

House Transportation, Housing & Local Government

04/11/2023 01:30 PM

HB23-1254 Habitability of Residential Premises

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Lidia Diaz-Espinoza For Servicios De La Raza	For this bill
John Truesdale For themselves	<p>My name is John Truesdale and I am in favor of this bill. My family of 6 is currently displaced because of the Marshall fire which destroyed 90% of the homes in our subdivision. Ours was one of 6 that wasn't a total loss but suffered both fire and severe smoke damage. Immediately after the fire we were overjoyed for our home to have survived when so many did not only to later learn that both our structure and personal property are almost a total loss as well. We have done our due diligence with respect to having the fire damage assessed by professional contractors and the air quality tested by several certified industrial hygienists who have independently found soot behind the walls and toxic gases in exceedence of the standards mentioned in this bill and have recommended extensive remediation. Unfortunately our days of testing and results conflict with a two hour assessment done by the insurance hired industrial hygienist and they have pushed our case into appraisal which is the remediation process that determines the value of the damage done to our home. It is our sincere hope that the appraisal process will be fair but we have our doubts due to the fact that the "independent" appraisers and umpires chosen to settle the claim also in many cases make a significant portion of their income from the insurance companies who hold the opposing side in each of their cases. Our story is just one of a dozen that I know of personally where an insurance company has taken advantage of every opportunity to frustrate and delay the settlement process and recovery. For the fire victims whose homes stand alone among the wreckage they are in effect pushed back into environments that are most certainly life threatening. The lack of laws protecting the health and welfare of wildfire victims makes the tremendous disparity between individual home owners and multi-billion dollar corporations all the greater. This bill and the proposed additions and amendments are sorely needed to help protect the lives of my wife and kids and of the wildfire victims.</p>
Peter Dente Amend themselves	<p>While I applaud the intent of this legislation that begins to address a serious deficiency in the laws and regulations of Colorado that address personal health and safety, as written, this legislation substantially misses the mark. This legislation overs only landlords and renters. As demonstrated by the recent Marshall Fire, homeowners who live in their residences need these standards as well.</p>

	<p>Colorado is substantially deficient in having standards of habitability for private residences. Colorado is substantially deficient in having standards for the whole wildfire industry - Industrial Hygienists, Remediation companies, Pack Out companies, etc. Why are there OSHA standards for contaminants in the workplace, where an individual "resides" for some 45 hours per week but not for their residence which they occupy four time longer?</p> <p>Our personal experience is of the owner and resident of a property with a structure that is still standing after the Marshall fire - but uninhabitable due to soot, char, ash, smoke, heat damage, and dangerous and unhealthy chemical contaminants. We have been repeatedly been injured after the fire due to a lack of standards as to the health safety of our dwelling. We have been further traumatized, defrauded, lied to, stolen from, and repeatedly taken advantage of (rent gouging, etc.) due to the lack of regulations and control of the whole fire remediation industry.</p> <p>Due to the lack of appropriate standards in this area has allowed the Insurance company to define on their own, or through their own paid and unregulated skills (Industrial Hygienists, Construction engineers, etc.) just when a property is safe, healthy, and fit for occupancy. Talk about the fox guarding the hen house.</p> <p>Is this really how our state legislature believes the people of Colorado deserve to be treated?</p>
<p>Jo Feder For League of Women Voters of Colorado</p>	<p>My name is Jo Feder and I am a volunteer lobbyist with the League of Women Voters of Colorado's Legislative Action Committee. I am writing in Support of HB23-1254 Habitability of Residential Premises.</p> <p>The LWVCO supports policies to provide a decent home and a suitable living environment for every person, and equal rights and equal opportunity for all.</p> <p>This bill came out of the Marshall fire. After the fire, it was discovered that most attention focused on homeowners not renters. It was discovered that Colorado has a warranty of habilitation law, but has shortcomings when it comes to renters where there has been a fire and other disasters such as floods. First, there is no statutory definition of when a unit is sufficiently remediated. If a tenet moves into following remediation and someone in the family experiences systems like headaches, respiratory problems or dizziness, there is no objective standard to determine that the unit has been sufficiently remediated. This puts the tenet in the position of trying to get the landlord to remediate adequately. And the landlord, who may have thought they had remediated adequately, of defending their work.</p> <p>HB23-1254 would require a landlord to have a residential premises inspected and tested by a certified industrial hygienst or an</p>

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<p>Dawn Bolstad-Johnson For themselves</p>	<p>I am a certified industrial hygienist who has studied post fire exposures for the past 25 years. I sampled many standing homes in Boulder that were significantly damaged by the Marshall Fire. The Marshall fire did not involve much vegetation, instead it was a fire of a thousand homes filled with appliances, plastics, vehicles, polyurethane foams, textiles, electronics, computers that were incinerated and spread for miles due to hurricane force winds. This bill must be extended to homeowners so that insurance companies understand what remediation must be done and who is responsible to determine if a home is uninhabitable. This bill should include schools, daycares, nursing homes and other people who are vulnerable to fire residue contaminants. Some of my clients are returning to their homes after all the insurance approved cleaning remedies have been accomplished only to have nose bleeds or difficulty breathing in their own home. The National Academies of Sciences published 2 consensus studies (2022) The Chemistry of Fires at the Wildland Urban Interface</p>

	<p>https://nap.nationalacademies.org/catalog/26460/the-chemistry-of-fires-at-the-wildland-urban-interface and Why Indoor Air Chemistry Matters https://nap.nationalacademies.org/catalog/26228/why-indoor-chemistry-matters</p> <p>These publications discuss gas partitioning how fire emissions create a chemical reservoir inside a structure as they have permeated all layers of porous building materials. CLEANING simply does not address the chemical reservoir that has developed in the drywall, plywood, flooring, inside wall cavities and insulation. Soot, char and ash sampling is simply not sufficient to decide on how much contamination is inside a living space. This is truly a PUBLIC HEALTH PROBLEM. Homeowners who have determined that they can no longer inhabit a home are simply selling it (certified that it has been cleaned to insurance protocols) but again Insurance companies are not addressing the chemical reservoir that has developed. Consider this - if a toilet overflows with urine or fecal matter, everything that the toilet water touches is ripped out and replaced. Fire Smoke/Fire emissions has a long list of carcinogens, irritants, acid gases etc. that cannot be cleaned away because they have become absorbed into the porous materials. An effective method is complete removal of the fire contaminated materials e.g. a full gut of the living space and replacement with uncontaminated building materials.</p>
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Virginia Gebhart For themselves	<p>I'm anxious to support this bill because I live in Lafayette and luckily escaped the devastation of the Marshall fire. Had the wind kept howling into the night, I would have experienced the trauma of damage to my home, if not loss of my home. I was oblivious to these concerns of habitability after a disaster before the Marshall fire occurred. As a homeowner, these new standards would be important to me so I'd know what needs to be done to rehabilitate my own home. If I become a tenant in the future, the requirements for landlords to mitigate these hazards will be very important to me.</p> <p>We've learned that we are all at risk of damage or loss of our homes. Please vote yes to pass this bill to help future victims of fire damage to their homes recover more quickly and safely.</p>