

Rural Property Owners Are About To Be Subject To New Wildfire Regulations

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In the wake of a series of devastating wildfires across the western United States, several states have made significant changes to their state wildfire programs. After the 2020 Labor Day Fires, Oregon joined suit. In 2021, the Oregon Legislature adopted [SB 762](#), which provided more than \$220 million to help Oregon modernize and improve wildfire preparedness.

Oregon's new program is based on three key strategies: creating fire-adapted communities, developing safe and effective wildfire response, and increasing the resiliency of Oregon's landscapes.

Implementation of SB 762 got off to a rocky start with the roll-out of the state's wildfire map. As a result, the legislature enacted SB 80 in 2023, which made significant changes to the map and mapping processes. The two bills combined change Oregon law in a way that will directly impact property owners, yet few Oregon property owners are aware of the pending changes. We think that needs to change.

Here is what you can anticipate from Oregon's new wildfire programs:

Wildfire Programs Advisory Council will oversee implementation.

2024 is set to be a significant year for Oregon's wildfire program, and the [Wildfire Programs Advisory Council \(WPAC\)](#) will be deeply involved. WPAC is a 19-member Council appointed by Oregon legislative leaders to advise both the Oregon legislature and Governor Kotek on Oregon's wildfire program – its strengths, weaknesses, and areas for improvement. I was honored in September to be chosen by my fellow council members as the incoming Chair of the WPAC. The role of WPAC is to serve as the voice of the public on Oregon's wildfire program. In fact, both Sam and I serve on the council – Sam as the representative of Oregon's agriculture community and me as the representative for Oregon's rural residential property owners. The Council meets four times a year, and in special meetings when needed. Our meetings are conducted virtually and are open to the public. Public participation is encouraged and welcomed.

New Wildfire Maps expected in early summer with different “hazard” classifications.

It is expected that sometime in the late spring/early summer, the Oregon Department of Forestry (ODF) will roll out new “wildfire hazard” maps. Prior to releasing the new maps, ODF will engage in a robust public process that involves both the public and local elected officials. Comments will be accepted on a draft map, and meetings will be held across the state. We urge you all to attend a local meeting in your local area.

The ODF map charts every parcel in Oregon and assigns each parcel a “wildfire hazard zone.” SB 80 refined the previous hazard classification into three hazard zones – high hazard zone, moderate hazard zone, and low hazard zone. In some

instances, a larger property may be in more than one hazard zone. Property owners may appeal their hazard designation.

In addition to mapping hazard zones, the new ODF maps will also map the “wildland-urban interface” (WUI). The WUI is supposed to be an area where there is a combination of both wildland fuels and significant human development. Think of the WUI as a buffer area where undeveloped land begins to mix with an area of more concentrated urban development – an area similar to the edge of town.

Properties in the WUI and in high-hazard zones are subject to defensible space and home hardening standards.

Property owners who find themselves in BOTH a high-hazard zone and within the WUI will be subject to new wildfire-based regulations. The two primary regulations will be new rules from the Oregon State Fire Marshal’s office requiring a property owner to maintain a “[defensible space](#)” around the perimeter of their home and outbuildings, along with new building code requirements from the Oregon Building Codes Division that require property owners to “harden” their homes against wildfire.

The new OSFM defensible space regulations require property owners to maintain areas within the immediate vicinity of their homes in a manner that provides a buffer area between vegetation types that could cause the house to burn and the exterior of the home. OSFM has not finalized the new regulations yet, but you should know that they are not seeking to require property owners to clear all vegetation from around their homes, and they will be working directly with property owners to assist in showing what is needed.

There is no organization more skeptical about new property regulation than OPOA, but I believe the new OSFM defensible space requirements will be both easy to comply with and not overly restrictive. In fact, OSFM's focus will be on helping property owners understand what they can do to provide needed defensible space, rather than running around the country writing tickets.

Plus, unlike many of Oregon's nonsensical and ill-conceived land use laws, OSFM's new requirements will be a win-win for reducing wildfire hazard to the public and to the property owner. In short, we have a good agency enforcing a new program that benefits both the property owner and the public.

Home hardening requirements for new homes and remodels in high-hazard zones in the WUI.

In 2019, Oregon adopted the R327 Wildfire Hazard Mitigation standards into the state building code. These "home hardening" requirements are administered by the Oregon Building Codes Division, which is part of the Oregon Department of Consumer and Business Services (DCBS).

SB 762 and SB 80 directed these [home hardening standards](#) to apply to new housing projects and significant remodels of existing homes in high-hazard areas. These standards require the use of fire-resistant building materials and new construction techniques to reduce the hazard that a home will burn in the event of a wildfire event, and to slow the rate of the burn to enable the occupants to escape and give firefighters a better opportunity to save the home. Both the defensible space and home hardening requirements are in use in many other states and have proven to be extremely effective in reducing the loss of homes to wildfires. I'm very confident that these new regulations will not be

overly difficult to comply with and will save rural Oregon property owners from property loss and lost lives.

Oregonians worry about loss of insurance coverage from wildfire hazard.

One more thing –an increasing number of insurance companies across the country have stopped offering property insurance policies in various areas because of natural disasters. In southern states, for example, several major property insurance carriers are refusing to offer new policies in coastal areas impacted by hurricanes.

Hurricanes are obviously not a problem in the western United States. Here, the natural disaster is wildfires, and major insurers are either [declining](#) to issue new policies or are imposing significant rate increases on existing policies.

To date, Oregon has not been nearly as impacted as neighboring states like California by insurance company rate hikes or cancellations. Additionally, the Oregon Insurance Commissioner found that the insurers were not using the state wildfire map when setting rates, as their maps are far more sophisticated than Oregon’s hazard maps.

With that said, fear of a loss of coverage remains amongst many property owners. Rightfully so, as a lender will not lend money to buy property that can’t be covered by property insurance. Forget government regulation – if you want to see Oregon property prices tank, start having insurance companies refuse to issue policies in certain wildfire hazard areas.

SB 82 seeks to curb concerns about wildfire maps, provide transparency, and offer mitigation credit.

To be clear, there is no law that requires property insurance companies to offer insurance, and it would be likely illegal for the government to attempt to force

insurers to provide coverage. However, the Legislature passed [SB 82](#) in 2023 to curb concerns about how insurance companies may use the new wildfire map, and how insurers must communicate with property owners regarding wildfire impacts.

First, SB 82 made clear that insurance companies cannot use any state wildfire hazard map as a basis for increasing a premium, canceling, or denying renewal of a homeowner insurance policy. Second, if an insurer decides to cancel or not renew a homeowner's policy because of wildfire hazard, they must explain their decision to the homeowner in detail.

Last, SB 82 required insurance companies to consider fire hazard mitigation measures when they calculate rates and make underwriting decisions. This means that property owners should take steps to make it less likely that their home will be damaged by a catastrophic wildfire event. How can property owners do this? Establishing defensible space and using home hardening materials on remodels and new construction are good places to start.

The new year is going to bring new changes to Oregon wildfire laws. We encourage you to keep track of WPAC events, follow OSFM's new defensible space regulations as they are adopted, and pay attention to the new maps when they are introduced in mid-2024.

Next year is going to be a big year for wildfire policy in Oregon. If you have any questions about these new programs, please do not hesitate to reach out to us.