

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0322.01 Alison Killen x4350

HOUSE BILL 24-1300

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HOUSE SPONSORSHIP

Story and Brown,

SENATE SPONSORSHIP

Marchman,

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House Committees

Transportation, Housing & Local Government

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING WILDFIRE MITIGATION REQUIREMENTS IN CONNECTION  
102 WITH THE SALE OF A RESIDENCE.

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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>.)*

Currently, 12 Colorado counties, including Archuleta, Boulder, Chaffee, Clear Creek, Douglas, Eagle, El Paso, Gilpin, Gunnison, Jefferson, Ouray, and Summit (affected counties), require some form of wildfire mitigation in connection with the construction of a new residence but not with the sale of an existing residence. Because the affected counties are among the most at-risk counties for wildfires, **section 2** of

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 requires the affected counties to leverage their existing wildfire mitigation expertise to establish a program for point-of-sale wildfire mitigation certification in connection with the sale of an existing residence located in the county.

**Section 3** details the minimum requirements for a county point-of-sale wildfire mitigation certification program. The bill also specifies limitations on such programs and encourages counties to create and maintain a web-based clearing house of state and county-level technical assistance and funding resources. **Section 3** also authorizes any county that is not an affected county and any municipality to establish by ordinance or regulation a program for a homeowner to obtain certification of compliance with the Colorado state forest service's phase one wildfire mitigation standards in connection with the sale of the homeowner's residence.

**Section 4** makes a conforming amendment to the existing Colorado state forest service web-based clearing house to require the inclusion of information to educate and assist homeowners in accessing resources to comply with the county point-of-sale programs established pursuant to **section 3**.

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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) In recent years, wildfires have caused devastating loss of life  
5 and damage to property, including homes, throughout Colorado;

6 (b) Reducing the monetary, physical, mental, and emotional costs  
7 of these disasters is a matter of statewide concern to be addressed in a  
8 variety of ways, including by encouraging individuals to take responsible  
9 actions;

10 (c) All Coloradans, including homeowners, must take reasonable  
11 responsibility for protecting themselves, their families, and their  
12 communities from harm caused by wildfires;

13 (d) Being a responsible homeowner and citizen of this state  
14 includes maintaining the land around your home in a manner that has

1     been scientifically proven to reduce the risk of wildfire ignition and  
2     spread;

3             (e) However, many homeowners, even in the counties at highest  
4     risk for wildfires, do not maintain their properties in accordance with  
5     such scientifically-based wildfire mitigation standards;

6             (f) Moreover, the most significant existing consequence of this  
7     failure to act - the loss of their own home - comes too late to make a  
8     difference in their behavior;

9             (g) Therefore, the general assembly declares that it is necessary  
10    and appropriate to require those counties at highest risk for wildfires,  
11    which take steps to address these issues with regard to new construction,  
12    to establish and administer a point-of-sale wildfire mitigation certification  
13    program for all residential structures in those counties using the wildfire  
14    mitigation standards set by the Colorado state forest service.

15            (h) By making wildfire mitigation inspection part of a residential  
16    real estate transaction at the point of sale, these programs will help to  
17    educate homeowners, new and old, about their rights and responsibilities  
18    in the fight against wildfires;

19            (i) Requiring proof of wildfire mitigation certification at closing  
20    will also create a significant monetary motivation for homeowners to  
21    properly maintain their residential properties; and

22            (j) At the same time, the programs will have built-in limits  
23    designed to avoid undue burden and delay in connection with the sale of  
24    a residence.

25            **SECTION 2.** In Colorado Revised Statutes, 30-15-401, **add**  
26    (1)(u) as follows:

27            **30-15-401. General regulations - definitions.** (1) In addition to

1 those powers granted by sections 30-11-101 and 30-11-107 and by parts  
2 1, 2, and 3 of this article 15, the board of county commissioners may  
3 adopt ordinances for control or licensing of those matters of purely local  
4 concern that are described in the following enumerated powers:

5 (u) TO ESTABLISH BY ORDINANCE OR REGULATION A PROGRAM FOR  
6 A HOMEOWNER TO OBTAIN CERTIFICATION OF COMPLIANCE WITH SPECIFIED  
7 WILDFIRE MITIGATION STANDARDS IN CONNECTION WITH THE SALE OF THE  
8 OWNER'S RESIDENCE IN ACCORDANCE WITH THE REQUIREMENTS AND  
9 LIMITATIONS OF SECTION 30-28-213.

10 **SECTION 3.** In Colorado Revised Statutes, **add** 30-28-213 as  
11 follows:

12 **30-28-213. Point-of-sale wildfire mitigation certification**  
13 **program for residences in certain counties - definitions - limitations.**

14 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
15 REQUIRES:

16 (a) (I) "AFFECTED COUNTIES" MEANS THE COUNTIES OF  
17 ARCHULETA, BOULDER, CHAFFEE, CLEAR CREEK, DOUGLAS, EAGLE, EL  
18 PASO, GILPIN, GUNNISON, JEFFERSON, OURAY, AND SUMMIT.

19 (II) "AFFECTED COUNTIES" ALSO INCLUDES ANY COUNTY THAT  
20 ADOPTS A BUILDING CODE THAT INCLUDES WILDFIRE MITIGATION  
21 REQUIREMENTS IN CONNECTION WITH THE ISSUANCE OF A RESIDENTIAL  
22 BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY SUBSEQUENT TO THE  
23 EFFECTIVE DATE OF THIS HOUSE BILL 24-\_\_\_\_, ENACTED IN 2024.

24 (b) "FOREST SERVICE" MEANS THE COLORADO STATE FOREST  
25 SERVICE IDENTIFIED IN SECTION 23-31-302.

26 (c) "PHASE ONE WILDFIRE MITIGATION STANDARDS" MEANS THE  
27 WILDFIRE MITIGATION STANDARDS SET FORTH IN THE FOREST SERVICE'S

1 PUBLICATION "THE HOME IGNITION ZONE", OR A SUCCESSOR  
2 PUBLICATION, APPLICABLE TO LAND THAT IS ZERO TO THIRTY FEET FROM  
3 A RESIDENCE OR FROM ZERO FEET FROM A RESIDENCE TO THE  
4 HOMEOWNER'S PROPERTY LINE IF THE RESIDENCE IS LESS THAN THIRTY  
5 FEET FROM THE PROPERTY LINE.

6 (d) "PHASE TWO WILDFIRE MITIGATION STANDARDS" MEANS THE  
7 WILDFIRE MITIGATION STANDARDS SET FORTH IN THE FOREST SERVICE'S  
8 PUBLICATION "THE HOME IGNITION ZONE", OR A SUCCESSOR  
9 PUBLICATION, APPLICABLE TO LAND THAT IS ZERO TO ONE HUNDRED FEET  
10 FROM A RESIDENCE OR FROM ZERO FEET FROM A RESIDENCE TO THE  
11 HOMEOWNER'S PROPERTY LINE IF THE RESIDENCE IS LESS THAN ONE  
12 HUNDRED FEET FROM THE PROPERTY LINE.

13 (2) (a) NO LATER THAN JANUARY 1, 2025, THE BOARD OF COUNTY  
14 COMMISSIONERS FOR EACH OF THE AFFECTED COUNTIES SHALL ESTABLISH  
15 BY ORDINANCE OR REGULATION A PROGRAM FOR A HOMEOWNER TO  
16 OBTAIN CERTIFICATION OF COMPLIANCE WITH THE PHASE ONE WILDFIRE  
17 MITIGATION STANDARDS IN CONNECTION WITH THE SALE OF THE  
18 HOMEOWNER'S RESIDENCE.

19 (b) A PROGRAM ESTABLISHED PURSUANT TO SUBSECTION (2)(a) OF  
20 THIS SECTION MUST INCLUDE THE FOLLOWING MINIMUM REQUIREMENTS:

21 (I) A STANDARD COUNTY CERTIFICATION FORM TO BE COMPLETED  
22 BY AN AUTHORIZED INSPECTOR, COPIED TO THE HOMEOWNER, FILED WITH  
23 THE COUNTY, AND DOCUMENTED AS PART OF THE REAL ESTATE CLOSING  
24 OF THE SALE OF THE RESIDENCE;

25 (II) A LIST OF INSPECTORS AUTHORIZED BY THE COUNTY TO  
26 CONDUCT THE INSPECTION TO DETERMINE COMPLIANCE WITH THE  
27 WILDFIRE MITIGATION STANDARDS AND COMPLETE THE COUNTY

1 CERTIFICATION FORM; AND

2 (III) A REASONABLE AND UNIFORM FEE FOR THE INSPECTION TO BE  
3 PAID BY THE HOMEOWNER.

4 (c) A PROGRAM ESTABLISHED PURSUANT TO SUBSECTION (2)(a) OF  
5 THIS SECTION IS SUBJECT TO THE FOLLOWING LIMITATIONS:

6 (I) A COMPLETED COUNTY CERTIFICATION FORM MAY BE USED FOR  
7 THE SALE OF A RESIDENCE IF THE CLOSING DATE FOR THE SALE IS WITHIN  
8 TWELVE MONTHS OF THE DATE OF THE INSPECTION SET FORTH IN THE  
9 FORM;

10 (II) AS AN ALTERNATIVE TO A COMPLETED COUNTY CERTIFICATION  
11 FORM DEMONSTRATING COMPLIANCE WITH THE WILDFIRE MITIGATION  
12 STANDARDS, A HOMEOWNER MAY OBTAIN AND SUBMIT TO THE COUNTY A  
13 REPORT FROM AN APPROVED INSPECTOR AND AN ESTIMATE FROM ONE OR  
14 MORE QUALIFIED PROFESSIONALS DETAILING THE STEPS AND COSTS  
15 NECESSARY TO BRING THE RESIDENCE INTO COMPLIANCE WITH THE  
16 WILDFIRE MITIGATION STANDARDS. TO BE DEEMED SUFFICIENT TO COMPLY  
17 WITH THE REQUIREMENTS OF THE PROGRAM, THE INSPECTION REPORT AND  
18 ESTIMATE MUST BE SUBMITTED TOGETHER WITH RECORDS  
19 DEMONSTRATING THAT:

20 (A) THE HOMEOWNER CANNOT REASONABLY COMPLETE THE STEPS  
21 NECESSARY TO BRING THE RESIDENCE INTO COMPLIANCE WITH THE  
22 WILDFIRE MITIGATION STANDARDS PRIOR TO THE DESIRED CLOSING DATE  
23 FOR THE SALE OF THE RESIDENCE;

24 (B) THE HOMEOWNER AND TITLE COMPANY AGREE THAT UPON THE  
25 SALE OF THE RESIDENCE THE TITLE COMPANY WILL RETAIN IN ESCROW AN  
26 AMOUNT EQUAL TO ONE HUNDRED FIFTY PERCENT OF THE ESTIMATED  
27 COSTS NECESSARY TO BRING THE RESIDENCE INTO COMPLIANCE WITH THE

1 WILDFIRE MITIGATION STANDARDS, WHICH AMOUNT MUST BE USED TO PAY  
2 THE QUALIFIED PROFESSIONALS WHO PERFORM THE WORK NECESSARY TO  
3 BRING THE RESIDENCE INTO COMPLIANCE WITH THE WILDFIRE MITIGATION  
4 STANDARDS AND WHO IN FACT PERFORMS SUCH WORK AS CONFIRMED BY AN  
5 APPROVED INSPECTOR, WITH ANY REMAINING FUNDS IN ESCROW AFTER  
6 ONE HUNDRED EIGHTY DAYS TO BE RETURNED TO THE SELLER; AND

7 (C) THE PURCHASER OF THE RESIDENCE AGREES TO COMPLETE ALL  
8 STEPS NECESSARY TO BRING THE RESIDENCE INTO COMPLIANCE WITH THE  
9 WILDFIRE MITIGATION STANDARDS WITHIN ONE HUNDRED EIGHTY DAYS OF  
10 THE CLOSING DATE.

11 (III) IN ADDITION TO SUBSECTIONS (2)(c)(I) AND (2)(c)(II) OF THIS  
12 SECTION, THE PROGRAM SHALL INCLUDE A WRITTEN POLICY AND  
13 PROCEDURE FOR A HOMEOWNER TO SEEK:

14 (A) A REASONABLE EXTENSION OF A PROGRAM DEADLINE; OR

15 (B) AN EXEMPTION FROM A PROGRAM REQUIREMENT DUE TO  
16 UNFORSEEN OR EMERGENCY CIRCUMSTANCES SUCH THAT ENFORCEMENT  
17 OF THE REQUIREMENT WOULD UNDULY BURDEN THE HOMEOWNER IN  
18 CONNECTION WITH THE SALE OF THE HOMEOWNER'S RESIDENCE.

19 (3) NO LATER THAN JANUARY 1, 2026, THE BOARD OF COUNTY  
20 COMMISSIONERS FOR EACH OF THE AFFECTED COUNTIES SHALL ESTABLISH  
21 BY ORDINANCE OR REGULATION A PROGRAM FOR A HOMEOWNER TO  
22 OBTAIN CERTIFICATION OF COMPLIANCE WITH THE PHASE TWO WILDFIRE  
23 MITIGATION STANDARDS IN CONNECTION WITH THE SALE OF THE  
24 HOMEOWNER'S RESIDENCE IN ACCORDANCE WITH SUBSECTION (2) OF THIS  
25 SECTION.

26 (4) THE AFFECTED COUNTIES ARE ENCOURAGED TO CREATE AND  
27 MAINTAIN A WEB-BASED PROGRAM IN ACCORDANCE WITH THIS SECTION

1 THAT INCLUDES A LINK TO THE FOREST SERVICE'S PUBLICATION "THE  
2 HOME IGNITION ZONE", OR A SUCCESSOR PUBLICATION, THE FOREST  
3 SERVICE'S WEB-BASED CLEARINGHOUSE FOR TECHNICAL ASSISTANCE AND  
4 FUNDING RESOURCES CREATED PURSUANT TO SECTION 23-31-313 (9), AND  
5 COUNTY-SPECIFIC TECHNICAL ASSISTANCE AND FUNDING RESOURCES FOR  
6 WILDFIRE MITIGATION BY HOMEOWNERS.

7 (5) ANY COUNTY THAT IS NOT AN AFFECTED COUNTY AND ANY  
8 MUNICIPALITY MAY ESTABLISH BY ORDINANCE OR REGULATION A  
9 PROGRAM FOR A HOMEOWNER TO OBTAIN CERTIFICATION OF COMPLIANCE  
10 WITH THE PHASE ONE WILDFIRE MITIGATION STANDARDS IN CONNECTION  
11 WITH THE SALE OF THE HOMEOWNER'S RESIDENCE IN ACCORDANCE WITH  
12 THIS SECTION.

13 **SECTION 4.** In Colorado Revised Statutes, 23-31-313, **amend**  
14 **(9)(c)** as follows:

15 **23-31-313. Healthy forests - vibrant communities - funds**  
16 **created - outreach working group - legislative declaration - definition**  
17 **- repeal.**

18 (9) **Improved outreach and technical assistance.** In order to  
19 ensure that the forest service has the capacity to deliver key funding and  
20 technical assistance that will be needed to guide and support  
21 implementation of wildfire preparedness, risk mitigation, watershed  
22 restoration, and economic development initiatives in a way that adds  
23 value to these efforts at the state level and across community boundaries,  
24 the forest service shall:

25 (c) Develop a web-based clearinghouse for technical assistance  
26 and funding resources relevant to the initiatives established in this section  
27 THAT INCLUDES INFORMATION TO EDUCATE AND ASSIST HOMEOWNERS IN



1 ACCESSING RESOURCES, INCLUDING FINANCIAL AND LABOR RESOURCES, TO  
2 COMPLY WITH COUNTY POINT-OF-SALE WILDFIRE MITIGATION  
3 CERTIFICATION PROGRAMS ESTABLISHED IN ACCORDANCE WITH SECTION  
4 30-28-213.

5 **SECTION 5. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly; except  
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
9 of the state constitution against this act or an item, section, or part of this  
10 act within such period, then the act, item, section, or part will not take  
11 effect unless approved by the people at the general election to be held in  
12 November 2024 and, in such case, will take effect on the date of the  
13 official declaration of the vote thereon by the governor.