

House Bill 2234

Sponsored by Representative WILDE (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Director of Department of Consumer and Business Services to prescribe in appropriate specialty codes standards, safeguards and guidelines for incorporating fire prevention and fireproofing or fire resistance measures into construction, repair, renovation, rehabilitation, retrofitting or maintenance of buildings and other structures that are located in areas of this state that are subject to or susceptible to wildfires.

Requires director to provide by rule that owners of buildings and structures located in areas of this state that are subject to or susceptible to wildfires must obtain and maintain fire insurance policy that would enable owner to rebuild or replace building or structure and that as condition of coverage building or structure must implement specific fire prevention or resistance measures, including, but not limited to, maintenance of space between building or structure and sources of combustion that would be sufficient to reduce likelihood of fire damage and increase effectiveness of firefighting efforts.

Provides that building or structure significantly damaged or destroyed by fire in area that was subject to wildfires during period beginning August 1, 2020, and ending November 30, 2020, may be reconstructed or rebuilt within three years after destruction by fire.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to emergency preparedness; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 455.**

5 **SECTION 2. (1) The Director of the Department of Consumer and Business Services, af-**
6 **ter consulting with appropriate advisory boards and the State Fire Marshal, shall prescribe**
7 **in appropriate specialty codes standards, safeguards and guidelines for incorporating fire**
8 **prevention and fireproofing or fire resistance measures into construction, repair, renovation,**
9 **rehabilitation, retrofitting or maintenance of buildings and other structures that are located**
10 **in areas of this state that are subject to or susceptible to wildfires.**

11 **(2) The standards, safeguards and guidelines described in subsection (1) of this section**
12 **must apply to both commercial and residential buildings and structures in this state, but the**
13 **director may prescribe differing standards, safeguards and guidelines that are appropriate for**
14 **each category of building or structure.**

15 **(3) The State Fire Marshal shall cooperate with the director in identifying areas of this**
16 **state in which the standards, safeguards and guidelines described in subsection (1) of this**
17 **section should apply.**

18 **SECTION 3. Section 4 of this 2021 Act is added to and made a part of ORS chapter 742.**

19 **SECTION 4. (1) The Director of the Department of Consumer and Business Services by**
20 **rule shall require owners of buildings and structures located in areas of this state that are**
21 **subject to or susceptible to wildfires to obtain and maintain a fire insurance policy for the**
22 **building or structure that provides a level of coverage that would enable the owner to rebuild**
23 **or replace the building or structure. The director shall require as a condition of coverage**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 under the fire insurance policy that the building or structure implement specific fire pre-
2 vention or resistance measures, including, but not limited to, the maintenance of space be-
3 tween the building or structure and sources of combustion that would be sufficient to reduce
4 the likelihood of fire damage to the building or structure and to increase the effectiveness
5 of firefighting efforts.

6 (2) The State Fire Marshal shall cooperate with the director in identifying areas of this
7 state in which owners of buildings and structures must obtain and maintain the fire insur-
8 ance coverage described in subsection (1) of this section.

9 **SECTION 5.** Notwithstanding any requirement to the contrary in a comprehensive plan
10 or in a zoning, subdivision or related ordinance or regulation that applies to land within a
11 county, a building or other structure that was allowed as a permitted or conditional use and
12 that was significantly damaged or destroyed by fire in an area that was subject to a wildfire
13 during the period beginning August 1, 2020, and ending November 30, 2020, may be recon-
14 structed or rebuilt within three years after the date on which the building or structure was
15 destroyed by fire. The building or structure must be reconstructed or rebuilt in accordance
16 with the original permitted or conditional use approved for the building or structure.

17 **SECTION 6.** The Director of the Department of Consumer and Business Services shall
18 propose emergency rules to implement the provisions of sections 2 and 4 of this 2021 Act
19 within 30 days after the effective date of this 2021 Act.

20 **SECTION 7.** This 2021 Act being necessary for the immediate preservation of the public
21 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
22 on its passage.

23 _____