



Alexander Mulhall <townmanager@townoflakecity.co>

CML Inquiry Response

Law Clerk <lawclerk@cml.org>

Wed, Oct 7, 2026 at 10:42 AM

To: "alexandermulhall@townoflakecity.co" <alexandermulhall@townoflakecity.co>

Hi Alexander,

My name is Piper Doering and I'm the law clerk at CML. I received your question about funding impacts from a municipality deciding to not adopt the Wildfire Resiliency Code.

As to whether the State can require the code adoption, that brings up questions of home rule authority and the unfunded mandate law that haven't been answered yet by the courts. Robert, general counsel at CML, thinks it is best to consult your attorney on this question and gauge the city's willingness to rely on home rule to resist the new laws.

As to whether the State can withhold funding if not adopted, CML has written a few pieces about the State's authority (or lack thereof) to withhold funding unless specifically authorized by statute. See [here](#) and attached. State law also specifically requires local government assistance programs to be approved or denied solely on the basis of statutory or regulatory criteria. CRS 29-3.5-102. The WUI code bill (SB23-166) and regulations do not include that type of authorization; CML is not aware of any other legislation specifically authorizing withholding funds relating to WUI code adoption. At most, SB23-166 lets the WUI board review compliance and request information. If a local entity doesn't adopt the code, they can't take advantage of state support for inspections and enforcement.

The Governor's executive orders ([D 2025 05](#) and [D 2025 011](#)) about withholding funding relating to zoning/housing laws does not include SB23-166 or the WUI code. However, DOLA and perhaps other agencies have used a strongarm tactic of withholding funds to bring some communities into compliance on legal requirements in other areas (incorrectly, in CML's view). They might find the lack of wildfire codes to be a basis to not provide some support (or at least criticize local government) if a fire occurs.

I've also attached letters CML sent to the Governor about issues with the WUI code rulemaking and general concerns about administrative rulemaking for additional context.

Please let me know if you have more questions or if there is any other information that I can provide.

This information is provided as a general informational resource for CML's members and is not legal advice on any subject matter. I am not your attorney or the attorney for your municipality; our provision of this support does not create an attorney-client relationship with you. Our communications are not confidential or privileged. We strongly encourage you to discuss your question and CML's information with your municipality's attorney to obtain the benefit of legal advice before proceeding. CML is not responsible for any legal consequences or liability from actions you take or fail to take based on your use of its resources.



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Piper Doering (*she/her*)

Law Clerk

Colorado Municipal League

[1144 Sherman Street](#)

[Denver, CO 80203](#)

(303) 831-6411 · (866) 578-0936

lawclerk@cml.org ·

www.cml.org

3 attachments

 **CML Letter WRC.pdf**
581K

 **CML_GovPolis_APA_07-10-2024.pdf**
2730K

 **Legal Corner 5.30.25.pdf**
471K