

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0453.01 Megan McCall x4215

SENATE BILL 23-166

SENATE SPONSORSHIP

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Senate Committees

Local Government & Housing
Appropriations

House Committees

Transportation, Housing & Local Government
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF A WILDFIRE RESILIENCY CODE**
102 **BOARD, AND, IN CONNECTION THEREWITH, REQUIRING THE**
103 **WILDFIRE RESILIENCY CODE BOARD TO ADOPT MODEL CODES,**
104 **REQUIRING GOVERNING BODIES WITH JURISDICTION IN AN AREA**
105 **WITHIN THE WILDLAND-URBAN INTERFACE TO ADOPT CODES**
106 **THAT MEET OR EXCEED THE STANDARDS SET FORTH IN THE**
107 **MODEL CODES, AND MAKING AN APPROPRIATION.**

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>.)

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.

HOUSE
3rd Reading Unamended
April 26, 2023

HOUSE
Amended 2nd Reading
April 25, 2023

SENATE
3rd Reading Unamended
April 14, 2023

SENATE
Amended 2nd Reading
April 13, 2023

The bill establishes a wildfire resiliency code board (board) in the division of fire prevention and control (division) within the department of public safety (department) for the purposes of ensuring community safety from and more resiliency to wildfires by reducing the risk of wildfires to people and property through the adoption of statewide codes and standards. The board consists of 21 appointed voting members with specific government or industry qualifications and 3 non-voting members. The board is required to promulgate rules concerning the adoption and administration of codes and standards for the hardening of structures and parcels in the wildland-urban interface in Colorado, including rules that:

- Define the wildland-urban interface and identify areas of the state that are within it;
- Adopt minimum codes and standards based on best practices to reduce the risk to life and property from the effects of wildfires;
- Identify hazards and types of buildings, entities, and defensible space around structures to which the codes apply; and
- Establish a process for a governing body to petition the board for a modification to the codes and establish the criteria and process for the board to grant or deny an appeal from a decision of the board on a petition for modification.

The bill also creates the wildfire resiliency code board cash fund and continuously appropriates the money in the fund to the department to implement the provisions of the bill.

The bill requires a governing body with jurisdiction in an area within the wildland-urban interface to adopt and enforce a code that meets or exceeds the minimum standards of the codes adopted by the board. Enforcement of the codes is done in accordance with the rules and regulations for code enforcement adopted by the governing body. If the governing body does not have rules and regulations for code enforcement, the governing body may request support from the division to enforce the code.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-1236
3 and 24-33.5-1237 as follows:

4 **24-33.5-1236. Wildfire resiliency code board - powers and**
5 **duties - rules - cash fund - legislative declaration - definitions.**

1 (1) **Legislative declaration.** (a) THE GENERAL ASSEMBLY HEREBY FINDS
2 AND DECLARES THAT:

3 (I) COLORADO'S WILDFIRE RISK HAS CONTINUED TO INCREASE
4 OVER THE YEARS AND MORE COMMUNITIES ARE AT RISK OF WILDFIRES;

5 (II) COLORADO WILDFIRES HAVE GROWN IN INTENSITY,
6 FREQUENCY, AND DEVASTATION SINCE THE YEAR 2000;

7 (III) A COMBINED APPROACH OF STRUCTURE HARDENING AND
8 REDUCING FIRE RISK IN THE DEFENSIBLE SPACE SURROUNDING
9 STRUCTURES IS NECESSARY TO REDUCE THE RISK OF DAMAGE TO
10 COLORADO COMMUNITIES FROM THE EFFECTS OF WILDFIRES. THIS RISK
11 INCLUDES THE LOSS OF LIFE, HOMES, BUSINESSES, AND OTHER STRUCTURES
12 AND THE LOSS OF JOBS AND ECONOMIC VITALITY. RISK EVALUATION IS
13 BASED ON MANY FACTORS, INCLUDING PROXIMITY TO STRUCTURES.
14 HARDENING STRUCTURES IS THE PROCESS OF MAKING STRUCTURES MORE
15 RESILIENT TO IGNITION AND INVOLVES BEST PRACTICES TO PROTECT A
16 STRUCTURE FROM THE RISK OF WILDFIRE AND TO PREVENT A STRUCTURE
17 FIRE FROM STARTING A WILDFIRE.

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

26 (V) THE DIVISION AND THE COLORADO FIRE COMMISSION HAVE
27 ENGAGED IN A STAKEHOLDER-DRIVEN STRATEGIC PLANNING EFFORT TO

1 EVALUATE THE BEST APPROACH TO ENSURE THAT COLORADO'S
2 COMMUNITIES, PROPERTIES, AND STRUCTURES ARE PROTECTED FROM THE
3 EFFECTS OF WILDFIRES AND HAVE RECOMMENDED THE CREATION OF A
4 WILDFIRE RESILIENCY CODE BOARD IN COLORADO; AND

5 (VI) ESTABLISHING A CODE BOARD WILL ALLOW THE STATE TO
6 ADOPT AND ENFORCE BEST PRACTICE APPROACHES TO HARDENING
7 STRUCTURES AND REDUCING FIRE RISK IN THE DEFENSIBLE SPACE
8 SURROUNDING STRUCTURES THROUGHOUT COLORADO WHILE CONTINUING
9 TO INVOLVE IMPACTED STAKEHOLDERS IN DECISION-MAKING CONCERNING
10 WILDFIRE RESILIENCY CODES. AS ONE OF ITS FUNCTIONS, THE CODE BOARD
11 WILL ENDEAVOR TO ESTABLISH A CONSISTENT STATE-LEVEL DEFINITION
12 FOR THE WILDLAND-URBAN INTERFACE THAT CAN BE USED BY ALL
13 APPLICABLE STATE AGENCIES.

14 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
15 ESTABLISHING A WILDFIRE RESILIENCY CODE BOARD SERVES THE
16 INTERESTS OF THE STATE AND LOCAL COMMUNITIES IN CONSTRUCTING
17 SAFER AND MORE RESILIENT COMMUNITIES AND REDUCING RISK TO PEOPLE
18 AND PROPERTY.

19 (2) **Board created.** THE WILDFIRE RESILIENCY CODE BOARD,
20 REFERRED TO IN THIS SECTION AS THE "BOARD", IS CREATED IN THE
21 DIVISION AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. EXCEPT
22 AS OTHERWISE PROVIDED IN SUBSECTION (4)(b) OF THIS SECTION, THE
23 BOARD EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS
24 UNDER THE DIVISION AND THE EXECUTIVE DIRECTOR.

25 (3) **Membership.** (a) THE BOARD CONSISTS OF TWENTY-ONE
26 VOTING MEMBERS WHO MUST BE RESIDENTS OF COLORADO, APPOINTED AS
27 FOLLOWS:

1 (I) THREE MEMBERS REPRESENTING COLORADO BUILDING CODES
2 PROFESSIONALS, INCLUDING:

3 (A) ONE REPRESENTING RURAL COMMUNITIES, APPOINTED BY THE
4 SPEAKER OF THE HOUSE OF REPRESENTATIVES;

5 (B) ONE REPRESENTING URBAN COMMUNITIES, APPOINTED BY THE
6 PRESIDENT OF THE SENATE; AND

7 (C) ONE ARCHITECT WITH EXPERIENCE USING WILDFIRE
8 RESILIENCY CODES IN THE STATE WHO REPRESENTS A STATEWIDE
9 ORGANIZATION FOR ARCHITECTS, APPOINTED BY THE EXECUTIVE
10 DIRECTOR;

11 (II) THREE MEMBERS, TWO OF WHICH ARE EITHER A FIRE MARSHAL,
12 FIRE CHIEF, OR FIRE ENGINEER AND ONE OF WHICH HAS SPECIALIZED
13 EXPERTISE IN WILDLAND FIRE BEHAVIOR OR WILDFIRE MITIGATION SCIENCE
14 AND STRATEGIES, EACH APPOINTED BY THE EXECUTIVE DIRECTOR;

15 (III) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION
16 FOR HOME BUILDING PROFESSIONALS, APPOINTED BY THE MINORITY
17 LEADER OF THE SENATE;

18 (IV) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION
19 FOR COMMERCIAL BUILDING PROFESSIONALS, APPOINTED BY THE SPEAKER
20 OF THE HOUSE OF REPRESENTATIVES;

21 (V) ONE MEMBER REPRESENTING COLORADO LAND USE OR
22 COMMUNITY PLANNING PROFESSIONALS, APPOINTED BY THE EXECUTIVE
23 DIRECTOR;

24 (VI) ONE MEMBER REPRESENTING HAZARD MITIGATION
25 PROFESSIONALS, APPOINTED BY THE EXECUTIVE DIRECTOR;

26 (VII) SIX MEMBERS REPRESENTING COLORADO LOCAL
27 GOVERNMENTS, INCLUDING:

1 (A) ONE MUNICIPAL REPRESENTATIVE REPRESENTING RURAL
2 COMMUNITIES WHO IS APPOINTED BY THE MINORITY LEADER OF THE HOUSE
3 OF REPRESENTATIVES, AND ONE COUNTY REPRESENTATIVE REPRESENTING
4 RURAL COMMUNITIES WHO IS APPOINTED BY THE MINORITY LEADER OF THE
5 SENATE;

6 (B) ONE MUNICIPAL REPRESENTATIVE REPRESENTING URBAN
7 COMMUNITIES WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF
8 REPRESENTATIVES AND ONE COUNTY REPRESENTATIVE REPRESENTING
9 URBAN COMMUNITIES WHO IS APPOINTED BY THE PRESIDENT OF THE
10 SENATE; AND

11 (C) ONE MUNICIPAL AND ONE COUNTY REPRESENTATIVE
12 REPRESENTING A MUNICIPALITY AND A COUNTY THAT, PRIOR TO
13 SEPTEMBER 30, 2023, HAS ADOPTED A CODE THAT PROVIDES, MINIMALLY,
14 FOR WILDFIRE RESILIENT STRUCTURES AND BEST PRACTICES, EACH
15 APPOINTED BY THE EXECUTIVE DIRECTOR;

16 (VIII) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF
17 PROPERTY AND CASUALTY COMPANIES, APPOINTED BY THE MINORITY
18 LEADER OF THE HOUSE OF REPRESENTATIVES;

19 (IX) ONE MEMBER REPRESENTING THE BUILDING TRADES,
20 APPOINTED BY THE EXECUTIVE DIRECTOR;

21 (X) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF
22 NONPROFIT UTILITIES, APPOINTED BY THE PRESIDENT OF THE SENATE;

23 (XI) ONE MEMBER REPRESENTING AN INVESTOR-OWNED UTILITY,
24 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND

25 (XII) ONE MEMBER REPRESENTING A NONPROFIT HOME BUILDER
26 FOR AFFORDABLE HOME OWNERSHIP THAT SERVES POPULATIONS WITH
27 INCOMES UNDER EIGHTY PERCENT OF AN AREA'S MEDIAN INCOME,

1 APPOINTED BY THE EXECUTIVE DIRECTOR.

2 (b) THE BOARD INCLUDES THE FOLLOWING NONVOTING EX OFFICIO
3 MEMBERS:

4 (I) THE DIRECTOR OR THE DIRECTOR'S DESIGNEE;

5 (II) THE STATE FORESTER OR THE STATE FORESTER'S DESIGNEE;

6 AND

7 (III) THE DIRECTOR OF THE COLORADO RESILIENCY OFFICE
8 CREATED IN SECTION 24-32-121 OR THE DIRECTOR'S DESIGNEE.

9 (c) INITIAL APPOINTMENTS MUST BE MADE NO LATER THAN
10 SEPTEMBER 30, 2023. IN ADDITION TO THE REQUIREMENTS SET FORTH IN
11 SUBSECTION (3)(a) OF THIS SECTION, AND NOTWITHSTANDING THE
12 REQUIREMENTS SET FORTH IN SUBSECTION (3)(g) OF THIS SECTION,
13 INDIVIDUALS INITIALLY APPOINTED TO THE BOARD MUST RESIDE OR WORK
14 WITHIN AN AREA OF THE STATE THAT IS AT HIGH RISK FOR WILDFIRE AS
15 DETERMINED WITH INPUT FROM THE COLORADO STATE FOREST SERVICE,
16 AND SUBSEQUENTLY APPOINTED MEMBERS MUST RESIDE OR WORK IN
17 AREAS OF THE STATE WITHIN THE WILDLAND-URBAN INTERFACE AS
18 DEFINED BY THE BOARD PURSUANT TO SUBSECTION (4)(b)(I) OF THIS
19 SECTION.

20 (d) THE TERM OF APPOINTMENTS FOR APPOINTED MEMBERS IS
21 THREE YEARS; EXCEPT THAT THE TERMS SHALL BE STAGGERED SO THAT NO
22 MORE THAN SEVEN MEMBERS' TERMS EXPIRE IN ONE YEAR. A MEMBER
23 MAY BE REAPPOINTED FOR ONE ADDITIONAL TERM. IN THE EVENT OF A
24 VACANCY, THE APPLICABLE PERSON AUTHORIZED TO APPOINT A MEMBER
25 OR MEMBERS AS SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION FOR
26 THE APPLICABLE POSITION THAT IS VACANT SHALL APPOINT A NEW
27 MEMBER TO THE VACANT POSITION FOR THE REMAINDER OF THE

1 UNEXPIRED TERM. A MEMBER APPOINTED TO FILL A VACANCY MUST MEET
2 THE QUALIFICATIONS FOR THE VACANT POSITION.

3 (e) EACH MEMBER OF THE BOARD SERVES WITHOUT
4 COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FROM THE WILDFIRE
5 RESILIENCY CODE BOARD CASH FUND CREATED IN SUBSECTION (8) OF THIS
6 SECTION FOR ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED IN
7 THE PERFORMANCE OF THE MEMBER'S DUTIES AS A MEMBER OF THE
8 BOARD.

9 (f) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR OF THE
10 BOARD.

11 (g) IN ADDITION TO THE REQUIREMENTS OF THIS SUBSECTION (3),
12 WHEN MAKING APPOINTMENTS TO THE BOARD, REASONABLE EFFORTS
13 MUST BE MADE TO APPOINT MEMBERS WHO REFLECT THE GEOGRAPHIC AND
14 DEMOGRAPHIC DIVERSITY OF THE ENTIRE STATE.

15 (4) **Powers and duties.** (a) THE MISSION OF THE BOARD IS TO
16 ENSURE THAT COLORADO COMMUNITIES ARE SAFER FROM AND MORE
17 RESILIENT TO WILDFIRES BY REDUCING THE RISK TO PEOPLE AND PROPERTY
18 THROUGH THE ADOPTION OF STATEWIDE CODES AND STANDARDS BASED
19 ON BEST PRACTICE APPROACHES TO HARDENING STRUCTURES AND
20 REDUCING FIRE RISK IN THE DEFENSIBLE SPACE SURROUNDING
21 STRUCTURES IN THE WILDLAND-URBAN INTERFACE IN COLORADO.

22 (b) IN FURTHERANCE OF ITS MISSION, THE BOARD SHALL
23 PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE 24
24 CONCERNING THE ADOPTION OF MINIMUM CODES AND STANDARDS FOR
25 HARDENING STRUCTURES AND REDUCING FIRE RISK IN THE DEFENSIBLE
26 SPACE SURROUNDING STRUCTURES IN THE WILDLAND-URBAN INTERFACE
27 IN COLORADO. NOTWITHSTANDING SECTION 24-1-105 (1)(c) OR ANY

1 OTHER LAW TO THE CONTRARY, THE RULES PROMULGATED BY THE BOARD
2 ARE NOT SUBJECT TO APPROVAL OR MODIFICATION BY THE DIRECTOR OR
3 THE EXECUTIVE DIRECTOR. AT A MINIMUM, THE RULES MUST:

4 (I) DEFINE THE WILDLAND-URBAN INTERFACE AND IDENTIFY THE
5 AREAS OF COLORADO THAT ARE INCLUDED WITHIN IT; EXCEPT THAT,
6 NOTWITHSTANDING THE AREA THAT THE BOARD IDENTIFIES AS INCLUDED
7 WITHIN THE WILDLAND-URBAN INTERFACE, ANY THIRTY-FIVE ACRE
8 PARCEL WITH ONLY ONE RESIDENTIAL STRUCTURE ON IT THAT DOES NOT
9 ABUT A RESIDENTIAL OR COMMERCIAL AREA IS EXEMPT FROM ADHERENCE
10 TO THE CODES. IN DEFINING COLORADO'S WILDLAND-URBAN INTERFACE,
11 THE BOARD MAY CONSIDER BEST PRACTICES INCLUDING BUT NOT LIMITED
12 TO PRACTICES OF OTHER STATES AND THE FEDERAL GOVERNMENT;
13 REGIONAL DIFFERENCES AND RISKS WITHIN THE STATE; ENVIRONMENTAL,
14 HEALTH, AND SAFETY IMPACTS; ANY EXISTING DEFINITIONS OF THE
15 TERM WILDLAND-URBAN INTERFACE; AND INDIVIDUAL RISK PROFILES
16 IDENTIFIED BY THE COLORADO STATE FOREST SERVICE. THE DEFINITION
17 OF THE WILDLAND-URBAN INTERFACE SHALL BE UPDATED ONCE EVERY
18 THREE YEARS, AS THE BOARD DETERMINES MAY BE NECESSARY.

19 (II) ADOPT MINIMUM CODES AND STANDARDS, REFERRED TO IN
20 THIS SECTION AS THE "CODES", THAT MUST:

21 (A) BE BASED ON BEST PRACTICES TO REDUCE THE RISK TO LIFE
22 AND PROPERTY FROM THE EFFECTS OF WILDFIRES;

23 (B) TAKE INTO CONSIDERATION THE FISCAL IMPACTS OF ADOPTING
24 SUCH CODES, INCLUDING BUT NOT LIMITED TO COST IMPACTS FOR CITIES,
25 COUNTIES, AND PROPERTY OWNERS RELATED TO CONSTRUCTION COSTS,
26 INSURANCE COVERAGE, AND REDUCTION OF RISK FOR DAMAGE OR LOSS OF
27 STRUCTURES FROM FIRES, AND TAKE INTO CONSIDERATION REGIONAL RISK

1 PROFILES WITHIN THE STATE, ENVIRONMENTAL IMPACTS, EXISTING MODEL
2 CODES, REGIONAL DIFFERENCES IN AFFORDABILITY, DENSITY, AND
3 EXISTING BUILDING AND PROPERTY MAINTENANCE CODES, AND HEALTH
4 AND SAFETY IMPACTS;

5 (C) APPLY TO PERMITTING AND INSPECTIONS FOR NEW
6 CONSTRUCTION OF STRUCTURES OR DEFENSIBLE SPACE AROUND
7 STRUCTURES AND FOR NEW CONSTRUCTION FOR AN EXTERNAL ADDITION,
8 ALTERATION, OR REPAIR TO A STRUCTURE OR THE DEFENSIBLE SPACE
9 AROUND THE STRUCTURE IN ACCORDANCE WITH THIS SUBSECTION
10 (4)(b)(II)(C). COMPLIANCE WITH THE CODES IS REQUIRED FOR PERMITS
11 AND INSPECTIONS IN CONNECTION WITH INCREASING THE FOOTPRINT OF A
12 STRUCTURE BY FIVE HUNDRED SQUARE FEET, INCLUDING ADDING
13 ATTACHMENTS TO THE STRUCTURE. COMPLIANCE WITH THE CODES IS
14 REQUIRED FOR PERMITS AND INSPECTIONS IN CONNECTION WITH AN
15 ALTERATION OR REPAIR TO THE EXTERIOR OF AN EXISTING STRUCTURE, OR
16 AN ATTACHMENT TO IT, IF TWENTY-FIVE PERCENT OR MORE OF THE
17 EXTERIOR OF THE STRUCTURE OR THE ATTACHMENT TO IT IS AFFECTED BY
18 THE ALTERATION OR REPAIR. COMPLIANCE WITH THE CODES IS REQUIRED
19 FOR THE ADDITION OF A WOODEN DECK TO A STRUCTURE. THE CODES
20 SHALL NOT APPLY TO INTERIOR ALTERATIONS OF EXISTING STRUCTURES.

21 (D) BE INITIALLY ADOPTED BY THE BOARD NO LATER THAN JULY
22 1, 2025, AND REVIEWED BY THE BOARD EVERY THREE YEARS AND
23 UPDATED OR SUPPLEMENTED AS THE BOARD DETERMINES MAY BE
24 NECESSARY;

25 (III) IDENTIFY THE RANGE OF HAZARDS AND THE TYPES OF
26 BUILDINGS, ENTITIES, AND DEFENSIBLE SPACE AROUND STRUCTURES
27 WITHIN THE WILDLAND-URBAN INTERFACE TO WHICH THE CODES APPLY;

1 (IV) ESTABLISH THE PROCESS BY WHICH A GOVERNING BODY MAY
2 PETITION THE BOARD FOR A MODIFICATION TO THE CODES IN ACCORDANCE
3 WITH SECTION 24-33.5-1237 (3);

4 (V) ESTABLISH THE CRITERIA AND PROCESS FOR THE BOARD TO
5 DENY OR GRANT AN APPEAL FROM A DECISION BY THE BOARD ON A
6 PETITION FOR MODIFICATION MADE PURSUANT TO THE RULES ADOPTED IN
7 ACCORDANCE WITH SUBSECTION (4)(b)(IV) OF THIS SECTION; AND

8 (VI) ESTABLISH CRITERIA AND PARAMETERS CONSISTENT WITH
9 SECTIONS 24-65.1-105 AND 29-20-108 FOR EXPEDITED CONSIDERATION OR
10 APPROVAL OF AN EXEMPTION FROM THE CODE FOR ACTIVITIES OR
11 INVESTMENTS RELATED TO REPAIR, REPLACEMENT, OR HARDENING OF
12 EXISTING UTILITY INFRASTRUCTURE PRIMARILY WITHIN EXISTING
13 TRANSMISSION ROUTES THAT MITIGATE WILDFIRE RISK.

14 (c) IN ADDITION TO PROMULGATING THE RULES REQUIRED BY
15 SUBSECTION (4)(b) OF THIS SECTION, THE BOARD SHALL:

16 (I) WHEN PROMULGATING RULES PURSUANT TO SUBSECTION (4)(b)
17 OF THIS SECTION, COLLABORATE WITH:

18 (A) THE DIVISION OF INSURANCE CREATED IN SECTION 10-1-103
19 (1);

20 (B) THE DEPARTMENT OF LOCAL AFFAIRS; AND

21 (C) THE ENERGY CODE BOARD ESTABLISHED IN SECTION
22 24-38.5-401 (2);

23 (II) PURSUANT TO THE BOARD'S COLLABORATION WITH THE
24 ENERGY CODE BOARD AS REQUIRED BY SUBSECTION (4)(c)(I)(C) OF THIS
25 SECTION, THE BOARD SHALL WORK WITH THE ENERGY CODE BOARD TO
26 IDENTIFY ANY CONFLICTS BETWEEN CODES DEVELOPED BY THE ENERGY
27 CODE BOARD PURSUANT TO SECTION 24-38.5-401 (5) AND (6) AND RULES

1 PROMULGATED BY THE BOARD AND MAKE BEST EFFORTS TO RESOLVE ANY
2 CONFLICTS;

3 (III) CONSIDER OPPORTUNITIES TO INCENTIVIZE AND SUPPORT
4 GOVERNING BODIES IN ADOPTING MORE STRINGENT CODES THAN THE
5 CODES ADOPTED IN ACCORDANCE WITH SUBSECTION (4)(b)(II) OF THIS
6 SECTION;

7 (IV) RECEIVE PETITIONS FOR MODIFICATION OF THE CODES AND
8 STANDARDS SUBMITTED BY GOVERNING BODIES IN ACCORDANCE WITH
9 SECTION 24-33.5-1237 (3) AND RULES ADOPTED BY THE BOARD PURSUANT
10 TO SUBSECTION (4)(b) OF THIS SECTION; AND

11 (V) REVIEW APPEALS, CONDUCT HEARINGS, AND ISSUE DECISIONS
12 IN ACCORDANCE WITH SECTION 24-33.5-1237 AND RULES ADOPTED BY THE
13 BOARD PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

14 (d) PROPERTIES WITH A CERTIFICATE OF OCCUPANCY ARE NOT
15 REQUIRED TO BE IN COMPLIANCE WITH THE CODES PRIOR TO THE SALE OR
16 TRANSFER OF A PROPERTY.

17 (e) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION AND IN
18 SECTION 24-33.5-1237, THE BOARD IS NOT AUTHORIZED TO MAKE OR
19 ADOPT LAND USE POLICIES.

20 (f) THE BOARD SHALL HOLD HEARINGS TO ALLOW FOR STATEWIDE
21 PUBLIC INPUT AND SHALL PROACTIVELY SOLICIT PUBLIC FEEDBACK WHEN
22 PROMULGATING RULES PURSUANT TO THIS SECTION.

23 (g) THE BOARD SHALL NOT APPROVE FINAL ADOPTION OF THE
24 CODES, OR ANY UPDATES OR SUPPLEMENTS TO THE CODES PURSUANT TO
25 SUBSECTION (4)(b) OF THIS SECTION, UNTIL AT LEAST THREE STATEWIDE
26 PUBLIC HEARINGS HAVE BEEN HELD, INCLUDING AT LEAST ONE HEARING
27 HELD IN A LOCATION WEST OF THE CONTINENTAL DIVIDE AND AT LEAST

1 ONE HEARING HELD IN A LOCATION EAST OF THE CONTINENTAL DIVIDE AND
2 EITHER SOUTH OF EL PASO COUNTY'S SOUTHERN BOUNDARY OR EAST OF
3 ARAPAHOE COUNTY'S EASTERN BOUNDARY. MEMBERS OF THE BOARD MAY
4 PARTICIPATE ELECTRONICALLY AND THE BOARD SHALL ESTABLISH RULES
5 TO PROVIDE FOR THE NECESSARY ELEMENTS FOR ELECTRONIC
6 ATTENDANCE AT HEARINGS.

7 (5) **Staff support.** THE DIVISION AND THE COLORADO FIRE
8 COMMISSION SHALL PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF
9 SERVICES AS NECESSARY TO IMPLEMENT THIS SECTION. THE DIVISION
10 SHALL PROVIDE ASSISTANCE TO THE BOARD IN MAINTAINING A PUBLICLY
11 ACCESSIBLE WEBSITE THAT MUST CONTAIN CURRENT INFORMATION ON
12 ACTIONS TAKEN BY THE BOARD AND CURRENT INFORMATION ABOUT THE
13 CODES.

14 (6) **Reports.** (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I),
15 ON OR BEFORE SEPTEMBER 30, 2024, AND ON OR BEFORE SEPTEMBER 30
16 EACH YEAR THEREAFTER, THE BOARD SHALL SUBMIT A WRITTEN REPORT
17 TO THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN SECTION
18 2-3-1602 AND THE DIRECTOR ON ITS ACTIVITIES, ACTIONS, AND
19 RECOMMENDATIONS FOR IMPROVEMENT.

20 (b) THE REPORT REQUIRED BY SUBSECTION (6)(a) OF THIS SECTION
21 MUST INCLUDE INFORMATION CONCERNING:

22 (I) DEFINITIONS ADOPTED BY THE BOARD;

23 (II) PERFORMANCE METRICS ADOPTED AND USED BY THE BOARD;

24 AND

25 (III) COMPLIANCE WITH THE CODES ADOPTED BY THE BOARD,
26 INCLUDING:

27 (A) A LIST OF GOVERNING BODIES THAT HAVE ADOPTED A CODE

1 THAT MEETS THE MINIMUM STANDARDS SET FORTH IN THE CODES;

2 (B) A LIST OF GOVERNING BODIES THAT HAVE ADOPTED A CODE
3 THAT EXCEEDS THE MINIMUM STANDARDS SET FORTH IN THE CODES;

4 (C) A LIST OF ANY GOVERNING BODIES THAT THE BOARD BELIEVES
5 TO NOT BE IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN
6 SECTION 24-33.5-1237 (2)(a);

7 (D) A LIST OF ANY GOVERNING BODIES THAT HAVE APPROVED
8 MODIFICATIONS TO THE GOVERNING BODY'S CODE BY THE BOARD AND A
9 DESCRIPTION OF THE APPROVED MODIFICATIONS; AND

10 (E) A LIST OF ANY GOVERNING BODIES THAT HAVE APPLIED TO THE
11 BOARD FOR A MODIFICATION TO THE GOVERNING BODY'S CODE, A
12 DESCRIPTION OF EACH PROPOSED MODIFICATION, AND THE STATUS OF THE
13 APPEAL.

14 (7) **Gifts, grants, and donations.** THE BOARD MAY SEEK, ACCEPT,
15 AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC
16 SOURCES FOR THE PURPOSES OF THIS SECTION AND SECTION 24-33.5-1237.
17 THE BOARD SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS,
18 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT
19 THE MONEY TO THE WILDFIRE RESILIENCY CODE BOARD CASH FUND
20 CREATED IN SUBSECTION (8) OF THIS SECTION.

21 (8) **Wildfire resiliency code board cash fund.** (a) THE WILDFIRE
22 RESILIENCY CODE BOARD CASH FUND, REFERRED TO IN THIS SUBSECTION
23 (8) AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND
24 CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO
25 SUBSECTION (8)(d) OF THIS SECTION, MONEY CREDITED TO THE FUND
26 PURSUANT TO THIS SECTION, MONEY CREDITED TO THE FUND PURSUANT TO
27 SECTION 24-33.5-1237 (2)(d), AND ANY OTHER MONEY THAT THE

1 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

2 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
3 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
4 FUND TO THE FUND.

5 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
6 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR
7 THE IMPLEMENTATION OF THIS SECTION AND OF SECTION 24-33.5-1237.

8 (d) ON JULY 1, 2023, THE STATE TREASURER SHALL TRANSFER TWO
9 HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE
10 FUND.

11 (9) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
12 REQUIRES, "GOVERNING BODY" HAS THE SAME MEANING AS SET FORTH IN
13 SECTION 24-33.5-1237 (1)(d).

14 **24-33.5-1237. Application of wildfire resiliency codes -**
15 **enforcement - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

17 (a) "BOARD" MEANS THE WILDFIRE RESILIENCY CODE BOARD
18 CREATED IN SECTION 24-33.5-1236 (2).

19 (b) "CODES" MEANS THE MINIMUM CODES AND STANDARDS
20 ADOPTED BY THE BOARD PURSUANT TO SECTION 24-33.5-1236 (4)(b)(II).

21 (c) "CODE BOARD CASH FUND" MEANS THE WILDFIRE RESILIENCY
22 CODE BOARD CASH FUND CREATED IN SECTION 24-33.5-1236 (8).

23 (d) "GOVERNING BODY" MEANS:

24 (I) THE CITY COUNCIL, TOWN COUNCIL, BOARD OF TRUSTEES, OR
25 OTHER GOVERNING BODY OF A CITY, TOWN, OR CITY AND COUNTY;

26 (II) THE BOARD OF DIRECTORS OF A FIRE PROTECTION DISTRICT
27 ORGANIZED PURSUANT TO PART 1 OF ARTICLE 1 OF TITLE 32;

1 (III) THE GOVERNING BODY OF AN IMPROVEMENT DISTRICT THAT
2 PROVIDES FIRE PROTECTION SERVICES ORGANIZED PURSUANT TO PART 5 OF
3 ARTICLE 20 OF TITLE 30; OR

4 (IV) THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO
5 THE AREA WITHIN A COUNTY THAT IS OUTSIDE THE CORPORATE LIMITS OF
6 A CITY OR TOWN AND OUTSIDE THE BOUNDARIES OF A FIRE PROTECTION
7 DISTRICT.

8 (e) "WILDLAND-URBAN INTERFACE" HAS THE SAME MEANING AS
9 SET FORTH BY THE BOARD IN ITS RULES PURSUANT TO SECTION
10 24-33.5-1236 (4)(b)(I).

11 (2)(a) A GOVERNING BODY WITH JURISDICTION IN AN AREA WITHIN
12 THE WILDLAND-URBAN INTERFACE THAT HAS THE AUTHORITY TO ADOPT
13 BUILDING CODES OR FIRE CODES SHALL ADOPT A CODE THAT MEETS OR
14 EXCEEDS THE MINIMUM STANDARDS SET FORTH IN THE CODES WITHIN
15 THREE MONTHS OF THE BOARD ADOPTING THE CODES IN ACCORDANCE
16 WITH SECTION 24-33.5-1236 (4)(b)(II)(D).

17 (b) ENFORCEMENT OF A CODE ADOPTED PURSUANT TO SUBSECTION
18 (2)(a) OF THIS SECTION SHALL BE IN ACCORDANCE WITH THE RULES AND
19 REGULATIONS FOR CODE ENFORCEMENT BY THE GOVERNING BODY. THE
20 PERIOD TO COMPLY WITH AN ADOPTED CODE SHALL BE IN ACCORDANCE
21 WITH THE RULES AND REGULATIONS OF THE GOVERNING BODY OR WITHIN
22 THREE MONTHS OF THE DATE THE CODE IS ADOPTED BY THE GOVERNING
23 BODY, WHICHEVER IS SOONER.

24 (c) THE BOARD MAY REVIEW A GOVERNING BODY'S CODES
25 ADOPTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND A
26 GOVERNING BODY'S APPLICATION OF THE ADOPTED CODES TO DETERMINE
27 COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. GOVERNING

1 BODIES SHALL COOPERATE WITH THE BOARD AND BE RESPONSIVE TO ANY
2 REQUESTS FOR INFORMATION FROM THE BOARD MADE PURSUANT TO THE
3 BOARD'S REVIEW SET FORTH IN THIS SUBSECTION (2)(c).

4 (d) NOTWITHSTANDING SUBSECTION (2)(b) OF THIS SECTION, IF A
5 GOVERNING BODY DOES NOT HAVE RULES AND REGULATIONS IN PLACE FOR
6 THE ENFORCEMENT OF A CODE ADOPTED PURSUANT TO SUBSECTION (2)(a)
7 OF THIS SECTION, THE GOVERNING BODY MAY REQUEST SUPPORT FROM THE
8 DIVISION IN CONDUCTING INSPECTIONS AND ENFORCING THE CODE
9 PURSUANT TO THE DIVISION'S PROCEDURES SET FORTH IN SECTION
10 24-33.5-1213; EXCEPT THAT ANY CIVIL PENALTY COLLECTED PURSUANT
11 TO SECTION 24-33.5-1213 (4) SHALL BE DEPOSITED IN THE CODE BOARD
12 CASH FUND. THE DIVISION MAY CHARGE A REASONABLE FEE TO THE
13 PROPERTY OWNER FOR CONDUCTING INSPECTIONS AND ENFORCING THE
14 CODE, AND MONEY FROM THE FEE SHALL BE DEPOSITED IN THE CODE
15 BOARD CASH FUND.

16 (3) A GOVERNING BODY MAY PETITION THE BOARD FOR A
17 MODIFICATION OF THE CODES WITHIN ITS JURISDICTION IN ACCORDANCE
18 WITH PROCEDURES ADOPTED BY THE BOARD PURSUANT TO SECTION
19 24-33.5-1236 (4)(b)(IV). IF THE BOARD GRANTS THE PETITION FOR
20 MODIFICATION, THE MODIFICATION APPLIES ONLY WITHIN THE
21 JURISDICTION THAT IS GRANTED THE MODIFICATION. THE ORDER
22 GRANTING THE PETITION FOR MODIFICATION MUST SPECIFY A DATE ON
23 WHICH THE MODIFICATION EXPIRES, AND THE GOVERNING BODY MUST
24 PETITION THE BOARD BEFORE THE EXPIRATION DATE TO KEEP THE
25 MODIFICATION IN EFFECT, OR THE BOARD AT ITS DISCRETION AND
26 THROUGH ITS OWN ACTION MAY EXTEND THE MODIFICATION AND SPECIFY
27 A NEW EXPIRATION DATE. A GOVERNING BODY MAY APPEAL A DENIAL OF

1 A PETITION TO THE BOARD IN ACCORDANCE WITH PROCEDURES ADOPTED
2 BY THE BOARD PURSUANT TO SECTION 24-33.5-1236 (4)(b)(V).

3 (4) THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION
4 40-2-101 SHALL CONSIDER APPLICATION OF THE CODES WHEN CARRYING
5 OUT THE PUBLIC UTILITIES LAW; CARRYING OUT AND IMPLEMENTING ITS
6 POLICIES, PROCEDURES, AND DECISIONS; AND MEETING ANY
7 REQUIREMENTS UNDER ITS JURISDICTION.

8 **SECTION 2.** In Colorado Revised Statutes, 24-75-402, **amend**
9 (5)(yy) and (5)(zz); and **add** (5)(aaa) as follows:

10 **24-75-402. Cash funds - limit on uncommitted reserves -**
11 **reduction in the amount of fees - exclusions - definitions.**

12 (5) Notwithstanding any provision of this section to the contrary, the
13 following cash funds are excluded from the limitations specified in this
14 section:

15 (yy) The disability support fund created in section 24-30-2205.5
16 (1); and

17 (zz) The responsible gaming grant program cash fund created in
18 section 44-30-1702 (8); AND

19 (aaa) THE WILDFIRE RESILIENCY CODE BOARD CASH FUND CREATED
20 IN SECTION 24-33.5-1236 (8).

21 **SECTION 3. Appropriation. (1) For the 2023-24 state fiscal**
22 **year, \$9,302 is appropriated to the wildfire resiliency code board cash**
23 **fund created in section 24-33.5-1236 (8)(a), C.R.S. This appropriation is**
24 **from the general fund. The department of public safety is responsible for**
25 **the accounting related to this appropriation.**

26 (2) For the 2023-24 state fiscal year, \$9,302 is appropriated to the
27 department of public safety. This appropriation is from reappropriated

1 funds in the wildfire resiliency code board cash fund under subsection (1)
2 of this section. To implement this act, the department may use this
3 appropriation as follows:

4 (a) \$1,589 for use by the division of fire prevention and control
5 for the wildfire resiliency code board; and

6 (b) \$7,713 for use by the executive director's office for vehicle
7 lease payments.

8 (3) For the 2023-24 state fiscal year, \$250,000 is appropriated to
9 the department of public safety for use by the division of fire prevention
10 and control. This appropriation is from the wildfire resiliency code board
11 cash fund created in section 24-33.5-1236 (8)(a), C.R.S., and is based on
12 an assumption that the division will require an additional 2.0 FTE. To
13 implement this act, the division may use this appropriation for the
14 wildfire resiliency code board.

15 **SECTION 4. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.