

LFC Requester:

Felix Chavez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 1/31/2025

Check all that apply:

Bill Number: HB220

Original Correction
Amendment Substitute

Sponsor: Rep. Tara L. Lujan
Rep. Joseph L. Sanchez

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Short Title: IGNITION-RESISTANT
CONSTRUCTION

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

HB220 relates to allowing ignition-resistant construction in property interests, as well as ensuring fire mitigation by allowing ignition-resistant construction requirements in homeowner association bylaws.

HB220 Section 1 is a proposed new section of Chapter 47 (“Property Law”), Article 1 (“Conveyances and General Provisions”) which prohibits Unreasonable Restrictions on Ignition-Resistant Construction and Conditions Posing Fire Hazards.

HB220 Section 1, Paragraph A states that a covenant, restriction or condition contained in a deed, contract, security instrument or other instrument affecting the transfer or sale of or any interest in real property that prohibits or unreasonably restricts ignition-resistant construction or that requires or recommends construction or landscaping that is a fire hazard is void and unenforceable. This subsection expressly does not apply “to bona fide safety requirements required by an applicable building code for the protection of persons and property.”

HB220 Section 1, Paragraph B defines "fire hazard" and "ignition-resistant construction" by referencing the Insurance Institute for Business and Home Safety (IBHS.org) requirements.

HB220 Section 2 proposes a new section to the Homeowner Association Act (Chapter 47, Article 16) prohibiting restrictions on ignition-resistant construction or landscaping.

HB220 Section 2, Paragraph A states that any association declaration, bylaw or rule that prohibits or reasonably restricts the installation, use or maintenance of ignition-resistant construction or landscaping that is a fire hazard is void and unenforceable.

HB 220 Section 2, Paragraph B states that a homeowner association may develop its own standards relating to ignition-resistant construction so long as the standards do not require a period of review and approval that exceeds sixty days. If an application is not acted on in sixty days, the application is deemed approved. Denial of an application is required to be reasonable,

HB 220 Section 2, Paragraph C states that the association is not prohibited from adopting bona fide safety requirements.

HB220 Section 2, Paragraph D states the definitions of "fire hazard" and "ignition-resistant construction" apply here, using and repeating the same definitions in Section 1, Paragraph B.

FISCAL IMPLICATIONS

Not applicable to NMDOJ.

SIGNIFICANT ISSUES

HB220 Section 2, proposed new provisions to Chapter 47, Article 16 do not appear to apply to condominiums or time shares. *See* Section 47-16-2, Definitions, Paragraph J that states “Declaration does not include a like instrument for a condominium or time-share project.”

HB220 Section 1, may apply to condominiums and time-share projects but it is not clear. *See* Chapter 47, Article 7 (Building Unit Ownership) and Chapter 47, Article 11 (Timeshares).

The terms “fire hazard” and “ignition-resistant construction” are not used and/or included in the fire safety or building codes, which most of the construction in New Mexico is subject to, creating ambiguity and potential enforcement issues. *See* NMAC Title 14, Chapter 7 (Building Codes General), Chapter 8 (Plumbing Codes), Chapter 9 (Mechanical Codes), Chapter 10 (Electrical Codes), and Title 10, Chapter 25 (State Fire Marshal), Part 5 (Fire Prevention and Public Occupancy).

It is unclear if HB220 applies to “landscaping vegetation.”

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB33 Wildfire Prepared Act is related to HB220 in that both bills seek to address standards for building codes, defensible space requirements and ordinances that will reduce the threat of [forest fires] wildfires and fire hazards to property.

SB33 Section 5 creates a \$20,000,000 "wildfire prepared fund" to provide funding for the wildfire prepared program.

TECHNICAL ISSUES

Some states have enacted “Ignition Resistant Construction Guides” to their state building codes to clarify what is meant by “ignition-resistant construction.” *See* firesafemt.org and 2018 International Wildland-Urban Interface Code (IWUIC) which defines “ignition-resistant construction.”

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS