

## **SB 1551 -1 STAFF MEASURE SUMMARY**

### **Senate Committee On Natural Resources and Wildfire**

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**Meeting Dates:** 2/3, 2/10

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#### **WHAT THE MEASURE DOES:**

The measure allows homeowners to install fire-hardened building materials on, or remove non-fire-hardened building materials from their property by invalidating deed restrictions and planned community rules that prohibit the removal of non-fire-hardened materials, restrict the installation or use of fire-hardened materials through design or appearance requirements, or mandate fire-hardened materials that cost more than 10 percent above comparable alternatives of similar or lesser quality. It provides that applications to install fire-hardened materials are deemed approved unless the association issues a written denial or modification request within 60 days that explains the decision in reasonable detail and is not arbitrary or capricious. It takes effect on 91<sup>st</sup> day following adjournment sine die.

Fiscal impact: Has minimal fiscal impact

Revenue impact: No revenue impact

#### **ISSUES DISCUSSED:**

- The scope of Homeowners Association (HOA) authority to restrict homeowners from making fire mitigation or protective improvements to their properties
- Property owners' ability to update, remove, or replace materials on their property boundaries, including fences
- Rulemaking authority and enforcement responsibilities
- Potential HOA liability in the event of fire-related property damage
- Section 4(B) of the measure

#### **EFFECT OF AMENDMENT:**

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amendment updates applicable fire-hardening standards, clarifies homeowner rights to use fire-hardened materials, limits cost burdens imposed by planned communities, and extends the timeline for association review and response.

#### Detailed Summary:

- Revises criteria within definition of "fire-hardened building materials"
  - Replaces criteria that a fire-hardened building material is: "ignition-resistant construction criteria set forth in Sections 504–506 of the International Wildland–Urban Interface Code (IWUIC)" with reference to the construction criteria for wildland areas set forth in the IWUIC.
  - Replaces references to National Fire Protection Association (NFPA) Standard 1144 with construction criteria for wildland areas set forth in NFPA Standard 1140.
- Clarifies that provisions in a planned community's governing documents are void and unenforceable to the extent they prohibit the removal and replacement of non-fire-hardened materials with fire-hardened materials.
- Clarifies that an association may not require fire-hardened materials when the cost is substantially higher than comparable alternatives of similar quality and would either practically prevent their use or impose an unreasonable burden on the owner.

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- Revises the deadline for delivering a written denial or modification request to within 90 days.

### BACKGROUND:

In 2025, the Insurance Institute for Business & Home Safety (IBHS) launched the Wildfire Prepared Home Program, which provides guidance to reduce parcel-level wildfire risk through a systems-based approach that considers building materials, home design, and surrounding property conditions. Homes earn a designation by meeting mitigation requirements that include the use of fire-resistant materials and construction features.

The National Fire Protection Association (NFPA) establishes nationally recognized standards for fire-resistant building materials and assemblies in wildfire-prone areas, including requirements for noncombustible materials and fire-resistance ratings.