

House Bill 3308

Sponsored by Representative EVANS

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 State Forestry Department to develop and maintain comprehensive statewide map of wildfire risk, including boundaries of wildland-urban interface within state.

Requires State Fire Marshal to establish minimum defensible space requirements for wildfire risk reduction in areas defined as wildland-urban interface by selecting standards from International Wildland-Urban Interface Code. Permits local government to establish own minimum defensible space requirements also taken from International Wildland-Urban Interface Code.

Establishes Wildfire Community Preparedness Fund and appropriates moneys to State Fire Marshal for purpose of giving assistance to local governments in community risk reduction program.

Establishes Task Force on Building Codes in Wildland-Urban Interface with purpose of identifying gaps in and needed updates to state building code to account for wildfire risks in wildland-urban interface.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to fire prevention in the wildland-urban interface; and declaring an emergency.

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

4 **SECTION 1. (1) As used in this section and section 2 of this 2021 Act, "wildland-urban**
5 **interface" mean a geographical area where structures and other human development border**
6 **or interact with wildland vegetative fuels.**

7 **(2) The State Forestry Department shall oversee the development and maintenance of a**
8 **comprehensive statewide map of wildfire risk. The map must display all boundaries of the**
9 **wildland-urban interface as the boundaries exist within this state, must be consistent with**
10 **national standards and must be sufficiently detailed to allow for an assessment of wildfire**
11 **risk at the property ownership level. The department shall collaborate with the State Fire**
12 **Marshal, other state and local governments and officials, other public bodies, insurance**
13 **companies and any other information sources that the department deems appropriate to de-**
14 **velop and maintain the map. The department shall make the map described in this section**
15 **accessible to the public in electronic form.**

16 **(3) The department, not later than February 1, 2022, shall submit a report as provided in**
17 **ORS 192.245 to a committee of the Legislative Assembly related to natural resource issues**
18 **that describes the development of the map described in this section.**

19 **SECTION 2. (1) The State Fire Marshal shall establish minimum defensible space re-**
20 **quirements for wildfire risk reduction on lands in areas identified on the map described in**
21 **section 1 of this 2021 Act as within the wildland-urban interface. In establishing the mini-**
22 **imum defensible space requirements, the State Fire Marshal shall consult and select stan-**
23 **dards from the framework set forth in the 2018 edition of the International Wildland-Urban**
24 **Interface Code published by the International Code Council. Subject to additional local re-**
25 **quirements, a minimum defensible space requirement that the State Fire Marshal establishes**

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 for a type of land shall apply statewide for all lands of that type that are in areas identified
 2 in the map described in section 1 of this 2021 Act. The State Fire Marshal shall periodically
 3 reexamine the standards set forth in the International Wildland-Urban Interface Code and
 4 update the State Fire Marshal's standards to reflect current best practices.

5 (2) Except as provided in subsection (3) of this section, a local government shall admin-
 6 ister and enforce the minimum defensible space requirements the State Fire Marshal estab-
 7 lishes under subsection (1) of this section that are applicable to the lands within the
 8 jurisdiction of the local government.

9 (3) A local government may adopt and enforce local requirements for defensible space
 10 on lands that are greater than the minimum defensible space requirements established by
 11 the State Fire Marshal. In establishing the local government's minimum defensible space
 12 requirements, the local government shall consult and select standards from the framework
 13 set forth in the 2018 edition of the International Wildland-Urban Interface Code published
 14 by the International Code Council.

15 (4) The State Fire Marshal shall administer a community risk reduction program that
 16 emphasizes education and methods of prevention with respect to wildfire risk, defensible
 17 space and community preparedness for wildfires. The program must provide financial, ad-
 18 ministrative, technical or other assistance to local governments to facilitate the adminis-
 19 tration and enforcement of minimum defensible space requirements within the jurisdiction
 20 of the local government. A local government that receives financial assistance under this
 21 subsection shall give priority to the creation of defensible space on lands owned by commu-
 22 nities of color, indigenous communities, persons with limited proficiency in English and per-
 23 sons of lower income as defined in ORS 456.055.

24 **SECTION 3.** The Wildfire Community Preparedness Fund is established in the State
 25 Treasury, separate and distinct from the General Fund. Interest earned by the Wildfire
 26 Community Preparedness Fund must be credited to the fund. Moneys in the fund are con-
 27 tinuously appropriated to the State Fire Marshal for the purpose of carrying out the local
 28 government financial assistance program described in section 2 (4) of this 2021 Act.

29 **SECTION 4.** (1) The Task Force on Building Codes in the Wildland-Urban Interface is
 30 established.

31 (2) The task force consists of 10 members appointed by the Governor as follows:

- 32 (a) The State Forester or a designee;
- 33 (b) The State Fire Marshal or a designee;
- 34 (c) The Director of the Department of Consumer and Business Services or a designee;
- 35 (d) One member who represents the Oregon Fire Chiefs Association;
- 36 (e) Two members with expertise in wildfire prevention;
- 37 (f) Three members who represent municipalities that administer building codes; and
- 38 (g) One member of the Construction Contractors Board or a designee.

39 (3) The task force shall:

40 (a) Identify gaps in and needed updates to the state building code that account for risks
 41 of wildfire and that focus on wildfire prevention and the creation of defensible space around
 42 structures located within the wildland-urban interface identified in the map prepared in ac-
 43 cordance with section 1 of this 2021 Act; and

44 (b) Make recommendations to the Director of the Department of Consumer and Business
 45 Services concerning changes needed to the state building code.

1 (4) The task force may conduct studies, consult architects, construction contractors,
2 engineers and other experts and professionals concerning needed standards and otherwise
3 perform any act that is necessary to carry out the purposes identified in subsection (3) of
4 this section.

5 (5) A majority of the members of the task force constitutes a quorum for the transaction
6 of business.

7 (6) Official action by the task force requires the approval of a majority of the members
8 of the task force.

9 (7) The task force shall elect one of its members to serve as chairperson.

10 (8) If there is a vacancy for any cause, the appointing authority shall make an appoint-
11 ment to become immediately effective.

12 (9) The task force shall meet at times and places specified by the call of the chairperson
13 or of a majority of the members of the task force.

14 (10) The task force may adopt rules necessary for the operation of the task force.

15 (11) The task force shall submit a report in the manner provided in ORS 192.245 to an
16 interim committee of the Legislative Assembly related to natural resources no later than
17 September 15, 2022.

18 (12) The State Forestry Department shall provide staff support to the task force.

19 (13) Members of the task force are not entitled to compensation or reimbursement for
20 expenses and serve as volunteers on the task force.

21 (14) All agencies of state government, as defined in ORS 174.111, are directed to assist
22 the task force in the performance of the duties of the task force and, to the extent permitted
23 by laws relating to confidentiality, to furnish information and advice the members of the task
24 force consider necessary to perform their duties.

25 **SECTION 5.** Section 4 of this 2021 Act is repealed on December 31, 2022.

26 **SECTION 6.** This 2021 Act being necessary for the immediate preservation of the public
27 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
28 on its passage.