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HOUSE BILL 220

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Tara L. Lujan and Joseph L. Sanchez

AN ACT

RELATING TO PROPERTY; ENSURING FIRE MITIGATION BY ALLOWING
IGNITION-RESISTANT CONSTRUCTION IN PROPERTY INTERESTS AND
LIMITING CONDITIONS THAT POSE FIRE HAZARDS; ALLOWING IGNITION-
RESISTANT CONSTRUCTION IN HOMEOWNER ASSOCIATION BYLAWS AND
LIMITING CONDITIONS THAT POSE FIRE HAZARDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 47, Article 1 NMSA
1978 is enacted to read:

"[NEW MATERIAL] UNREASONABLE RESTRICTIONS ON IGNITION-
RESISTANT CONSTRUCTION AND CONDITIONS POSING FIRE HAZARDS
PROHIBITED.--

A. 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

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1 property that prohibits or unreasonably restricts ignition-
2 resistant construction or that requires or recommends
3 construction or landscaping that is a fire hazard is void and
4 unenforceable. This subsection does not apply to bona fide
5 safety requirements required by an applicable building code for
6 the protection of persons and property.

7 B. As used in this section:

8 (1) "fire hazard" means any condition or set
9 of circumstances that increases the likelihood of a fire
10 igniting or spreading; and

11 (2) "ignition-resistant construction" means
12 construction or landscaping methods and materials used to
13 mitigate fire hazards that meet the requirements established by
14 the insurance institute for business and home safety."

15 SECTION 2. A new section of the Homeowner Association Act
16 is enacted to read:

17 "[NEW MATERIAL] RESTRICTIONS ON IGNITION-RESISTANT
18 CONSTRUCTION OR LANDSCAPING PROHIBITED.--

19 A. A provision in the declaration, bylaws or rules
20 of an association that prohibits or unreasonably restricts the
21 installation, use or maintenance of ignition-resistant
22 construction or that requires or recommends construction or
23 landscaping that is a fire hazard on a lot owner's property is
24 void and unenforceable.

25 B. An association may develop standards that impose

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1 reasonable restrictions on the design, dimensions, placement or
2 external appearance of ignition-resistant construction so long
3 as the standards do not require a period of review and approval
4 that exceeds sixty days after the date on which the application
5 for review is filed. If an application for ignition-resistant
6 construction is not denied or returned for modifications within
7 sixty days after the application is filed, the application is
8 deemed approved. The review process shall be transparent and
9 the basis for denial of an application shall be described in
10 reasonable detail and in writing. Denial of an application
11 shall not be unreasonable.

12 C. Nothing in this section prohibits or restricts
13 an association from adopting bona fide safety requirements that
14 are consistent with applicable building codes or nationally
15 recognized safety standards adopted by the construction
16 industries division of the regulation and licensing department
17 or applicable local government.

18 D. As used in this section:

19 (1) "fire hazard" means any condition or set
20 of circumstances that increases the likelihood of a fire
21 igniting or spreading; and

22 (2) "ignition-resistant construction" means
23 construction or landscaping methods and materials used to
24 mitigate fire hazards that meet the requirements established by
25 the insurance institute for business and home safety."

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