

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

REVISED

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

LLS NO. 25-0269.03 Jed Franklin x5484

HOUSE BILL 25-1009

HOUSE SPONSORSHIP

Mauro and Joseph, Bacon, Bird, Boesenecker, Brown, Duran, Lindsay, Martinez, Titone,
Velasco, Willford

SENATE SPONSORSHIP

Cutter and Hinrichsen,

House Committees

Agriculture, Water & Natural Resources

Senate Committees

Agriculture & Natural Resources

A BILL FOR AN ACT

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

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 allows a fire protection district or a metropolitan district providing fire protection services (district) to create a program to mitigate the presence of dead or dry plant material that can burn and contribute to a fire on privately owned property within a district (vegetative fuel program). A district that creates a vegetative fuel program is required to adopt policies consistent with the 2024 International Wildland-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.

SENATE
Amended 2nd Reading
March 10, 2025

HOUSE
3rd Reading Unamended
February 7, 2025

HOUSE
Amended 2nd Reading
February 6, 2025

Interface Code or the standards and codes adopted or issued by the Colorado wildfire resiliency code board. A district that creates a vegetative fuel program may require an owner or occupier with an interest in private real property that contains vegetative fuel within the district to remove the vegetative fuel and assess a fine per incident of noncompliance. In order to assess a fine, for each incident, the district must provide written notice of the requirement to remove vegetative fuel and allow at least 10 days for the owner or occupier to comply. An owner or occupier that does not remove the vegetative fuel as provided in the first notice may be subject to a second notice requiring the removal of vegetative fuel. An owner or occupier has at least 10 days to comply with the second notice. An owner or occupier that does not comply within at least 10 days after the second notice may receive a third notice providing for a fine approximately equal to the cost of removing the vegetative fuel. The fine may not exceed \$300 per property per incident. An owner or occupier receiving a third notice may avoid a fine by removing the vegetative fuel within 10 days of the date of the third notice.

The money a district collects from a fine must be used by the district to remove vegetative fuel on private real property within the district's jurisdiction. An owner or occupier that is subject to a fine imposed by the district has standing 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 the fine was not assessed pursuant to law, an owner or occupier is financially unable to pay the fine, or the vegetative fuel has been removed, and 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 in removing vegetative fuel from the owner or occupier's property.

A district shall adopt rules and policies after public notice and comment to implement the bill and shall post the adopted rules and policies to the district's website.

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

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

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

7 (b) Wildfires present a grave risk to Colorado's residents,

1 property, and natural environment, whether in the mountains, on the
2 prairie, or in suburban areas;

3 (c) Wildfires can cause devastating property destruction and loss
4 of life; ==

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

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

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

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

26 **SECTION 2.** In Colorado Revised Statutes, 32-1-103, **add** (13.5),
27 (14.3), and (23.7) as follows:

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

3 (13.5) "NONPROFIT ENTITY" MEANS A PERSON THAT IS REGISTERED
4 AS AN EXEMPT CHARITABLE ORGANIZATION PURSUANT TO 26 U.S.C. SEC.
5 501 (c)(3) AND THAT IS EXEMPT FROM TAXATION PURSUANT TO 26 U.S.C.
6 SEC. 501 (a) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986".

7 (14.3) "PRIVATELY OWNED REAL PROPERTY" OR "PROPERTY"
8 MEANS PRIVATELY OWNED REAL PROPERTY THAT IS NOT CLASSIFIED AS
9 AGRICULTURAL LAND BY THE TAX ASSESSOR. "PRIVATELY OWNED REAL
10 PROPERTY" OR "PROPERTY" DOES NOT MEAN PRIVATELY OWNED REAL
11 PROPERTY OWNED BY A NONPROFIT ENTITY THAT IS LEASED FOR
12 AGRICULTURAL PURPOSES. "PRIVATELY OWNED REAL PROPERTY" OR
13 "PROPERTY" DOES NOT MEAN REAL PROPERTY OWNED OR OCCUPIED BY A
14 PUBLIC UTILITY THAT HAS A VEGETATION MANAGEMENT OR WILDFIRE
15 MITIGATION PLAN TO ADDRESS VEGETATIVE FUEL SOURCES OR REAL
16 PROPERTY ADJACENT TO A DITCH THAT CONVEYS DECREED WATER RIGHTS
17 OR WITHIN THE APPURTENANT EASEMENT WITHIN WHICH THE DITCH IS
18 LOCATED.

19 (23.7) "VEGETATIVE FUEL" MEANS ANY DEAD PLANT MATERIAL
20 THAT CAN BURN AND CONTRIBUTE TO A FIRE, INCLUDING LEAVES, GRASS,
21 SHRUBS, GROUND LITTER, DEAD LEAVES, AND FALLEN PINE NEEDLES.

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

24 **32-1-1002. Fire protection districts - additional powers and**
25 **duties - definitions - vegetative fuel removal.** (1) In addition to the
26 powers specified in section 32-1-1001, the board of any fire protection
27 district has the following powers for and on behalf of the district:

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

14 (II) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM
15 PURSUANT TO SECTION (1)(i)(I) OF THIS SECTION MAY ASSESS A FINE
16 AGAINST AN OWNER OR OCCUPIER OF PRIVATELY OWNED REAL PROPERTY
17 CONTAINING VEGETATIVE FUEL ONLY IN ACCORDANCE WITH THIS
18 SUBSECTION (1)(i)(II). AN INCIDENT COVERS ALL VEGETATIVE FUEL ON A
19 PROPERTY. FOR EACH INCIDENT OF VEGETATIVE FUEL ON A PROPERTY, A
20 FIRE PROTECTION DISTRICT MUST PROVIDE TO AN OWNER AND OCCUPIER
21 OF THE PRIVATELY OWNED REAL PROPERTY WRITTEN NOTICE OF THE
22 REQUIREMENT TO REMOVE VEGETATIVE FUEL FROM A PROPERTY AND THE
23 AMOUNT OF A POTENTIAL FINE, AND INFORMATION ON POSSIBLE FUNDING
24 OR GRANT PROGRAMS TO ASSIST OWNERS OR OCCUPIERS ABOUT EFFECTIVE
25 VEGETATIVE FUEL MITIGATION, INCLUDING THE COLORADO WILDFIRE
26 RESILIENT HOMES GRANT, THE FOREST RESTORATION AND WILDFIRE RISK
27 MITIGATION GRANT PROGRAM, OR ANY OTHER LOCAL OR STATE PROGRAM

1 ABOUT EFFECTIVE VEGETATIVE FUEL MITIGATION. AT LEAST FOURTEEN
2 DAYS AFTER PROVIDING A FIRST NOTICE, IF THE VEGETATIVE FUEL HAS NOT
3 BEEN REMOVED, A DISTRICT MAY PROVIDE A SECOND WRITTEN NOTICE TO
4 THE OWNER AND OCCUPIER CONTAINING THE SAME INFORMATION. AT
5 LEAST FOURTEEN DAYS AFTER PROVIDING A SECOND NOTICE, IF THE
6 VEGETATIVE FUEL HAS NOT BEEN REMOVED, A DISTRICT MAY ASSESS A
7 FINE AGAINST THE OWNER OR OCCUPIER BY PROVIDING WRITTEN NOTICE
8 OF THE FINE TO THE OWNER AND OCCUPIER BY CERTIFIED MAIL. THE
9 AMOUNT OF A FINE MUST BE APPROXIMATELY EQUAL TO THE COST OF
10 REMOVAL OF THE VEGETATIVE FUEL ON THE PROPERTY AND MUST NOT
11 EXCEED TWO HUNDRED DOLLARS PER PROPERTY PER INCIDENT. AN OWNER
12 OR OCCUPIER IS NOT SUBJECT TO MORE THAN ONE FINE FOR THE SAME
13 INCIDENT. THE SUM OF ALL FINES ASSESSED AGAINST A SINGLE PROPERTY
14 MUST NOT EXCEED ONE THOUSAND TWO HUNDRED DOLLARS. A FINE IS
15 WAIVED IF THE OWNER OR OCCUPIER REMOVES OR CAUSES THE REMOVAL
16 OF THE VEGETATIVE FUEL WITHIN FOURTEEN DAYS OF RECEIVING NOTICE
17 OF AN ASSESSMENT OF A FINE. A FIRE PROTECTION DISTRICT MAY NOT
18 ACCESS ANY PRIVATELY OWNED REAL PROPERTY PURSUANT TO THIS
19 SUBSECTION (1)(i)(II) WITHOUT THE WRITTEN PERMISSION OF THE OWNER
20 OR OCCUPIER OF THE PROPERTY. AN OWNER OR OCCUPIER IS NOT LIABLE
21 TO A FIRE PROTECTION DISTRICT FOR DAMAGES TO FIRE PROTECTION
22 DISTRICT PERSONNEL OR EQUIPMENT OCCURRING ON THE PRIVATELY
23 OWNED REAL PROPERTY WHILE FIRE PROTECTION DISTRICT PERSONNEL OR
24 EQUIPMENT ARE PRESENT ON THE PROPERTY TO CARRY OUT THE PURPOSES
25 OF THIS SECTION. A FIRE PROTECTION DISTRICT MAY NOT USE A DRONE TO
26 DISCOVER VEGETATIVE FUEL ON A PROPERTY OR TO ADMINISTER OR
27 ENFORCE THIS SUBSECTION (1)(i).

1 (III) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM
2 PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION MUST USE THE
3 MONEY COLLECTED FROM A FINE ASSESSED PURSUANT TO THIS SECTION
4 ONLY TO REMOVE VEGETATIVE FUEL ON PRIVATE REAL PROPERTY WITHIN
5 THE DISTRICT'S JURISDICTION. A FIRE PROTECTION DISTRICT MUST
6 PRIORITIZE USE OF THE MONEY TO ASSIST A LOW-INCOME OWNER OR
7 OCCUPIER, A SENIOR OWNER OR OCCUPIER, OR AN OWNER OR OCCUPIER
8 WITH A DISABILITY TO REMOVE VEGETATIVE FUEL FROM THE OWNER OR
9 OCCUPIER'S PROPERTY.

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

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

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

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

24 (D) A WAIVER IS APPROPRIATE UNDER THE CIRCUMSTANCES.

25 (V) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM
26 PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION MAY CAUSE A
27 DELINQUENT CHARGE MADE OR LEVIED TO BE CERTIFIED TO THE

1 TREASURER OF THE COUNTY AND BE COLLECTED AND PAID OVER BY THE
2 TREASURER OF THE COUNTY IN THE SAME MANNER AS TAXES ARE
3 AUTHORIZED TO BE BY TITLE 31.

4 (VI) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM
5 PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION SHALL ADOPT RULES
6 AND POLICIES AFTER A PUBLIC HEARING, PUBLIC NOTICE, AND THE
7 ALLOWANCE OF PUBLIC COMMENT TO IMPLEMENT THIS SUBSECTION (1)(i)
8 AND SHALL POST THE ADOPTED RULES AND POLICIES ON THE DISTRICT'S
9 WEBSITE, ON SOCIAL MEDIA OPERATED BY THE DISTRICT, AND IN A LOCAL
10 NEWSPAPER OF GENERAL CIRCULATION. A PROGRAM ESTABLISHED
11 PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION MAY ONLY BE
12 EFFECTIVE THIRTY DAYS OR MORE AFTER POSTING OF THE ADOPTED RULES
13 AND POLICIES ON THE DISTRICT'S WEBSITE. AS PART OF THE ADOPTED
14 RULES AND POLICIES A FIRE PROTECTION DISTRICT SHALL DESIGNATE AN
15 INDIVIDUAL TO OVERSEE AND MANAGE THE PROGRAM.

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

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

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

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

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

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

14 **32-1-1004. Metropolitan districts - additional powers and**
15 **duties.** (1) In addition to the powers specified in section 32-1-1001, the
16 board of any metropolitan district has the following powers for and on
17 behalf of such district:

18 (e) A METROPOLITAN DISTRICT THAT PROVIDES FIRE PROTECTION
19 SERVICES MAY ESTABLISH, IN ITS DISCRETION, A PROGRAM TO REQUIRE
20 THE REMOVAL OF VEGETATIVE FUEL FROM PRIVATELY OWNED REAL
21 PROPERTY WITHIN THE BOUNDARIES OF THE DISTRICT, AS SPECIFIED IN
22 SECTION 32-1-1001 (1)(i) FOR FIRE PROTECTION DISTRICTS, AND A
23 METROPOLITAN DISTRICT THAT PROVIDES FIRE PROTECTION SERVICES AND
24 THAT ESTABLISHES A PROGRAM PURSUANT TO SECTION 32-1-1001 (1)(i)
25 SHALL ADOPT POLICIES CONSISTENT WITH THE 2024 INTERNATIONAL
26 WILDLAND-URBAN INTERFACE CODE, A SUBSEQUENT CODE ESTABLISHED
27 BY THE INTERNATIONAL CODE COUNCIL, OR THE STANDARDS AND CODES

1 ADOPTED OR ISSUED BY THE COLORADO WILDFIRE RESILIENCY CODE
2 BOARD. A METROPOLITAN DISTRICT PROVIDING FIRE PROTECTION SERVICES
3 SHALL COORDINATE WITH ALL APPLICABLE LOCAL ENTITIES AS DEFINED IN
4 SECTION 37-99-102 (9) WHEN DEVELOPING A VEGETATIVE FUEL
5 MITIGATION PROGRAM AND SHALL COMPLY WITH THE REQUIREMENTS OF
6 SECTION 37-99-103.

7 **SECTION 5. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2026 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.