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HOUSE BILL 25-1009

BY REPRESENTATIVE(S) Mauro and Joseph, Bacon, Bird, Boesenecker, Brown, Duran, Lindsay, Martinez, Titone, Velasco, Willford, Jackson, Marshall, Woodrow, McCluskie;
also SENATOR(S) Cutter and Hinrichsen, Exum, Jodeh, Kipp, Michaelson Jenet, Winter F.

CONCERNING A VEGETATIVE FUEL MITIGATION PROGRAM FOR A DISTRICT
PROVIDING FIRE PROTECTION SERVICES.

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

SECTION 1. Legislative declaration. (1) The general assembly finds and declares that:

(a) Colorado's wildfire season has grown in length and severity, in some cases posing a year-round threat to communities throughout Colorado;

(b) Wildfires present a grave risk to Colorado's residents, property, and natural environment, whether in the mountains, on the prairie, or in suburban areas;

(c) Wildfires can cause devastating property destruction and loss of

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

life;

(d) The creation and maintenance of defensible space around homes is a proven strategy to reduce wildfire risks and provide critical time for responding firefighters, while overgrown, dead, or dying vegetation, including logs, branches, slash, and mulch, increases the risk of fire spread, threatening homes and neighboring properties;

(e) The state forest service's publication "The Home Ignition Zone" describes defensible space as the area around a structure that has been modified to reduce fire hazard by creating space between potential fuel sources. Successful programs are rooted in a comprehensive education and outreach approach to obtain voluntary compliance; and

(f) Creating defensible space and maintaining water-efficient landscaping are compatible goals because vegetation within defensible space can be properly spaced and can include water-wise landscapes with functional and efficient irrigation systems.

(2) Therefore, the general assembly further finds and declares that while the state of Colorado and local governments have invested substantial resources in wildfire mitigation and suppression, there is a need to further empower fire protection districts and metropolitan districts providing fire protection services to implement localized vegetative fuel management programs, which are essential to enhance community safety and resilience in the face of an increasing wildfire threat.

SECTION 2. In Colorado Revised Statutes, 32-1-103, **add** (13.5), (14.3), and (23.7) as follows:

32-1-103. Definitions. As used in this article 1, unless the context otherwise requires:

(13.5) "NONPROFIT ENTITY" MEANS A PERSON THAT IS REGISTERED AS AN EXEMPT CHARITABLE ORGANIZATION PURSUANT TO 26 U.S.C. SEC. 501 (c)(3) AND THAT IS EXEMPT FROM TAXATION PURSUANT TO 26 U.S.C. SEC. 501 (a) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986".

(14.3) "PRIVATELY OWNED REAL PROPERTY" OR "PROPERTY" MEANS PRIVATELY OWNED REAL PROPERTY THAT IS NOT CLASSIFIED AS

AGRICULTURAL LAND BY THE TAX ASSESSOR. "PRIVATELY OWNED REAL PROPERTY" OR "PROPERTY" DOES NOT MEAN PRIVATELY OWNED REAL PROPERTY OWNED BY A NONPROFIT ENTITY THAT IS LEASED FOR AGRICULTURAL PURPOSES. "PRIVATELY OWNED REAL PROPERTY" OR "PROPERTY" DOES NOT MEAN REAL PROPERTY OWNED OR OCCUPIED BY A PUBLIC UTILITY THAT HAS A VEGETATION MANAGEMENT OR WILDFIRE MITIGATION PLAN TO ADDRESS VEGETATIVE FUEL SOURCES OR REAL PROPERTY ADJACENT TO A DITCH THAT CONVEYS DECREED WATER RIGHTS OR WITHIN THE APPURTENANT EASEMENT WITHIN WHICH THE DITCH IS LOCATED.

(23.7) "VEGETATIVE FUEL" MEANS ANY DEAD PLANT MATERIAL THAT CAN BURN AND CONTRIBUTE TO A FIRE, INCLUDING LEAVES, GRASS, SHRUBS, GROUND LITTER, DEAD LEAVES, AND FALLEN PINE NEEDLES.

SECTION 3. In Colorado Revised Statutes, 32-1-1002, **add** (1)(i) as follows:

32-1-1002. Fire protection districts - additional powers and duties - definitions - vegetative fuel removal - rules. (1) In addition to the powers specified in section 32-1-1001, the board of any fire protection district has the following powers for and on behalf of the district:

(i) (I) A FIRE PROTECTION DISTRICT MAY ESTABLISH, IN ITS DISCRETION, A PROGRAM TO REQUIRE THE REMOVAL OF VEGETATIVE FUEL FROM PRIVATELY OWNED REAL PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT, AND A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM SHALL ADOPT POLICIES CONSISTENT WITH THE 2024 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, A SUBSEQUENT CODE ESTABLISHED BY THE INTERNATIONAL CODE COUNCIL, OR THE STANDARDS AND CODES ADOPTED OR ISSUED BY THE COLORADO WILDFIRE RESILIENCY CODE BOARD. A FIRE PROTECTION DISTRICT SHALL COORDINATE WITH ALL APPLICABLE LOCAL ENTITIES AS DEFINED IN SECTION 37-99-102 (9) WHEN DEVELOPING A VEGETATIVE FUEL MITIGATION PROGRAM AND SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 37-99-103.

(II) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM PURSUANT TO SECTION (1)(i)(I) OF THIS SECTION MAY ASSESS A FINE AGAINST AN OWNER OR OCCUPIER OF PRIVATELY OWNED REAL PROPERTY CONTAINING VEGETATIVE FUEL ONLY IN ACCORDANCE WITH THIS

SUBSECTION (1)(i)(II). AN INCIDENT COVERS ALL VEGETATIVE FUEL ON A PROPERTY. FOR EACH INCIDENT OF VEGETATIVE FUEL ON A PROPERTY, A FIRE PROTECTION DISTRICT MUST PROVIDE TO AN OWNER AND OCCUPIER OF THE PRIVATELY OWNED REAL PROPERTY WRITTEN NOTICE OF THE REQUIREMENT TO REMOVE VEGETATIVE FUEL FROM A PROPERTY AND THE AMOUNT OF A POTENTIAL FINE, AND INFORMATION ON POSSIBLE FUNDING OR GRANT PROGRAMS TO ASSIST OWNERS OR OCCUPIERS ABOUT EFFECTIVE VEGETATIVE FUEL MITIGATION, INCLUDING THE COLORADO WILDFIRE RESILIENT HOMES GRANT, THE FOREST RESTORATION AND WILDFIRE RISK MITIGATION GRANT PROGRAM, OR ANY OTHER LOCAL OR STATE PROGRAM ABOUT EFFECTIVE VEGETATIVE FUEL MITIGATION. AT LEAST FOURTEEN DAYS AFTER PROVIDING A FIRST NOTICE, IF THE VEGETATIVE FUEL HAS NOT BEEN REMOVED, A DISTRICT MAY PROVIDE A SECOND WRITTEN NOTICE TO THE OWNER AND OCCUPIER CONTAINING THE SAME INFORMATION. AT LEAST FOURTEEN DAYS AFTER PROVIDING A SECOND NOTICE, IF THE VEGETATIVE FUEL HAS NOT BEEN REMOVED, A DISTRICT MAY ASSESS A FINE AGAINST THE OWNER OR OCCUPIER BY PROVIDING WRITTEN NOTICE OF THE FINE TO THE OWNER AND OCCUPIER BY CERTIFIED MAIL. THE AMOUNT OF A FINE MUST BE APPROXIMATELY EQUAL TO THE COST OF REMOVAL OF THE VEGETATIVE FUEL ON THE PROPERTY AND MUST NOT EXCEED TWO HUNDRED DOLLARS PER PROPERTY PER INCIDENT. AN OWNER OR OCCUPIER IS NOT SUBJECT TO MORE THAN ONE FINE FOR THE SAME INCIDENT. THE SUM OF ALL FINES ASSESSED AGAINST A SINGLE PROPERTY MUST NOT EXCEED ONE THOUSAND TWO HUNDRED DOLLARS. A FINE IS WAIVED IF THE OWNER OR OCCUPIER REMOVES OR CAUSES THE REMOVAL OF THE VEGETATIVE FUEL WITHIN FOURTEEN DAYS OF RECEIVING NOTICE OF AN ASSESSMENT OF A FINE. A FIRE PROTECTION DISTRICT MAY NOT ACCESS ANY PRIVATELY OWNED REAL PROPERTY PURSUANT TO THIS SUBSECTION (1)(i)(II) WITHOUT THE WRITTEN PERMISSION OF THE OWNER OR OCCUPIER OF THE PROPERTY. AN OWNER OR OCCUPIER IS NOT LIABLE TO A FIRE PROTECTION DISTRICT FOR DAMAGES TO FIRE PROTECTION DISTRICT PERSONNEL OR EQUIPMENT OCCURRING ON THE PRIVATELY OWNED REAL PROPERTY WHILE FIRE PROTECTION DISTRICT PERSONNEL OR EQUIPMENT ARE PRESENT ON THE PROPERTY TO CARRY OUT THE PURPOSES OF THIS SECTION. A FIRE PROTECTION DISTRICT MAY NOT USE A DRONE TO DISCOVER VEGETATIVE FUEL ON A PROPERTY OR TO ADMINISTER OR ENFORCE THIS SUBSECTION (1)(i).

(III) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION MUST USE THE MONEY COLLECTED FROM A FINE ASSESSED PURSUANT TO THIS SECTION ONLY TO

REMOVE VEGETATIVE FUEL ON PRIVATE REAL PROPERTY WITHIN THE DISTRICT'S JURISDICTION. A FIRE PROTECTION DISTRICT MUST PRIORITIZE USE OF THE MONEY TO ASSIST A LOW-INCOME OWNER OR OCCUPIER, A SENIOR OWNER OR OCCUPIER, OR AN OWNER OR OCCUPIER WITH A DISABILITY TO REMOVE VEGETATIVE FUEL FROM THE OWNER OR OCCUPIER'S PROPERTY.

(IV) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION SHALL ESTABLISH A PROCESS FOR A PERSON THAT OWNS OR OCCUPIES PROPERTY THAT IS SUBJECT TO A FINE IMPOSED BY THE FIRE PROTECTION DISTRICT PURSUANT TO SUBSECTION (1)(i)(II) OF THIS SECTION TO FILE AN OBJECTION TO THE FINE WITH THE DISTRICT'S BOARD. A DISTRICT'S BOARD MAY WAIVE THE FINE IN ALL OR IN PART, IN ITS DISCRETION, IF IT DETERMINES THAT:

(A) THE FINE WAS NOT ASSESSED IN COMPLIANCE WITH SUBSECTION (1)(i)(II) OF THIS SECTION;

(B) THE OWNER OR OCCUPIER FILING AN OBJECTION IS FINANCIALLY UNABLE TO PAY ALL OR A PORTION OF THE FINE;

(C) AN OWNER OR OCCUPIER AGAINST WHICH A FINE WAS ASSESSED HAS REMOVED OR CAUSED THE REMOVAL OF THE VEGETATIVE FUEL AFTER THE ASSESSMENT OF THE FINE; OR

(D) A WAIVER IS APPROPRIATE UNDER THE CIRCUMSTANCES.

(V) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION MAY CAUSE A DELINQUENT CHARGE MADE OR LEVIED TO BE CERTIFIED TO THE TREASURER OF THE COUNTY AND BE COLLECTED AND PAID OVER BY THE TREASURER OF THE COUNTY IN THE SAME MANNER AS TAXES ARE AUTHORIZED TO BE BY TITLE 31.

(VI) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION SHALL ADOPT RULES AND POLICIES AFTER A PUBLIC HEARING, PUBLIC NOTICE, AND THE ALLOWANCE OF PUBLIC COMMENT TO IMPLEMENT THIS SUBSECTION (1)(i) AND SHALL POST THE ADOPTED RULES AND POLICIES ON THE DISTRICT'S WEBSITE, ON SOCIAL MEDIA OPERATED BY THE DISTRICT, AND IN A LOCAL NEWSPAPER OF GENERAL CIRCULATION. A PROGRAM ESTABLISHED

PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION MAY ONLY BE EFFECTIVE THIRTY DAYS OR MORE AFTER POSTING OF THE ADOPTED RULES AND POLICIES ON THE DISTRICT'S WEBSITE. AS PART OF THE ADOPTED RULES AND POLICIES A FIRE PROTECTION DISTRICT SHALL DESIGNATE AN INDIVIDUAL TO OVERSEE AND MANAGE THE PROGRAM.

(VII) A FIRE PROTECTION DISTRICT MAY WAIVE A FINE FOR DELAYS DUE TO WEATHER OR UPON A PETITION FOR A TIME EXTENSION FROM AN OWNER OR OCCUPIER IF AN OWNER OR OCCUPIER HAS UNDERTAKEN GOOD FAITH EFFORTS TO REMOVE THE VEGETATIVE FUEL, AT THE DISCRETION OF THE FIRE PROTECTION DISTRICT. GOOD FAITH EFFORTS INCLUDE DOCUMENTATION FROM AN ARBORIST OR LICENSED PROFESSIONAL LANDSCAPE ARCHITECT THAT STATES WHEN THE ARBORIST OR LICENSED PROFESSIONAL LANDSCAPE ARCHITECT WILL BE ABLE TO MITIGATE THE VEGETATIVE FUEL ON A PROPERTY AND THE COST OF THE MITIGATION. A FIRE PROTECTION DISTRICT SHALL GRANT A TIME EXTENSION TO MITIGATE OR PAY A FINE ASSESSED AGAINST THE OWNER OR OCCUPIER OF THE PROPERTY FOR:

(A) NO LONGER THAN THREE MONTHS IF THE COST TO MITIGATE EXCEEDS ONE THOUSAND DOLLARS AND IS LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS;

(B) NO LONGER THAN SIX MONTHS IF THE COST TO MITIGATE EQUALS OR EXCEEDS TWO THOUSAND FIVE HUNDRED DOLLARS AND IS LESS THAN FIVE THOUSAND DOLLARS;

(C) NO LONGER THAN NINE MONTHS IF THE COST TO MITIGATE EQUALS OR EXCEEDS FIVE THOUSAND DOLLARS AND IS LESS THAN TEN THOUSAND DOLLARS; OR

(D) NO LONGER THAN ONE YEAR IF THE COST TO MITIGATE EQUALS OR EXCEEDS TEN THOUSAND DOLLARS.

SECTION 4. In Colorado Revised Statutes, 32-1-1004, **add** (1)(e) as follows:

32-1-1004. Metropolitan districts - additional powers and duties.

(1) In addition to the powers specified in section 32-1-1001, the board of any metropolitan district has the following powers for and on behalf of such district:

(e) A METROPOLITAN DISTRICT THAT PROVIDES FIRE PROTECTION SERVICES MAY ESTABLISH, IN ITS DISCRETION, A PROGRAM TO REQUIRE THE REMOVAL OF VEGETATIVE FUEL FROM PRIVATELY OWNED REAL PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT, AS SPECIFIED IN SECTION 32-1-1001 (1)(i) FOR FIRE PROTECTION DISTRICTS, AND A METROPOLITAN DISTRICT THAT PROVIDES FIRE PROTECTION SERVICES AND THAT ESTABLISHES A PROGRAM PURSUANT TO SECTION 32-1-1001 (1)(i) SHALL ADOPT POLICIES CONSISTENT WITH THE 2024 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, A SUBSEQUENT CODE ESTABLISHED BY THE INTERNATIONAL CODE COUNCIL, OR THE STANDARDS AND CODES ADOPTED OR ISSUED BY THE COLORADO WILDFIRE RESILIENCY CODE BOARD. A METROPOLITAN DISTRICT PROVIDING FIRE PROTECTION SERVICES SHALL COORDINATE WITH ALL APPLICABLE LOCAL ENTITIES AS DEFINED IN SECTION 37-99-102 (9) WHEN DEVELOPING A VEGETATIVE FUEL MITIGATION PROGRAM AND SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 37-99-103.

SECTION 5. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO