

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

INTRODUCED

LLS NO. 25-0269.03 Jed Franklin x5484

HOUSE BILL 25-1009

HOUSE SPONSORSHIP

Mauro,

SENATE SPONSORSHIP

Cutter,

House Committees

Agriculture, Water & Natural Resources

Senate Committees

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.*

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; and

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 increases the risk of fire spread, threatening homes and
9 neighboring properties.

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

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

19 **32-1-103. Definitions.** As used in this article 1, unless the context
20 otherwise requires:

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

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

27 **32-1-1002. Fire protection districts - additional powers and**

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

4 (i) (I) A FIRE PROTECTION DISTRICT MAY ESTABLISH, IN ITS
5 DISCRETION, A PROGRAM TO REQUIRE THE REMOVAL OF VEGETATIVE FUEL
6 FROM PRIVATELY OWNED REAL PROPERTY WITHIN THE BOUNDARIES OF THE
7 DISTRICT, AND A FIRE PROTECTION DISTRICT THAT ESTABLISHES A
8 PROGRAM SHALL ADOPT POLICIES CONSISTENT WITH THE 2024
9 INTERNATIONAL WILDLAND-URBAN INTERFACE CODE OR THE STANDARDS
10 AND CODES ADOPTED OR ISSUED BY THE COLORADO WILDFIRE RESILIENCY
11 CODE BOARD.

12 (II) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM
13 PURSUANT TO SECTION (1)(i)(I) OF THIS SECTION MAY ASSESS A FINE IN
14 ACCORDANCE WITH THIS SUBSECTION (1)(i)(II). FOR EACH INCIDENT OF
15 VEGETATIVE FUEL ON A PROPERTY, A FIRE PROTECTION DISTRICT MUST
16 PROVIDE TO AN OWNER OR OCCUPIER OF THE PRIVATELY OWNED REAL
17 PROPERTY WRITTEN NOTICE OF THE REQUIREMENT TO REMOVE
18 VEGETATIVE FUEL FROM A PROPERTY AND THE AMOUNT OF A POTENTIAL
19 FINE. AT LEAST TEN DAYS AFTER PROVIDING A FIRST NOTICE, IF THE
20 VEGETATIVE FUEL HAS NOT BEEN REMOVED, A DISTRICT MAY PROVIDE A
21 SECOND WRITTEN NOTICE TO THE OWNER OR OCCUPIER CONTAINING THE
22 SAME INFORMATION. AT LEAST TEN DAYS AFTER PROVIDING A SECOND
23 NOTICE, IF THE VEGETATIVE FUEL HAS NOT BEEN REMOVED, A DISTRICT
24 MAY ASSESS A FINE AGAINST THE OWNER OR OCCUPIER BY PROVIDING
25 WRITTEN NOTICE OF THE FINE TO THE OWNER OR OCCUPIER. THE AMOUNT
26 OF A FINE MUST BE APPROXIMATELY EQUAL TO THE COST OF REMOVAL OF
27 THE VEGETATIVE FUEL ON THE PROPERTY AND MUST NOT EXCEED THREE

1 HUNDRED DOLLARS PER PROPERTY PER INCIDENT. A FINE IS WAIVED IF THE
2 OWNER OR OCCUPIER REMOVES OR CAUSES THE REMOVAL OF THE
3 VEGETATIVE FUEL WITHIN TEN DAYS OF RECEIVING NOTICE OF AN
4 ASSESSMENT OF A FINE.

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

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

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

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

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

1 (V) A FIRE PROTECTION DISTRICT THAT ESTABLISHES A PROGRAM
2 PURSUANT TO SUBSECTION (1)(i)(I) OF THIS SECTION SHALL ADOPT RULES
3 AND POLICIES AFTER PUBLIC NOTICE AND COMMENT TO IMPLEMENT THIS
4 SUBSECTION (1)(i) AND SHALL POST THE ADOPTED RULES AND POLICIES ON
5 THE DISTRICT'S WEBSITE.

6 **SECTION 4. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly; except
9 that, if a referendum petition is filed pursuant to section 1 (3) of article V
10 of the state constitution against this act or an item, section, or part of this
11 act within such period, then the act, item, section, or part will not take
12 effect unless approved by the people at the general election to be held in
13 November 2026 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.