

**Colorado Fire Commission (CFC) – Wildland-Urban Interface (WUI) Subcommittee  
Recommendation 22-01- FINAL**

*A supermajority of voting CFC members voted in support of the creation of a WUI Code Board and in support of Recommendation 22 – 01 at the April 12, 2022 CFC meeting.*

**RECOMMENDATION**

Create a Wildland-Urban Interface (WUI) Code Board (WUI Code Board) responsible for adopting a minimum code based on wildfire hazard.

**IMPLEMENTATION TIMEFRAME**

- The WUI Code Board will have up to 24 months to adopt a minimum code, allowing time to seat the Board members (3+ months), develop policies and procedures of the Board (3+ months), and hold hearings on code adoption (12+ months).
- The WUI Code Board would determine the timeframe for code implementation. One year for implementation is the suggestion from the WUI Subcommittee, as one year allows communities time to come into compliance.

**SCOPE**

- Vacant land
- Existing buildings (no renovations)
- Existing buildings with major retrofits
  - The WUI Code Board will determine what constitutes a major retrofit. Suggestions for what constitutes a major retrofit from the WUI Subcommittee include exterior remodels to existing structures requiring a building permit or a valuation of the work done in relation to the property's value.
- New construction
- Land use planning for subdivisions

**ENFORCEMENT, ROLES, AND CONSIDERATIONS**

Under this framework, the State, local governments with code officials, local governments without code officials, and the WUI Code Board have roles to ensure that a minimum code in wildfire hazard areas will be adopted, implemented, and maintained properly.

**STATE**

***Enforcement***

- Acts as Code Official
- Enforces codes in areas without local code officials or in areas unable or unwilling to enforce codes

***Role***

- Certifies local officials and third-party plan examiners/ inspectors
- Verifies code enforcement
- Collects fees
- Provides technical assistance
- Staffs the WUI Code Board

### ***Considerations for the Role and Enforcement of the State***

The State acts as the operational arm of the WUI Code Board.

## **LOCAL GOVERNMENT WITH CODE OFFICIALS**

### ***Enforcement***

Once certified by the State, local government code officials enforce the minimum code within their jurisdiction.

### ***Role***

- Able to implement a stricter code than what the State/WUI Code Board adopts (State/WUI Code Board Reasoning: The WUI Code Board adopts the code on behalf of the State.)
- May appeal to the WUI Code Board to modify the code or request a modification that meets the intent of the code

### ***Considerations for Local Government with Code Officials***

- Based on hazard mapping, areas with minimal shared risk may receive time-limited exceptions from certain portions of the code.
- The WUI Code Board should determine whether there will be consequences to local governments that decide to reduce a minimum code through an appeal to the WUI Code Board.
- The Authority Having Jurisdiction (AHJ) can receive time-limited exceptions from certain portions of the code based on hazards.
- Part of the code modification decision process should include fire department capability assessments.
- The code modification decision process should also address “no man’s land” areas.

## **LOCAL GOVERNMENT WITHOUT CODE OFFICIALS**

### ***Enforcement***

Local governments without code officials have no role in enforcement. The State will provide enforcement in these areas.

### ***Role***

A local government without code officials is able to appeal to the WUI Code Board to modify the code or request modifications that meet the intent of the code.

### ***Considerations for Local Governments without Code Officials***

- Part of the code modification decision process should include fire department capability assessments.
- The code modification decision process should also address “no man’s land” areas.

## **WUI CODE BOARD**

### ***Enforcement***

The WUI Code Board conducts investigations and hearings on potential code violations at the local jurisdictional level, not the homeowner level. Homeowner-level appeals will go through the AHJ.

### ***Role***

- Develop policies and procedures for Board actions
- Adopt code/rules
- Develop rules for certifying local officials and third-party examiners/inspectors
- Handle code appeals and complaints
- Develop criteria for approving code modifications

### ***Considerations and Guard Rails for the WUI Code Board***

Mission Statement: WUI Code Board criteria are based on developing safer and more resilient communities and reducing risk to people and property.

- The standards adopted by the WUI Code Board should protect life and property based on established best practices.
- The WUI Code Board does not prohibit local governments from adopting more stringent codes.
- The WUI Code Board has the authority to appoint Subject Matter Experts (SMEs) and establish subcommittees.
- Exceptions granted by the WUI Code Board are time-limited and possibly tiered based on hazards/priorities (i.e., an area near a high-hazard area receives a shorter exemption period).
- The WUI Code Board will report to the Director of the Division of Fire Prevention and Control (DFPC) annually to evaluate the program.
- The WUI Code Board will identify a range of wildfire hazards through rulemaking.
- The WUI Code Board will consider fiscal impacts when adopting codes.
- The WUI Code Board will consider the final report of the WUI Subcommittee as the starting point for their work.

### ***WUI Code Board Membership***

- There will be up to nine voting members with terms of three years, initially staggered. There will be four ex-officio, non-voting members.
- Each seat will have an alternate, which allows the alternate to vote if the seated member is unavailable.
- Each member can serve a maximum of two terms.
- Membership will provide geographic representation throughout Colorado.
- Members must be residents of Colorado.

### ***Voting Member Representation***

- The WUI Code Board should be composed of SMEs with the experience and training to address matters related to building construction. In addition to SMEs, the WUI Code Board should also provide one or more seats for representatives of local government to ensure that the WUI Code Board considers the needs and required assistance communities will require to implement a code.
- WUI Code Board members' work will be done through rulemaking, allowing for input from all stakeholders.

- Representation should include:
  1. One representing building codes professionals
  2. One representing Fire Marshals
  3. One representing Fire Chiefs
  4. One representing home building professionals
  5. One representing commercial building professionals
  6. One representing land use/ community planning professionals
  7. One representing hazard mitigation professionals
  8. One or more seats representing local government

***Ex-Officio Non-Voting Membership***

1. One representing DFPC
2. One representing the Colorado State Forest Service (CSFS)
3. One representing the Division of Homeland Security and Emergency Management (DHSEM)
4. One representing the Department of Local Affairs (DOLA) Resiliency Office

***Proactive Outreach***

The WUI Code Board will proactively conduct outreach to engage stakeholders throughout code adoption and implementation. In addition to procedures of outreach and engagement outlined by the rulemaking process, including but not limited to meeting notification and public comment periods, the WUI Code Board will aim to conduct targeted outreach to stakeholders through suggested proactive outreach methods.

| <b><i>Suggested Proactive Outreach Methods</i></b>   |
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| <ul style="list-style-type: none"> <li>• Engage member organizations for feedback and suggestions</li> <li>• Participate in member organization events (i.e., conferences, meetings, etc.)</li> <li>• Create and utilize a stakeholder list for targeted outreach</li> <li>• Host listening sessions</li> <li>• Attend conferences and meetings about subject matter relevant to stakeholders and the work of the WUI Code Board</li> <li>• Publish an e-newsletter on a quarterly or monthly basis</li> <li>• Consider including a member of the CFC’s WUI Subcommittee as a non-voting member of the WUI Code Board</li> </ul> |

***WUI Code Board Appointment Questions***

Professionals interested in serving on the WUI Code Board will need to apply. The application will help determine which applicants are qualified to serve on the WUI Code Board. Questions may include the following:

- What is your experience with WUI codes?
- What is your experience with the WUI and/or wildfire hazards?

**CREATION OF A CFC SUBGROUP TO WORK WITH A BILL SPONSOR**

A supermajority of voting CFC members support creating a CFC subgroup to work with a bill sponsor on this recommendation. CFC members suggested this as an amendment to the proposed draft recommendation during the April 12, 2022, CFC meeting to ensure potential legislation remains true to the intent of the recommendation and the work of the CFC WUI Subcommittee and to ensure the legislation addresses comments raised during the CFC meeting.