

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0453.01 Megan McCall x4215

**SENATE BILL 23-166**

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**SENATE SPONSORSHIP**

**Cutter and Exum,**

**HOUSE SPONSORSHIP**

**Froelich and Velasco,**

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**Senate Committees**

Local Government & Housing  
Appropriations

**House Committees**

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**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            **AND REQUIRING GOVERNING BODIES WITH JURISDICTION IN AN**  
105            **AREA WITHIN THE WILDLAND-URBAN INTERFACE TO ADOPT**  
106            **CODES THAT MEET OR EXCEED THE STANDARDS SET FORTH IN**  
107            **THE MODEL CODES.**

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**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.

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.

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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 REPRESENTING THE STATE AT LARGE, APPOINTED BY THE  
8 EXECUTIVE DIRECTOR;

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

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

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

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

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

24 (VII) SIX MEMBERS REPRESENTING COLORADO LOCAL  
25 GOVERNMENTS, INCLUDING:

26 (A) ONE MUNICIPAL REPRESENTATIVE REPRESENTING RURAL  
27 COMMUNITIES WHO IS APPOINTED BY THE MINORITY LEADER OF THE HOUSE

1 OF REPRESENTATIVES, AND ONE COUNTY REPRESENTATIVE REPRESENTING  
2 RURAL COMMUNITIES WHO IS APPOINTED BY THE MINORITY LEADER OF THE  
3 SENATE;

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

9 (C) ONE MUNICIPAL AND ONE COUNTY REPRESENTATIVE  
10 REPRESENTING THE STATE AT LARGE, EACH APPOINTED BY THE EXECUTIVE  
11 DIRECTOR;

12 (VIII) ONE MEMBER REPRESENTING A STATEWIDE ASSOCIATION OF  
13 PROPERTY AND CASUALTY COMPANIES, APPOINTED BY THE MINORITY  
14 LEADER OF THE HOUSE OF REPRESENTATIVES;

15 (IX) ONE MEMBER REPRESENTING THE BUILDING TRADES,  
16 APPOINTED BY THE EXECUTIVE DIRECTOR;

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

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

21 (XII) ONE MEMBER REPRESENTING A NONPROFIT HOME BUILDER  
22 FOR AFFORDABLE HOME OWNERSHIP THAT SERVES POPULATIONS WITH  
23 INCOMES UNDER EIGHTY PERCENT OF AN AREA'S MEDIAN INCOME,  
24 APPOINTED BY THE EXECUTIVE DIRECTOR.

25 (b) THE BOARD INCLUDES THE FOLLOWING NONVOTING EX OFFICIO  
26 MEMBERS:

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

1 (II) THE STATE FORESTER OR THE STATE FORESTER'S DESIGNEE;  
2 AND

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

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

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

26 (e) EACH MEMBER OF THE BOARD SERVES WITHOUT  
27 COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FROM THE WILDFIRE

1 RESILIENCY CODE BOARD CASH FUND CREATED IN SUBSECTION (8) OF THIS  
2 SECTION FOR ACTUAL AND NECESSARY TRAVEL EXPENSES INCURRED IN  
3 THE PERFORMANCE OF THE MEMBER'S DUTIES AS A MEMBER OF THE  
4 BOARD.

5 (f) THE EXECUTIVE DIRECTOR SHALL APPOINT THE CHAIR OF THE  
6 BOARD.

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

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

18 (b) IN FURTHERANCE OF ITS MISSION, THE BOARD SHALL  
19 PROMULGATE RULES IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE 24  
20 CONCERNING THE ADOPTION OF MINIMUM CODES AND STANDARDS FOR  
21 HARDENING STRUCTURES AND REDUCING FIRE RISK IN THE DEFENSIBLE  
22 SPACE SURROUNDING STRUCTURES IN THE WILDLAND-URBAN INTERFACE  
23 IN COLORADO. NOTWITHSTANDING SECTION 24-1-105 (1)(c) OR ANY  
24 OTHER LAW TO THE CONTRARY, THE RULES PROMULGATED BY THE BOARD  
25 ARE NOT SUBJECT TO APPROVAL OR MODIFICATION BY THE DIRECTOR OR  
26 THE EXECUTIVE DIRECTOR. AT A MINIMUM, THE RULES MUST:

27 (I) DEFINE THE WILDLAND-URBAN INTERFACE AND IDENTIFY THE



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

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

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

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

27 (C) APPLY TO PERMITTING AND INSPECTIONS FOR NEW

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

16 (D) BE INITIALLY ADOPTED BY THE BOARD NO LATER THAN JULY  
17 1, 2025, AND REVIEWED BY THE BOARD EVERY THREE YEARS AND  
18 UPDATED OR SUPPLEMENTED AS THE BOARD DETERMINES MAY BE  
19 NECESSARY;

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

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

26 (V) ESTABLISH THE CRITERIA AND PROCESS FOR THE BOARD TO  
27 DENY OR GRANT AN APPEAL FROM A DECISION BY THE BOARD ON A

1 PETITION FOR MODIFICATION MADE PURSUANT TO THE RULES ADOPTED IN  
2 ACCORDANCE WITH SUBSECTION (4)(b)(IV) OF THIS SECTION; AND

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

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

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

13 (A) THE DIVISION OF INSURANCE CREATED IN SECTION 10-1-103  
14 (1);

15 (B) THE DEPARTMENT OF LOCAL AFFAIRS; AND

16 (C) THE ENERGY CODE BOARD ESTABLISHED IN SECTION  
17 24-38.5-401 (2);

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 (III) CONSIDER OPPORTUNITIES TO INCENTIVIZE AND SUPPORT  
26 GOVERNING BODIES IN ADOPTING MORE STRINGENT CODES THAN THE  
27 CODES ADOPTED IN ACCORDANCE WITH SUBSECTION (4)(b)(II) OF THIS

1 SECTION;

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

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

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

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

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

18 (5) **Staff support.** THE DIVISION AND THE COLORADO FIRE  
19 COMMISSION SHALL PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF  
20 SERVICES AS NECESSARY TO IMPLEMENT THIS SECTION. THE DIVISION  
21 SHALL PROVIDE ASSISTANCE TO THE BOARD IN MAINTAINING A PUBLICLY  
22 ACCESSIBLE WEBSITE THAT MUST CONTAIN CURRENT INFORMATION ON  
23 ACTIONS TAKEN BY THE BOARD AND CURRENT INFORMATION ABOUT THE  
24 CODES.

25 (6) **Reports.** (a) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I),  
26 ON OR BEFORE SEPTEMBER 30, 2024, AND ON OR BEFORE SEPTEMBER 30  
27 EACH YEAR THEREAFTER, THE BOARD SHALL SUBMIT A WRITTEN REPORT

1 TO THE WILDFIRE MATTERS REVIEW COMMITTEE CREATED IN SECTION  
2 2-3-1602 AND THE DIRECTOR ON ITS ACTIVITIES, ACTIONS, AND  
3 RECOMMENDATIONS FOR IMPROVEMENT.

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

6 (I) DEFINITIONS ADOPTED BY THE BOARD;

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

8 AND

9 (III) COMPLIANCE WITH THE CODES ADOPTED BY THE BOARD,  
10 INCLUDING:

11 (A) A LIST OF GOVERNING BODIES THAT HAVE ADOPTED A CODE  
12 THAT MEETS THE MINIMUM STANDARDS SET FORTH IN THE CODES;

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

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

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

21 (E) A LIST OF ANY GOVERNING BODIES THAT HAVE APPLIED TO THE  
22 BOARD FOR A MODIFICATION TO THE GOVERNING BODY'S CODE, A  
23 DESCRIPTION OF EACH PROPOSED MODIFICATION, AND THE STATUS OF THE  
24 APPEAL.

25 (7) **Gifts, grants, and donations.** THE BOARD MAY SEEK, ACCEPT,  
26 AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC  
27 SOURCES FOR THE PURPOSES OF THIS SECTION AND SECTION 24-33.5-1237.

1 THE BOARD SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS,  
2 GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT  
3 THE MONEY TO THE WILDFIRE RESILIENCY CODE BOARD CASH FUND  
4 CREATED IN SUBSECTION (8) OF THIS SECTION.

5 (8) **Wildfire resiliency code board cash fund.** (a) THE WILDFIRE  
6 RESILIENCY CODE BOARD CASH FUND, REFERRED TO IN THIS SUBSECTION  
7 (8) AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND  
8 CONSISTS OF MONEY TRANSFERRED TO THE FUND PURSUANT TO  
9 SUBSECTION (8)(d) OF THIS SECTION, MONEY CREDITED TO THE FUND  
10 PURSUANT TO THIS SECTION, MONEY CREDITED TO THE FUND PURSUANT TO  
11 SECTION 24-33.5-1237 (2)(d), AND ANY OTHER MONEY THAT THE  
12 GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

13 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
14 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
15 FUND TO THE FUND.

16 (c) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE  
17 DEPARTMENT FOR THE IMPLEMENTATION OF THIS SECTION AND OF SECTION  
18 24-33.5-1237.

19 (d) ON JULY 1, 2023, THE STATE TREASURER SHALL TRANSFER TWO  
20 HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO THE  
21 FUND.

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

25 **24-33.5-1237. Application of wildfire resiliency codes -**  
26 **enforcement - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE  
27 CONTEXT OTHERWISE REQUIRES:

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

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

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

7 (d) "GOVERNING BODY" MEANS:

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

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

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

15 (IV) THE BOARD OF COUNTY COMMISSIONERS WITH RESPECT TO  
16 THE AREA WITHIN A COUNTY THAT IS OUTSIDE THE CORPORATE LIMITS OF  
17 A CITY OR TOWN AND OUTSIDE THE BOUNDARIES OF A FIRE PROTECTION  
18 DISTRICT.

19 (e) "WILDLAND-URBAN INTERFACE" HAS THE SAME MEANING AS  
20 SET FORTH BY THE BOARD IN ITS RULES PURSUANT TO SECTION  
21 24-33.5-1236 (4)(b)(I).

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

1 (b) ENFORCEMENT OF A CODE ADOPTED PURSUANT TO SUBSECTION  
2 (2)(a) OF THIS SECTION SHALL BE IN ACCORDANCE WITH THE RULES AND  
3 REGULATIONS FOR CODE ENFORCEMENT BY THE GOVERNING BODY. THE  
4 PERIOD TO COMPLY WITH AN ADOPTED CODE SHALL BE IN ACCORDANCE  
5 WITH THE RULES AND REGULATIONS OF THE GOVERNING BODY OR WITHIN  
6 THREE MONTHS OF THE DATE THE CODE IS ADOPTED BY THE GOVERNING  
7 BODY, WHICHEVER IS SOONER.

8 (c) THE BOARD MAY REVIEW A GOVERNING BODY'S CODES  
9 ADOPTED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AND A  
10 GOVERNING BODY'S APPLICATION OF THE ADOPTED CODES TO DETERMINE  
11 COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. GOVERNING  
12 BODIES SHALL COOPERATE WITH THE BOARD AND BE RESPONSIVE TO ANY  
13 REQUESTS FOR INFORMATION FROM THE BOARD MADE PURSUANT TO THE  
14 BOARD'S REVIEW SET FORTH IN THIS SUBSECTION (2)(c).

15 (d) NOTWITHSTANDING SUBSECTION (2)(b) OF THIS SECTION, IF A  
16 GOVERNING BODY DOES NOT HAVE RULES AND REGULATIONS IN PLACE FOR  
17 THE ENFORCEMENT OF A CODE ADOPTED PURSUANT TO SUBSECTION (2)(a)  
18 OF THIS SECTION, THE GOVERNING BODY MAY REQUEST SUPPORT FROM THE  
19 DIVISION IN CONDUCTING INSPECTIONS AND ENFORCING THE CODE  
20 PURSUANT TO THE DIVISION'S PROCEDURES SET FORTH IN SECTION  
21 24-33.5-1213; EXCEPT THAT ANY CIVIL PENALTY COLLECTED PURSUANT  
22 TO SECTION 24-33.5-1213 (4) SHALL BE DEPOSITED IN THE CODE BOARD  
23 CASH FUND. THE DIVISION MAY CHARGE A REASONABLE FEE TO THE  
24 PROPERTY OWNER FOR CONDUCTING INSPECTIONS AND ENFORCING THE  
25 CODE, AND MONEY FROM THE FEE SHALL BE DEPOSITED IN THE CODE  
26 BOARD CASH FUND.

27 (3) A GOVERNING BODY MAY PETITION THE BOARD FOR A



1 MODIFICATION OF THE CODES WITHIN ITS JURISDICTION IN ACCORDANCE  
2 WITH PROCEDURES ADOPTED BY THE BOARD PURSUANT TO SECTION  
3 24-33.5-1236 (4)(b)(IV). IF THE BOARD GRANTS THE PETITION FOR  
4 MODIFICATION, THE MODIFICATION APPLIES ONLY WITHIN THE  
5 JURISDICTION THAT IS GRANTED THE MODIFICATION. THE ORDER  
6 GRANTING THE PETITION FOR MODIFICATION MUST SPECIFY A DATE ON  
7 WHICH THE MODIFICATION EXPIRES, AND THE GOVERNING BODY MUST  
8 PETITION THE BOARD BEFORE THE EXPIRATION DATE TO KEEP THE  
9 MODIFICATION IN EFFECT, OR THE BOARD AT ITS DISCRETION AND  
10 THROUGH ITS OWN ACTION MAY EXTEND THE MODIFICATION AND SPECIFY  
11 A NEW EXPIRATION DATE. A GOVERNING BODY MAY APPEAL A DENIAL OF  
12 A PETITION TO THE BOARD IN ACCORDANCE WITH PROCEDURES ADOPTED  
13 BY THE BOARD PURSUANT TO SECTION 24-33.5-1236 (4)(b)(V).

14 (4) THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION  
15 40-2-101 SHALL CONSIDER APPLICATION OF THE CODES WHEN CARRYING  
16 OUT THE PUBLIC UTILITIES LAW; CARRYING OUT AND IMPLEMENTING ITS  
17 POLICIES, PROCEDURES, AND DECISIONS; AND MEETING ANY  
18 REQUIREMENTS UNDER ITS JURISDICTION.

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

21 **24-75-402. Cash funds - limit on uncommitted reserves -**  
22 **reduction in the amount of fees - exclusions - definitions.**

23 (5) Notwithstanding any provision of this section to the contrary, the  
24 following cash funds are excluded from the limitations specified in this  
25 section:

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

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

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

5            **SECTION 3. Safety clause.** The general assembly hereby finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, or safety.