

LFC Requester:**Helen Gaussoin****AGENCY BILL ANALYSIS - 2025 REGULAR SESSION****WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO****AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov****(Analysis must be uploaded as a PDF)****SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}***Date Prepared:** 2/7/2025*Check all that apply:***Bill Number:** HB220Original Correction Amendment Substitute **Sponsor:** Reps. Lujan, Sanchez**Agency Name
and Code**Office of Superintendent of
Insurance - 440**Short****Number:****Title**Ignition-Resistant Construction**Person Writing**Tim Vigil**Phone:** 505 690-0651**Email** Timothy.vigil@osi.nm**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
\$0	\$0	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
\$0	\$0	\$0	N/A	N/A

(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	\$0	\$0	\$0	\$0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB220 would prohibit covenants and HOA declarations and bylaws that either (1) require construction or landscaping that poses a fire hazard or (2) prohibits construction or landscaping that mitigates against fire hazards.

Section 1 of the bill declares as void by law any condition in a deed, contract, security or other instrument affecting the transfer or sale of real property that prohibits or unreasonably restricts the use of ignition-resistant construction, or which recommends construction or landscaping that is a fire hazard.

Section 2 of the bill declares as void by law any condition in the declaration, bylaws, or rules of a homeowner association that prohibits or unreasonably restricts the use of ignition-resistant construction, or which recommends construction or landscaping that is a fire hazard.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

Both sections of the bill are prospective. Retroactive application to existing vested contractual rights would raise impairment of contractual relationship concerns.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Covenants in land transfers and home-owner association/condominium declarations/bylaws could still either (1) require construction or landscaping that is a fire hazard or (2) prohibit construction or landscaping that mitigates against fire hazards. This is problematic because it contributes significantly to conflagration and uncontrollable structure to structure fire spread.

AMENDMENTS

None.