

SENATE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

March 16, 2023  
Date

Committee on Local Government & Housing.

After consideration on the merits, the Committee recommends the following:

SB23-166 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 3, strike line 8 and substitute "REDUCING FIRE  
2 RISK IN THE DEFENSIBLE SPACE SURROUNDING STRUCTURES IS".

3 Page 3, strike lines 10 through 12 and substitute "COMMUNITIES FROM THE  
4 EFFECTS OF WILDFIRES. THIS RISK INCLUDES THE LOSS OF LIFE, HOMES,  
5 BUSINESSES, AND OTHER STRUCTURES AND THE LOSS OF JOBS AND  
6 ECONOMIC VITALITY. RISK EVALUATION IS BASED ON MANY FACTORS,  
7 INCLUDING PROXIMITY TO STRUCTURES. HARDENING STRUCTURES IS THE  
8 PROCESS OF MAKING STRUCTURES MORE RESILIENT TO IGNITION AND  
9 INVOLVES BEST PRACTICES TO PROTECT A STRUCTURE FROM THE RISK OF  
10 WILDFIRE AND TO PREVENT A STRUCTURE FIRE FROM STARTING A  
11 WILDFIRE."

12 Page 3, before line 13 insert:

13 "(IV) BUILDING STRUCTURES, INCLUDING HOUSES, THAT ARE  
14 RESILIENT TO WILDFIRE RISK IS AS AFFORDABLE OR MORE AFFORDABLE  
15 THAN BUILDING NONRESILIENT STRUCTURES AND REDUCES STRUCTURE  
16 LOSS, THE FINANCIAL INVESTMENT REQUIRED TO REBUILD STRUCTURES,  
17 COST OF INSURANCE, AND PROBLEMS RELATED TO UNDERINSURANCE. IN  
18 LIGHT OF THESE FINANCIAL IMPLICATIONS, INCREASING HOUSING STOCK  
19 WITH WILDFIRE RESILIENT STRUCTURES INCREASES AND PROTECTS THE  
20 AFFORDABLE HOUSING STOCK."

21 Renumber succeeding subparagraphs accordingly.

22 Page 3, strike line 21 and substitute "STRUCTURES AND REDUCING FIRE  
23 RISK IN THE DEFENSIBLE SPACE SURROUNDING".

- 1 Page 3, line 24, after "CODES." add "AS ONE OF ITS FUNCTIONS, THE CODE  
2 BOARD WILL ENDEAVOR TO ESTABLISH A CONSISTENT STATE-LEVEL  
3 DEFINITION FOR THE WILDLAND-URBAN INTERFACE THAT CAN BE USED BY  
4 ALL APPLICABLE STATE AGENCIES."
- 5 Page 4, line 20, strike "EACH OF WHOM EITHER IS" and substitute "TWO OF  
6 WHICH ARE EITHER".
- 7 Page 4, line 21, strike "ENGINEER," and substitute "ENGINEER AND ONE OF  
8 WHICH HAS SPECIALIZED EXPERTISE IN WILDLAND FIRE BEHAVIOR OR  
9 WILDFIRE MITIGATION SCIENCE AND STRATEGIES,".
- 10 Page 7, line 1, strike "SIX" and substitute "SEVEN".
- 11 Page 7, strike lines 3 and 4 and substitute "VACANCY, THE APPLICABLE  
12 PERSON AUTHORIZED TO APPOINT A MEMBER OR MEMBERS AS SET FORTH  
13 IN SUBSECTION (3)(a) OF THIS SECTION FOR THE APPLICABLE POSITION  
14 THAT IS VACANT SHALL APPOINT A NEW MEMBER TO THE VACANT POSITION  
15 FOR THE REMAINDER OF THE UNEXPIRED TERM. A MEMBER APPOINTED TO  
16 FILL".
- 17 Page 7, strike line 23 and substitute "REDUCING FIRE RISK IN THE  
18 DEFENSIBLE SPACE SURROUNDING STRUCTURES IN".
- 19 Page 7, line 27, after "OF" insert "MINIMUM".
- 20 Page 8, strike line 1 and substitute "STRUCTURES AND REDUCING FIRE RISK  
21 IN THE DEFENSIBLE SPACE SURROUNDING".
- 22 Page 8, line 17, after "CODES;" insert "ANY EXISTING DEFINITIONS OF THE  
23 TERM WILDLAND-URBAN INTERFACE;".
- 24 Page 8, line 20, strike "YEARS." and substitute "YEARS, AS THE BOARD  
25 DETERMINES MAY BE NECESSARY."
- 26 Page 9, strike lines 5 through 16 and substitute:
- 27 "(C) APPLY TO PERMITTING AND INSPECTIONS FOR NEW  
28 CONSTRUCTION OF STRUCTURES OR DEFENSIBLE SPACE AROUND  
29 STRUCTURES AND FOR NEW CONSTRUCTION FOR AN EXTERNAL ADDITION,  
30 ALTERATION, OR REPAIR TO A STRUCTURE OR THE DEFENSIBLE SPACE  
31 AROUND THE STRUCTURE IN ACCORDANCE WITH THIS SUBSECTION  
32 (4)(b)(II)(C). COMPLIANCE WITH THE CODES IS REQUIRED FOR PERMITS

1 AND INSPECTIONS IN CONNECTION WITH INCREASING THE FOOTPRINT OF A  
2 STRUCTURE BY FIVE HUNDRED SQUARE FEET, INCLUDING ADDING  
3 ATTACHMENTS TO THE STRUCTURE. COMPLIANCE WITH THE CODES IS  
4 REQUIRED FOR PERMITS AND INSPECTIONS IN CONNECTION WITH AN  
5 ALTERATION OR REPAIR TO THE EXTERIOR OF AN EXISTING STRUCTURE, OR  
6 AN ATTACHMENT TO IT, IF TWENTY-FIVE PERCENT OR MORE OF THE  
7 EXTERIOR OF THE STRUCTURE OR THE ATTACHMENT TO IT IS AFFECTED BY  
8 THE ALTERATION OR REPAIR. COMPLIANCE WITH THE CODES IS REQUIRED  
9 FOR THE ADDITION OF A WOODEN DECK TO A STRUCTURE. THE CODES  
10 SHALL NOT APPLY TO INTERIOR ALTERATIONS OF EXISTING STRUCTURES."

11 Page 9, strike lines 18 and 19 and substitute "1, 2025, AND REVIEWED BY  
12 THE BOARD EVERY THREE YEARS AND UPDATED OR SUPPLEMENTED AS THE  
13 BOARD DETERMINES MAY BE NECESSARY;"

14 Page 10, strike lines 5 and 6 and substitute "APPROVAL OF AN EXEMPTION  
15 FROM THE CODE FOR ACTIVITIES OR".

16 Page 10, line 18, strike "(2)." and substitute "(2);".

17 Page 10, after line 18 insert:

18 "(II) PURSUANT TO THE BOARD'S COLLABORATION WITH THE  
19 ENERGY CODE BOARD AS REQUIRED BY SUBSECTION (4)(c)(I)(C) OF THIS  
20 SECTION, THE BOARD SHALL WORK WITH THE ENERGY CODE BOARD TO  
21 IDENTIFY ANY CONFLICTS BETWEEN CODES DEVELOPED BY THE ENERGY  
22 CODE BOARD PURSUANT TO SECTION 24-38.5-401 (5) AND (6) AND RULES  
23 PROMULGATED BY THE BOARD AND MAKE BEST EFFORTS TO RESOLVE ANY  
24 CONFLICTS;"

25 Renumber succeeding subparagraphs accordingly.

26 Page 14, line 17, after "INTERFACE" insert "THAT HAS THE AUTHORITY TO  
27 ADOPT BUILDING CODES OR FIRE CODES".

28 Page 14, line 18, strike "CODES." and substitute "CODES WITHIN THREE  
29 MONTHS OF THE BOARD ADOPTING THE CODES IN ACCORDANCE WITH  
30 SECTION 24-33.5-1236 (4)(b)(II)(D)."

31 Page 14, line 24, strike "SIX" and substitute "THREE".

32 Page 15, line 14, after "FEE" insert "TO THE PROPERTY OWNER".

- 1 Page 15, line 26, strike "EFFECT." and substitute "EFFECT, OR THE BOARD
- 2 AT ITS DISCRETION AND THROUGH ITS OWN ACTION MAY EXTEND THE
- 3 MODIFICATION AND SPECIFY A NEW EXPIRATION DATE."

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