

The Colorado
HOA Information
& Resource
Center

HOA Forum:
*Wildfire Mitigation & HOA
Communities, with Special
Guest from Wildfire Partners
of Boulder County*

July 26th, 2024



COLORADO
Department of
Regulatory Agencies
Division of Real Estate

The Colorado HOA Information & Resource Center

Presented by:



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Colorado HOA Information & Resource Center

What It Does

- Provides information to homeowners regarding their basic rights and responsibilities under the Colorado Common Interest Ownership Act “CCIOA”.
- Gathers, analyzes, and reports information through complaints and HOA registrations.
- Creates resource materials.
- Provides education and forums.
- Provides a website with information for the public.
- Registers HOAs pursuant to §38-33.3-401(1) C.R.S.
- Provides an Annual Report to the Legislature.

What It Doesn't Do

- Does not mediate or arbitrate on behalf of homeowners, board members, or community association managers.
- Does not act as a regulatory program.
- Does not provide legal advice.
- Does not investigate or intervene in disputes that arise between homeowners or associations.
- Does not act as an advocate.
- Does not assess fines or penalties.
- Does not enforce an HOA's failure to register.



Disclaimer: This presentation should not be construed as legal advice. Please consult with a qualified Colorado attorney.



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Today's Talking Points

- Audience Poll
- Definitions
- Review of HOA fire mitigation-related legislation in Colorado
- Pro Tips
- Presentation by Abby Silver of Wildfire Partners on fire-hardening wildfire mitigation
- Questions

Audience Poll

Definitions

“Defensible Space” - the area around a home or other structure that has been modified to reduce fire hazards (Colorado State Forest Service).

“Dwelling” - a building which is used, intended to be used, or usually used by a person for habitation (§ 18-1-901, C.R.S.)



Definitions (cont.)

“Fire-Hardened Building Material” - materials that meet:

1. International Wildland-Urban Interface Code; **or**
2. NFPA Standard 1140, “Standard for Wildland Protection”, NFPA Standard 1144, “Reducing Structure Ignitions from Wildland Fire”; **or**
3. IBHS



Definitions (cont.)

“IBHS” - the Insurance Institute for Business and Home Safety or its successor organization (HB24-1091).

“NFPA” - the National Fire Protection Association or its successor organization (HB24-1091).



Senate Bill 05-100

(Added to CCIOA Section 38-33.3-106.5)

Unit owners may:

- Remove trees, shrubs, or other vegetation to create defensible space around a dwelling for fire mitigation purposes...

On condition they:

- Obtain a written defensible space plan created for the property by:
 - The Colorado State Forest Service; or
 - An individual or company certified by a local government entity to create such a plan; or
 - The fire chief, fire marshal, or fire protection district within whose jurisdiction the unit located.

CCIOA section 38-33.3-106.5(1)(e)



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Senate Bill 05-100

(Added to CCIOA Section 38-33.3-106.5)

Note: the work must still comply with applicable association standards regarding slash removal, stump height, revegetation, and contractor regulations.



CCIOA section 38-33.3-106.5(1)(e)

Colorado State Forest Service Contact Info

- (970)-491-6303 -Office
- (970)-491-7736 -Fax
- CSFS_SO@colostate.edu - Email



Senate Bill 06-089

(Added to CCIOA Section 38-33.3-106.5)

Associations may not require the use of cedar shakes or other flammable roofing materials.

Required per
governing
docs:



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CCIOA section 38-33.3-106.5(2)

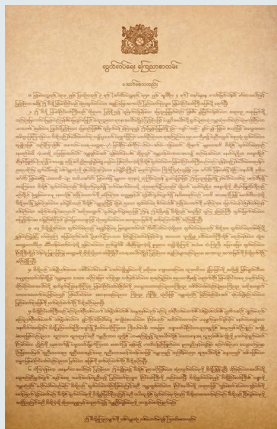


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House Bill 24-1091

(Added to CCIOA Section 38-33.3-106.5)

Prohibits covenants and other restrictions that disallow the installation, use, or maintenance of fire-hardened building materials on a unit owner's property.



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CCIOA section 38-33.3-106.5(3)



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House Bill 24-1091

(Added to CCIOA Section 38-33.3-106.5)

- An association may develop standards that impose reasonable restrictions on the design, dimensions, placement, or external appearance of fire-hardened building materials used for fencing so long as the standards do not:

Increase cost
by more than
10%

Require a review
period greater
than 60 days

CCIOA section 38-33.3-106.5(3)



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House Bill 24-1091

(Added to CCIOA Section 38-33.3-106.5)

Transparent!

Not arbitrary or
capricious

CCIOA section 38-33.3-106.5(3)



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Pro Tips: Board Members

- Work with an owner who desires to mitigate or install fire-hardened building material.
- Discuss with insurance agent possible savings for fire-mitigation and fire-hardened building material work on common elements.
- Don't forget you have sixty (60) days to decide an application for fire-hardened building material installation, or the application is automatically deemed approved per the new statute.
- Conduct a review of your overall architectural review process to ensure decisions aren't otherwise being made arbitrarily or capriciously.



Pro Tips: Board Members

- Check governing documents for language that may inadvertently prevent installation of fire-hardened building material.
 - For roofs; certain types of metals
 - For eaves and soffits; certain types of lumber
 - Special types of mesh vents
- For more information on the criteria of ignition-resistant construction, see the International Wildland-Urban Interface Code sections 504 to 506.
- Consult with an attorney if you are not sure whether your documents could be prohibiting fire-hardened building material.



Pro Tips: Owners

- Express your desire to mitigate or install fire-hardened building material to your board and community manager in writing
- Provide as much detail as you can:
 - What type of fencing material are you planning on using?
 - Does the fire-hardened material you are interested in installing comply with the definitions provided for in 38-33.3-106.5(3)?
- Speak with neighbors to gauge interest in a street-wide, or even community-wide, fire-mitigation project to potentially save on costs
- Before embarking on a project, speak with your homeowner's insurance agent for possible insurance savings for completing such a project.



Guest Speaker: Abby Silver, Outreach Program Coordinator for Wildfire Partners of Boulder County



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Questions?

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