY- FIVE PERCENT , INCLUDING

ADDING ATTACHMENTS TO THE STRUCTURE , OR, FOR CONSTRUCTION

INVOLVING THE EXTERIOR OF A STRUCTURE , OR ATTACHMENTS TO IT , IF

AT LEAST TWENTY- FIVE PERCENT OF THE EXTERIOR, THE ROOF,

OR THE ATTACHMENT IS AFFECTED BY THE CONSTRUCTION.

Justification: The retrofit provision for major repairs and modifications affecting over 25% or the exterior could use some clarity, or give direction for the code board to clarify parameters. It is important that this provision also applies to anytime 25% or more of a non-class A roof surface is being replaced or repaired, which may be less than 25% of the overall structure.

**Recommendation:** Add Class A roofing as a non-negotiable required code standard in the legislation.

4. (II) ADOPT MINIMUM CODES AND STANDARDS , REFERRED TO IN

THIS SECTION AS THE "CODES " , THAT MUST :

(A) BE BASED ON BEST PRACTICES TO REDUCE THE RISK TO LIFE

AND PROPERTY FROM THE EFFECTS OF WILDFIRES INCLUDING CLASS A ROOFING :

Justification: Wildfire resilience grant opportunities from the U.S. Departments of Homeland Security, Agriculture, and Interior give preference to jurisdictions that have adopted Class A roofing requirements. State agencies have reported that the lack of this standard has made Colorado less competitive for federal support. Incorporating this one element into the legislation will improve competitiveness without delay.



March 14, 2023

Senator Sonya Jaquez Lewis  
Chair, Local Government & Housing Committee  
200 East Colfax Avenue  
Room 346  
Denver, CO 80203

RE: Support for *SB23-166 - Establishment Of A Wildfire Resiliency Code Board*

Dear Senator Jaquez Lewis,

The International Code Council is a nonprofit organization of more than 65,000 building and fire code officials dedicated to helping communities and the building industry provide safe, resilient, and sustainable construction through the development and use of model codes and standards. The Code Council publishes the International Wildland-Urban Interface Code (IWUIC) which establishes minimum requirements for land use and buildings in designated wildland-urban interface areas. The IWUIC is a model code that is intended to be adopted and used supplemental to the adopted building and fire codes of a jurisdiction.

We applaud and have directly participated in the stakeholder-driven process led by Senator Cutter. We also commend the recent work of the Colorado Fire Commission and the Division of Fire Prevention and Control to develop thoughtful and informed recommendations on creating a Wildland-Urban Interface Code Board. These consensus recommendations were developed using an open, transparent, stakeholder-driven process and have substantially informed the drafting of SB23-166.

More than 70,000 communities and 46 million residences are at-risk from wildfire nationwide. In 2022, 68,988 wildfires were reported to the National Interagency Fire Center. Wildfires destroyed 2,717 structures including 1,261 one- and two-family residences. More than 1,000 of these residences were destroyed by the Marshall Fire alone.

For these reasons, the International Code Council requests your favorable consideration and supports the advancement of *SB23-166 - Establishment Of A Wildfire Resiliency Code Board*.

Sincerely,

A handwritten signature in black ink that reads "Karl Fippinger". The signature is written in a cursive, flowing style.

Karl Fippinger  
Vice President, Fire and Disaster Mitigation

March 15, 2023

Sen. Lisa Cutter  
Sen. Tony Exum  
Rep. Meg Froelich  
Rep. Elizabeth Velasco

**Re: SB 166 – Establishment of a Wildfire Resiliency Code Board**

Dear Senators Cutter and Exum and Representatives Froelich and Velasco:

On behalf of the National Association of Mutual Insurance Companies (NAMIC), a 1,500-member trade association representing mutual property and casualty insurers across the U.S., I am writing you today to express our unequivocal support for SB 166 – Establishment of a Wildfire Resiliency Code Board.

NAMIC has long been a supporter of efforts to enhance resiliency in Colorado and the West. At the federal level, NAMIC supported the Resilient AMERICA Act which increases funding for the federal Building Resilient Infrastructure and Communities Program. This program, as you know, awards grants to fund state and local mitigation projects and expands the program capabilities to improve construction standards and retrofit existing homes.

As climate change leads to wildfire activity, coupled with increased development in the Wildland Urban Interface (WUI), it is critical that local communities in Colorado proactively adopt building codes to better resist the damaging effects of wildfires.

We salute your legislation to establish the Colorado Wildfire Resiliency Code Board. By adopting model codes and requiring governing bodies within the WUI to adopt codes that meet or exceed the board's model codes, you are sending the message that prevention is the first step in resisting catastrophic damage from wildfires.

NAMIC supports this legislation and wishes it great success in the March 16 Senate Local Government & Housing Committee.

Please let me know how we may assist your efforts.



Sincerely,

A handwritten signature in black ink that reads "Ward Tisdale".

Ward Tisdale  
Regional Vice President - Southwest  
National Association of Mutual Insurance Companies  
Tel: 512-415-5544 | [wtisdale@namic.org](mailto:wtisdale@namic.org)