

SB 1551 A STAFF MEASURE SUMMARY**Carrier:** Sen. Gelser Blouin**Senate Committee On Natural Resources and Wildfire****Action Date:** 02/10/26**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Girod, Golden, Nash, Prozanski, Taylor**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Alexa Piscanio, LPRO Analyst**Meeting Dates:** 2/3, 2/10**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 do any of the following: prohibit the removal or replacement of non-fire-hardened materials, restrict the installation or use of fire-hardened materials through design or appearance requirements, or mandate certain fire-hardened materials when the cost is substantially higher than comparable alternatives of similar quality. The measure provides that applications to install fire-hardened materials are deemed approved unless the association issues a written denial or modification request within 90 days that explains the decision in reasonable detail and is not arbitrary or capricious. The measure applies retroactively to all recorded documents and governing documents. It takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

- Scope of Homeowners Association (HOA) authority to restrict homeowners from making fire mitigation or protective improvements to their properties
- Property owners' legal ability to update, remove, or replace materials on their property, including fences
- Potential HOA liability in the event of fire-related property damage
- The measure's definition of "design limitation" as materials costing more than 10 percent above comparable alternatives of similar or lesser quality

EFFECT OF AMENDMENT:

The 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 response.

Detailed Summary:

- Revises criteria within the definition of "fire-hardened building materials" by:
 - Replacing 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
 - Removing criteria for reducing structure ignition hazards from wildland fire
- Includes prohibition of replacement of non-fire-hardened materials with fire-hardened materials in the provisions in a planned community's governing document that are void and unenforceable
- Clarifies that an association may not require fire-hardened materials that cost substantially more than other fire-hardened building materials of similar quality and would either practically prevent their use or impose an unreasonable burden on the owner
- Revises the deadline for when an application is deemed approved if no denial or modification request is received by the owner from 60 to 90 days

BACKGROUND:

[ORS 94.550](#) addresses planned communities and HOAs. These communities often adopt covenants, conditions, and restrictions (CC&Rs), governing rules that regulate how property is used, maintained, and appears. CC&Rs are commonly created and enforced by communities and HOAs and may limit landscaping, exterior changes, lawn care, paint colors, and other property uses.

In 2025, the Insurance Institute for Business & Home Safety 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 establishes nationally recognized standards for fire-resistant building materials and assemblies in wildfire-prone areas, including requirements for noncombustible materials and fire-resistance ratings.