



December 5, 2025

Gov. Jared Polis
Colorado State Capitol
200 E. Colfax Ave., Rm. 136
Denver, CO 80203
VIA EMAIL

Dear Governor Polis,

On behalf of the Colorado Municipal League's 271 member cities and towns, we are writing to request an immediate stay of the recently adopted Colorado Wildfire Resiliency Code due to concerns with housing affordability, compliance readiness, and an apparent failure to comply with the Administrative Procedures Act by the Department of Public Safety and the Wildfire Resiliency Code Board (Board).

Our municipalities understand the importance of making Colorado more resilient to wildfire but have concerns about the implementation timeline and lack of clarity in the code. For example, several municipalities have expressed concern about areas within their jurisdiction being designated as a higher fire risk when that area is identical, regarding topography and vegetation, to an area not designated. Further, municipalities also have concerns about increased costs associated with the new codes for affordable housing and lack of clarity for implementation.

Relating to process, the substantive part of the rulemaking was conducted informally through meetings held before the notice of rulemaking was filed with the Secretary of State on May 30, 2025. The formal rulemaking hearing was held on July 1, 2025, and the code was formalized the same day. This process did not give proper time for the comments to be formally considered, as required by C.R.S. § 24-4-103(4). CML also requested, but was never provided, a cost benefit analysis as required under C.R.S. § 24-4-103(2.5) and a notice of compliance with C.R.S. § 24-4-103(2.7) relating to state regulatory mandates. The failure to complete either part of the rulemaking process precludes an agency from adopting rules.

Finally, several vacancies were also present on the Board during the informal and formal rulemaking process, creating a lack of representation for rural communities and utilities. CML previously noted concerns about the unelected Board are increased with this lack of representation.

CML requests several solutions that will improve the code and help local governments do this important work:

- Extend the implementation timeline in order to reevaluate the code and provide adequate time to implement.
- Appoint members to fill vacancies on the Board.
- Conduct a proper rulemaking process to ensure meaningful consideration by the Board and conform to the Administrative Procedural Act, including providing the cost-benefit analysis and ensuring compliance with the unfunded regulatory mandate statute.



Beverly Stables
Legislative Advocacy Manager



Emma Donahue
Legislative and Policy Advocate

CC: Kevin Bomer, Executive Director CML
Sen. Coleman, President of the Senate
Rep. McCluskie, Speaker of the House
Sen. Rodriguez, Senate Majority Leader
Sen. Simpson, Senate Minority Leader
Rep. Duran, House Majority Leader
Rep. Caldwell, House Minority Leader