

From: Aaron Goodlock [agoodlock@ochhoalaw.com](mailto:agoodlock@ochhoalaw.com)  
Subject: Bannockburn HOA - Fire Hardened Materials  
Date: Feb 10, 2026 at 3:33:42 PM  
To: Jack Shuler [jshuler@bannockburnhoa.org](mailto:jshuler@bannockburnhoa.org)

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Jack –

Copied below is the provision from CCIOA, C.R.S 38-33.3-106.5, regarding fire-hardened materials:

**(3)**

**(a)** Except as provided in subsection (3)(c) of this section, any provision in the declaration, bylaws, or rules and regulations of an association on March 12, 2024, that prohibits the installation, use, or maintenance of fire-hardened building materials on a unit owner's property is void and unenforceable.

**(b)** On and after March 12, 2024, except as provided in subsection (3)(c) of this section, an association shall not:

- (I)** Prohibit the installation, use, or maintenance of fire-hardened building materials on a unit owner's property; or
- (II)** Adopt any provision in the declaration, bylaws, or rules and regulations of the association that prohibits the installation, use, or maintenance of fire-hardened building materials on a unit owner's property.

**(c)** An association may develop standards that impose reasonable restrictions on the design, dimensions, placement, or external appearance of fire-hardened building materials used for fencing so long as the standards do not:

- (I)** Increase the cost of the fencing by more than ten percent compared to other fire-hardened building materials used for fencing; or
- (II)** Require a period of review and approval that exceeds sixty days after the date on which the application for review is filed. If an application for installation of fire-hardened building materials for fencing is not denied or returned for modifications within sixty days after the application is filed, the application is deemed approved. The review process must be transparent and the basis for denial of an application must be described in reasonable detail and in writing. Denial of an application must not be arbitrary or capricious.

**(d)** Nothing in this subsection (3):

**(I)** Prohibits or restricts a unit owners' association from adopting bona fide safety requirements that are consistent with applicable building codes or nationally recognized safety standards; or

**(II)** Confers upon a property owner the right to construct or place fire-hardened building materials on property that is:

- (A)** Owned by another person;
- (B)** Leased, except with permission of the lessor; or
- (C)** A limited common element or general common element of a common interest community.

**(e)** As used in this subsection (3):

**(I)** "Fire-hardened building materials" means materials that meet:

- (A)** The criteria of ignition-resistant construction set forth in sections 504 to 506 of the most recent version of the International Wildland-Urban Interface Code;
- (B)** The criteria for construction in wildland areas set forth in the most recent version of the NFPA standard 1140, "Standard for Wildland Fire Protection", and the criteria for reducing structure ignition hazards from wildland fire set forth in the most recent version of the NFPA standard 1144, "Reducing Structure Ignitions from Wildland Fire"; or
- (C)** The requirements for a wildfire-prepared home established by the IBHS.

**(II)** "IBHS" means the Insurance Institute for Business and Home Safety or its successor organization.

**(III)** "NFPA" means the National Fire Protection Association or its successor organization.

What does this mean? With limited exceptions for fencing, HOAs generally cannot impose or enforce rules that restrict or prohibit the use of fire-hardened materials in the construction of homes or other accessory structures on an owner's property.

On the separate but related topic of variances, there generally is no need to record notice of any variances granted or approved by Association, so long as the Association keep records of those decisions/approvals internally.

Hopefully this is helpful. If you have additional questions, let me know.

Best,

**Aaron J. Goodlock**

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