

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 22-0058.02 Pierce Lively x2059

HOUSE BILL 22-1362

HOUSE SPONSORSHIP

Bernett and Valdez A., Amabile, Bacon, Benavidez, Boesenecker, Cutter, Froelich, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCormick, Michaelson Jenet, Sirota, Titone, Woodrow

SENATE SPONSORSHIP

Hansen and Winter,

House Committees

Energy & Environment
Appropriations

Senate Committees

State, Veterans, & Military Affairs
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE REDUCTION OF BUILDING GREENHOUSE GAS**
102 **EMISSIONS, AND, IN CONNECTION THEREWITH, REQUIRING THE**
103 **DIRECTOR OF THE COLORADO ENERGY OFFICE AND THE**
104 **EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS**
105 **TO APPOINT AN ENERGY CODE BOARD THAT DEVELOPS TWO**
106 **MODEL CODES, REQUIRING LOCAL GOVERNMENTS AND CERTAIN**
107 **STATE AGENCIES TO ADOPT AND ENFORCE CODES THAT ARE**
108 **CONSISTENT WITH THE MODEL CODES DEVELOPED BY THE**
109 **ENERGY CODE BOARD, CREATING THE BUILDING**
110 **ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM,**
111 **CREATING THE HIGH-EFFICIENCY ELECTRIC HEATING AND**
112 **APPLIANCES GRANT PROGRAM, AND ESTABLISHING THE CLEAN**
113 **AIR BUILDING INVESTMENTS FUND.**

*Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
May 7, 2022

HOUSE
3rd Reading Unamended
May 2, 2022

HOUSE
Amended 2nd Reading
April 29, 2022

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the Colorado energy office (office) to identify for adoption 3 sets of model code language:

- Model electric and solar ready code language;
- Model low energy and carbon code language; and
- Model green code language.

On or before January 1, 2025, municipalities, counties, the office of the state architect, the division of housing, and the division of fire prevention and control shall adopt and enforce an energy code that achieves equivalent or better energy performance than the 2021 international energy conservation code and the model electric and solar ready code language identified for adoption by the office.

On or before January 1, 2030, municipalities, counties, the office of the state architect, the division of housing, and the division of fire prevention and control shall adopt and enforce an energy code that achieves equivalent or better energy and carbon emissions performance than the model low energy and carbon code language identified for adoption by the office.

In the event of a conflict between the 2021 international energy conservation code, the 2024 international energy conservation code, or any of these 3 sets of model code language and either the Colorado plumbing code or the national electric code, the Colorado plumbing code or the national electric code prevails.

The bill creates 2 primary grant programs:

- The building electrification for public buildings grant program to provide grants to local governments, school districts, state agencies, and special districts for the installation of high-efficiency electric heating equipment; and
- The high-efficiency electric heating and appliances grant program to provide grants to local governments, utilities, nonprofit organizations, and housing developers for the installation of high-efficiency electric heating equipment in multiple structures within a neighborhood.

The bill establishes the clean air building investments fund, a continuously appropriated cash fund, to fund the creation, implementation, and administration of both of these grant programs.

The bill also requires the following transfers from the general fund:

- \$3 million to the energy fund created for the Colorado energy office to issue grants and provide training related to the 2021 international energy conservation code, electric and solar ready codes, and low energy and carbon codes;
- \$10 million to the clean air building investments fund for the creation, implementation, and administration of the building electrification for public buildings grant program; and
- \$12 million to the clean air building investments fund for the creation, implementation, and administration of the high-efficiency electric heating and appliances grant program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. In Colorado Revised Statutes, add part 4 to article**
3 **38.5 of title 24 as follows:**

4 **PART 4**

5 **ENERGY CODE ADOPTION**

6 **24-38.5-401. Energy code board - appointment - creation -**
7 **duties - definitions - repeal. (1) Definitions. AS USED IN THIS SECTION,**
8 **UNLESS THE CONTEXT OTHERWISE REQUIRES:**

9 **(a) "ACCEPTABLE REFRIGERANT" MEANS A REFRIGERANT THAT IS:**

10 **(I) LISTED AS ACCEPTABLE IN 42 U.S.C. SEC. 7671k OF THE**
11 **FEDERAL "CLEAN AIR ACT" AND USED IN EQUIPMENT THAT IS LISTED AND**
12 **INSTALLED PURSUANT TO THE USE CONDITIONS IMPOSED WITHIN THAT**
13 **SECTION; AND**

14 **(II) LISTED AS ACCEPTABLE IN APPENDIX U AND APPENDIX V OF**
15 **SUBPART G OF 40 CFR 82 AND USED IN EQUIPMENT THAT IS LISTED AND**
16 **INSTALLED PURSUANT TO THE USE CONDITIONS IMPOSED WITHIN THOSE**
17 **APPENDICES.**

1 (b) "ELECTRIC READY" MEANS ADEQUATE PANEL CAPACITY,
2 DEDICATED ELECTRIC PANEL SPACE, ELECTRICAL WIRE, ELECTRICAL
3 RECEPTACLES, AND ADEQUATE PHYSICAL SPACE TO ACCOMMODATE
4 FUTURE INSTALLATION OF HIGH-EFFICIENCY ELECTRIC APPLIANCES
5 INCLUDING HEATING, WATER HEATING, COOKING, DRYING, AND AN
6 ELECTRIC VEHICLE.

7 (c) "ENERGY CODE BOARD" MEANS THE ENERGY CODE BOARD
8 APPOINTED BY THE DIRECTORS OF THE COLORADO ENERGY OFFICE AND
9 THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (2) OF
10 THIS SECTION.

11 (d) (I) "EV CAPABLE" MEANS A PARKING SPACE THAT:

12 (A) HAS THE ELECTRICAL PANEL CAPACITY AND CONDUIT
13 INSTALLED TO SUPPORT FUTURE IMPLEMENTATION OF ELECTRICAL
14 VEHICLE CHARGING WITH A MINIMUM OF TWO HUNDREDEIGHT VOLTS AND
15 A MINIMUM OF FORTY-AMPERE RATED CIRCUITS; AND

16 (B) IS ADJACENT TO THE TERMINAL POINT OF THE CONDUIT FROM
17 THE ELECTRICAL FACILITIES DESCRIBED IN SUBSECTION (1)(d)(I)(A) OF
18 THIS SECTION.

19 (II) "EV CAPABLE" INCLUDES TWO ADJACENT PARKING SPACES IF
20 THE CONDUIT FOR THE ELECTRICAL FACILITIES DESCRIBED IN SUBSECTION
21 (1)(d)(I)(A) OF THIS SECTION TERMINATES ADJACENT TO AND BETWEEN
22 BOTH PARKING SPACES.

23 (e) (I) "EV READY" MEANS A PARKING SPACE THAT:

24 (A) HAS THE ELECTRICAL PANEL CAPACITY, RACEWAY WIRING,
25 RECEPTACLE, AND CIRCUIT OVERPROTECTION DEVICES INSTALLED TO
26 SUPPORT FUTURE IMPLEMENTATION OF ELECTRICAL VEHICLE CHARGING
27 WITH A MINIMUM OF TWO HUNDRED EIGHT VOLTS AND A MINIMUM OF

1 FORTY-AMPERE RATED CIRCUITS; AND
2 (B) IS ADJACENT TO THE RECEPTACLE FOR THE ELECTRICAL
3 FACILITIES DESCRIBED IN SUBSECTION (1)(e)(I)(A) OF THIS SECTION.
4 (II) "EV READY" INCLUDES TWO ADJACENT PARKING SPACES IF THE
5 RECEPTACLE FOR THE ELECTRICAL FACILITIES DESCRIBED IN SUBSECTION
6 (1)(e)(I)(A) OF THIS SECTION IS INSTALLED ADJACENT TO AND BETWEEN
7 BOTH PARKING SPACES.
8 (f) "EV SUPPLY EQUIPMENT" MEANS:
9 (I) AN ELECTRIC VEHICLE CHARGING SYSTEM AS DEFINED IN
10 SECTION 38-12-601 (6)(a) THAT HAS POWER CAPACITY OF AT LEAST 6.2
11 KILOWATTS AND HAS THE ABILITY TO CONNECT TO THE INTERNET; OR
12 (II) AN INDUCTIVE RESIDENTIAL CHARGING SYSTEM FOR
13 BATTERY-POWERED ELECTRIC VEHICLES THAT:
14 (A) IS CERTIFIED BY UNDERWRITERS LABORATORIES OR AN
15 EQUIVALENT CERTIFICATION;
16 (B) COMPLIES WITH THE CURRENT VERSION OF ARTICLE 625 OF THE
17 NATIONAL ELECTRICAL CODE, PUBLISHED BY THE NATIONAL FIRE
18 PROTECTION ASSOCIATION, AND OTHER APPLICABLE INDUSTRY
19 STANDARDS;
20 (C) IS ENERGY STAR CERTIFIED; AND
21 (D) HAS THE ABILITY TO CONNECT TO THE INTERNET.
22 (g) "INDIVIDUAL WITH A DISABILITY" HAS THE SAME MEANING AS
23 SET FORTH IN THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF
24 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND ITS RELATED AMENDMENTS AND
25 IMPLEMENTING REGULATIONS.
26 (h) "INTERNATIONAL ENERGY CONSERVATION CODE" MEANS THE
27 ENERGY CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, OR

1 SUBSEQUENT CODE OR ENTITY.

2 (i) "MIXED FUEL USE BUILDING" MEANS A RESIDENTIAL OR
3 COMMERCIAL BUILDING THAT IS DESIGNED AND BUILT WITH EQUIPMENT
4 THAT USES GASEOUS FUELS ON SITE IN ADDITION TO ELECTRICITY.

5 (j) "PROVISIONS FOR ELECTRICAL SERVICE CAPACITY" MEANS:

6 (I) BUILDING ELECTRICAL SERVICE, SIZED FOR THE ANTICIPATED
7 LOAD OF ELECTRIC VEHICLE CHARGING STATIONS, THAT HAS OVER
8 CURRENT PROTECTION DEVICES NECESSARY FOR ELECTRIC VEHICLE
9 CHARGING STATIONS OR HAS ADEQUATE SPACE TO ADD OVER CURRENT
10 PROTECTION DEVICES;

11 (II) A CONDUIT SYSTEM INSTALLED FROM BUILDING ELECTRICAL
12 SERVICE TO PARKING SPACES THAT CAN SUPPORT, AT A MINIMUM,
13 ELECTRICAL WIRING FOR INSTALLATION OF ELECTRIC VEHICLE CHARGING
14 STATIONS, AND, IF THE CONDUIT SYSTEM IS FOR FUTURE INSTALLATION OF
15 ELECTRIC VEHICLE CHARGING STATIONS, THAT LABELS BOTH ENDS OF THE
16 CONDUIT SYSTEM TO MARK THE CONDUIT SYSTEM AS PROVIDED FOR
17 FUTURE ELECTRIC VEHICLE CHARGING STATIONS; AND

18 (III) SPACE WITHIN A BUILDING TO ADD ADDITIONAL BUILDING
19 ELECTRICAL SERVICE FOR INSTALLATION OF ELECTRICAL SERVICE
20 CAPACITY FOR ELECTRIC VEHICLE CHARGING STATIONS.

21 (k) "SOLAR READY" MEANS ADEQUATE PANEL CAPACITY,
22 DEDICATED ELECTRICAL PANEL SPACE, ELECTRICAL CONDUIT, PHYSICAL
23 ROOF SPACE, AND STRUCTURAL LOAD TO ACCOMMODATE FUTURE
24 INSTALLATION OF SOLAR PANELS, WITH EXEMPTIONS FOR SMALL ROOFS
25 AND CONSISTENTLY SHADED ROOFS.

26 (l) "STATE AGENCIES" MEANS THE OFFICE OF THE STATE
27 ARCHITECT, THE DIVISION OF FIRE PREVENTION AND CONTROL, AND THE

1 DIVISION OF HOUSING.

2 (2) Appointment of the energy code board. ON OR BEFORE
3 OCTOBER 1, 2022, THE DIRECTORS OF THE COLORADO ENERGY OFFICE AND
4 THE DEPARTMENT OF LOCAL AFFAIRS SHALL APPOINT AND CONVENE AN
5 ENERGY CODE BOARD TO DEVELOP BOTH A MODEL ELECTRIC READY AND
6 SOLAR READY CODE AND A MODEL LOW ENERGY AND CARBON CODE FOR
7 ADOPTION BY COUNTIES, MUNICIPALITIES, AND STATE AGENCIES.

8 (3) (a) Membership of the energy code board. THE ENERGY
9 CODE BOARD CONSISTS OF THE FOLLOWING MEMBERS APPOINTED BY THE
10 DIRECTOR OF THE COLORADO ENERGY OFFICE:

11 (I) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
12 DIRECTOR'S DESIGNEE;

13 (II) ONE MEMBER REPRESENTING THE URBAN COUNTIES OF THE
14 STATE;

15 (III) ONE MEMBER REPRESENTING THE MUNICIPALITIES IN RURAL
16 AREAS OF THE STATE;

17 (IV) TWO MEMBERS REPRESENTING ENVIRONMENTAL OR
18 SUSTAINABILITY GROUPS;

19 (V) ONE MEMBER WHO IS A SOLAR POWER EXPERT;

20 (VI) ONE MEMBER WHO IS AN ENERGY EFFICIENCY EXPERT;

21 (VII) ONE MEMBER REPRESENTING PROFESSIONAL ENGINEERS
22 WITH EXPERIENCE WORKING ON SYSTEMS FOR BUILDINGS;

23 (VIII) ONE MEMBER REPRESENTING AN ELECTRICAL UTILITY, A
24 GAS UTILITY, OR A COMBINED ELECTRIC AND GAS UTILITY;

25 (IX) ONE MEMBER REPRESENTING ARCHITECTS; AND

26 (X) ONE MEMBER WHO IS A BUILDING ENERGY CODE EXPERT.

27 (b) THE ENERGY CODE BOARD CONSISTS OF THE FOLLOWING

1 MEMBERS APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF LOCAL
2 AFFAIRS:

3 (I) THE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS OR THE
4 DIRECTOR'S DESIGNEE;

5 (II) ONE MEMBER REPRESENTING THE RURAL COUNTIES OF THE
6 STATE;

7 (III) ONE MEMBER REPRESENTING THE MUNICIPALITIES IN URBAN
8 AREAS OF THE STATE;

9 (IV) TWO MEMBERS REPRESENTING AFFORDABLE HOUSING
10 OPERATIONS:

11 (A) ONE OF THESE MEMBERS MUST REPRESENT A FOR-RENT
12 NONPROFIT BUILDER WHO SERVES POPULATIONS WITH INCOMES UNDER
13 EIGHTY PERCENT OF AN AREA'S MEDIAN INCOME; AND

14 (B) ONE OF THESE MEMBERS MUST REPRESENT A NONPROFIT
15 AFFORDABLE FOR-SALE HOUSING BUILDER;

16 (V) TWO MEMBERS WHO HOLD AN ELECTRICAL LICENSE, PLUMBING
17 LICENSE, OR A PROFESSIONAL CREDENTIAL IN THE MECHANICAL TRADES,
18 AT LEAST ONE OF WHOM IS A MEMBER OF A LABOR ORGANIZATION;

19 (VI) ONE MEMBER REPRESENTING A STATEWIDE ORGANIZATION
20 FOR HOME BUILDING PROFESSIONALS;

21 (VII) ONE MEMBER WITH BUILDING OPERATION EXPERTISE; AND

22 (VIII) ONE MEMBER WHO IS A CONTRACTOR WHO PROVIDES
23 MECHANICAL, ELECTRICAL, OR PLUMBING SERVICES OR REPRESENTS A
24 STATEWIDE ASSOCIATION THAT REPRESENTS MECHANICAL, ELECTRICAL,
25 OR PLUMBING CONTRACTORS; AND

26 (c) ONE OF THE MEMBERS IDENTIFIED IN SUBSECTIONS (3)(a)(II),
27 (3)(a)(III), (3)(b)(II), OR (3)(b)(III) OF THIS SECTION MUST BE A BUILDING

1 OFFICIAL.

2 (d) IN ORDER TO BE SELECTED BY THE DIRECTOR OF THE
3 COLORADO ENERGY OFFICE OR THE DIRECTOR OF THE DEPARTMENT OF
4 LOCAL AFFAIRS AS A MEMBER OF THE ENERGY CODE BOARD, AN APPLICANT
5 MUST SUBMIT WITH THEIR APPLICATION A RECOMMENDATION FROM A
6 RELEVANT MEMBER OR TRADE ORGANIZATION, IF SUCH MEMBER OR TRADE
7 ORGANIZATION EXISTS. IN MAKING APPOINTMENTS TO THE ENERGY CODE
8 BOARD, THE DIRECTORS OF THE COLORADO ENERGY OFFICE AND THE
9 DEPARTMENT OF LOCAL AFFAIRS SHALL STRIVE TO ENSURE GEOGRAPHIC
10 DIVERSITY AND THAT EACH OF THE THREE MAJOR CLIMATE ZONES IN THE
11 STATE IS REPRESENTED.

12 (e) IF ANY MEMBER OF THE ENERGY CODE BOARD STEPS DOWN,
13 OTHERWISE ELECTS TO NO LONGER SERVE, OR OTHERWISE CAN NO LONGER
14 SERVE ON THE ENERGY CODE BOARD, THE DIRECTORS OF THE COLORADO
15 ENERGY OFFICE AND THE DEPARTMENT OF LOCAL AFFAIRS SHALL SELECT
16 THAT MEMBER'S REPLACEMENT ACCORDING TO THE SAME CRITERIA THAT
17 THE DIRECTORS OF THE COLORADO ENERGY OFFICE AND THE DEPARTMENT
18 OF LOCAL AFFAIRS USED IN ORIGINALLY SELECTING THE MEMBER.

19 (f) THE ENERGY CODE BOARD SHALL ADOPT POLICIES AND
20 PROCEDURES AS NECESSARY TO MEET THE REQUIREMENTS OF THIS
21 SECTION.

22 (4)(a) **Energy code board executive committee.** THE DIRECTORS
23 OF THE COLORADO ENERGY OFFICE AND THE DEPARTMENT OF LOCAL
24 AFFAIRS SHALL APPOINT AN EXECUTIVE COMMITTEE FOR THE ENERGY
25 CODE BOARD THAT CONSISTS OF THE FOLLOWING MEMBERS:

26 (I) THE DIRECTOR OF THE COLORADO ENERGY OFFICE OR THE
27 DIRECTOR'S DESIGNEE SELECTED TO SERVE ON THE ENERGY CODE BOARD

1 PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION;

2 (II) THE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS OR THE
3 DIRECTOR'S DESIGNEE SELECTED TO SERVE ON THE ENERGY CODE BOARD
4 PURSUANT TO SUBSECTION (3)(b)(I) OF THIS SECTION;

5 (III) ONE MEMBER OF THE ENERGY CODE BOARD SELECTED TO
6 REPRESENT EITHER URBAN OR RURAL COUNTIES WHO WAS SELECTED TO
7 SERVE ON THE ENERGY CODE BOARD PURSUANT TO SUBSECTION (3)(a)(II)
8 OR (3)(b)(II) OF THIS SECTION;

9 (IV) ONE MEMBER OF THE ENERGY CODE BOARD SELECTED TO
10 REPRESENT MUNICIPALITIES FROM EITHER URBAN OR RURAL AREAS OF THE
11 STATE WHO WAS SELECTED TO SERVE ON THE ENERGY CODE BOARD
12 PURSUANT TO SUBSECTION (3)(a)(III) OR (3)(b)(III) OF THIS SECTION; AND

13 (V) THE MEMBER OF THE ENERGY CODE BOARD WHO IS A BUILDING
14 ENERGY CODE EXPERT AND WHO WAS SELECTED TO SERVE ON THE ENERGY
15 CODE BOARD PURSUANT TO SUBSECTION (3)(a)(IX) OF THIS SECTION.

16 (b) EITHER THE MEMBER OF THE EXECUTIVE COMMITTEE SELECTED
17 PURSUANT TO SUBSECTION (4)(a)(III) OF THIS SECTION OR THE MEMBER OF
18 THE EXECUTIVE COMMITTEE SELECTED PURSUANT TO SUBSECTION
19 (4)(a)(IV) OF THIS SECTION MUST BE A BUILDING OFFICIAL.

20 (5) (a) **Duty of the energy code board to adopt a model electric**
21 **ready and solar ready code.** IT IS THE DUTY OF THE ENERGY CODE
22 BOARD TO DEVELOP A MODEL ELECTRIC READY AND SOLAR READY CODE
23 ON OR BEFORE JUNE 1, 2023, FOR ADOPTION BY COUNTIES,
24 MUNICIPALITIES, AND STATE AGENCIES.

25 (b) THE MODEL ELECTRIC READY AND SOLAR READY CODE
26 DEVELOPED BY THE ENERGY CODE BOARD MUST APPLY TO COMMERCIAL
27 AND RESIDENTIAL BUILDINGS AND MUST INCLUDE:

- 1 (I) SOLAR READY REQUIREMENTS;
- 2 (II) EV READY AND EV CAPABLE REQUIREMENTS FOR RESIDENTIAL
3 BUILDINGS;
- 4 (III) EV READY, EV CAPABLE, AND EV SUPPLY EQUIPMENT
5 INSTALLED REQUIREMENTS FOR MULTI-FAMILY AND COMMERCIAL
6 BUILDINGS WITH PROVISIONS FOR ELECTRICAL SERVICE CAPACITY IN
7 TWENTY PERCENT OR MORE OF THE VEHICLE PARKING SPACES IN THE
8 GARAGE OR PARKING AREA;
- 9 (IV) ELECTRIC READY REQUIREMENTS FOR ALL SINGLE-FAMILY
10 RESIDENTIAL MIXED FUEL USE BUILDINGS;
- 11 (V) ELECTRIC READY REQUIREMENTS FOR MULTI-FAMILY AND
12 SMALL COMMERCIAL MIXED FUEL USE BUILDINGS UNDER TEN THOUSAND
13 SQUARE FEET;
- 14 (VI) REQUIREMENTS THAT MULTI-FAMILY AND LARGE
15 COMMERCIAL MIXED FUEL USE BUILDINGS THAT ARE TEN THOUSAND
16 SQUARE FEET OR GREATER PROVIDE DEDICATED ELECTRIC PANEL SPACE,
17 ELECTRICAL WIRE, ELECTRICAL RECEPTACLES, AND ADEQUATE PANEL
18 CAPACITY TO ACCOMMODATE THE FUTURE INSTALLATION OF EFFICIENT,
19 ELECTRIC TECHNOLOGIES AND CHARGING FOR ELECTRIC VEHICLES. THESE
20 REQUIREMENTS MUST TAKE INTO ACCOUNT THE COST-EFFECTIVENESS OF
21 PRE-WIRING FOR EFFICIENT ELECTRIC EQUIPMENT AND THE ABILITY TO
22 DETERMINE WHAT WIRING AND RECEPTACLE LOCATIONS WOULD BE
23 NEEDED; AND
- 24 (VII) A PROCESS TO WAIVE ENERGY CODE REQUIREMENTS WHEN
25 THERE HAS BEEN A DECLARED NATURAL DISASTER THAT HAS DESTROYED
26 BUILDINGS OR OTHER CIRCUMSTANCES AS DETERMINED BY THE ENERGY
27 CODE BOARD.

1 (c) IN DEVELOPING A MODEL ELECTRIC READY AND SOLAR READY
2 CODE, THE ENERGY CODE BOARD SHALL:

3 (I) ENSURE THAT BUILDINGS CAN BE CONVERTED TO HIGH
4 EFFICIENCY ELECTRIC SPACE AND WATER HEATING EQUIPMENT AND
5 APPLIANCES AT THE LOWEST POSSIBLE COST TO BUILDING OWNERS;

6 (II) IN DEVELOPING THE MODEL ELECTRIC READY AND SOLAR
7 READY CODE LANGUAGE FOR MULTI-FAMILY AND LARGE COMMERCIAL
8 MIXED FUEL USE FOR BUILDINGS TEN THOUSAND SQUARE FEET OR
9 GREATER, THE ENERGY CODE BOARD SHALL DEVELOP CLEAR GUIDELINES
10 TO BE INCLUDED IN THE MODEL ENERGY READY AND SOLAR READY CODE
11 THAT SEEK TO MINIMIZE THE COSTS THAT BUILDERS, BUILDING OWNERS,
12 AND DEVELOPERS INCUR IN MEETING ELECTRIC READY AND SOLAR READY
13 CODE REQUIREMENTS WHILE ALSO ENSURING THAT BUILDINGS CAN BE
14 CONVERTED TO HIGH EFFICIENCY ELECTRIC SPACE AND WATER HEATING
15 EQUIPMENT AND APPLIANCES AT THE LOWEST POSSIBLE COST TO BUILDING
16 OWNERS. THESE GUIDELINES MUST INCLUDE PROVISIONS FOR:

17 (A) A STANDARD METHODOLOGY FOR DETERMINING HOW TO
18 CALCULATE OR MEASURE WHEN COMPLIANCE WITH A MODEL ELECTRIC
19 AND SOLAR READY CODE REACHES A SUBSTANTIAL COST DIFFERENTIAL
20 THAT WOULD REQUIRE A WAIVER OR VARIANCE FOR SOME OR ALL OF THE
21 PROVISIONS OF THE MODEL ELECTRIC AND SOLAR READY CODE;

22 (B) AN EVIDENCE-BASED, UNIFORM WAIVER OR VARIANCE
23 PROCESS TO ALLOW A BUILDER, DEVELOPER, OR BUILDING OWNER TO
24 REQUEST A WAIVER WHEN IT CAN BE DEMONSTRATED WITH REASONABLE
25 EVIDENCE THAT COMPLIANCE WILL CREATE A SUBSTANTIAL COST
26 DIFFERENTIAL; AND

27 (C) AS USED IN THIS SUBSECTION (5)(c)(II), "SUBSTANTIAL COST

1 DIFFERENTIAL" MEANS ONE PERCENT OR GREATER OF THE TOTAL
2 MECHANICAL, ELECTRICAL, AND PLUMBING CONSTRUCTION COSTS ON THE
3 PROJECT;

4 (III) TAKE INTO ACCOUNT HOME AFFORDABILITY;

5 (IV) (A) ENSURE THAT THE MODEL ELECTRIC READY AND SOLAR
6 READY CODE DEVELOPED BY THE ENERGY CODE BOARD DOES NOT APPLY
7 TO CONSTRUCTION OR RENOVATION THAT SERVES THE PRIMARY PURPOSE
8 OF MAKING A BUILDING ACCESSIBLE OR MORE ACCESSIBLE FOR AN
9 INDIVIDUAL WITH A DISABILITY.

10 (B) AS USED IN THIS SUBSECTION (5)(c)(IV), "ACCESSIBLE" MEANS
11 ABLE TO BE APPROACHED, ENTERED, AND USED;

12 (V) ENSURE THAT THE USE OF AN ACCEPTABLE REFRIGERANT IS
13 NOT PROHIBITED; AND

14 (VI) ENSURE THAT ALL ELECTRICAL AND PLUMBING
15 INSTALLATIONS REQUIRED UNDER THE MODEL ELECTRIC READY AND
16 SOLAR READY CODE ARE SUBJECT TO STATUTORY AND REGULATORY
17 INSPECTION AND PERMIT REQUIREMENTS.

18 (6) (a) **Duty of the energy code board to adopt a model low**
19 **energy and carbon code.** IT IS THE DUTY OF THE ENERGY CODE BOARD TO
20 DEVELOP A MODEL LOW ENERGY AND CARBON CODE ON OR BEFORE JUNE
21 1, 2025, FOR ADOPTION BY COUNTIES, MUNICIPALITIES, AND STATE
22 AGENCIES.

23 (b) THE MODEL LOW ENERGY AND CARBON CODE DEVELOPED BY
24 THE ENERGY CODE BOARD MUST APPLY TO COMMERCIAL AND RESIDENTIAL
25 BUILDINGS AND MUST:

26 (I) INCLUDE THE MORE ENERGY EFFICIENT OF EITHER THE 2021 OR
27 2024 INTERNATIONAL ENERGY CONSERVATION CODE, EXCEPT AS THE

1 ENERGY CODE BOARD MAY MODIFY THOSE INTERNATIONAL ENERGY
2 CONSERVATION CODES PURSUANT TO SUBSECTION (7) OF THIS SECTION,
3 INCLUDING ANY APPENDICES TO THE INTERNATIONAL ENERGY
4 CONSERVATION CODE THAT THE ENERGY CODE BOARD DEEMS
5 APPROPRIATE;

6 (II) INCLUDE THE MODEL ELECTRIC READY AND SOLAR READY
7 CODE LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE BOARD
8 PURSUANT TO SUBSECTION (5) OF THIS SECTION, AND MODIFIED AS THE
9 ENERGY CODE BOARD DEEMS APPROPRIATE;

10 (III) PROVIDE COMPLIANCE PATHWAYS FOR ALL-ELECTRIC AND
11 MIXED FUEL USE RESIDENTIAL AND COMMERCIAL BUILDINGS;

12 (IV) EXEMPT ELECTRICITY CONSUMPTION IN RESIDENTIAL AND
13 COMMERCIAL BUILDINGS FROM ANY ONSITE OR OFFSITE RENEWABLE
14 ENERGY REQUIREMENTS;

15 (V) ALLOW PROJECTS CONSISTING OF ONLY REPLACING A SPACE OR
16 WATER HEATING SYSTEM, AT THE END OF THAT SYSTEM'S USEFUL LIFE,
17 WITH THE INSTALLATION OF A NEW SYSTEM USING THE SAME FUEL OR
18 POWER SOURCE, WITHOUT TRIGGERING PRE-WIRE REQUIREMENTS;

19 (VI) ENSURE THAT FOR ANY RENEWABLE ENERGY MEASURES USED
20 TO ENSURE THAT A HOME OR COMMERCIAL BUILDING IS COMPLIANT WITH
21 THE MODEL LOW ENERGY AND CARBON CODE DEVELOPED BY THE ENERGY
22 CODE BOARD, ANY ELECTRIC RENEWABLE ENERGY CREDITS GENERATED
23 MAY NOT BE DOUBLE COUNTED BETWEEN COMPLIANCE WITH THIS SECTION
24 AND THE REQUIREMENTS UNDER SECTION 25-7-105 (1)(e), SECTION
25 40-3.2-108 (3)(b), SECTION 40-2-125.5, OR ANY SIMILAR GREENHOUSE GAS
26 EMISSION REDUCTION PROGRAM OR SET OF REQUIREMENTS. NOTHING IN
27 THIS SECTION SHALL PRECLUDE A UTILITY FROM ACQUIRING RENEWABLE

1 ENERGY CREDITS FROM A BUILDING OWNER THROUGH A NET-METERING
2 AGREEMENT.

3 (VII) TAKE INTO ACCOUNT HOME AFFORDABILITY;

4 (VIII) MINIMIZE OVERALL CARBON DIOXIDE EMISSIONS
5 ASSOCIATED WITH NEW AND RENOVATED HOMES AND COMMERCIAL
6 BUILDINGS; AND

7 (IX) CREATE A PROCESS TO WAIVE ENERGY CODE REQUIREMENTS
8 WHEN THERE HAS BEEN A DECLARED NATURAL DISASTER THAT HAS
9 DESTROYED BUILDINGS OR OTHER CIRCUMSTANCES AS DETERMINED BY
10 THE ENERGY CODE BOARD.

11 (c) IN DEVELOPING A MODEL LOW ENERGY AND CARBON CODE, THE
12 ENERGY CODE BOARD SHALL:

13 (I) (A) ENSURE THAT THE MODEL ELECTRIC READY AND SOLAR
14 READY CODE DEVELOPED BY THE ENERGY CODE BOARD DOES NOT APPLY
15 TO CONSTRUCTION OR RENOVATION THAT SERVES THE PRIMARY PURPOSE
16 OF MAKING A BUILDING ACCESSIBLE OR MORE ACCESSIBLE FOR AN
17 INDIVIDUAL WITH A DISABILITY;

18 (B) AS USED IN THIS SUBSECTION (6)(c)(I), "ACCESSIBLE" MEANS
19 ABLE TO BE APPROACHED, ENTERED, AND USED; AND

20 (II) ENSURE THAT THE USE OF AN ACCEPTABLE REFRIGERANT IS
21 NOT PROHIBITED.

22 (7) **Option to relax international energy conservation code**
23 **appendices.** THE ENERGY CODE BOARD MAY AS NECESSARY RELAX THE
24 STRINGENCY OF ANY REQUIREMENTS IN THE INTERNATIONAL ENERGY
25 CONSERVATION CODE, INCLUDING APPENDICES THAT IT ADOPTS AS PART
26 OF THE MODEL LOW ENERGY AND CARBON CODE LANGUAGE IT DEVELOPS
27 PURSUANT TO SUBSECTION (5) OF THIS SECTION IF IT DEEMS THAT DOING

1 SO IS APPROPRIATE, BUT THE ENERGY CODE BOARD SHALL NOT INCREASE
2 THE STRINGENCY OF ANY REQUIREMENTS IN THE INTERNATIONAL ENERGY
3 CONSERVATION CODE INCLUDING APPENDICES THAT IT ADOPTS AS PART OF
4 THE MODEL LOW ENERGY AND CARBON CODE LANGUAGE IT DEVELOPS
5 PURSUANT TO SUBSECTION (5) OF THIS SECTION.

6 (8) (a) **Process for model code development.** IN ORDER TO
7 DEVELOP EITHER THE MODEL ELECTRIC READY AND SOLAR READY CODE
8 PURSUANT TO SUBSECTION (5) OF THIS SECTION OR THE MODEL LOW
9 ENERGY AND CARBON CODE PURSUANT TO SUBSECTION (6) OF THIS
10 SECTION, TWO-THIRDS OF THE MEMBERS OF THE ENERGY CODE BOARD
11 MUST APPROVE EACH ELEMENT OF THE MODEL CODE.

12 (b) IF TWO-THIRDS OF THE ENERGY CODE BOARD FAIL, ON OR
13 BEFORE APRIL 1, 2023, TO ADOPT ANY ELEMENT OF THE MODEL ELECTRIC
14 READY AND SOLAR READY CODE REQUIRED BY SUBSECTION (5) OF THIS
15 SECTION, THE EXECUTIVE COMMITTEE SHALL VOTE ON THAT SAME
16 ELEMENT ON OR BEFORE MAY 15, 2023. IF TWO-THIRDS OF THE ENERGY
17 CODE BOARD FAIL, ON OR BEFORE FEBRUARY 1, 2025, TO ADOPT AN
18 ELEMENT OF THE MODEL LOW ENERGY AND CARBON REQUIRED BY
19 SUBSECTION (6) OF THIS SECTION, THE EXECUTIVE COMMITTEE SHALL
20 VOTE ON THAT SAME ELEMENT ON OR BEFORE MARCH 15, 2025.

21 (c) IF THE ENERGY CODE BOARD FAILS, ON OR BEFORE APRIL 1,
22 2023, TO ADOPT ANY ELEMENT OF THE MODEL ELECTRIC READY AND
23 SOLAR READY CODE REQUIRED BY SUBSECTION (5) OF THIS SECTION, THE
24 EXECUTIVE COMMITTEE SHALL VOTE ON THAT SAME ELEMENT ON OR
25 BEFORE MAY 15, 2023. IF THE ENERGY CODE BOARD FAILS, ON OR BEFORE
26 FEBRUARY 1, 2025, TO ADOPT AN ELEMENT OF THE MODEL LOW ENERGY
27 AND CARBON CODE REQUIRED BY SUBSECTION (6) OF THIS SECTION, THE

1 EXECUTIVE COMMITTEE SHALL VOTE ON THAT SAME ELEMENT ON OR
2 BEFORE MARCH 15, 2025.

3 (d) UPON A VOTE OF THE MAJORITY OF THE EXECUTIVE
4 COMMITTEE, AN ELEMENT THAT THE ENERGY CODE BOARD FAILED TO
5 ADOPT IS ADOPTED AS PART OF EITHER THE MODEL ELECTRIC READY AND
6 SOLAR READY CODE OR THE MODEL LOW ENERGY AND CARBON CODE IS
7 ADOPTED AS AN ELEMENT OF THE RESPECTIVE MODEL CODE.

8 (e) DURING THE DEVELOPMENT OF BOTH THE MODEL ELECTRIC
9 READY AND SOLAR READY CODE AND THE MODEL LOW ENERGY AND
10 CARBON CODE, THE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS OR
11 THE DIRECTOR'S DESIGNEE AND THE DIRECTOR OF THE COLORADO ENERGY
12 OFFICE OR THE DIRECTOR'S DESIGNEE SHALL ENSURE THAT THE ENERGY
13 CODE BOARD ADHERES TO THE REQUIREMENTS OF THIS SECTION.

14 (9) **Acceptable refrigerants.** THE USE OF AN ACCEPTABLE
15 REFRIGERANT MAY NOT BE PROHIBITED OR OTHERWISE RESTRICTED BY A
16 LOCALITY, COUNTY, OR OTHER STATE RULE OR REGULATION; EXCEPT THAT
17 NOTHING IN THIS ARTICLE 38.5 MAY BE CONSTRUED TO PROHIBIT, LIMIT, OR
18 OTHERWISE MODIFY THE REQUIREMENTS OF REGULATION NUMBER 22, 5
19 CCR 1001-26, AS AMENDED, OR ANY ENTITY'S PROCUREMENT
20 REQUIREMENTS FOR THEIR OWN USE.

21 (10) (a) **Reporting.** THE COLORADO ENERGY OFFICE SHALL
22 INCLUDE AN UPDATE REGARDING THE EFFECTIVENESS OF THE ENERGY
23 CODE BOARD IN ITS 2027 REPORT TO THE MEMBERS OF THE APPLICABLE
24 COMMITTEES OF REFERENCE IN THE SENATE AND HOUSE OF
25 REPRESENTATIVES AS REQUIRED BY THE "STATE MEASUREMENT FOR
26 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
27 GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

1 (b) THE DEPARTMENT OF LOCAL AFFAIRS SHALL INCLUDE AN
2 UPDATE REGARDING THE EFFECTIVENESS OF THE ENERGY CODE BOARD IN
3 ITS 2027 REPORT TO THE MEMBERS OF THE APPLICABLE COMMITTEES OF
4 REFERENCE IN THE SENATE AND HOUSE OF REPRESENTATIVES AS REQUIRED
5 BY THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
6 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF
7 TITLE 2.

8 (11) Repeal. THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER
9 1, 2027.

10 24-38.5-402. Model green energy code. (1) BEFORE JULY 1,
11 2024, THE COLORADO ENERGY OFFICE SHALL IDENTIFY MODEL GREEN
12 CODE LANGUAGE FOR ADOPTION. THE COLORADO ENERGY OFFICE SHALL
13 PROMOTE THE VOLUNTARY ADOPTION OF THIS MODEL GREEN CODE
14 LANGUAGE.

15 24-38.5-403. Energy code training - energy code adoption -
16 grant writing assistance. (1) (a) THE COLORADO ENERGY OFFICE SHALL
17 PROVIDE ENERGY CODE TRAINING TO ASSIST LOCAL GOVERNMENTS,
18 DIVISIONS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, BUILDERS,
19 AND CONTRACTORS IN ADOPTING AND IMPLEMENTING THE 2021
20 INTERNATIONAL ENERGY CONSERVATION CODE, ELECTRIC READY AND
21 SOLAR READY CODES, AND LOW ENERGY AND CARBON CODES. THE
22 TRAINING ITSELF AND THE MATERIALS PROVIDED ALONG WITH THIS
23 TRAINING MUST BE IN BOTH ENGLISH AND SPANISH.

24 (b) IF THE COLORADO ENERGY OFFICE IS ABLE TO OBTAIN
25 FUNDING, THE COLORADO ENERGY OFFICE SHALL PROVIDE FINANCIAL
26 ASSISTANCE THROUGH AN APPLICATION PROCESS TO SUPPORT THE
27 ADOPTION AND ENFORCEMENT BY LOCAL GOVERNMENTS OF THE 2021

1 INTERNATIONAL ENERGY CONSERVATION CODE, AN ELECTRIC READY AND
2 SOLAR READY CODE, AND A LOW ENERGY AND CARBON CODE.

3 (2) THE COLORADO ENERGY OFFICE SHALL ADOPT POLICIES AND
4 PROCEDURES AS NECESSARY FOR THE CREATION AND ADMINISTRATION OF
5 A GRANT PROGRAM TO AWARD THE GRANTS DESCRIBED IN SUBSECTION
6 (3)(a)(I) OF THIS SECTION, INCLUDING POLICIES AND PROCEDURES THAT AT
7 A MINIMUM ESTABLISH THE APPLICATION PROCESS AND THE GRANT AWARD
8 CRITERIA.

9 (3) (a) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
10 SUBSECTION (3)(a), THE STATE TREASURER SHALL TRANSFER THREE
11 MILLION DOLLARS FROM THE GENERAL FUND TO THE ENERGY FUND
12 CREATED IN SECTION 24-38.5-102.4. THE COLORADO ENERGY OFFICE
13 SHALL EXPEND THE MONEY TRANSFERRED BY THE GENERAL ASSEMBLY
14 PURSUANT TO THIS SUBSECTION (3)(a) FOR THE PURPOSES OF:

15 (I) ISSUING GRANTS, NOT TO EXCEED A TOTAL OF TWO MILLION
16 DOLLARS, TO LOCAL GOVERNMENTS TO SUPPORT THEIR ADOPTION AND
17 ENFORCEMENT OF THE 2021 INTERNATIONAL ENERGY CONSERVATION
18 CODE, AN ELECTRIC READY AND SOLAR READY CODE, AND A LOW ENERGY
19 AND CARBON CODE AND TO COVER THE DIRECT AND INDIRECT COSTS
20 ASSOCIATED WITH ISSUING THESE GRANTS; AND

21 (II) PROVIDING ENERGY CODE TRAINING AND TECHNICAL
22 ASSISTANCE, INCLUDING GRANT WRITING ASSISTANCE, NOT TO EXCEED A
23 TOTAL COST OF ONE MILLION DOLLARS, TO ASSIST LOCAL GOVERNMENTS
24 AND DIVISIONS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT IN
25 ADOPTING AND ENFORCING THE 2021 INTERNATIONAL ENERGY
26 CONSERVATION CODE, AN ELECTRIC READY AND SOLAR READY CODE, A
27 LOW ENERGY AND CARBON CODE, OR A GREEN CODE AND COVERING THE

1 DIRECT AND INDIRECT COSTS ASSOCIATED WITH ALIGNING ENERGY CODES
2 AND WITH PROVIDING THIS TRAINING AND TECHNICAL ASSISTANCE.

3 (b) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
4 SUBSECTION (3)(b), THE STATE TREASURER SHALL TRANSFER ONE MILLION
5 DOLLARS FROM THE GENERAL FUND TO THE ENERGY FUND CREATED IN
6 SECTION 24-38.5-102.4. THE COLORADO ENERGY OFFICE SHALL EXPEND
7 THE MONEY TRANSFERRED BY THE GENERAL ASSEMBLY PURSUANT TO THIS
8 SUBSECTION (3)(b) FOR THE PURPOSE OF PROVIDING ENERGY CODE
9 TRAINING TO ASSIST ARCHITECTS, BUILDERS, CONTRACTORS, AND
10 DESIGNERS IN IMPLEMENTING THE 2021 INTERNATIONAL ENERGY
11 CONSERVATION CODE, ELECTRIC READY AND SOLAR READY CODES, AND
12 LOW ENERGY AND CARBON CODES. THE TRAINING AND MATERIALS
13 PROVIDED ALONG WITH THIS TRAINING MUST BE IN BOTH ENGLISH AND
14 SPANISH.

15 (c) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS
16 SUBSECTION (3)(c), THE STATE TREASURER SHALL TRANSFER ONE
17 HUNDRED AND FIFTY THOUSAND DOLLARS FROM THE GENERAL FUND TO
18 THE ENERGY FUND CREATED IN SECTION 24-38.5-102.4. THE COLORADO
19 ENERGY OFFICE SHALL EXPEND THE MONEY TRANSFERRED BY THE
20 GENERAL ASSEMBLY PURSUANT TO THIS SUBSECTION (3)(c) FOR THE COSTS
21 ASSOCIATED WITH ADMINISTERING THE ENERGY CODE BOARD
22 ESTABLISHED IN SECTION 24-38.5-401 (2).

23 **24-38.5-404. Building electrification for public buildings grant**
24 **program - creation - report - legislative declaration.** (1) THE GENERAL
25 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

26 (a) EMISSIONS FROM HEATING BUILDINGS ARE ONE OF THE FIVE
27 LARGEST SOURCES OF GREENHOUSE GAS POLLUTION IN COLORADO;

1 (b) MANY PUBLIC BUILDINGS OWNED BY LOCAL GOVERNMENTS,
2 SCHOOL DISTRICTS, INSTITUTIONS OF HIGHER EDUCATION, AND OTHER
3 GOVERNMENTAL ENTITIES ARE OLDER BUILDINGS WITH BOTH HIGH ENERGY
4 COSTS AND EMISSIONS;

5 (c) ENERGY PERFORMANCE CONTRACTING IS AN IMPORTANT TOOL
6 THAT GOVERNMENTAL ENTITIES CAN USE TO UPGRADE THE ENERGY
7 PERFORMANCE OF BUILDINGS BY FINANCING ENERGY UPGRADES BASED ON
8 PROJECTED SAVINGS IN ENERGY COSTS;

9 (d) NEWER TECHNOLOGIES SUCH AS COLD CLIMATE HEAT PUMPS
10 AND HEAT PUMP WATER HEATERS OFFER MANY OPPORTUNITIES TO REDUCE
11 GREENHOUSE GAS AND NITROGEN OXIDE EMISSIONS AND IMPROVE INDOOR
12 AIR QUALITY; AND

13 (e) THEREFORE, IT IS IMPORTANT FOR STATE INVESTMENTS TO
14 SUPPORT PUBLIC AGENCIES IN INCLUDING HIGH-EFFICIENCY ELECTRIC
15 HEATING UPGRADES IN ENERGY PERFORMANCE CONTRACTS FOR PUBLIC
16 BUILDINGS.

17 (2) THERE IS CREATED IN THE COLORADO ENERGY OFFICE THE
18 BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM TO
19 PROVIDE GRANTS TO INSTITUTIONS OF HIGHER EDUCATION, LOCAL
20 GOVERNMENTS, SCHOOL DISTRICTS, STATE AGENCIES, AND SPECIAL
21 DISTRICTS FOR THE INSTALLATION OF HIGH-EFFICIENCY ELECTRIC HEATING
22 EQUIPMENT.

23 (3) GRANTEEES MAY USE MONEY RECEIVED THROUGH THE BUILDING
24 ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM FOR THE
25 FOLLOWING PURPOSES:

26 (a) THE PURCHASE AND INSTALLATION OF HIGH-EFFICIENCY
27 ELECTRIC EQUIPMENT FOR SPACE HEATING, WATER HEATING, OR COOKING;

1 (b) THE PURCHASE OF ELECTRICAL INSTALLATIONS AND UPGRADES
2 NECESSARY TO SUPPORT THE INSTALLATION OF HIGH-EFFICIENCY ELECTRIC
3 EQUIPMENT;

4 (c) THE PURCHASE AND INSTALLATION OF OTHER INNOVATIVE
5 BUILDING HEATING TECHNOLOGIES THAT THE COLORADO ENERGY OFFICE
6 DETERMINES WILL LIKELY ACHIEVE EQUAL OR LOWER LEVELS OF
7 GREENHOUSE GAS EMISSIONS THAN HIGH EFFICIENCY HEAT PUMPS
8 OPERATED ON THE PROJECTED 2030 ELECTRIC GRID; AND

9 (d) IN THE CASE OF ELIGIBLE ENTITIES FROM LOW-INCOME,
10 DISPROPORTIONATELY IMPACTED COMMUNITIES, OR JUST TRANSITION
11 COMMUNITIES AS THOSE COMMUNITIES ARE IDENTIFIED BY THE COLORADO
12 ENERGY OFFICE, TO COVER THE ADMINISTRATIVE COSTS ASSOCIATED WITH
13 THE PURCHASE AND INSTALLATION DESCRIBED IN SUBSECTIONS (3)(a),
14 (3)(b), AND (3)(c) OF THIS SECTION.

15 (4) THE COLORADO ENERGY OFFICE SHALL ADMINISTER THE
16 BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM,
17 AWARD GRANTS AS PROVIDED IN THIS SECTION, AND DEVELOP POLICIES
18 AND PROCEDURES AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

19 (5) GRANTS SHALL BE PAID OUT OF THE CLEAN AIR BUILDINGS
20 INVESTMENTS FUND CREATED IN SECTION 24-38.5-406.

21 (6) THE COLORADO ENERGY OFFICE MAY DEVELOP POLICIES AND
22 PROCEDURES PRIORITIZING THE GRANT APPLICATIONS OF ELIGIBLE
23 ENTITIES FROM LOW-INCOME, DISPROPORTIONATELY IMPACTED
24 COMMUNITIES, OR JUST TRANSITION COMMUNITIES AS THOSE
25 COMMUNITIES ARE IDENTIFIED BY THE COLORADO ENERGY OFFICE, AND
26 THE COLORADO ENERGY OFFICE SHALL AWARD AT LEAST THIRTY PERCENT
27 OF THE TOTAL AMOUNT OF MONEY IT AWARDS THROUGH GRANTS

1 PURSUANT TO THE BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS
2 GRANT PROGRAM TO SUCH ELIGIBLE ENTITIES.

3 (7) (a) TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST SUBMIT AN
4 APPLICATION TO THE COLORADO ENERGY OFFICE IN ACCORDANCE WITH
5 THE POLICIES AND PROCEDURES SPECIFIED BY THE COLORADO ENERGY
6 OFFICE.

7 (b) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL
8 ASSISTANCE IN APPLYING FOR GRANTS THROUGH THE BUILDING
9 ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM AS NEEDED TO
10 ELIGIBLE ENTITIES FROM LOW-INCOME, DISPROPORTIONATELY IMPACTED
11 COMMUNITIES, OR JUST TRANSITION COMMUNITIES AS THOSE
12 COMMUNITIES ARE IDENTIFIED BY THE COLORADO ENERGY OFFICE.

13 (8) (a) EACH GRANTEE THAT RECEIVES A GRANT THROUGH THE
14 BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM
15 SHALL SUBMIT AN ANNUAL REPORT TO THE COLORADO ENERGY OFFICE
16 FOR THE FIRST FIVE YEARS AFTER RECEIVING THE GRANT.

17 (b) (I) ON OR BEFORE FEBRUARY 1, 2024, AND ON EACH YEAR
18 THEREAFTER, THE COLORADO ENERGY OFFICE SHALL SUBMIT A
19 SUMMARIZED REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE
20 OF THE SENATE AND THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
21 HOUSE OF REPRESENTATIVES OR THEIR SUCCESSOR COMMITTEES, ON THE
22 BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM. AT
23 A MINIMUM, THIS SUMMARIZED REPORT MUST INCLUDE:

24 (A) A DESCRIPTION OF THE GRANTS AWARDED, INCLUDING A
25 DESCRIPTION OF THE PROJECTS FUNDED BY THE GRANTS AS DESCRIBED TO
26 THE COLORADO ENERGY OFFICE IN THE GRANT APPLICATIONS;

27 (B) THE PERCENTAGE OF GRANTS AWARDED TO LOW-INCOME,

1 DISPROPORTIONATELY IMPACTED COMMUNITIES OR JUST TRANSITION
2 COMMUNITIES AND TO INDIVIDUALS WITH A DISABILITY OR ENTITIES THAT
3 USED THE GRANTS TO PROVIDE A SERVICE FOR INDIVIDUALS WITH A
4 DISABILITY; AND

5 (C) TO THE EXTENT AVAILABLE, THE IMPACTS OF THE GRANTS ON
6 GAS USE, ELECTRICITY USE, EMISSIONS, AND ENERGY COSTS.

7 (II) THIS SUBSECTION (8)(b) IS REPEALED, EFFECTIVE JULY 1, 2026.

8 **24-38.5-405. High-efficiency electric heating and appliances**
9 **grant program - creation - report - legislative declaration - repeal.**

10 (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES
11 THAT:

12 (a) EMISSIONS FROM HEATING BUILDINGS ARE ONE OF THE FIVE
13 LARGEST SOURCES OF GREENHOUSE GAS POLLUTION IN COLORADO;

14 (b) OVER A MILLION COLORADANS LIVE IN ENERGY BURDENED
15 HOUSEHOLDS THAT SPEND FIVE PERCENT OR MORE OF THEIR HOUSEHOLD
16 INCOME ON ENERGY EXPENDITURES;

17 (c) NEWER TECHNOLOGIES SUCH AS COLD CLIMATE HEAT PUMPS
18 AND HEAT PUMP WATER HEATERS OFFER MANY OPPORTUNITIES TO REDUCE
19 GREENHOUSE GAS AND NITROGEN OXIDE EMISSIONS AND IMPROVE INDOOR
20 AIR QUALITY;

21 (d) ENERGY UPGRADES TO RESIDENTIAL AND COMMERCIAL
22 BUILDINGS MAY BE MORE COST EFFECTIVE AND EASIER TO IMPLEMENT
23 WHEN DEPLOYED AT THE NEIGHBORHOOD SCALE, AND
24 NEIGHBORHOOD-SCALE UPGRADES MAY ALLOW UTILITIES TO AVOID OR
25 DEFER INVESTMENTS IN GAS AND ELECTRIC DISTRIBUTION, THEREBY
26 REDUCING COSTS FOR ALL UTILITY RATEPAYERS; AND

27 (e) THEREFORE, IT IS IMPORTANT FOR THE STATE TO SUPPORT

1 INVESTMENTS IN NEIGHBORHOOD-SCALE ENERGY EFFICIENCY UPGRADES.

2 (2) THERE IS CREATED IN THE COLORADO ENERGY OFFICE THE
3 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM
4 TO PROVIDE GRANTS TO INSTITUTIONS OF HIGHER EDUCATION, LOCAL
5 GOVERNMENTS, UTILITIES, NONPROFIT ORGANIZATIONS, BUSINESSES AND
6 OTHER ENTITIES AS DETERMINED BY THE COLORADO ENERGY OFFICE, AND
7 HOUSING DEVELOPERS FOR THE INSTALLATION OF HIGH-EFFICIENCY
8 ELECTRIC HEATING EQUIPMENT IN MULTIPLE STRUCTURES WITHIN A
9 NEIGHBORHOOD.

10 (3) GRANTEES MAY USE THE MONEY RECEIVED THROUGH THE
11 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM
12 FOR THE FOLLOWING PURPOSES:

13 (a) THE PURCHASE AND INSTALLATION OF HIGH-EFFICIENCY
14 ELECTRIC EQUIPMENT FOR SPACE HEATING, WATER HEATING, OR COOKING
15 IN MULTIPLE RESIDENTIAL OR COMMERCIAL BUILDINGS LOCATED IN CLOSE
16 PROXIMITY;

17 (b) THE PURCHASE OF ELECTRICAL INSTALLATIONS AND UPGRADES
18 NECESSARY TO SUPPORT THE INSTALLATION OF HIGH-EFFICIENCY ELECTRIC
19 EQUIPMENT;

20 (c) THE PURCHASE AND INSTALLATION OF OTHER INNOVATIVE
21 BUILDING HEATING TECHNOLOGIES THAT THE COLORADO ENERGY OFFICE
22 DETERMINES WILL LIKELY ACHIEVE EQUAL OR LOWER LEVELS OF
23 GREENHOUSE GAS EMISSIONS THAN HIGH-EFFICIENCY HEAT PUMPS
24 OPERATED ON THE PROJECTED 2030 ELECTRIC GRID; AND

25 (d) IN THE CASE OF LOCAL GOVERNMENTS, ELECTRIC AND GAS
26 UTILITIES, NONPROFIT ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES
27 AS DETERMINED BY THE COLORADO ENERGY OFFICE, OR HOUSING

1 DEVELOPERS THAT OPERATE IN LOW-INCOME, DISPROPORTIONATELY
2 IMPACTED COMMUNITIES OR JUST TRANSITION COMMUNITIES AS THOSE
3 COMMUNITIES ARE IDENTIFIED BY THE COLORADO ENERGY OFFICE, TO
4 COVER THE ADMINISTRATIVE COSTS ASSOCIATED WITH THE PURCHASE AND
5 INSTALLATION DESCRIBED IN SUBSECTIONS (3)(a), (3)(b), AND (3)(c) OF
6 THIS SECTION.

7 (4) THE COLORADO ENERGY OFFICE SHALL ADMINISTER THE
8 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM,
9 AWARD GRANTS AS PROVIDED IN THIS SECTION, AND DEVELOP POLICIES
10 AND PROCEDURES AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

11 (5) GRANTS SHALL BE PAID OUT OF THE CLEAN AIR BUILDINGS
12 INVESTMENTS FUND CREATED IN SECTION 24-38.5-406.

13 (6) THE COLORADO ENERGY OFFICE MAY DEVELOP POLICIES AND
14 PROCEDURES PRIORITIZING THE GRANT APPLICATIONS OF LOCAL
15 GOVERNMENTS, ELECTRIC AND GAS UTILITIES, NONPROFIT
16 ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES AS DETERMINED BY
17 THE COLORADO ENERGY OFFICE, OR HOUSING DEVELOPERS THAT OPERATE
18 IN LOW-INCOME, DISPROPORTIONATELY IMPACTED COMMUNITIES OR JUST
19 TRANSITION COMMUNITIES AS THOSE COMMUNITIES ARE IDENTIFIED BY
20 THE COLORADO ENERGY OFFICE, AND THE COLORADO ENERGY OFFICE
21 SHALL AWARD AT LEAST THIRTY PERCENT OF THE TOTAL AMOUNT OF
22 MONEY IT AWARDS THROUGH GRANTS PURSUANT TO THE HIGH-EFFICIENCY
23 ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM TO SUCH LOCAL
24 GOVERNMENTS, ELECTRIC AND GAS UTILITIES, NONPROFIT
25 ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES AS DETERMINED BY
26 THE COLORADO ENERGY OFFICE, OR HOUSING DEVELOPERS.

27 (7) (a) TO RECEIVE A GRANT, A LOCAL GOVERNMENT, ELECTRIC OR

1 GAS UTILITY, NONPROFIT ORGANIZATION, BUSINESS AND OTHER ENTITY AS
2 DETERMINED BY THE COLORADO ENERGY OFFICE, OR HOUSING DEVELOPER
3 MUST SUBMIT AN APPLICATION TO THE COLORADO ENERGY OFFICE IN
4 ACCORDANCE WITH THE POLICIES AND PROCEDURES SPECIFIED BY THE
5 COLORADO ENERGY OFFICE.

6 (b) THE COLORADO ENERGY OFFICE SHALL PROVIDE TECHNICAL
7 ASSISTANCE IN APPLYING FOR GRANTS THROUGH THE HIGH-EFFICIENCY
8 ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM AS NEEDED TO
9 LOCAL GOVERNMENTS, ELECTRIC AND GAS UTILITIES, NONPROFIT
10 ORGANIZATIONS, BUSINESSES AND OTHER ENTITIES AS DETERMINED BY
11 THE COLORADO ENERGY OFFICE, OR HOUSING DEVELOPERS THAT OPERATE
12 IN LOW-INCOME, DISPROPORTIONATELY IMPACTED COMMUNITIES OR JUST
13 TRANSITION COMMUNITIES AS THOSE COMMUNITIES ARE IDENTIFIED BY
14 THE COLORADO ENERGY OFFICE.

15 (8) (a) EACH GRANTEE THAT RECEIVES A GRANT THROUGH THE
16 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM
17 SHALL SUBMIT A REPORT TO THE COLORADO ENERGY OFFICE THE FIRST
18 FIVE YEARS AFTER RECEIVING THE GRANT.

19 (b) (I) ON OR BEFORE FEBRUARY 1, 2024, AND ON EACH YEAR
20 THEREAFTER, THE COLORADO ENERGY OFFICE SHALL SUBMIT A
21 SUMMARIZED REPORT TO THE TRANSPORTATION AND ENERGY COMMITTEE
22 OF THE SENATE AND THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
23 HOUSE OF REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, ON THE
24 HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES GRANT PROGRAM.
25 AT A MINIMUM, THIS SUMMARIZED REPORT MUST INCLUDE:

26 (A) A DESCRIPTION OF THE GRANTS AWARDED, INCLUDING A
27 DESCRIPTION OF THE PROJECTS FUNDED BY THE GRANTS AS DESCRIBED TO

1 THE COLORADO ENERGY OFFICE IN THE GRANT APPLICATIONS;

2 (B) THE PERCENTAGE OF GRANTS AWARDED TO LOW-INCOME,
3 DISPROPORTIONATELY IMPACTED COMMUNITIES OR JUST TRANSITION
4 COMMUNITIES AND TO INDIVIDUALS WITH A DISABILITY OR ENTITIES THAT
5 USED THE GRANTS TO PROVIDE A SERVICE FOR INDIVIDUALS WITH A
6 DISABILITY; AND

7 (C) TO THE EXTENT AVAILABLE, THE IMPACTS OF THE GRANTS ON
8 GAS USE, ELECTRICITY USE, EMISSIONS, AND ENERGY COSTS.

9 (II) THIS SUBSECTION (8)(b) IS REPEALED, EFFECTIVE JULY 1, 2026.

10 **24-38.5-406. Clean air building investments fund - creation -**

11 **use of fund.** (1) THE CLEAN AIR BUILDING INVESTMENTS FUND, REFERRED
12 TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY.
13 THE PRINCIPAL OF THE FUND CONSISTS OF MONEY TRANSFERRED TO THE
14 FUND FROM THE GENERAL FUND AND GIFTS, GRANTS, AND DONATIONS.
15 INTEREST AND INCOME EARNED ON THE DEPOSIT AND INVESTMENT OF
16 MONEY IN THE FUND ARE CREDITED TO THE FUND.

17 (2) ALL MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO
18 THE COLORADO ENERGY OFFICE. THE COLORADO ENERGY OFFICE MAY
19 EXPEND MONEY FROM THE FUND FOR THE CREATION, IMPLEMENTATION,
20 AND ADMINISTRATION OF:

21 (a) THE BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT
22 PROGRAM CREATED IN SECTION 24-38.5-404; AND

23 (b) THE HIGH-EFFICIENCY ELECTRIC HEATING AND APPLIANCES
24 GRANT PROGRAM CREATED IN SECTION 24-38.5-405.

25 (3) (a) ON THE EFFECTIVE DATE OF THIS SECTION, OR AS SOON AS
26 POSSIBLE THEREAFTER, THE STATE TREASURER SHALL TRANSFER TWENTY
27 MILLION EIGHT HUNDRED FIFTY THOUSAND DOLLARS FROM THE GENERAL

1 FUND TO THE FUND.

2 (b) THE COLORADO ENERGY OFFICE SHALL USE TEN MILLION
3 DOLLARS OF THE MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION (3)
4 FOR THE CREATION, IMPLEMENTATION, AND ADMINISTRATION OF THE
5 BUILDING ELECTRIFICATION FOR PUBLIC BUILDINGS GRANT PROGRAM
6 CREATED IN SECTION 24-38.5-404.

7 (c) THE COLORADO ENERGY OFFICE SHALL USE TEN MILLION EIGHT
8 HUNDRED FIFTY THOUSAND DOLLARS OF THE MONEY TRANSFERRED
9 PURSUANT TO THIS SUBSECTION (3) FOR THE CREATION, IMPLEMENTATION,
10 AND ADMINISTRATION OF THE HIGH-EFFICIENCY ELECTRIC HEATING AND
11 APPLIANCES GRANT PROGRAM CREATED IN SECTION 24-38.5-405.

12 **SECTION 2.** In Colorado Revised Statutes, 12-115-107, **amend**
13 **(2)(a)** as follows:

14 **12-115-107. Board powers and duties - rules - definition.**

15 (2) In addition to all other powers and duties conferred or imposed upon
16 the board by this article 115, the board is authorized to:

17 (a) (I) Adopt, and from time to time revise, rules pursuant to
18 section 12-20-204. In adopting the rules, the board shall be governed
19 when appropriate by the standards in the most current edition of the
20 national electrical code or by any modifications to the standards made by
21 the board after a hearing is held pursuant to the provisions of article 4 of
22 title 24. These standards are adopted as the minimum standards governing
23 the planning, laying out, and installing or the making of additions,
24 alterations, and repairs in the installation of wiring apparatus and
25 equipment for electric light, heat, and power in this state. A copy of the
26 code shall be kept in the office of the board and open to public inspection.
27 Nothing contained in this section prohibits any city, town, county, city

1 and county, or qualified state institution of higher education from making
2 and enforcing any such standards that are more stringent than the
3 minimum standards adopted by the board, and any city, town, county, city
4 and county, or qualified state institution of higher education that adopts
5 more stringent standards shall furnish a copy thereof to the board. The
6 standards adopted by the board shall be prima facie evidence of minimum
7 approved methods of construction for safety to life and property. The
8 affirmative vote of two-thirds of all appointed members of the board is
9 required to set any standards that are different from those set forth in the
10 national electrical code. If requested in writing, the board shall send a
11 copy of newly adopted standards and rules to any interested party at least
12 thirty days before the implementation and enforcement of the standards
13 or rules. The copies may be furnished for a fee established pursuant to
14 section 12-20-105.

15 (II) IN THE EVENT OF A CONFLICT BETWEEN THE 2021
16 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2024 INTERNATIONAL
17 ENERGY CONSERVATION CODE, THE MODEL ELECTRIC READY AND SOLAR
18 READY CODE DEVELOPED BY THE ENERGY CODE BOARD PURSUANT TO
19 SECTION 24-38.5-401 (5), OR ANY ENERGY CODES ADOPTED BY EITHER A
20 LOCAL GOVERNMENT OR DIVISIONS IN THE EXECUTIVE BRANCH OF STATE
21 GOVERNMENT AND THE NATIONAL ELECTRIC CODE OR THE STANDARDS
22 ADOPTED BY THE BOARD PURSUANT TO THIS SUBSECTION (2)(a), THE
23 NATIONAL ELECTRIC CODE OR THE STANDARDS ADOPTED BY THE BOARD
24 PURSUANT TO THIS SUBSECTION (2)(a) PREVAILS.

25 **SECTION 3.** In Colorado Revised Statutes, 12-155-106, **add**
26 **(4.5) as follows:**

27 **12-155-106. Colorado plumbing code - amendments -**

1 **variances - Colorado fuel gas code. (4.5)** IN THE EVENT OF A CONFLICT
2 BETWEEN THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE, THE
3 2024 INTERNATIONAL ENERGY CONSERVATION CODE, THE MODEL
4 ELECTRIC READY AND SOLAR READY CODE DEVELOPED BY THE ENERGY
5 CODE BOARD PURSUANT TO SECTION 24-38.5-401 (5), OR ANY ENERGY
6 CODES ADOPTED BY EITHER A LOCAL GOVERNMENT OR DIVISIONS IN THE
7 EXECUTIVE BRANCH OF STATE GOVERNMENT AND THE COLORADO
8 PLUMBING CODE, THE COLORADO PLUMBING CODE PREVAILS.

9 **SECTION 4.** In Colorado Revised Statutes, 24-30-1303, **add**
10 **(1)(ff)** as follows:

11 **24-30-1303. Office of the state architect - responsibilities.**

12 **(1)** The office of the state architect shall:

13 **(ff) (I) (A)** ON OR BEFORE JANUARY 1, 2025, ADOPT AND ENFORCE
14 AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER ENERGY
15 PERFORMANCE THAN THE 2021 INTERNATIONAL ENERGY CONSERVATION
16 CODE AND THE MODEL ELECTRIC READY AND SOLAR READY CODE
17 LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE BOARD
18 PURSUANT TO SECTION 24-38.5-401 (5). THIS ENERGY CODE MUST APPLY
19 TO ALL CONSTRUCTION BY STATE AGENCIES ON STATE-OWNED PROPERTIES
20 OR FACILITIES OR ON PROPERTIES OR FACILITIES THAT ARE LEASED BY THE
21 STATE UNDER A FINANCED PURCHASE OF AN ASSET OR CERTIFICATE OF
22 PARTICIPATION AGREEMENT.

23 **(B)** ON OR BEFORE JANUARY 1, 2030, ADOPT AND ENFORCE AN
24 ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER ENERGY AND
25 CARBON EMISSIONS PERFORMANCE THAN THE MODEL LOW ENERGY AND
26 CARBON CODE DEVELOPED FOR ADOPTION BY THE ENERGY CODE BOARD
27 PURSUANT TO SECTION 24-38.5-401 (6). THIS ENERGY CODE MUST APPLY

1 TO ALL CONSTRUCTION BY STATE AGENCIES ON STATE-OWNED PROPERTIES
2 OR FACILITIES OR ON PROPERTIES OR FACILITIES THAT ARE LEASED BY THE
3 STATE UNDER A FINANCED PURCHASE OF AN ASSET OR CERTIFICATE OF
4 PARTICIPATION AGREEMENT.

5 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
6 SUBSECTION (1)(ff), THE OFFICE OF THE STATE ARCHITECT MAY MAKE ANY
7 AMENDMENTS TO AN ENERGY CODE THAT THE OFFICE OF THE STATE
8 ARCHITECT DEEMS APPROPRIATE, SO LONG AS THE AMENDMENTS DO NOT
9 DECREASE THE EFFECTIVENESS OR ENERGY EFFICIENCY OF THE ENERGY
10 CODE.

11 (III) NOTHING IN THIS SUBSECTION (1)(ff) RESTRICTS THE ABILITY
12 OF AN INVESTOR-OWNED UTILITY WITH APPROVAL FROM THE PUBLIC
13 UTILITIES COMMISSION TO:

14 (A) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
15 SERVICES TO HELP THE OFFICE OF THE STATE ARCHITECT OR BUILDERS
16 COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (1)(ff); OR

17 (B) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS TOWARD
18 ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE GAS
19 EMISSION SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED BY
20 THE UTILITY TO HELP THE OFFICE OF THE STATE ARCHITECT OR BUILDERS
21 COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (1)(ff).

22 (IV) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
23 UTILITIES COMMISSION MAY PROVIDE INCENTIVES OR OTHER ENERGY
24 EFFICIENCY PROGRAM SERVICES AS THEY SO CHOOSE TO ASSIST THE OFFICE
25 OF THE STATE ARCHITECT OR ANY BUILDERS IN COMPLYING WITH THE
26 REQUIREMENTS OF THIS SUBSECTION (1)(ff).

27 (V) (A) A UTILITY SHALL BE ALLOWED TO COUNT MASS-BASED

1 EMISSIONS REDUCTIONS ASSOCIATED WITH THE REQUIREMENTS OF THIS
2 SUBSECTION (1)(ff) TOWARDS COMPLIANCE WITH ITS REQUIREMENTS
3 UNDERSECTION 25-7-105 (1)(e)(X.7) OR (1)(e)(X.8), SECTION 40-3.2-108
4 (3)(b), OR ANY SIMILAR GREENHOUSE GAS EMISSIONS REDUCTION
5 PROGRAM OR SET OF REQUIREMENTS.

6 (B) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
7 COMMISSION SHALL NOT BE ALLOWED TO COUNT ENERGY SAVINGS OR
8 GREENHOUSE GAS EMISSIONS REDUCTIONS ACHIEVED THROUGH THE
9 REQUIREMENTS OF THIS SUBSECTION (1)(ff) FOR THE PURPOSE OF
10 CALCULATING A SHAREHOLDER INCENTIVE ESTABLISHED PURSUANT TO
11 SECTIONS 40-3.2-103 (2)(d) AND 40-3.2-104 (5) IF THE UTILITY HAS NOT
12 PROVIDED A FINANCIAL INVESTMENT FOR CODE ADOPTION AS
13 DOCUMENTED IN A PLAN APPROVED BY THE COMMISSION.

14 **SECTION 5.** In Colorado Revised Statutes, 24-32-3305, **amend**
15 **(3); and add (3.5) as follows:**

16 **24-32-3305. Rules - advisory committee - energy code -**
17 **enforcement.** (3) EXCEPT WHEN ADOPTING AN ENERGY CODE PURSUANT
18 TO SUBSECTION (3.5) OF THIS SECTION, the board must consult with and
19 obtain the advice of an advisory committee on residential and
20 nonresidential structures in the drafting and promulgation of rules. The
21 committee consists of twelve members appointed by the division from the
22 following professional and technical disciplines: One from architecture,
23 one from structural engineering, three from building code enforcement,
24 one from mechanical engineering or contracting, one from electrical
25 engineering or contracting, one from the plumbing industry, one from the
26 construction design or producer industry, two from manufactured
27 housing, and one from organized labor. Committee members shall be

1 reimbursed for actual and necessary expenses incurred while engaged in
2 official duties.

3 (3.5) (a) (I) ON OR BEFORE JANUARY 1, 2025, THE DIVISION SHALL
4 ADOPT AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
5 BETTER ENERGY PERFORMANCE THAN THE 2021 INTERNATIONAL ENERGY
6 CONSERVATION CODE AND THE MODEL ELECTRIC READY AND SOLAR
7 READY CODE LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE
8 BOARD PURSUANT TO SECTION 24-38.5-401 (5). THIS ENERGY CODE MUST
9 APPLY TO FACTORY-BUILT STRUCTURES AND HOTELS, MOTELS, AND
10 MULTI-FAMILY STRUCTURES IN AREAS OF THE STATE WHERE NO
11 CONSTRUCTION STANDARDS FOR HOTELS, MOTELS, AND MULTI-FAMILY
12 STRUCTURES EXIST.

13 (II) ON OR BEFORE JANUARY 1, 2030, THE DIVISION SHALL ADOPT
14 AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER
15 ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL LOW
16 ENERGY AND CARBON CODE DEVELOPED FOR ADOPTION BY THE ENERGY
17 CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6). THIS ENERGY CODE
18 MUST APPLY TO FACTORY-BUILT STRUCTURES AND HOTELS, MOTELS, AND
19 MULTI-FAMILY STRUCTURES IN AREAS OF THE STATE WHERE NO
20 CONSTRUCTION STANDARDS FOR HOTELS, MOTELS, AND MULTI-FAMILY
21 STRUCTURES EXIST.

22 (b) NOTHING IN THIS SUBSECTION (3.5) ESTABLISHES STANDARDS
23 APPLICABLE TO MANUFACTURED HOMES CONSTRUCTED PURSUANT TO THE
24 "NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY
25 STANDARDS ACT OF 1974", ESTABLISHED IN 42 U.S.C. SEC. 5401, ET SEQ.,
26 AND ANY CORRESPONDING REGULATIONS PROMULGATED BY THE UNITED
27 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN 24 CFR

1 3280, ET SEQ.

2 (c) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
3 SUBSECTION (3.5), THE DIVISION MAY MAKE ANY AMENDMENTS TO AN
4 ENERGY CODE THAT THE DIVISION DEEMS APPROPRIATE, SO LONG AS THE
5 AMENDMENTS DO NOT DECREASE THE EFFECTIVENESS OR ENERGY
6 EFFICIENCY OF THE ENERGY CODE.

7 (d) NOTHING IN THIS SUBSECTION (3.5) RESTRICTS THE ABILITY OF
8 AN INVESTOR-OWNED UTILITY WITH APPROVAL FROM THE PUBLIC UTILITIES
9 COMMISSION TO:

10 (I) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
11 SERVICES TO HELP THE DIVISION OR BUILDERS COMPLY WITH THE
12 REQUIREMENTS OF THIS SUBSECTION (3.5); OR

13 (II) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS TOWARD
14 ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE GAS
15 EMISSION SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED BY
16 THE UTILITY TO HELP THE DIVISION OR BUILDERS COMPLY WITH THE
17 REQUIREMENTS OF THIS SUBSECTION (3.5).

18 (e) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
19 UTILITIES COMMISSION MAY PROVIDE INCENTIVES OR OTHER ENERGY
20 EFFICIENCY PROGRAM SERVICES AS THEY SO CHOOSE TO ASSIST THE
21 DIVISION OR ANY BUILDERS IN COMPLYING WITH THE REQUIREMENTS OF
22 THIS SUBSECTION (3.5).

23 (f) (I) A UTILITY MAY COUNT MASS-BASED EMISSIONS REDUCTIONS
24 ASSOCIATED WITH THE REQUIREMENTS OF THIS SUBSECTION (3.5)
25 TOWARDS COMPLIANCE WITH ITS REQUIREMENTS UNDER SECTION 25-7-105
26 (1)(e)(X.7) OR (1)(e)(X.8), SECTION 40-3.2-108 (3)(b), OR ANY SIMILAR
27 GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM OR SET OF

1 REQUIREMENTS.

2 (II) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
3 COMMISSION SHALL NOT COUNT ENERGY SAVINGS OR GREENHOUSE GAS
4 EMISSIONS REDUCTIONS ACHIEVED THROUGH THE REQUIREMENTS OF THIS
5 SUBSECTION (3.5) FOR THE PURPOSE OF CALCULATING A SHAREHOLDER
6 INCENTIVE ESTABLISHED PURSUANT TO SECTIONS 40-3.2-103 (2)(d) AND
7 40-3.2-104 (5) IF THE UTILITY HAS NOT PROVIDED A FINANCIAL
8 INVESTMENT FOR CODE ADOPTION AS DOCUMENTED IN A PLAN APPROVED
9 BY THE COMMISSION.

10 SECTION 6. In Colorado Revised Statutes, 24-33.5-1203, add
11 (1)(x) as follows:

12 24-33.5-1203. Duties of division. (1) The division shall perform
13 the following duties:

14 (x) (I) (A) ON OR BEFORE JANUARY 1, 2025, THE DIVISION SHALL
15 ADOPT AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
16 BETTER ENERGY PERFORMANCE THAN THE 2021 INTERNATIONAL ENERGY
17 CONSERVATION CODE AND THE MODEL ELECTRIC READY AND SOLAR
18 READY CODE LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE
19 BOARD PURSUANT TO SECTION 24-38.5-401 (5). THIS ENERGY CODE MUST
20 APPLY TO THE BUILDINGS DESCRIBED IN SECTIONS 22-32-124 (2),
21 23-71-122 (1)(v), AND 24-33.5-1212.5.

22 (B) ON OR BEFORE JANUARY 1, 2030, THE DIVISION SHALL ADOPT
23 AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER
24 ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL LOW
25 ENERGY AND CARBON CODE DEVELOPED FOR ADOPTION BY THE ENERGY
26 CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6). THIS ENERGY CODE
27 MUST APPLY TO THE BUILDINGS DESCRIBED IN SECTIONS 22-32-124 (2),

1 23-71-122 (1)(v), 24-33.5-1212.5, 24-33.5-1213.3, AND 24-33.5-1213.5.

2 (II) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
3 SUBSECTION (1)(x), THE DIVISION MAY MAKE ANY AMENDMENTS TO AN
4 ENERGY CODE THAT THE DIVISION DEEMS APPROPRIATE, SO LONG AS THE
5 AMENDMENTS DO NOT DECREASE THE EFFECTIVENESS OR ENERGY
6 EFFICIENCY OF THE ENERGY CODE.

7 (III) NOTHING IN THIS SUBSECTION (1)(x) RESTRICTS THE ABILITY
8 OF AN INVESTOR-OWNED UTILITY WITH APPROVAL FROM THE PUBLIC
9 UTILITIES COMMISSION TO:

10 (A) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
11 SERVICES TO HELP THE DIVISION OR BUILDERS COMPLY WITH THE
12 REQUIREMENTS OF THIS SUBSECTION (1)(x); OR

13 (B) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS TOWARD
14 ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE GAS
15 EMISSIONS SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED BY
16 THE UTILITY TO HELP THE DIVISION OR BUILDERS COMPLY WITH THE
17 REQUIREMENTS OF THIS SUBSECTION (1)(x).

18 (IV) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
19 UTILITIES COMMISSION MAY PROVIDE INCENTIVES AS THEY SO CHOOSE TO
20 ASSIST THE DIVISION OR ANY BUILDERS IN COMPLYING WITH THE
21 REQUIREMENTS OF THIS SUBSECTION (1)(x).

22 (V) (A) A UTILITY MAY COUNT MASS-BASED EMISSIONS
23 REDUCTIONS ASSOCIATED WITH THE REQUIREMENTS OF THIS SUBSECTION
24 (1)(x) TOWARDS COMPLIANCE WITH ITS REQUIREMENTS UNDER SECTION
25 25-7-105 (1)(e)(X.7) OR (1)(e)(X.8), SECTION 40-3.2-108 (3)(b), OR ANY
26 SIMILAR GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM OR SET OF
27 REQUIREMENTS.

1 (B) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
2 COMMISSION SHALL NOT COUNT ENERGY SAVINGS OR GREENHOUSE GAS
3 EMISSIONS REDUCTIONS ACHIEVED THROUGH THE REQUIREMENTS OF THIS
4 INCENTIVE ESTABLISHED PURSUANT TO SECTIONS 40-3.2-103 (2)(d) AND
5 40-3.2-104 (5) IF THE UTILITY HAS NOT PROVIDED A FINANCIAL
6 INVESTMENT FOR CODE ADOPTION AS DOCUMENTED IN A PLAN APPROVED
7 BY THE COMMISSION.

8 **SECTION 7.** In Colorado Revised Statutes, 30-28-211, **amend**
9 (2)(b), (3), and (5) introductory portion; **repeal** (4); and **add** (1)(i), (1)(j),
10 (2)(b.5), (3.5), (8), (9), and (10) as follows:

11 **30-28-211. Energy efficient building codes - legislative**
12 **declaration - definitions.** (1) The general assembly hereby finds and
13 declares that there is statewide interest in requiring an effective energy
14 efficient building code for the following reasons:

15 (i) HIGHLY ENERGY EFFICIENT HOMES AND BUILDINGS CAN REDUCE
16 ENERGY USE AND HELP CONSUMERS SAVE MONEY ON ENERGY BILLS.

17 (j) HIGHLY ENERGY EFFICIENT AND LOW-CARBON NEW HOMES AND
18 BUILDINGS ARE CRITICAL FOR MEETING THE GREENHOUSE GAS POLLUTION
19 REDUCTION TARGETS ESTABLISHED IN SECTION 25-7-102 (2)(g).

20 (2) As used in this section, unless the context otherwise requires:

21 (b) "Energy code" means at a minimum, one of the three most
22 recent versions of the international energy conservation code published
23 by the international code council A SUBSET OF BUILDING CODES RELATED
24 TO THE TOTAL ENERGY PERFORMANCE AND CARBON EMISSIONS OF
25 RESIDENTIAL AND COMMERCIAL BUILDINGS.

26 (b.5) "INTERNATIONAL ENERGY CONSERVATION CODE" MEANS THE
27 ENERGY CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR A

1 SUCCESSOR ORGANIZATION.

2 (3) Every board of county commissioners when adopting or
3 updating a building code pursuant to section 30-28-201 THAT HAS
4 ADOPTED AND ENFORCED ONE OR MORE BUILDING CODES, OR THAT ADOPTS
5 AND ENFORCES ONE OR MORE BUILDING CODES AFTER JULY 1, 2022, shall
6 adopt and enforce an energy code that applies to the construction of, and
7 MAJOR renovations and additions to, all commercial and residential
8 buildings AS REQUIRED BY THE ENERGY CODE in the county to which the
9 building code applies.

10 (3.5) (a) A BOARD OF COUNTY COMMISSIONERS THAT HAS
11 ADOPTED AND ENFORCED ONE OR MORE BUILDING CODES, AND THAT
12 UPDATES ONE OR MORE BUILDING CODES ON OR AFTER JULY 1, 2023, AND
13 BEFORE JULY 1, 2026, SHALL ADOPT AND ENFORCE AN ENERGY CODE THAT
14 ACHIEVES EQUIVALENT OR BETTER ENERGY PERFORMANCE THAN THE 2021
15 INTERNATIONAL ENERGY CONSERVATION CODE AND THE MODEL ELECTRIC
16 READY AND SOLAR READY CODE LANGUAGE DEVELOPED FOR ADOPTION BY
17 THE ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (5) AT THE
18 SAME TIME OTHER BUILDING CODES ARE UPDATED.

19 (b) A BOARD OF COUNTY COMMISSIONERS THAT HAS ADOPTED AND
20 ENFORCED ONE OR MORE BUILDING CODES, AND THAT UPDATES ONE OR
21 MORE BUILDING CODES ON OR AFTER JULY 1, 2026, SHALL ADOPT AND
22 BEGIN ENFORCING AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
23 BETTER ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL
24 LOW ENERGY AND CARBON CODE DEVELOPED FOR ADOPTION BY THE
25 ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6) AT THE
26 SAME TIME OTHER BUILDING CODES ARE UPDATED.

27 (c) (I) NOTWITHSTANDING SUBSECTIONS (3.5) (a) AND (b) OF THIS

1 SECTION, A BOARD OF COUNTY COMMISSIONERS REPRESENTING A RURAL
2 COUNTY IS NOT REQUIRED TO ADOPT EITHER AN ENERGY CODE THAT
3 ACHIEVES EQUIVALENT OR BETTER ENERGY PERFORMANCE THAN THE 2021
4 INTERNATIONAL ENERGY CONSERVATION CODE AND THE MODEL ELECTRIC
5 READY AND SOLAR READY CODE LANGUAGE IDENTIFIED FOR ADOPTION BY
6 THE ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (5) OR AN
7 ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER ENERGY AND
8 CARBON EMISSIONS PERFORMANCE THAN THE MODEL LOW ENERGY AND
9 CARBON CODE IDENTIFIED FOR ADOPTION BY THE ENERGY CODE BOARD
10 PURSUANT TO SECTION 24-38.5-401 (6) IF, WHILE THE GRANT PROGRAM
11 ESTABLISHED PURSUANT TO SECTION 24-38.5-403 IS ACCEPTING
12 APPLICATIONS, THE BOARD OF COUNTY COMMISSIONERS APPLIES FOR AND
13 IS NOT AWARDED A GRANT THAT SIGNIFICANTLY ASSISTS IN ENERGY CODE
14 ADOPTION AND ENFORCEMENT TRAINING.

15 (II) AS USED IN THIS SUBSECTION (3.5)(c), A RURAL COUNTY
16 MEANS A COUNTY WITH A POPULATION OF LESS THAN THIRTY THOUSAND
17 PEOPLE, AS DETERMINED PURSUANT TO THE MOST RECENTLY PUBLISHED
18 POPULATION ESTIMATES FROM THE STATE DEMOGRAPHER APPOINTED BY
19 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS.

20 (d) WHEN ADOPTING OR UPDATING A BUILDING CODE PRIOR TO
21 JULY 1, 2023, A BOARD OF COUNTY COMMISSIONERS SHALL ADOPT AND
22 ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER
23 ENERGY PERFORMANCE THAN ONE OF THE THREE MOST RECENT EDITIONS
24 OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

25 (4) The energy code shall apply to any commercial or residential
26 building in the county for which a building permit application is received
27 subsequent to the adoption of the energy code.

1 (5) The following buildings are exempt from subsections (3) and
2 (4) AND (3.5) of this section:

3 (8) NOTHING IN THIS SECTION RESTRICTS THE ABILITY OF AN
4 INVESTOR-OWNED UTILITY WITH APPROVAL FROM THE PUBLIC UTILITIES
5 COMMISSION TO:

6 (a) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
7 SERVICES TO HELP THE BOARD OF COUNTY COMMISSIONERS OF ANY
8 COUNTY OR BUILDERS COMPLY WITH THE REQUIREMENTS OF THIS SECTION;

9 OR

10 (b) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS
11 TOWARDS ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE
12 GAS EMISSION SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED
13 BY THE UTILITY TO HELP THE BOARD OF COUNTY COMMISSIONERS OF ANY
14 COUNTY OR BUILDERS COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

15 (9) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
16 UTILITIES COMMISSION MAY PROVIDE INCENTIVES OR OTHER ENERGY
17 EFFICIENCY PROGRAM SERVICES AS THEY SO CHOOSE TO ASSIST THE BOARD
18 OF COUNTY COMMISSIONERS OF ANY COUNTY OR ANY BUILDERS IN
19 COMPLYING WITH THE REQUIREMENTS OF THIS SECTION.

20 (10) (a) A UTILITY MAY COUNT MASS-BASED EMISSIONS
21 REDUCTIONS ASSOCIATED WITH THE REQUIREMENTS OF THIS SECTION
22 TOWARDS COMPLIANCE WITH ITS REQUIREMENTS UNDER SECTION
23 25-7-105 (1)(e)(X.7) OR (1)(e)(X.8), SECTION 40-3.2-108 (3)(b), OR ANY
24 SIMILAR GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM OR SET OF
25 REQUIREMENTS.

26 (b) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
27 COMMISSION SHALL NOT COUNT ENERGY SAVINGS OR GREENHOUSE GAS

1 EMISSIONS REDUCTIONS ACHIEVED THROUGH THE REQUIREMENTS OF THIS
2 SECTION FOR THE PURPOSE OF CALCULATING A SHAREHOLDER INCENTIVE
3 ESTABLISHED PURSUANT TO SECTIONS 40-3.2-103 (2)(d) AND 40-3.2-104
4 (5) IF THE UTILITY HAS NOT PROVIDED A FINANCIAL INVESTMENT FOR CODE
5 ADOPTION AS DOCUMENTED IN A PLAN APPROVED BY THE COMMISSION.

6 **SECTION 8.** In Colorado Revised Statutes, 31-15-602, **amend**
7 **(2)(b), (3), and (5) introductory portion; repeal (4)(a); and add (1)(i),**
8 **(1)(j), (2)(b.5), (3.5), (8), (9), and (10) as follows:**

9 **31-15-602. Energy efficient building codes - legislative**
10 **declaration - definitions - repeal.** (1) The general assembly hereby finds
11 and declares that there is statewide interest in requiring an effective
12 energy efficient building code for the following reasons:

13 (i) HIGHLY ENERGY EFFICIENT HOMES AND BUILDINGS CAN REDUCE
14 ENERGY USE AND HELP CONSUMERS SAVE MONEY ON ENERGY BILLS.

15 (j) HIGHLY ENERGY EFFICIENT AND LOW CARBON NEW HOMES AND
16 BUILDINGS ARE CRITICAL FOR MEETING THE GREENHOUSE GAS POLLUTION
17 REDUCTION TARGETS ESTABLISHED IN SECTION 25-7-102 (2)(g).

18 (2) As used in this section, unless the context otherwise requires:

19 (b) "Energy code" means at a minimum, one of the three most
20 recent versions of the international energy conservation code published
21 by the international code council A SUBSET OF BUILDING CODES RELATED
22 TO THE TOTAL ENERGY PERFORMANCE AND CARBON EMISSIONS OF
23 RESIDENTIAL AND COMMERCIAL BUILDINGS.

24 (b.5) "INTERNATIONAL ENERGY CONSERVATION CODE" MEANS THE
25 ENERGY CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR A
26 SUCCESSOR ORGANIZATION.

27 (3) The governing body of any municipality ~~when adopting or~~

1 updating any other building codes THAT HAS ADOPTED AND ENFORCED
2 ONE OR MORE BUILDING CODES, OR THAT ADOPTS AND ENFORCES ONE OR
3 MORE BUILDING CODES AFTER JULY 1, 2022, shall adopt and enforce an
4 energy code that applies to the construction of, and MAJOR renovations
5 and additions to, all commercial and residential buildings AS REQUIRED
6 BY THE ENERGY CODE in the municipality to which the building code
7 applies.

8 (3.5) (a) THE GOVERNING BODY OF A MUNICIPALITY THAT HAS
9 ADOPTED AND ENFORCED ONE OR MORE BUILDING CODES, AND THAT
10 UPDATES ONE OR MORE BUILDING CODES ON OR AFTER JULY 1, 2023, AND
11 BEFORE JULY 1, 2026, SHALL ADOPT AND ENFORCE AN ENERGY CODE THAT
12 ACHIEVES EQUIVALENT OR BETTER ENERGY PERFORMANCE THAN THE 2021
13 INTERNATIONAL ENERGY CONSERVATION CODE AND THE MODEL ELECTRIC
14 READY AND SOLAR READY CODE LANGUAGE EITHER DEVELOPED FOR
15 ADOPTION BY THE ENERGY CODE BOARD PURSUANT TO SECTION
16 24-38.5-401 (5) AT THE SAME TIME OTHER BUILDING CODES ARE UPDATED.

17 (b) THE GOVERNING BODY OF A MUNICIPALITY THAT HAS ADOPTED
18 AND ENFORCED ONE OR MORE BUILDING CODES, AND THAT UPDATES ONE
19 OR MORE BUILDING CODES ON OR AFTER JULY 1, 2026, SHALL ADOPT AND
20 BEGIN ENFORCING AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR
21 BETTER ENERGY AND CARBON EMISSIONS PERFORMANCE THAN THE MODEL
22 LOW ENERGY AND CARBON CODE LANGUAGE DEVELOPED FOR ADOPTION
23 BY THE ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (6), AT
24 THE SAME TIME OTHER BUILDING CODES ARE UPDATED.

25 (c) WHEN ADOPTING OR UPDATING A BUILDING CODE PRIOR TO
26 JULY 1, 2023, THE GOVERNING BODY OF A MUNICIPALITY SHALL ADOPT
27 AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER

1 ENERGY PERFORMANCE THAN ONE OF THE THREE MOST RECENT EDITIONS
2 OF THE INTERNATIONAL ENERGY CONSERVATION CODE.

3 (4) (a) The energy code shall apply to any commercial or
4 residential building in the municipality for which a building permit
5 application is received subsequent to the adoption of the energy code.

6 (5) The following buildings are exempt from subsections (3),
7 (3.5), and (4) of this section:

8 (8) NOTHING IN THIS SECTION RESTRICTS THE ABILITY OF AN
9 INVESTOR-OWNED UTILITY WITH APPROVAL FROM THE PUBLIC UTILITIES
10 COMMISSION TO:

11 (a) PROVIDE INCENTIVES OR OTHER ENERGY EFFICIENCY PROGRAM
12 SERVICES TO HELP THE GOVERNING BODY OF ANY MUNICIPALITY OR
13 BUILDERS COMPLY WITH THE REQUIREMENTS OF THIS SECTION; OR

14 (b) EARN SHAREHOLDER INCENTIVES AND CLAIM CREDITS
15 TOWARDS ITS REGULATORY REQUIREMENTS FOR ENERGY OR GREENHOUSE
16 GAS EMISSION SAVINGS ACHIEVED AS A RESULT OF INCENTIVES PROVIDED
17 BY THE UTILITY TO HELP THE GOVERNING BODY OF ANY MUNICIPALITY OR
18 BUILDERS COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

19 (9) A UTILITY NOT SUBJECT TO REGULATION BY THE PUBLIC
20 UTILITIES COMMISSION MAY PROVIDE INCENTIVES OR OTHER ENERGY
21 EFFICIENCY PROGRAM SERVICES AS THEY SO CHOOSE TO ASSIST THE
22 GOVERNING BODY OF ANY MUNICIPALITY OR ANY BUILDERS IN COMPLYING
23 WITH THE REQUIREMENTS OF THIS SECTION.

24 (10) (a) A UTILITY MAY COUNT MASS-BASED EMISSIONS
25 REDUCTIONS ASSOCIATED WITH THE REQUIREMENTS OF THIS SECTION
26 TOWARDS COMPLIANCE WITH ITS REQUIREMENTS UNDER SECTION
27 25-7-105 (1)(e)(X.7) OR (1)(e)(X.8), SECTION 40-3.2-108 (3)(b), OR ANY

1 SIMILAR GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM OR SET OF
2 REQUIREMENTS.

3 (b) A UTILITY SUBJECT TO REGULATION BY THE PUBLIC UTILITIES
4 COMMISSION SHALL NOT COUNT ENERGY SAVINGS OR GREENHOUSE GAS
5 EMISSIONS REDUCTIONS ACHIEVED THROUGH THE REQUIREMENTS OF THIS
6 SECTION FOR THE PURPOSE OF CALCULATING A SHAREHOLDER INCENTIVE
7 ESTABLISHED PURSUANT TO SECTIONS 40-3.2-103 (2)(d) AND 40-3.2-104
8 (5) IF THE UTILITY HAS NOT PROVIDED A FINANCIAL INVESTMENT FOR CODE
9 ADOPTION AS DOCUMENTED IN A PLAN APPROVED BY THE COMMISSION.

10 **SECTION 9.** In Colorado Revised Statutes, **repeal** article 7 of
11 title 6.

12 **SECTION 10. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety.