

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0588.01 Alison Killen x4350

HOUSE BILL 23-1085

HOUSE SPONSORSHIP

Martinez,

SENATE SPONSORSHIP

Simpson,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MODIFICATION OF THE REQUIREMENTS FOR LOCAL
102 GOVERNMENTS IN RURAL AREAS TO ADOPT ENERGY EFFICIENT
103 BUILDING CODES, AND, IN CONNECTION THEREWITH, AMENDING
104 THE DEFINITION OF A RURAL COUNTY, DEFINING A RURAL
105 MUNICIPALITY, AND EXTENDING THE ENERGY EFFICIENT
106 BUILDING CODE COMPLIANCE PERIODS FOR BOTH.

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>.)

Counties and municipalities are currently required to adopt and

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

enforce certain energy efficient building codes concurrently with the updating of their existing building codes or, before July 1, 2023 only, concurrently with either the adoption or updating of their building codes. Counties and municipalities must adopt and enforce these specified model energy codes within particular time frames. A rural county, which is defined as a county with a population of less than 30,000 people, is permitted to adopt a less current model code if it has applied for and not been awarded a grant that significantly assists with energy code adoption and enforcement training.

Section 1 of the bill extends the compliance periods for adoption and enforcement of the model energy codes by a rural county as follows:

- An energy code that achieves equivalent or better energy performance than the 2021 international energy conservation code and the model electric ready and solar ready code language developed by the energy board is not required prior to July 1, 2030, instead of being required concurrently with any county code building code update occurring on or after July 1, 2023, and before July 1, 2026;
- An energy code that achieves equivalent or better energy and carbon emissions performance than the model low energy and carbon code developed by the energy board is not required prior to July 1, 2032, instead of being required concurrently with any county code building code update occurring on or after July 1, 2026; and
- An energy code that achieves equivalent or better energy performance than one of the 3 most recent editions of the international energy conservation code is not required prior to July 1, 2025, instead of being required concurrently with any county code building code adoption or update occurring before July 1, 2023.

Section 2 defines a rural municipality as a municipality with a population of less than 10,000 people and extends the compliance periods for adoption and enforcement of the model energy codes in an identical manner to that outlined above for rural counties. The bill adds language allowing a rural municipality to adopt a less current model code if it has applied for and not been awarded a grant that significantly assists with energy code adoption and enforcement training.

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

2 **SECTION 1.** In Colorado Revised Statutes, 30-28-211, **amend**
3 (3.5)(a), (3.5)(b), and (3.5)(d) as follows:

4 **30-28-211. Energy efficient building codes - legislative**

1 **declaration - definitions.** (3.5)(a) A board of county commissioners that
2 has adopted and enforced one or more building codes, and that updates
3 one or more building codes on or after July 1, 2023, and before July 1,
4 2026, shall 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 ready code
7 language developed for adoption by the energy code board pursuant to
8 section 24-38.5-401 (5) at the same time other building codes are
9 updated; EXCEPT THAT A BOARD OF COUNTY COMMISSIONERS
10 REPRESENTING A RURAL COUNTY, AS DEFINED IN SUBSECTION (3.5)(c)(II)
11 OF THIS SECTION, IS NOT REQUIRED TO ADOPT AND ENFORCE AN ENERGY
12 CODE THAT ACHIEVES EQUIVALENT OR BETTER ENERGY PERFORMANCE
13 THAN THE 2021 INTERNATIONAL ENERGY CONSERVATION CODE AND THE
14 MODEL ELECTRIC READY AND SOLAR READY CODE LANGUAGE DEVELOPED
15 FOR ADOPTION BY THE ENERGY CODE BOARD PURSUANT TO SECTION
16 24-38.5-401 (5) PRIOR TO JULY 1, 2030.

17 (b) A board of county commissioners that has adopted and
18 enforced one or more building codes, and that updates one or more
19 building codes on or after July 1, 2026, shall adopt and begin enforcing
20 an energy code that achieves equivalent or better energy and carbon
21 emissions performance than the model low energy and carbon code
22 developed for adoption by the energy code board pursuant to section
23 24-38.5-401 (6) at the same time other building codes are updated;
24 EXCEPT THAT A BOARD OF COUNTY COMMISSIONERS REPRESENTING A
25 RURAL COUNTY, AS DEFINED IN SUBSECTION (3.5)(c)(II) OF THIS SECTION,
26 IS NOT REQUIRED TO ADOPT AND BEGIN ENFORCING AN ENERGY CODE THAT
27 ACHIEVES EQUIVALENT OR BETTER ENERGY AND CARBON EMISSIONS

1 PERFORMANCE THAN THE MODEL LOW ENERGY AND CARBON CODE
2 DEVELOPED FOR ADOPTION BY THE ENERGY CODE BOARD PURSUANT TO
3 SECTION 24-38.5-401 (6) PRIOR TO JULY 1, 2032.

4 (d) When adopting or updating a building code prior to July 1,
5 2023, a board of county commissioners shall adopt and enforce an energy
6 code that achieves equivalent or better energy performance than one of
7 the three most recent editions of the international energy conservation
8 code; EXCEPT THAT A BOARD OF COUNTY COMMISSIONERS REPRESENTING
9 A RURAL COUNTY, AS DEFINED IN SUBSECTION (3.5)(c)(II) OF THIS
10 SECTION, IS NOT REQUIRED TO ADOPT AND ENFORCE AN ENERGY CODE
11 THAT ACHIEVES EQUIVALENT OR BETTER ENERGY PERFORMANCE THAN
12 ONE OF THE THREE MOST RECENT EDITIONS OF THE INTERNATIONAL
13 ENERGY CONSERVATION CODE PRIOR TO JULY 1, 2025.

14 **SECTION 2.** In Colorado Revised Statutes, 31-15-602, **amend**
15 (3.5) as follows:

16 **31-15-602. Energy efficient building codes - legislative**
17 **declaration - definitions - repeal.** (3.5) (a) The governing body of a
18 municipality that has adopted and enforced one or more building codes,
19 and that updates one or more building codes on or after July 1, 2023, and
20 before July 1, 2026, shall adopt and enforce an energy code that achieves
21 equivalent or better energy performance than the 2021 international
22 energy conservation code and the model electric ready and solar ready
23 code language developed for adoption by the energy code board pursuant
24 to section 24-38.5-401 (5) at the same time other building codes are
25 updated; EXCEPT THAT A GOVERNING BODY OF A RURAL MUNICIPALITY, AS
26 DEFINED IN SUBSECTION (3.5)(d)(II) OF THIS SECTION, IS NOT REQUIRED TO
27 ADOPT AND ENFORCE AN ENERGY CODE THAT ACHIEVES EQUIVALENT OR

1 BETTER ENERGY PERFORMANCE THAN THE 2021 INTERNATIONAL ENERGY
2 CONSERVATION CODE AND THE MODEL ELECTRIC READY AND SOLAR
3 READY CODE LANGUAGE DEVELOPED FOR ADOPTION BY THE ENERGY CODE
4 BOARD PURSUANT TO SECTION 24-38.5-401 (5) PRIOR TO JULY 1, 2030.

5 (b) The governing body of a municipality that has adopted and
6 enforced one or more building codes, and that updates one or more
7 building codes on or after July 1, 2026, shall adopt and begin enforcing
8 an energy code that achieves equivalent or better energy and carbon
9 emissions performance than the model low energy and carbon code
10 language developed for adoption by the energy code board pursuant to
11 section 24-38.5-401 (6) at the same time other building codes are
12 updated; EXCEPT THAT A GOVERNING BODY OF A RURAL MUNICIPALITY, AS
13 DEFINED IN SUBSECTION (3.5)(d)(II) OF THIS SECTION, IS NOT REQUIRED TO
14 ADOPT AND BEGIN ENFORCING AN ENERGY CODE THAT ACHIEVES
15 EQUIVALENT OR BETTER ENERGY AND CARBON EMISSIONS PERFORMANCE
16 THAN THE MODEL LOW ENERGY AND CARBON CODE LANGUAGE DEVELOPED
17 FOR ADOPTION BY THE ENERGY CODE BOARD PURSUANT TO SECTION
18 24-38.5-401 (6) PRIOR TO JULY 1, 2032.

19 (c) When adopting or updating a building code prior to July 1,
20 2023, the governing body of a municipality shall adopt and enforce an
21 energy code that achieves equivalent or better energy performance than
22 one of the three most recent editions of the international energy
23 conservation code; EXCEPT THAT A GOVERNING BODY OF A RURAL
24 MUNICIPALITY, AS DEFINED IN SUBSECTION (3.5)(d)(II) OF THIS SECTION,
25 IS NOT REQUIRED TO ADOPT AND ENFORCE AN ENERGY CODE THAT
26 ACHIEVES EQUIVALENT OR BETTER ENERGY PERFORMANCE THAN ONE OF
27 THE THREE MOST RECENT EDITIONS OF THE INTERNATIONAL ENERGY

1 CONSERVATION CODE PRIOR TO JULY 1, 2025.

2 (d) (I) NOTWITHSTANDING SUBSECTIONS (3.5)(a), (3.5)(b), AND
3 (3.5)(c) OF THIS SECTION, THE GOVERNING BODY OF A RURAL
4 MUNICIPALITY IS REQUIRED TO ADOPT AND ENFORCE AN ENERGY CODE
5 THAT ACHIEVES EQUIVALENT OR BETTER ENERGY PERFORMANCE THAN
6 ONE OF THE LAST THREE MOST RECENT EDITIONS OF THE INTERNATIONAL
7 ENERGY CONSERVATION CODE RATHER THAN EITHER AN ENERGY CODE
8 THAT ACHIEVES EQUIVALENT OR BETTER PERFORMANCE THAN THE 2021
9 INTERNATIONAL ENERGY CONSERVATION CODE AND THE MODEL ELECTRIC
10 READY AND SOLAR READY CODE LANGUAGE IDENTIFIED FOR ADOPTION BY
11 THE ENERGY CODE BOARD PURSUANT TO SECTION 24-38.5-401 (5) OR AN
12 ENERGY CODE THAT ACHIEVES EQUIVALENT OR BETTER ENERGY AND
13 CARBON EMISSIONS PERFORMANCE THAN THE MODEL LOW ENERGY AND
14 CARBON CODE IDENTIFIED FOR ADOPTION BY THE ENERGY CODE BOARD
15 PURSUANT TO SECTION 24-38.5-401 (6) IF, WHILE THE GRANT PROGRAM
16 ESTABLISHED PURSUANT TO SECTION 24-38.5-403 IS ACCEPTING
17 APPLICATIONS, THE MUNICIPALITY APPLIES FOR AND IS NOT AWARDED A
18 GRANT THAT SIGNIFICANTLY ASSISTS IN ENERGY CODE ADOPTION AND
19 ENFORCEMENT TRAINING.

20 (II) AS USED IN THIS SUBSECTION (3.5)(d), A RURAL MUNICIPALITY
21 MEANS A MUNICIPALITY WITH A POPULATION OF LESS THAN TEN
22 THOUSAND PEOPLE, AS DETERMINED PURSUANT TO THE MOST RECENTLY
23 PUBLISHED POPULATION ESTIMATES FROM THE STATE DEMOGRAPHER
24 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
25 AFFAIRS.

26 **SECTION 3. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2024 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.