

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

INTRODUCED

LLS NO. 25-0815.01 Caroline Martin x5902

SENATE BILL 25-142

SENATE SPONSORSHIP

Baisley,

HOUSE SPONSORSHIP

(None),

Senate Committees
State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGES TO THE WILDFIRE RESILIENCY CODE BOARD.**

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 makes changes to the existing wildfire resiliency code board (board). The bill adds the following members to the board:

- One additional municipal representative representing rural communities who is appointed by the minority leader of the house of representatives, and one additional county representative representing rural communities who is appointed by the minority leader of the senate;
- One additional municipal representative representing 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.

communities who is appointed by the speaker of the house of representatives and one additional county representative representing urban communities who is appointed by the president of the senate;

- One additional municipal and one additional county representative representing a municipality and a county that, prior to September 30, 2023, adopted codes that provide, minimally, for wildfire-resilient structures and best practices, each appointed by the executive director;
- 2 mayors of urban municipalities and 2 mayors of rural municipalities; and
- The state water engineer or the state water engineer's designee.

The bill removes 4 members from the board, including a member representing hazard mitigation professionals, a member representing the building trades, a member representing a statewide association of nonprofit utilities, and a member representing a nonprofit home builder for affordable home ownership that serves populations with incomes under 80% of an area's median income.

The bill removes the board's ability to define the wildland-urban interface and instead defines the wildland-urban interface as land in Colorado that is:

- 3 miles or less away from the boundary of any city with a population of 100,000 or more people as of the 2020 United States census;
- 3 miles or less away from the boundary of a transit-oriented community; or
- 3 miles or less away from land that is zoned to allow 40 units or more per acre.

The bill requires each county in the state to create and present to its board of county commissioners a wildland-urban interface map designating all land within the county that is part of the wildland-urban interface. Each board of county commissioners shall approve and submit to the wildfire resiliency code board a wildland-urban interface map no later than July 1, 2026. The board shall adopt minimum codes and standards related to wildfire resiliency no sooner than the date it has received a wildland-urban interface map from every county and no later than January 1, 2027. Governing bodies have one year from the board's adoption of minimum codes and standards related to wildfire resiliency to adopt the codes.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-33.5-1236,

1 **amend** (1)(a), (3)(a) introductory portion, (3)(a)(VII), (3)(a)(XI),
2 (4)(b)(II)(D), (4)(g), and (9); **repeal** (3)(a)(VI), (3)(a)(IX), (3)(a)(X),
3 (3)(a)(XII), and (4)(b)(I); and **add** (1)(a)(V.5), (3)(a)(XIII), and
4 (3)(a)(XIV) as follows:

5 **24-33.5-1236. Wildfire resiliency code board - powers and**
6 **duties - rules - cash fund - legislative declaration - definitions.**

7 **(1) Legislative declaration.** (a) The general assembly hereby finds and
8 declares that:

9 (I) Colorado's wildfire risk has continued to increase over the
10 years and more communities are at risk of wildfires. IN ORDER TO
11 MAXIMIZE THE EFFECTIVENESS OF LIMITED RESOURCES, SPECIFIC
12 ATTENTION MUST BE PAID TO THE WILDLAND- URBAN INTERFACE, WHICH
13 IS THE AREA WHERE HUMAN DEVELOPMENT MEETS UNDEVELOPED
14 WILDLAND. THE WILDLAND-URBAN INTERFACE INCLUDES LAND THAT IS
15 WITHIN A THREE-MILE RING AROUND CITIES, TRANSIT-ORIENTED
16 COMMUNITIES, AND LAND ZONED TO A HIGH DENSITY, INCLUDING
17 HIGH-DENSITY RESIDENTIAL AREAS ALONG THE FRONT RANGE THAT ARE
18 ADJACENT TO GRASSLANDS, OFTEN EXPERIENCE HIGH WINDS, AND HAVE
19 LIMITED ACCESS TO WATER RESOURCES, MAKING THE AREAS SUSCEPTIBLE
20 TO CATASTROPHIC WILDFIRES.

21 (II) ~~Colorado~~ NATIONALLY, wildfires have grown in intensity,
22 frequency, and devastation since the year 2000. COLORADO CAN LEARN
23 A NUMBER OF LESSONS FROM THE CATASTROPHIC WILDFIRES IN LOS
24 ANGELES, CALIFORNIA, AND SHOULD PAY PARTICULAR ATTENTION TO
25 WATER SOURCE AVAILABILITY, COORDINATION AND EXPECTATION
26 MANAGEMENT BETWEEN LOCAL GOVERNMENTS AND WILDLAND FIRE
27 MANAGERS, AND EQUIPMENT COMPATIBILITY AND STANDARDIZATION.

1 COLORADO MUST CLEARLY DEFINE THE WILDLAND-URBAN INTERFACE IN
2 ORDER TO FOCUS LIMITED RESOURCES, STANDARDIZE FIRE CODE
3 APPLICATIONS WITHIN THAT AREA, AND AVOID WASTING RESOURCES.

4 (III) A combined approach of structure hardening and reducing
5 fire risk in the defensible space surrounding structures WITHIN THE
6 WILDLAND-URBAN INTERFACE is necessary to reduce the risk of damage
7 to Colorado communities from the effects of wildfires. This risk includes
8 the loss of life, homes, businesses, and other structures and the loss of
9 jobs and economic vitality. Risk evaluation is based on many factors,
10 including proximity to structures. Hardening structures is the process of
11 making structures more resilient to ignition and involves best practices to
12 protect a structure from the risk of wildfire and to prevent a structure fire
13 from starting a wildfire.

14 (IV) THE CONSTRUCTION OF structures, including houses, that are
15 resilient to wildfire risk is as affordable or more affordable than building
16 nonresilient structures and reduces structure loss, the financial investment
17 required to rebuild structures, cost of insurance, and problems related to
18 underinsurance. In light of these financial implications, increasing
19 housing stock with wildfire-resilient structures increases and protects the
20 affordable housing stock.

21 (V) THE WILDFIRE RESILIENCY CODE BOARD, AS ORIGINALLY
22 CONTEMPLATED, BROUGHT TOGETHER the division and the Colorado fire
23 commission ~~have engaged~~ TO ENGAGE in a stakeholder-driven strategic
24 planning effort to evaluate the best approach to ensure that Colorado's
25 communities, properties, and structures are protected from the effects of
26 wildfires and have recommended the creation of a wildfire resiliency code
27 board in Colorado. THIS ORIGINAL STRUCTURE DID NOT PERMIT COUNTIES

1 AND MUNICIPALITIES TO FULLY ENGAGE WITH THE BOARD OR PARTICIPATE
2 IN DESIGNATING THE WILDLAND-URBAN INTERFACE, WHICH LED TO
3 COUNTIES AND MUNICIPALITIES BEING PLACED IN A GENERIC STATE MAP
4 THAT CONFUSED HIGH WILDFIRE RISK AREAS WITH TRUE WILDLAND-URBAN
5 INTERFACE AREAS. WHILE A WILDLAND-URBAN INTERFACE IS MEANT TO
6 BE AN AREA NEAR HIGH-DENSITY URBAN LOCATIONS WHERE RESOURCES
7 SHOULD BE FOCUSED, THE WILDLAND-URBAN INTERFACE AS CURRENTLY
8 ENVISIONED WOULD INCLUDE MOST OF RURAL COLORADO WHILE
9 EXCLUDING DENSER URBAN AREAS AND TRANSIT-ORIENTED
10 DEVELOPMENT.

11 (V.5) WHILE MUCH OF RURAL COLORADO CAN BE CLASSIFIED AS
12 SUSCEPTIBLE TO WILDFIRE, RURAL COLORADO IS BY DEFINITION NOT PART
13 OF THE WILDLAND-URBAN INTERFACE. INCLUDING RURAL COLORADO IN
14 THE WILDLAND-URBAN INTERFACE COULD RESULT IN A
15 SIXTY-THOUSAND-DOLLAR INCREASE IN THE PRICE OF NEW HOME
16 CONSTRUCTION, WHILE PROVIDING NO SUBSTANTIAL PROTECTIVE BENEFIT
17 TO RURAL COLORADANS IN THE FORM OF FOCUSED RESOURCES. A CODE
18 THAT AFFECTS ALL COLORADANS SHOULD BE STAKEHOLDERED WITH INPUT
19 FROM ALL COLORADANS, INCLUDING LOCAL GOVERNMENTS, FROM THE
20 OUTSET.

21 (VI) ~~Establishing a~~ MODIFYING THE MEMBERSHIP OF the code
22 board TO INCLUDE MORE LOCAL GOVERNMENT REPRESENTATION and
23 REPLACING THE DEFINITION OF WILDLAND-URBAN INTERFACE PREVIOUSLY
24 ESTABLISHED BY THE CODE BOARD WITH A STATUTORY DEFINITION OF
25 WILDLAND-URBAN INTERFACE will allow the state to adopt and enforce
26 best practice approaches to hardening structures and reducing fire risk in
27 the defensible space surrounding structures throughout Colorado while

1 continuing to involve impacted stakeholders in decision-making
2 concerning wildfire resiliency codes. ~~As one of its functions, the code~~
3 ~~board will endeavor to establish a consistent state-level definition for the~~
4 ~~wildland-urban interface that can be used by all applicable state agencies.~~

5 (3) **Membership.** (a) The board consists of ~~twenty-one~~
6 TWENTY-EIGHT voting members who must be residents of Colorado,
7 appointed as follows:

8 (VI) ~~One member representing hazard mitigation professionals,~~
9 ~~appointed by the executive director;~~

10 (VII) ~~Six~~ TWELVE members representing Colorado local
11 governments, including:

12 (A) ~~One~~ TWO municipal ~~representative~~ REPRESENTATIVES
13 representing rural communities who ~~is~~ ARE appointed by the minority
14 leader of the house of representatives, and ~~one~~ TWO county ~~representative~~
15 REPRESENTATIVES representing rural communities who ~~is~~ ARE appointed
16 by the minority leader of the senate;

17 (B) ~~One~~ TWO municipal ~~representative~~ REPRESENTATIVES
18 representing urban communities who ~~is~~ ARE appointed by the speaker of
19 the house of representatives and ~~one~~ TWO county ~~representative~~
20 REPRESENTATIVES representing urban communities who ~~is~~ ARE appointed
21 by the president of the senate; and

22 (C) ~~One~~ TWO municipal and ~~one~~ TWO county ~~representative~~
23 REPRESENTATIVES representing municipalities and ~~a~~ counties that, prior
24 to September 30, 2023, ~~has~~ HAVE adopted ~~a code~~ CODES that ~~provides~~
25 PROVIDE, minimally, for wildfire resilient structures and best practices,
26 each appointed by the executive director;

27 (IX) ~~One member representing the building trades, appointed by~~

1 ~~the executive director;~~

2 (X) ~~One member representing a statewide association of nonprofit~~
3 ~~utilities, appointed by the president of the senate;~~

4 (XI) One member representing an investor-owned utility,
5 appointed by the speaker of the house of representatives; ~~and~~

6 (XII) ~~One member representing a nonprofit home builder for~~
7 ~~affordable home ownership that serves populations with incomes under~~
8 ~~eighty percent of an area's median income, appointed by the executive~~
9 ~~director.~~

10 (XIII) TWO MAYORS OF URBAN MUNICIPALITIES AND TWO MAYORS
11 OF RURAL MUNICIPALITIES, APPOINTED BY THE COLORADO MUNICIPAL
12 LEAGUE; AND

13 (XIV) THE STATE ENGINEER APPOINTED PURSUANT TO SECTION
14 37-80-101 OR THE STATE ENGINEER'S DESIGNEE.

15 (4) **Powers and duties.** (b) In furtherance of its mission, the
16 board shall promulgate rules in accordance with article 4 of this title 24
17 concerning the adoption of minimum codes and standards for hardening
18 structures and reducing fire risk in the defensible space surrounding
19 structures in the wildland-urban interface in Colorado. Notwithstanding
20 section 24-1-105 (1)(c) or any other law to the contrary, the rules
21 promulgated by the board are not subject to approval or modification by
22 the director or the executive director. At a minimum, the rules must:

23 (I) ~~Define the wildland-urban interface and identify the areas of~~
24 ~~Colorado that are included within it; except that, notwithstanding the area~~
25 ~~that the board identifies as included within the wildland-urban interface,~~
26 ~~any thirty-five acre parcel with only one residential structure on it that~~
27 ~~does not abut a residential or commercial area is exempt from adherence~~

1 to the codes. In defining Colorado's wildland-urban interface, the board
2 may consider best practices including but not limited to practices of other
3 states and the federal government; regional differences and risks within
4 the state; environmental, health, and safety impacts; any existing
5 definitions of the term wildland-urban interface; and individual risk
6 profiles identified by the Colorado state forest service. The definition of
7 the wildland-urban interface shall be updated once every three years, as
8 the board determines may be necessary.

9 (II) Adopt minimum codes and standards, referred to in this
10 section as the "codes", that must:

11 (D) Be initially adopted by the board no later than July 1, 2025
12 JANUARY 1, 2027, and reviewed by the board every three years and
13 updated or supplemented as the board determines may be necessary;

14 (g) The board shall not approve final adoption of the codes, or any
15 updates or supplements to the codes pursuant to subsection (4)(b) of this
16 section, UNTIL IT HAS RECEIVED EVERY WILDLAND-URBAN INTERFACE MAP
17 REQUIRED TO BE SUBMITTED PURSUANT TO SECTION 24-33.5-1237 (1.5),
18 AND until at least three statewide public hearings have been held,
19 including at least one hearing held in a location west of the continental
20 divide and at least one hearing held in a location east of the continental
21 divide and either south of El Paso county's southern boundary or east of
22 Arapahoe county's eastern boundary. Members of the board may
23 participate electronically and the board shall establish rules to provide for
24 the necessary elements for electronic attendance at hearings.

25 (9) As used in this section, unless the context otherwise requires:

26 (a) "Governing body" has the same meaning as set forth in section
27 24-33.5-1237 (1)(d).

1 (b) (I) "WILDLAND-URBAN INTERFACE" MEANS LAND IN
2 COLORADO THAT IS:

3 (A) THREE MILES OR LESS AWAY FROM THE BOUNDARY OF ANY
4 CITY WITH A POPULATION OF ONE HUNDRED THOUSAND OR MORE AS OF
5 THE 2020 UNITED STATES CENSUS;

6 (B) THREE MILES OR LESS AWAY FROM THE BOUNDARY OF A
7 TRANSIT-ORIENTED COMMUNITY, AS DEFINED IN SECTION 29-35-202; OR

8 (C) THREE MILES OR LESS AWAY FROM LAND THAT IS ZONED TO
9 ALLOW FORTY UNITS OR MORE PER ACRE.

10 (II) "WILDLAND-URBAN INTERFACE" LAND DOES NOT INCLUDE ANY
11 THIRTY-FIVE-ACRE PARCEL WITH ONLY ONE RESIDENTIAL STRUCTURE ON
12 IT THAT DOES NOT ABUT A RESIDENTIAL OR COMMERCIAL AREA.

13 **SECTION 2.** In Colorado Revised Statutes, 24-33.5-1237,
14 **amend** (1)(e) and (2)(a); and **add** (1)(f) and (1.5) as follows:

15 **24-33.5-1237. Application of wildfire resiliency codes -**
16 **enforcement - definitions.** (1) As used in this section, unless the context
17 otherwise requires:

18 (e) "Wildland-urban interface" has the same meaning as set forth
19 ~~by the board in its rules pursuant to section 24-33.5-1236 (4)(b)(i)~~ IN
20 SECTION 24-33.5-1236 (9)(b).

21 (f) "WILDLAND-URBAN INTERFACE MAP" MEANS A MAP THAT
22 DESIGNATES ALL LAND WITHIN A COUNTY THAT IS PART OF THE
23 WILDLAND-URBAN INTERFACE. THE WILDLAND-URBAN INTERFACE MAP
24 MUST DESIGNATE ALL LAND REQUIRED BY SECTION 24-33.5-1236 (9)(b),
25 AND MAY, AT THE DISCRETION OF THE COUNTY, DESIGNATE ADDITIONAL
26 LAND THAT IS NOT REQUIRED BY SECTION 24-33.5-1236 (9)(b) AS PART OF
27 THE WILDLAND-URBAN INTERFACE.

1 (1.5) EACH COUNTY IN THE STATE SHALL CREATE AND PRESENT TO
2 ITS BOARD OF COUNTY COMMISSIONERS A WILDLAND-URBAN INTERFACE
3 MAP. EACH BOARD OF COUNTY COMMISSIONERS SHALL APPROVE AND
4 SUBMIT TO THE WILDFIRE RESILIENCY CODE BOARD A WILDLAND-URBAN
5 INTERFACE MAP NO LATER THAN JULY 1, 2026.

6 (2) (a) A governing body with jurisdiction in an area within the
7 wildland-urban interface that has the authority to adopt building codes or
8 fire codes shall adopt a code that meets or exceeds the minimum
9 standards set forth in the codes within ~~three months~~ ONE YEAR of the
10 board adopting the codes in accordance with section 24-33.5-1236
11 (4)(b)(II)(D).

12 **SECTION 3. Act subject to petition - effective date.** This act
13 takes effect at 12:01 a.m. on the day following the expiration of the
14 ninety-day period after final adjournment of the general assembly; except
15 that, if a referendum petition is filed pursuant to section 1 (3) of article V
16 of the state constitution against this act or an item, section, or part of this
17 act within such period, then the act, item, section, or part will not take
18 effect unless approved by the people at the general election to be held in
19 November 2026 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.