

FENCES SHOULD PROTECT HOMES, NOT IGNITE THEM

Wooden privacy fences accelerated the spread of fire and increased the number of homes lost in the 2021 Colorado Wildfire that destroyed over 1000 homes. This risk exists right here in Oregon. As wildfire moves closer to our cities, Oregon homeowners need new protections to mitigate fire hazard through the use of fire hardened materials.

LC 33 empowers Oregonians protect lives and property from wildfire by allowing proven fire hardened materials for fences and home exteriors- even in HOA communities.

Wildfire is a serious threat to the safety and property of Oregonians. As a result, homeowners struggle to find affordable insurance to protect their homes from fire and grapple with fear that entire neighborhoods could be eliminated by a single uncontrolled fire.

Once a fire reaches a neighborhood, the materials used to construct homes and fences has a very real impact on how quickly that fire will spread. Fire safety specialists recommend clear steps homeowners can take to create defensible space around their homes and materials that should be used- and avoided- to protect neighborhoods from fire. Unfortunately, some Oregonians trying to implement these recommendations have been blocked by restrictive covenants, restrictions and conditions or Homeowner Association rules. Oregonians are left frustrated because they are prevented from using proven strategies to protect their property and neighborhoods from needless destruction by fire.

LC 33 only applies to building materials consistent with the the standards and recommendations of the Institute for Building and Home Safety (IBHS), the National Fire Protection Association (NFPA) and codified in the International Wildland-Urban Interface Code.



Key Impacts of LC 33, the Fire Hardened Home Act

REAL PROPERTY DEEDS

LC 33 would **invalidate any covenant, restriction or condition that prevents the use of fire-hardened building materials** on the property and its surroundings. This would not apply to bona fide safety requirements required by building codes necessary for the protection of people or property.

AUTHORITY OF HOMEOWNERS' ASSOCIATIONS

Under LC 33, **HOAs would no longer be able to prohibit** installation, use or maintenance of **fire-hardened materials**. HOAs would also no longer be allowed to prohibit the removal of non fire-hardened fences or other structures from a unit owner's property.

LC 33 would allow HOAs to develop standards that include **reasonable restrictions** on the design, dimensions, placement or external appearance of fire-hardened materials for fences and structures as long as it **does not increase the cost by more than ten percent compared** to fire-hardened materials of a similar or lesser quality.

APPROVAL PROCESS

LC 33 ensures homeowners a **timely, fair and transparent process** when seeking approval for installations and removals to mitigate fire damage. If an application is not denied or returned for modifications within sixty days, the application will be deemed approved.

The HOA must provide a **written explanation of any denial**, and that explanation must include reasonable detail and immediately be **made part of the HOA's public records**.

ENFORCEMENT

If the homeowner must seek enforcement of the provisions of LC in court, the **HOA will be responsible for all of a prevailing homeowner's legal, court and related costs** in addition to any punitive damages awarded by the court.

QUALIFYING MATERIALS

The term "**fire-hardened building materials**" **only includes materials that meet one of the following:**

- The criteria of ignition resistant construction in the **International Wildland-Urban Interface Code**;
- The criteria for construction in wildland areas set forth in the most recent version of the **National Fire Protection Association** Standard for "Standard for wildland fire protection" and "Reducing structure ignitions from wildland fire"; or
- The requirements for a wildfire-prepared home established by the **Institute for Building and Home Safety**.

For more information, to sign on as a sponsor or to add your logo to the endorsement sheet, please contact the office of Senator Sara Gelser Blouin at sen.saragelser@oregonlegislature.gov.