

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**REVISED**

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

LLS NO. 23-0615.01 Jery Payne x2157

**HOUSE BILL 23-1233**

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**A BILL FOR AN ACT**

101        **CONCERNING ENERGY EFFICIENCY, AND, IN CONNECTION THEREWITH,**  
102                **REQUIRING THE STATE ELECTRICAL BOARD TO ADOPT RULES**  
103                **FACILITATING ELECTRIC VEHICLE CHARGING AT MULTIFAMILY**  
104                **BUILDINGS, LIMITING THE ABILITY OF THE STATE ELECTRICAL**  
105                **BOARD TO PROHIBIT THE INSTALLATION OF ELECTRIC VEHICLE**  
106                **CHARGING STATIONS, FORBIDDING PRIVATE PROHIBITIONS ON**  
107                **ELECTRIC VEHICLE CHARGING AND PARKING, REQUIRING LOCAL**  
108                **GOVERNMENTS TO COUNT CERTAIN SPACES SERVED BY AN**  
109                **ELECTRIC VEHICLE CHARGING STATION FOR MINIMUM PARKING**  
110                **REQUIREMENTS, FORBIDDING LOCAL GOVERNMENTS FROM**  
111                **PROHIBITING THE INSTALLATION OF ELECTRIC VEHICLE**  
112                **CHARGING STATIONS, EXEMPTING ELECTRIC VEHICLE**  
113                **CHARGERS FROM BUSINESS PERSONAL PROPERTY TAX, 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.*

SENATE  
Amended 2nd Reading  
May 1, 2023

HOUSE  
3rd Reading Unamended  
April 11, 2023

HOUSE  
Amended 2nd Reading  
April 10, 2023

### 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>.)*

**Section 2** of the bill requires the state electrical board (board) to adopt rules requiring compliance, starting January 1, 2024, with the provisions of the model electric ready and solar ready code that require multifamily buildings to be electric vehicle (EV) capable and EV ready and to have EV supply equipment installed. The board is precluded from adopting rules that prohibit the installation or use of EV charging stations unless the rules address a bona fide safety concern.

Current law prohibits a landlord from unreasonably prohibiting the installation of EV charging equipment in the leased premises. This prohibition applies only to residential rental property. **Section 3** broadens this prohibition to apply to an assigned or a deeded parking space for the leased premises, to parking spaces accessible to both the tenant and other tenants, and to commercial rental property. **Section 3** also requires a landlord to allow an EV or a plug-in hybrid vehicle to park on the premises.

Current law prohibits, when a person owns a unit in a common interest community, such as a condominium, the association that manages the community (association) from unreasonably prohibiting the installation of EV charging equipment in the unit. **Section 4** broadens this prohibition to apply to assigned or deeded parking spaces for the unit or parking spaces accessible to both the unit owner and other unit owners. **Section 4** also requires a common interest community to allow an EV or a plug-in hybrid vehicle to park at the premises.

Current law grants a local government the ability to regulate parking, and this regulation includes requiring that buildings meet minimum parking standards. **Sections 5, 6, and 7** require the local government, when counting minimum parking spaces, to count:

- Any parking space that is served by an EV charging station as at least one standard automobile parking space; and
- Any van-accessible parking space that is wheelchair accessible and served by an EV charging station as at least 2 standard automobile parking spaces.

**Sections 8 and 9** prohibit local governments from adopting an

ordinance or a resolution that prohibits the installation or use of EV charging stations unless the ordinance or resolution addresses a bona fide safety concern.

**Section 10** exempts, until 2030, EV charging systems from the levy and collection of property tax.

Federal law prohibits the construction of automotive service stations or other commercial establishments for serving motor vehicle users along interstate highway rights-of-way, including rest areas. Due to this prohibition, the state cannot construct EV charging systems along interstate highway rights-of-way, including rest areas, in the state.

**Section 11** specifies that, when the federal law no longer prohibits the construction of EV charging systems along interstate highway rights-of-way, the department of transportation may collaborate with public or private entities to develop projects for the construction of EV charging systems along interstate highway rights-of-way.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Colorado has adopted economy-wide greenhouse gas emission  
5 goals of, at minimum, a 26% reduction by 2025, a 50% reduction by  
6 2030, and a 90% reduction by 2050;

7 (b) The governor's "Colorado Greenhouse Gas Pollution  
8 Reduction Roadmap", released on January 14, 2021, identified  
9 transportation as a leading source of greenhouse gas pollution and  
10 identified vehicle electrification as a key strategy for reducing greenhouse  
11 gas pollution from the transportation sector;

12 (c) The general assembly has already declared, in SB19-077, that  
13 widespread adoption of electric vehicles should provide consumers with  
14 fuel cost savings and electric utility customers with potential cost-savings  
15 benefits;

16 (d) Sales of electric vehicles currently account for more than 10%  
17 of all new vehicle sales in Colorado, and this market share is projected to

1 increase to more than 80% by 2032;

2 (e) Multifamily housing that is constructed today will need to  
3 accommodate much higher levels of electric vehicles within the lifetime  
4 of these buildings;

5 (f) Availability of electric vehicle charging infrastructure is a  
6 critical component of electric vehicle adoption and use;

7 (g) Including sufficient electric vehicle charging infrastructure in  
8 places where people live is critical to the adoption and use of electric  
9 vehicles, and new multifamily housing is a top priority for developing this  
10 infrastructure; and

11 (h) It is far less expensive to build electric-vehicle-capable  
12 parking spaces at the time of initial construction than in retrofits.  
13 Requiring new buildings to include electric vehicle charging  
14 infrastructure will enable faster and more equitable adoption of electric  
15 vehicles and avoid costly future retrofits for electric vehicle charging  
16 infrastructure.

17 (2) Therefore, it is important for the state of Colorado to:

18 (a) Adopt electric vehicle charging infrastructure requirements,  
19 including provisions for:

20 (I) Available electrical capacity;

21 (II) Space for future electrical infrastructure in new multifamily  
22 housing; and

23 (III) Major renovations to existing multifamily housing; and

24 (b) Consider cost-effective electric vehicle ready standards and  
25 installed electric vehicle charging standards.

26 **SECTION 2.** In Colorado Revised Statutes, 12-115-107, **add** (3)  
27 and (4) as follows:

1           **12-115-107. Board powers and duties - rules - definitions.**

2           (3) (a) NO LATER THAN SEPTEMBER 1, 2023, THE BOARD SHALL  
3 PROMULGATE RULES REQUIRING THAT, TO OBTAIN AN ELECTRICAL PERMIT  
4 UNDER THIS ARTICLE 115 ON OR AFTER MARCH 1, 2024, A PERMIT  
5 APPLICANT MUST COMPLY WITH THE EV POWER TRANSFER  
6 INFRASTRUCTURE REQUIREMENTS FOR MULTIFAMILY BUILDINGS IN THE  
7 MODEL ELECTRIC READY AND SOLAR READY CODE.

8           (b) (I) IF THE RULES ADOPTED IN ACCORDANCE WITH THIS  
9 SUBSECTION (3) CONFLICT WITH A PROVISION OF THE BUILDING OR ZONING  
10 CODE, THE RULES PREVAIL UNLESS THE PROVISION PROVIDES FOR GREATER  
11 ACCESS TO PARKING SUPPLIED BY EV POWER TRANSFER INFRASTRUCTURE  
12 THAN IS REQUIRED BY THE RULES.

13           (II) IF A PROVISION OF A LOCAL BUILDING OR ZONING CODE  
14 PREVENTS A PROJECT OR DEVELOPMENT FROM COMPLYING WITH THE  
15 RULES ADOPTED IN ACCORDANCE WITH THIS SUBSECTION (3), THEN THE  
16 RULES PREVAIL.

17           (c) (I) THIS SUBSECTION (3) APPLIES TO ELECTRICAL PERMITS FOR  
18 NEW CONSTRUCTION OF OR FOR MAJOR RENOVATIONS OF MULTIFAMILY  
19 BUILDINGS THAT MUST COMPLY WITH THE EV POWER TRANSFER  
20 INFRASTRUCTURE REQUIREMENTS OF THE MODEL ELECTRIC READY AND  
21 SOLAR READY CODE.

22           (II) THE BOARD AND THE DEPARTMENT SHALL NOT ENFORCE THE  
23 RULES PROMULGATED UNDER SUBSECTION (3)(a) OF THIS SECTION BEFORE  
24 MARCH 1, 2024.

25           (III) IF AN ELECTRICAL PERMIT APPLICATION IS SUBMITTED TO A  
26 LOCAL ELECTRICAL INSPECTION AUTHORITY BEFORE THE ENFORCEMENT  
27 DATE IN SUBSECTION (3)(c)(II) OF THIS SECTION BUT AN ELECTRICAL

1 PERMIT HAS NOT YET BEEN ISSUED, THE LOCAL ELECTRICAL INSPECTION  
2 AUTHORITY MAY DETERMINE HOW TO APPLY THE REQUIREMENTS OF THE  
3 RULES DEVELOPED IN ACCORDANCE WITH SUBSECTION (3)(a) OF THIS  
4 SECTION.

5 (IV) IF A SITE DEVELOPMENT PLAN APPLICATION IS SUBMITTED TO  
6 A LOCAL GOVERNMENT AND HAS BEEN APPROVED BY MARCH 1, 2024, THE  
7 LOCAL GOVERNMENT MAY DETERMINE HOW TO APPLY THE REQUIREMENTS  
8 OF THE RULES DEVELOPED IN ACCORDANCE WITH SUBSECTION (3)(a) OF  
9 THIS SECTION.

10 (d) (I) IN PROMULGATING THE RULES REQUIRED UNDER  
11 SUBSECTION (3)(a) OF THIS SECTION, THE BOARD SHALL ENSURE ALL  
12 REQUIREMENTS ADOPTED IN THE RULES ARE IN COMPLIANCE WITH THE  
13 REQUIREMENTS OF THE NATIONAL ELECTRICAL CODE, AS AMENDED UNDER  
14 SUBSECTION (2)(a)(I) OF THIS SECTION.

15 (II) WITHIN NINETY DAYS AFTER ANY UPDATE MADE BY THE  
16 ENERGY CODE BOARD TO THE EV POWER TRANSFER INFRASTRUCTURE  
17 REQUIREMENTS FOR MULTIFAMILY HOUSING IN THE MODEL ELECTRIC  
18 READY AND SOLAR READY CODE, THE BOARD SHALL UPDATE THE RULES  
19 PROMULGATED UNDER SUBSECTION (3)(a) OF THIS SECTION WITH THE  
20 SAME CHANGES. THE BOARD SHALL NOT ENFORCE THE UPDATED RULES  
21 UNTIL TWO HUNDRED SEVENTY DAYS AFTER THE UPDATED RULES ARE  
22 ADOPTED.

23 (III) THE RULES PROMULGATED UNDER SUBSECTION (3)(a) OF THIS  
24 SECTION DO NOT SUPERCEDE OR PREEMPT THE SAFETY REQUIREMENTS OF  
25 OTHER BUILDING CODES, WHETHER PROMULGATED BY AN AGENCY OF THE  
26 STATE OF COLORADO OR OF A LOCAL GOVERNMENT.

27 (e) ANY INSTALLATIONS OR UPGRADES PERFORMED IN

1 ACCORDANCE WITH THE RULES PROMULGATED UNDER THIS SUBSECTION  
2 (3) ON THE LOAD SIDE OF THE UTILITY METER MUST COMPLY WITH THIS  
3 ARTICLE 115, INCLUDING SUBSECTION (2)(a) OF THIS SECTION, WHICH  
4 REQUIRES COMPLIANCE WITH THE NATIONAL ELECTRICAL CODE, AND  
5 SECTIONS 12-115-109 AND 12-115-115, AND ALL RULES OF THE BOARD.

6 (f) FOR ALL ELECTRIC VEHICLE INFRASTRUCTURE OR CHARGING  
7 STATIONS OWNED BY AN ELECTRIC UTILITY, THE UTILITY SHALL COMPLY  
8 WITH SECTION 40-5-107 (3)(b).

9 (g) AS USED IN THIS SUBSECTION (3) AND IN SUBSECTION (4) OF  
10 THIS SECTION:

11 (I) "ELECTRIC VEHICLE CHARGING SYSTEM" HAS THE MEANING SET  
12 FORTH IN SECTION 38-12-601 (6)(a).

13 (II) "EV POWER TRANSFER INFRASTRUCTURE" MEANS ANY SYSTEM  
14 THAT IS USED TO CHARGE ELECTRIC VEHICLES AND THAT IS ADDRESSED IN  
15 OR REQUIRED BY THE MODEL ELECTRIC READY AND SOLAR READY CODE.

16 (III) "MAJOR RENOVATIONS" MEANS RENOVATIONS THAT CHANGE  
17 A MINIMUM OF FIFTY PERCENT OR MORE OF THE PARKING AREA.

18 (IV) "MODEL ELECTRIC READY AND SOLAR READY CODE" MEANS  
19 THE CODE DEVELOPED BY THE ENERGY CODE BOARD UNDER SECTION  
20 24-38.5-401 (5)(a) TO MAKE BUILDINGS ELECTRIC READY AS SPECIFIED IN  
21 SECTION 24-38.5-401 (5)(b).

22 (4) (a) NOTWITHSTANDING ANY AUTHORITY GRANTED TO THE  
23 BOARD BY THIS SECTION, THE BOARD SHALL NOT PROMULGATE RULES  
24 PROHIBITING THE INSTALLATION OF ELECTRIC VEHICLE CHARGING  
25 SYSTEMS UNLESS THE RULES ARE NARROWLY DRAFTED TO ADDRESS A  
26 BONA FIDE SAFETY CONCERN.

27 (b) ANY RULE PROMULGATED BY THE BOARD THAT PROHIBITS THE

1 INSTALLATION OF ELECTRIC VEHICLE CHARGING SYSTEMS IS SUBJECT TO  
2 JUDICIAL REVIEW AS AUTHORIZED IN ARTICLE 4 OF TITLE 24.

3 **SECTION 3.** In Colorado Revised Statutes, 38-12-601, **amend**  
4 (1)(a) and (7); and **add** (1)(c) as follows:

5 **38-12-601. Unreasonable restrictions on electric vehicle**  
6 **charging systems and electrical vehicle parking - definitions.**

7 (1) Notwithstanding any provision in the lease to the contrary, and  
8 subject to subsection (2) of this section:

9 (a) A tenant may install, at the tenant's expense for the tenant's  
10 own use, a level 1 or level 2 electric vehicle charging system on or in:

11 (I) The leased premises; **and**

12 (II) AN ASSIGNED OR DEEDED PARKING SPACE THAT IS PART OF OR  
13 ASSIGNED TO THE LEASED PREMISES; OR

14 (III) A PARKING SPACE THAT IS ACCESSIBLE TO BOTH THE TENANT  
15 AND OTHER TENANTS;

16 (c) A LANDLORD SHALL NOT RESTRICT PARKING BASED ON A  
17 VEHICLE BEING A PLUG-IN HYBRID VEHICLE OR PLUG-IN ELECTRIC VEHICLE.

18 (7) This section applies ~~only~~ to residential rental properties AND  
19 COMMERCIAL RENTAL PROPERTIES.

20 **SECTION 4.** In Colorado Revised Statutes, 38-33.3-106.8,  
21 **amend** (1)(d), (2)(a), and (4) introductory portion; and **add** (2)(c) as  
22 follows:

23 **38-33.3-106.8. Unreasonable restrictions on electric vehicle**  
24 **charging systems and electrical vehicle parking - legislative**  
25 **declaration - definitions.** (1) The general assembly finds, determines,  
26 and declares that:

27 (d) The general assembly encourages common interest

1 communities not only to allow electric vehicle charging stations AND THE  
2 PARKING OF ELECTRIC VEHICLES in accordance with this section, but also  
3 to apply for grants from the electric vehicle grant fund created in section  
4 24-38.5-103 ~~C.R.S.~~, or otherwise fund the installation of charging stations  
5 on common property as an amenity for residents and guests.

6 (2) Notwithstanding any provision in the declaration, bylaws, or  
7 rules and regulations of the association to the contrary, and except as  
8 provided in subsection (3) or (3.5) of this section, an association shall not:

9 (a) Prohibit a unit owner from using, or installing at the unit  
10 owner's expense for the unit owner's own use, a level 1 or level 2 electric  
11 vehicle charging system on or in:

12 (I) A unit; ~~or~~

13 (II) AN ASSIGNED OR DEEDED PARKING SPACE THAT IS PART OF OR  
14 ASSIGNED TO A UNIT; OR

15 (III) A PARKING SPACE THAT IS ACCESSIBLE TO BOTH THE UNIT  
16 OWNER AND OTHER UNIT OWNERS;

17 (c) RESTRICT PARKING BASED ON A VEHICLE BEING A PLUG-IN  
18 HYBRID VEHICLE OR PLUG-IN ELECTRIC VEHICLE.

19 (4) An association shall consent to a unit owner's placement AND  
20 USE of an electric vehicle charging system on a limited common element  
21 parking space, carport, or garage owned by the unit owner or otherwise  
22 assigned to the owner in the declaration or other recorded document if:

23 **SECTION 5.** In Colorado Revised Statutes, 30-15-401, **amend**  
24 (1)(h) as follows:

25 **30-15-401. General regulations - definitions.** (1) In addition to  
26 those powers granted by sections 30-11-101 and 30-11-107 and by parts  
27 1, 2, and 3 of this article 15, the board of county commissioners may

1 adopt ordinances for control or licensing of those matters of purely local  
2 concern that are described in the following enumerated powers:

3 (h) (I) To control and regulate the movement and parking of  
4 vehicles and motor vehicles on public property; except that:

5 (A) Misdemeanor traffic offenses and the posted speed limit on  
6 any state highway located within the county ~~shall be deemed a matter~~ ARE  
7 MATTERS of statewide interest;

8 (B) FOR THE PURPOSES OF ANY MINIMUM PARKING REQUIREMENT  
9 A BOARD OF COUNTY COMMISSIONERS IMPOSES, THE BOARD OF COUNTY  
10 COMMISSIONERS IS SUBJECT TO SECTION 30-28-140; AND

11 (C) FOR THE PURPOSE OF REGULATING THE INSTALLATION OF  
12 ELECTRIC VEHICLE CHARGING STATIONS, THE BOARD OF COUNTY  
13 COMMISSIONERS IS SUBJECT TO SECTION 30-28-212.

14 (II) The county may establish fire lanes and emergency vehicle  
15 access on public or private property zoned commercial or residential and  
16 provide for fines and punishment of violators.

17 **SECTION 6.** In Colorado Revised Statutes, **add** 30-28-140 as  
18 follows:

19 **30-28-140. Parking and electric vehicle charging stations -**  
20 **legislative declaration.** (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

21 (I) COLORADO HAS ADOPTED ECONOMY-WIDE GREENHOUSE GAS  
22 EMISSION GOALS OF, AT MINIMUM, A TWENTY-SIX PERCENT REDUCTION BY  
23 2025, A FIFTY PERCENT REDUCTION BY 2030, AND A NINETY PERCENT  
24 REDUCTION BY 2050;

25 (II) THE GOVERNOR'S "COLORADO GREENHOUSE GAS POLLUTION  
26 REDUCTION ROADMAP", RELEASED ON JANUARY 14, 2021, IDENTIFIED  
27 TRANSPORTATION AS A LEADING SOURCE OF GREENHOUSE GAS POLLUTION

1 AND IDENTIFIED VEHICLE ELECTRIFICATION AS A KEY STRATEGY FOR  
2 REDUCING GREENHOUSE GAS POLLUTION FROM THE TRANSPORTATION  
3 SECTOR;

4 (III) MOTOR VEHICLE POLLUTION, INCLUDING GREENHOUSE GAS  
5 EMISSIONS, DOES NOT STAY WITHIN THE GEOGRAPHIC BOUNDARIES OF THE  
6 LOCAL GOVERNMENT WHERE IT IS EMITTED;

7 (IV) ACCORDING TO THE UNITED STATES DEPARTMENT OF  
8 ENERGY, AN ELECTRIC VEHICLE PRODUCES AN AVERAGE OF LESS THAN  
9 ONE-FOURTH OF THE EMISSIONS OVER ITS LIFETIME THAN THE AVERAGE  
10 EMISSIONS OF A MOTOR VEHICLE POWERED BY AN INTERNAL COMBUSTION  
11 ENGINE;

12 (V) SALES OF ELECTRIC VEHICLES CURRENTLY ACCOUNT FOR MORE  
13 THAN TEN PERCENT OF ALL NEW VEHICLE SALES IN COLORADO, AND THIS  
14 MARKET SHARE IS PROJECTED TO INCREASE TO MORE THAN EIGHTY  
15 PERCENT BY 2032;

16 (VI) BUILDINGS CONSTRUCTED TODAY WILL NEED TO  
17 ACCOMMODATE HIGHER NUMBERS OF ELECTRIC VEHICLES WITHIN THE  
18 LIFETIME OF THESE BUILDINGS;

19 (VII) PEOPLE MAY FORGO PURCHASING OR DRIVING AN ELECTRIC  
20 VEHICLE BECAUSE THEY ARE CONCERNED ABOUT THE AVAILABILITY OF  
21 CHARGING STATIONS;

22 (VIII) LOCAL GOVERNMENT PROVISIONS THAT SET MINIMUM  
23 REQUIREMENTS FOR PARKING MAY CREATE A DISINCENTIVE TO INSTALL  
24 CHARGING STATIONS IF A PARKING SPACE SERVED BY A CHARGING STATION  
25 IS NOT COUNTED TOWARD MEETING THE MINIMUM PARKING REQUIREMENT;

26 AND

27 (IX) FEWER CHARGING STATIONS ACT AS A DISINCENTIVE TO

1 PURCHASE OR DRIVE AN ELECTRIC VEHICLE.

2 (b) THE GENERAL ASSEMBLY DECLARES THAT MINIMUM PARKING  
3 REQUIREMENTS, TO THE DEGREE THAT THEY LOWER THE NUMBER OF  
4 CHARGING STATIONS AVAILABLE TO ELECTRIC VEHICLE DRIVERS,  
5 DECREASE ELECTRIC VEHICLE USE, WHICH CAUSES MORE POLLUTANTS TO  
6 BE EMITTED INTO THE ENVIRONMENT AND LOWERS THE AIR QUALITY OF  
7 OTHER LOCAL GOVERNMENT JURISDICTIONS AND COLORADO AS A WHOLE.  
8 THEREFORE, MINIMUM PARKING REQUIREMENTS ARE A MATTER OF MIXED  
9 LOCAL AND STATEWIDE CONCERN TO THE DEGREE THAT THEY LOWER THE  
10 NUMBER OF CHARGING STATIONS AVAILABLE TO ELECTRIC VEHICLE  
11 DRIVERS.

12 (2) FOR THE PURPOSES OF ANY MINIMUM PARKING REQUIREMENT  
13 IMPOSED BY A BOARD OF COUNTY COMMISSIONERS:

14 (a) ANY PARKING SPACE SERVED BY AN ELECTRIC VEHICLE  
15 CHARGING STATION OR ANY PARKING SPACE USED TO SITE ELECTRIC  
16 VEHICLE CHARGING EQUIPMENT MUST BE COUNTED AS AT LEAST ONE  
17 STANDARD AUTOMOBILE PARKING SPACE; AND

18 (b) ANY VAN-ACCESSIBLE PARKING SPACE THAT IS DESIGNED TO  
19 ACCOMMODATE A PERSON IN A WHEELCHAIR, IS SERVED BY AN ELECTRIC  
20 VEHICLE CHARGING STATION, AND IS NOT DESIGNATED AS PARKING  
21 RESERVED FOR A PERSON WITH A DISABILITY UNDER SECTION 42-4-1208  
22 MUST BE COUNTED AS AT LEAST TWO STANDARD AUTOMOBILE PARKING  
23 SPACES.

24 (3) THIS SECTION DOES NOT LOWER THE PROTECTIONS PROVIDED  
25 FOR PEOPLE WITH DISABILITIES, INCLUDING THE NUMBER OF PARKING  
26 SPACES FOR PEOPLE THAT ARE MOBILITY IMPAIRED, THAN THE  
27 PROTECTIONS PROVIDED BY THE FEDERAL "AMERICANS WITH DISABILITIES

1 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND PARTS 6 AND 8 OF  
2 ARTICLE 34 OF TITLE 24.

3 SECTION 7. In Colorado Revised Statutes, add 31-23-315 as  
4 follows:

5 31-23-315. **Parking and electric vehicle charging stations -**  
6 **legislative declaration - conflict of law.** (1) (a) THE GENERAL ASSEMBLY

7 FINDS THAT:

8 (I) COLORADO HAS ADOPTED ECONOMY-WIDE GREENHOUSE GAS  
9 EMISSION GOALS OF, AT MINIMUM, A TWENTY-SIX PERCENT REDUCTION BY  
10 2025, A FIFTY PERCENT REDUCTION BY 2030, AND A NINETY PERCENT  
11 REDUCTION BY 2050;

12 (II) THE GOVERNOR'S "COLORADO GREENHOUSE GAS POLLUTION  
13 REDUCTION ROADMAP", RELEASED ON JANUARY 14, 2021, IDENTIFIED  
14 TRANSPORTATION AS A LEADING SOURCE OF GREENHOUSE GAS POLLUTION  
15 AND IDENTIFIED VEHICLE ELECTRIFICATION AS A KEY STRATEGY FOR  
16 REDUCING GREENHOUSE GAS POLLUTION FROM THE TRANSPORTATION  
17 SECTOR;

18 (III) MOTOR VEHICLE POLLUTION, INCLUDING GREENHOUSE GAS  
19 EMISSIONS, DOES NOT STAY WITHIN THE GEOGRAPHIC BOUNDARIES OF THE  
20 LOCAL GOVERNMENT WHERE IT IS EMITTED;

21 (VI) ACCORDING TO THE UNITED STATES DEPARTMENT OF  
22 ENERGY, AN ELECTRIC VEHICLE PRODUCES AN AVERAGE OF LESS THAN  
23 ONE-FOURTH OF THE EMISSIONS OVER ITS LIFETIME THAN THE AVERAGE  
24 EMISSIONS OF A MOTOR VEHICLE POWERED BY AN INTERNAL COMBUSTION  
25 ENGINE;

26 (V) SALES OF ELECTRIC VEHICLES CURRENTLY ACCOUNT FOR MORE  
27 THAN TEN PERCENT OF ALL NEW VEHICLE SALES IN COLORADO, AND THIS

1 MARKET SHARE IS PROJECTED TO INCREASE TO MORE THAN EIGHTY  
2 PERCENT BY 2032;

3 (VI) BUILDINGS CONSTRUCTED TODAY WILL NEED TO  
4 ACCOMMODATE HIGHER NUMBERS OF ELECTRIC VEHICLES WITHIN THE  
5 LIFETIME OF THESE BUILDINGS;

6 (VII) PEOPLE MAY FORGO PURCHASING OR DRIVING AN ELECTRIC  
7 VEHICLE BECAUSE THEY ARE CONCERNED ABOUT THE AVAILABILITY OF  
8 CHARGING STATIONS;

9 (VIII) LOCAL GOVERNMENT PROVISIONS THAT SET MINIMUM  
10 REQUIREMENTS FOR PARKING MAY CREATE A DISINCENTIVE TO INSTALL  
11 CHARGING STATIONS IF A PARKING SPACE SERVED BY A CHARGING STATION  
12 IS NOT COUNTED TOWARD MEETING THE MINIMUM PARKING REQUIREMENT;  
13 AND

14 (IX) FEWER CHARGING STATIONS ACT AS A DISINCENTIVE TO  
15 PURCHASE OR DRIVE AN ELECTRIC VEHICLE.

16 (b) THE GENERAL ASSEMBLY DECLARES THAT MINIMUM PARKING  
17 REQUIREMENTS, TO THE DEGREE THAT THEY LOWER THE NUMBER OF  
18 CHARGING STATIONS AVAILABLE TO ELECTRIC VEHICLE DRIVERS,  
19 DECREASE ELECTRIC VEHICLE USE, WHICH CAUSES MORE POLLUTANTS TO  
20 BE EMITTED INTO THE ENVIRONMENT AND LOWERS THE AIR QUALITY OF  
21 OTHER LOCAL GOVERNMENT JURISDICTIONS AND COLORADO AS A WHOLE.  
22 THEREFORE, MINIMUM PARKING REQUIREMENTS ARE A MATTER OF MIXED  
23 LOCAL AND STATEWIDE CONCERN TO THE DEGREE THAT THEY LOWER THE  
24 NUMBER OF CHARGING STATIONS AVAILABLE TO ELECTRIC VEHICLE  
25 DRIVERS.

26 (2) FOR THE PURPOSES OF ANY MINIMUM PARKING REQUIREMENT  
27 IMPOSED BY THE GOVERNING BODY OF A MUNICIPALITY:

1 (a) ANY PARKING SPACE SERVED BY AN ELECTRIC VEHICLE  
2 CHARGING STATION OR ANY PARKING SPACE USED TO SITE ELECTRIC  
3 VEHICLE CHARGING EQUIPMENT MUST BE COUNTED AS AT LEAST ONE  
4 STANDARD AUTOMOBILE PARKING SPACE; AND

5 (b) ANY VAN-ACCESSIBLE PARKING SPACE THAT IS DESIGNED TO  
6 ACCOMMODATE A PERSON IN A WHEELCHAIR, IS SERVED BY AN ELECTRIC  
7 VEHICLE CHARGING STATION, AND IS NOT DESIGNATED AS PARKING  
8 RESERVED FOR A PERSON WITH A DISABILITY UNDER SECTION 42-4-1208  
9 MUST BE COUNTED AS AT LEAST TWO STANDARD AUTOMOBILE PARKING  
10 SPACES.

11 (3) (a) NOTWITHSTANDING SECTION 31-23-309, THIS SECTION  
12 CONTROLS IF THERE IS A CONFLICT BETWEEN THIS SECTION AND ANOTHER  
13 SECTION IN THIS PART 3 OR BETWEEN THIS SECTION AND A REGULATION  
14 MADE UNDER AUTHORITY OF THIS PART 3.

15 (b) THIS SECTION DOES NOT LOWER THE PROTECTIONS PROVIDED  
16 FOR PEOPLE WITH DISABILITIES, INCLUDING THE NUMBER OF PARKING  
17 SPACES FOR PEOPLE THAT ARE MOBILITY IMPAIRED, THAN THE  
18 PROTECTIONS PROVIDED BY THE FEDERAL "AMERICANS WITH DISABILITIES  
19 ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND PARTS 6 AND 8 OF  
20 ARTICLE 34 OF TITLE 24.

21 **SECTION 8.** In Colorado Revised Statutes, **add** 30-28-212 as  
22 follows:

23 **30-28-212. Charging station rules prohibited.**

24 (1) NOTWITHSTANDING ANY AUTHORITY GRANTED TO A BOARD OF  
25 COUNTY COMMISSIONERS BY THIS PART 2, THE BOARD SHALL NOT ADOPT  
26 AN ORDINANCE OR A RESOLUTION PROHIBITING THE INSTALLATION OF OR  
27 UTILIZATION OF ELECTRIC VEHICLE CHARGING STATIONS UNLESS THE

1 ORDINANCE OR RESOLUTION IS NARROWLY DRAFTED TO ADDRESS A BONA  
2 FIDE SAFETY CONCERN. THE BOARD SHALL NOT RESTRICT PARKING BASED  
3 ON A VEHICLE BEING A PLUG-IN HYBRID VEHICLE OR PLUG-IN ELECTRIC  
4 VEHICLE.

5 (2) A COUNTY OFFICIAL SHALL NOT PROHIBIT THE INSTALLATION  
6 OF OR UTILIZATION OF AN ELECTRIC VEHICLE CHARGING STATION, OR  
7 RESTRICT PARKING BASED ON A VEHICLE BEING A PLUG-IN HYBRID VEHICLE  
8 OR PLUG-IN ELECTRIC VEHICLE, UNLESS EXPRESSLY AUTHORIZED BY  
9 ORDINANCE OR RESOLUTION.

10 (3) ANY ORDINANCE OR RESOLUTION PROMULGATED BY THE  
11 BOARD OF COUNTY COMMISSIONERS THAT PROHIBITS THE INSTALLATION  
12 OF OR UTILIZATION OF ELECTRIC VEHICLE CHARGING STATIONS, OR THAT  
13 RESTRICTS PARKING BASED ON A VEHICLE BEING A PLUG-IN HYBRID  
14 VEHICLE OR PLUG-IN ELECTRIC VEHICLE, IS SUBJECT TO JUDICIAL REVIEW  
15 IN THE DISTRICT COURT WITH JURISDICTION OVER THE COUNTY.

16 **SECTION 9.** In Colorado Revised Statutes, add 31-15-603 as  
17 follows:

18 **31-15-603. Charging station rules prohibited.**

19 (1) NOTWITHSTANDING ANY AUTHORITY GRANTED TO THE GOVERNING  
20 BODY OF A MUNICIPALITY BY THIS PART 6, THE GOVERNING BODY OF THE  
21 MUNICIPALITY SHALL NOT ADOPT AN ORDINANCE OR RESOLUTION  
22 PROHIBITING THE INSTALLATION OF OR UTILIZATION OF ELECTRIC VEHICLE  
23 CHARGING STATIONS UNLESS THE ORDINANCE OR RESOLUTION IS  
24 NARROWLY DRAFTED TO ADDRESS A BONA FIDE SAFETY CONCERN. THE  
25 GOVERNING BODY OF THE MUNICIPALITY SHALL NOT RESTRICT PARKING  
26 BASED ON A VEHICLE BEING A PLUG-IN HYBRID VEHICLE OR PLUG-IN  
27 ELECTRIC VEHICLE.

1 (2) A MUNICIPAL OFFICIAL SHALL NOT PROHIBIT THE INSTALLATION  
2 OF OR UTILIZATION OF AN ELECTRIC VEHICLE CHARGING STATION, OR  
3 RESTRICT PARKING BASED ON A VEHICLE BEING A PLUG-IN HYBRID VEHICLE  
4 OR PLUG-IN ELECTRIC VEHICLE, UNLESS EXPRESSLY AUTHORIZED BY  
5 ORDINANCE OR RESOLUTION.

6 (3) ANY ORDINANCE OR RESOLUTION PROMULGATED BY THE  
7 GOVERNING BODY OF A MUNICIPALITY THAT PROHIBITS THE INSTALLATION  
8 OF OR UTILIZATION OF ELECTRIC VEHICLE CHARGING STATIONS, OR THAT  
9 RESTRICTS PARKING BASED ON A VEHICLE BEING A PLUG-IN HYBRID  
10 VEHICLE OR PLUG-IN ELECTRIC VEHICLE, IS SUBJECT TO JUDICIAL REVIEW  
11 IN A DISTRICT COURT WITH JURISDICTION OVER THE MUNICIPALITY.

12 **SECTION 10.** In Colorado Revised Statutes, 30-28-211, add  
13 (2)(a.5), (2)(a.8), (2)(b.8), (3.5)(e), and (3.5)(f) as follows:

14 **30-28-211. Energy efficient building codes - legislative**  
15 **declaration - definitions.** (2) As used in this section, unless the context  
16 otherwise requires:

17 (a.5) "COLORADO PLUMBING CODE" HAS THE MEANING SET FORTH  
18 IN SECTION 12-155-103 (5).

19 (a.8) "ELEVATOR AND ESCALATOR CODE" MEANS THE RULES  
20 ADOPTED IN ACCORDANCE WITH SECTION 9-5.5-112.

21 (b.8) "NATIONAL ELECTRICAL CODE" HAS THE MEANING SET FORTH  
22 IN SECTION 12-115-103 (8).

23 (3.5) (e) NOTWITHSTANDING THE TIMING REQUIREMENT OF  
24 SUBSECTION (3.5)(a) OF THIS SECTION, A BOARD OF COUNTY  
25 COMMISSIONERS MAY COMPLY WITH SUBSECTION (3.5)(a) OF THIS SECTION  
26 WHEN THE BOARD ADOPTS ONE OR MORE BUILDING CODES OTHER THAN  
27 THE NATIONAL ELECTRICAL CODE, THE ELEVATOR AND ESCALATOR CODE,

1 AND THE COLORADO PLUMBING CODE, OR BY JUNE 30, 2026, WHICHEVER  
2 IS EARLIER, IF:

3 (I) THE BOARD OF COUNTY COMMISSIONERS ADOPTS OR UPDATES:

4 (A) THE NATIONAL ELECTRICAL CODE BY REFERENCE WHEN  
5 ADOPTED OR UPDATED BY THE STATE ELECTRICAL BOARD;

6 (B) THE ELEVATOR AND ESCALATOR CODE BY REFERENCE WHEN  
7 ADOPTED OR UPDATED BY THE DIRECTOR OF THE DIVISION OF OIL AND  
8 PUBLIC SAFETY WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT;

9 OR

10 (C) THE COLORADO PLUMBING CODE BY REFERENCE WHEN  
11 ADOPTED OR UPDATED BY THE STATE PLUMBING BOARD; AND

12 (II) THE ADOPTION OR UPDATE OF THE NATIONAL ELECTRICAL  
13 CODE, THE ELEVATOR AND ESCALATOR CODE, OR THE COLORADO  
14 PLUMBING CODE OCCURS ON A TIMING CYCLE DIFFERENT FROM THE  
15 SCHEDULED ADOPTION OR UPDATE OF ONE OR MORE BUILDING CODES  
16 OTHER THAN THE NATIONAL ELECTRICAL CODE, THE ELEVATOR AND  
17 ESCALATOR CODE, OR THE COLORADO PLUMBING CODE.

18 (f) NOTWITHSTANDING THE TIMING REQUIREMENT OF SUBSECTION  
19 (3.5)(b) OF THIS SECTION, A BOARD OF COUNTY COMMISSIONERS MAY  
20 COMPLY WITH SUBSECTION (3.5)(b) OF THIS SECTION WHEN THE BOARD  
21 ADOPTS ONE OR MORE BUILDING CODES OTHER THAN THE NATIONAL  
22 ELECTRICAL CODE, THE ELEVATOR AND ESCALATOR CODE, AND THE  
23 COLORADO PLUMBING CODE, OR BY JUNE 30, 2030, WHICHEVER IS  
24 EARLIER, IF:

25 (I) THE BOARD OF COUNTY COMMISSIONERS ADOPTS OR UPDATES:

26 (A) THE NATIONAL ELECTRICAL CODE BY REFERENCE WHEN  
27 ADOPTED OR UPDATED BY THE STATE ELECTRICAL BOARD;

1           (B) THE ELEVATOR AND ESCALATOR CODE BY REFERENCE WHEN  
2           ADOPTED OR UPDATED BY THE DIRECTOR OF THE DIVISION OF OIL AND  
3           PUBLIC SAFETY WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT;

4           OR

5           (C) THE COLORADO PLUMBING CODE BY REFERENCE WHEN  
6           ADOPTED OR UPDATED BY THE STATE PLUMBING BOARD; AND

7           (II) THE ADOPTION OR UPDATE OF THE NATIONAL ELECTRICAL  
8           CODE, THE ELEVATOR AND ESCALATOR CODE, OR THE COLORADO  
9           PLUMBING CODE OCCURS ON A TIMING CYCLE DIFFERENT FROM THE  
10           SCHEDULED ADOPTION OR UPDATE OF ONE OR MORE BUILDING CODES  
11           OTHER THAN THE NATIONAL ELECTRICAL CODE, THE ELEVATOR AND  
12           ESCALATOR CODE, OR THE COLORADO PLUMBING CODE.

13           **SECTION 11.** In Colorado Revised Statutes, 31-15-602, **add**  
14           **(2)(a.5), (2)(a.8), (2)(b.8), (3.5)(d), and (3.5)(e) as follows:**

15           **31-15-602. Energy efficient building codes - legislative**  
16           **declaration - definitions - repeal.** (2) As used in this section, unless the  
17           context otherwise requires:

18           (a.5) "COLORADO PLUMBING CODE" HAS THE MEANING SET FORTH  
19           IN SECTION 12-155-103 (5).

20           (a.8) "ELEVATOR AND ESCALATOR CODE" MEANS THE RULES  
21           ADOPTED IN ACCORDANCE WITH SECTION 9-5.5-112.

22           (b.8) "NATIONAL ELECTRICAL CODE" HAS THE MEANING SET FORTH  
23           IN SECTION 12-115-103 (8).

24           (3.5) (d) NOTWITHSTANDING THE TIMING REQUIREMENT OF  
25           SUBSECTION (3.5)(a) OF THIS SECTION, A GOVERNING BODY OF A  
26           MUNICIPALITY MAY COMPLY WITH SUBSECTION (3.5)(a) OF THIS SECTION  
27           WHEN THE BODY ADOPTS ONE OR MORE BUILDING CODES OTHER THAN THE

1 NATIONAL ELECTRICAL CODE, THE ELEVATOR AND ESCALATOR CODE, AND  
2 THE COLORADO PLUMBING CODE, OR BY JUNE 30, 2026, WHICHEVER IS  
3 EARLIER, IF:

4 (I) THE GOVERNING BODY OF THE MUNICIPALITY ADOPTS OR  
5 UPDATES:

6 (A) THE NATIONAL ELECTRICAL CODE BY REFERENCE WHEN  
7 ADOPTED OR UPDATED BY THE STATE ELECTRICAL BOARD;

8 (B) THE ELEVATOR AND ESCALATOR CODE BY REFERENCE WHEN  
9 ADOPTED OR UPDATED BY THE DIRECTOR OF THE DIVISION OF OIL AND  
10 PUBLIC SAFETY WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT;

11 OR

12 (C) THE COLORADO PLUMBING CODE BY REFERENCE WHEN  
13 ADOPTED OR UPDATED BY THE STATE PLUMBING BOARD; AND

14 (II) THE ADOPTION OR UPDATE OF THE NATIONAL ELECTRICAL  
15 CODE, THE ELEVATOR AND ESCALATOR CODE, OR THE COLORADO  
16 PLUMBING CODE OCCURS ON A TIMING CYCLE DIFFERENT FROM THE  
17 SCHEDULED ADOPTION OR UPDATE OF ONE OR MORE BUILDING CODES  
18 OTHER THAN THE NATIONAL ELECTRICAL CODE, THE ELEVATOR AND  
19 ESCALATOR CODE, OR THE COLORADO PLUMBING CODE.

20 (e) NOTWITHSTANDING THE TIMING REQUIREMENT OF SUBSECTION  
21 (3.5)(b) OF THIS SECTION, A GOVERNING BODY OF A MUNICIPALITY MAY  
22 COMPLY WITH SUBSECTION (3.5)(b) OF THIS SECTION WHEN THE BODY  
23 ADOPTS ONE OR MORE BUILDING CODES OTHER THAN THE NATIONAL  
24 ELECTRICAL CODE, THE ELEVATOR AND ESCALATOR CODE, AND THE  
25 COLORADO PLUMBING CODE, OR BY JUNE 30, 2030, WHICHEVER IS  
26 EARLIER, IF:

27 (I) THE GOVERNING BODY OF A MUNICIPALITY ADOPTS OR

1 UPDATES:

2 (A) THE NATIONAL ELECTRICAL CODE BY REFERENCE WHEN  
3 ADOPTED OR UPDATED BY THE STATE ELECTRICAL BOARD;

4 (B) THE ELEVATOR AND ESCALATOR CODE BY REFERENCE WHEN  
5 ADOPTED OR UPDATED BY THE DIRECTOR OF THE DIVISION OF OIL AND  
6 PUBLIC SAFETY WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT;

7 OR

8 (C) THE COLORADO PLUMBING CODE BY REFERENCE WHEN  
9 ADOPTED OR UPDATED BY THE STATE PLUMBING BOARD; AND

10 (II) THE ADOPTION OR UPDATE OF THE NATIONAL ELECTRICAL  
11 CODE, THE ELEVATOR AND ESCALATOR CODE, OR THE COLORADO  
12 PLUMBING CODE OCCURS ON A TIMING CYCLE DIFFERENT FROM THE  
13 SCHEDULED ADOPTION OR UPDATE OF ONE OR MORE BUILDING CODES  
14 OTHER THAN THE NATIONAL ELECTRICAL CODE, THE ELEVATOR AND  
15 ESCALATOR CODE, OR THE COLORADO PLUMBING CODE.

16 **SECTION 12.** In Colorado Revised Statutes, **add** 39-3-138 as  
17 follows:

18 **39-3-138. EV supply equipment - exemption.** FOR PROPERTY  
19 TAX YEARS COMMENCING ON AND AFTER JANUARY 1, 2023, BUT BEFORE  
20 JANUARY 1, 2030, AN ELECTRIC VEHICLE CHARGING SYSTEM, AS DEFINED  
21 IN SECTION 38-12-601 (6)(a), IS EXEMPT FROM THE LEVY AND COLLECTION  
22 OF PROPERTY TAX.

23 **SECTION 13.** In Colorado Revised Statutes, 43-3-101, **amend**  
24 (3); and **add** (4) as follows:

25 **43-3-101. Freeways - how declared - commercial enterprises**  
26 **prohibited - definition.** (3) Except as provided in SUBSECTION (4) OF  
27 THIS SECTION, section 32-9-119.8, ~~C.R.S.~~, and part 15 of article 1 of this

1 ~~title, no~~ TITLE 43, A commercial enterprise or activity for serving  
2 motorists, other than emergency services for disabled vehicles, shall NOT  
3 be conducted or authorized on any property designated as or acquired for  
4 or in connection with a freeway or highway by the department of  
5 transportation or any other governmental agency. At locations deemed  
6 appropriate by the transportation commission, the department of  
7 transportation shall construct local service roads, which open into or  
8 connect with a freeway, in such manner as to facilitate the establishment  
9 and operation of competitive commercial enterprises for serving users of  
10 the freeway on private property abutting such local service roads.

11 (4) (a) IF THE REQUIREMENTS OF SUBSECTION (4)(b) OF THIS  
12 SECTION ARE SATISFIED, THE DEPARTMENT OF TRANSPORTATION MAY  
13 COLLABORATE WITH PUBLIC OR PRIVATE ENTITIES TO DEVELOP PROJECTS  
14 FOR THE CONSTRUCTION OF ELECTRIC VEHICLE CHARGING SYSTEMS ALONG  
15 INTERSTATE HIGHWAY RIGHTS-OF-WAY, INCLUDING REST AREAS, AS  
16 PRIORITIZED BY THE DEPARTMENT.

17 (b) THE PROVISIONS OF SUBSECTION (4)(a) OF THIS SECTION APPLY  
18 WHEN 23 U.S.C. SEC. 111, OR ITS SUCCESSOR STATUTE, IS MODIFIED, OR  
19 WHEN ANY OTHER FEDERAL LAW IS ENACTED, TO EXPAND THE ALLOWABLE  
20 COMMERCIAL SERVICES ALONG INTERSTATE HIGHWAY RIGHTS-OF-WAY,  
21 INCLUDING REST AREAS, AND THE MODIFIED OR NEWLY ENACTED LAW NO  
22 LONGER PROHIBITS THE CONSTRUCTION OF ELECTRIC VEHICLE CHARGING  
23 SYSTEMS ALONG INTERSTATE HIGHWAY RIGHTS-OF-WAY, INCLUDING REST  
24 AREAS.

25 (c) THE DEPARTMENT OF TRANSPORTATION MAY COLLABORATE  
26 WITH PUBLIC OR PRIVATE ENTITIES TO DEVELOP PROJECTS FOR THE  
27 CONSTRUCTION OF ELECTRIC VEHICLE CHARGING SYSTEMS ALONG STATE

1 HIGHWAY RIGHTS-OF-WAY, INCLUDING REST AREAS, AS PRIORITIZED BY  
2 THE DEPARTMENT.

3 (d) AS USED IN THIS SUBSECTION (4), "ELECTRIC VEHICLE  
4 CHARGING SYSTEM" HAS THE MEANING SET FORTH IN SECTION 38-12-601  
5 (6)(a).

6 **SECTION 14.** In Colorado Revised Statutes, 24-4-109, **amend**  
7 **(2)(a) and (2)(b)(II); and add (2)(b)(IV), (5), and (6) as follows:**

8 **24-4-109. State engagement of disproportionately impacted**  
9 **communities - definitions. (2) Definitions. (a) (I) (A) The**  
10 **environmental justice action task force created in section 25-1-133 will**  
11 **recommend to the general assembly potential modifications to the**  
12 **definitions established in this subsection (2). The definitions established**  
13 **in this subsection (2) apply unless and until the general assembly acts by**  
14 **bill to modify one or more of the definitions** ALL STATEWIDE AGENCIES  
15 **SHALL USE THE DEFINITION OF DISPROPORTIONATELY IMPACTED**  
16 **COMMUNITY SET FORTH IN SUBSECTION (2)(b)(II) OF THIS SECTION.**

17 **(B) IN APPLYING THE DEFINITION OF DISPROPORTIONATELY**  
18 **IMPACTED COMMUNITY, A STATEWIDE AGENCY MAY PRIORITIZE OR**  
19 **TARGET CERTAIN CRITERIA OF THE DEFINITION OF DISPROPORTIONATELY**  
20 **IMPACTED COMMUNITY OR CERTAIN SUBSETS OF COMMUNITIES THAT MEET**  
21 **THE DEFINITION OF DISPROPORTIONATELY IMPACTED COMMUNITY IF THE**  
22 **STATEWIDE AGENCY MAKES A DETERMINATION BY RULE OR OTHER PUBLIC**  
23 **DECISION-MAKING PROCESS THAT THE PRIORITIZATION OR TARGETING IS**  
24 **WARRANTED AND REASONABLY TAILORED TO THE CATEGORY OF**  
25 **STATEWIDE AGENCY ACTION INVOLVED. A STATEWIDE AGENCY WITH**  
26 **RULEMAKING AUTHORITY SHALL MAKE THE DETERMINATION BY RULE.**

27 **(C) A DETERMINATION OF THE PUBLIC UTILITIES COMMISSION THAT**

1 IT WILL PRIORITIZE OR TARGET CERTAIN CRITERIA OF THE DEFINITION OF  
2 DISPROPORTIONATELY IMPACTED COMMUNITY OR SUBSETS OF  
3 COMMUNITIES THAT MEET THE DEFINITION OF DISPROPORTIONATELY  
4 IMPACTED COMMUNITY DOES NOT CONSTITUTE ANY PREJUDICE OR  
5 DISADVANTAGE OR ANY UNREASONABLE DIFFERENCE AS SET FORTH IN  
6 SECTION 40-3-106 (1)(a).

7 (II) This subsection (2)(a) is repealed, effective September 1,  
8 2024.

9 (b) As used in this section and sections 25-1-133, 25-1-134, and  
10 25-7-105 (1)(e), unless the context otherwise requires:

11 (II) "Disproportionately impacted community" means a  
12 community that is in a census block group, as determined in accordance  
13 with the most recent United States census, where the proportion of  
14 households that are low income is greater than forty percent, the  
15 proportion of households that identify as minority is greater than forty  
16 percent, or the proportion of households that are housing cost-burdened  
17 is greater than forty percent; or is any other community as identified or  
18 approved by a state agency, if: The community has a history of  
19 environmental racism perpetuated through redlining, anti-Indigenous,  
20 anti-immigrant, anti-Hispanic, or anti-Black laws; or the community is  
21 one where multiple factors, including socioeconomic stressors,  
22 disproportionate environmental burdens, vulnerability to environmental  
23 degradation, and lack of public participation, may act cumulatively to  
24 affect health and the environment and contribute to persistent disparities.  
25 As used in this subsection (2)(b)(II), "cost-burdened" means a household  
26 that spends more than thirty percent of its income on housing, and "low  
27 income" means the median household income is less than or equal to two

1 hundred percent of the federal poverty guideline. FIVE YEAR UNITED  
2 STATES BUREAU OF THE CENSUS AMERICAN COMMUNITY SURVEY AND  
3 MEETS ONE OR MORE OF THE FOLLOWING CRITERIA:

4 (A) THE PROPORTION OF THE POPULATION LIVING IN HOUSEHOLDS  
5 THAT ARE BELOW TWO HUNDRED PERCENT OF THE FEDERAL POVERTY  
6 LEVEL IS GREATER THAN FORTY PERCENT;

7 (B) THE PROPORTION OF HOUSEHOLDS THAT SPEND MORE THAN  
8 THIRTY PERCENT OF HOUSEHOLD INCOME ON HOUSING IS GREATER THAN  
9 FIFTY PERCENT;

10 (C) THE PROPORTION OF THE POPULATION THAT IDENTIFIES AS  
11 PEOPLE OF COLOR IS GREATER THAN FORTY PERCENT;

12 (D) THE PROPORTION OF THE POPULATION THAT IS LINGUISTICALLY  
13 ISOLATED IS GREATER THAN TWENTY PERCENT;

14 (E) A STATEWIDE AGENCY DETERMINES THAT THE POPULATION IS  
15 DISPROPORTIONATELY IMPACTED BASED ON EVIDENCE, PRESENTED IN A  
16 RELEVANT STATEWIDE AGENCY DECISION-MAKING PROCESS, THAT A  
17 CENSUS BLOCK GROUP IS DISPROPORTIONATELY IMPACTED BECAUSE IT HAS  
18 A HISTORY OF ENVIRONMENTAL RACISM PERPETUATED THROUGH  
19 REDLINING OR THROUGH ANTI-INDIGENOUS, ANTI-IMMIGRANT,  
20 ANTI-LATINO, OR ANTI-BLACK LAWS, POLICIES, OR PRACTICES AND THAT  
21 PRESENT-DAY DEMOGRAPHIC FACTORS AND DATA DEMONSTRATE THAT  
22 THE COMMUNITY CURRENTLY FACES ENVIRONMENTAL HEALTH  
23 DISPARITIES;

24 (F) THE COMMUNITY IS IDENTIFIED BY A STATEWIDE AGENCY AS  
25 BEING ONE WHERE MULTIPLE FACTORS, INCLUDING SOCIOECONOMIC  
26 STRESSORS, VULNERABLE POPULATIONS, DISPROPORTIONATE  
27 ENVIRONMENTAL BURDENS, VULNERABILITY TO ENVIRONMENTAL

1 DEGRADATION OR CLIMATE CHANGE, AND LACK OF PUBLIC PARTICIPATION  
2 MAY ACT CUMULATIVELY TO AFFECT HEALTH AND THE ENVIRONMENT AND  
3 MAY CONTRIBUTE TO PERSISTENT DISPARITIES;

4 (G) THE COMMUNITY IS A MOBILE HOME PARK, AS DEFINED IN  
5 SECTION 38-12-201.5 (6); OR

6 (H) THE COMMUNITY IS LOCATED ON THE SOUTHERN UTE OR UTE  
7 MOUNTAIN UTE INDIAN RESERVATION.

8 (IV) "STATEWIDE AGENCY" MEANS ANY BOARD, BUREAU,  
9 COMMISSION, DEPARTMENT, INSTITUTION, DIVISION, SECTION, OR OFFICER  
10 OF THE STATE. "STATEWIDE AGENCY" DOES NOT INCLUDE:

11 (A) THE LEGISLATIVE BRANCH;

12 (B) THE JUDICIAL BRANCH;

13 (C) STATE EDUCATIONAL INSTITUTIONS ADMINISTERED PURSUANT  
14 TO TITLE 23, EXCEPT PART 1 OF ARTICLE 8, PARTS 2 AND 3 OF ARTICLE 21,  
15 AND PARTS 2 TO 4 OF ARTICLE 31 OF TITLE 23; OR

16 (D) THE ADJUTANT GENERAL OF THE NATIONAL GUARD, WHOSE  
17 POWERS AND DUTIES ARE SET FORTH IN SECTION 28-3-106.

18 (5) (a) (I) THE DIVISION OF ADMINISTRATION IN THE COLORADO  
19 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL DESIGN THE  
20 COLORADO ENVIROSCREEN TOOL SO THAT A CENSUS BLOCK GROUP THAT  
21 SCORES ABOVE THE EIGHTIETH PERCENTILE IN THE COLORADO  
22 ENVIROSCREEN TOOL IS PRESUMED TO BE A DISPROPORTIONATELY  
23 IMPACTED COMMUNITY. A STATEWIDE AGENCY determining whether a  
24 community is a disproportionately impacted community in accordance  
25 with this subsection (5)(a) SHALL APPLY THE MOST RECENT VERSION OF  
26 COLORADO ENVIROSCREEN TOOL AVAILABLE AT THE TIME THE  
27 STATEWIDE AGENCY MAKES THE DETERMINATION.

1           (II) AS USED IN THIS SUBSECTION (5)(a), "COLORADO  
2           ENVIROSCREEN TOOL" MEANS THE ENVIRONMENTAL JUSTICE MAPPING  
3           TOOL DEVELOPED AND ADMINISTERED BY THE DEPARTMENT OF PUBLIC  
4           HEALTH AND ENVIRONMENT AND COLORADO STATE UNIVERSITY, OR ANY  
5           SUCCESSOR TOOL.

6           (b) A CENSUS BLOCK GROUP THAT IS WITHIN A CENSUS TRACT  
7           THAT QUALIFIES AS DISADVANTAGED AS DETERMINED UNDER THE CLIMATE  
8           AND ECONOMIC JUSTICE SCREENING TOOL DEVELOPED BY THE COUNCIL ON  
9           ENVIRONMENTAL QUALITY IN THE OFFICE OF THE PRESIDENT OF THE  
10           UNITES STATES IS PRESUMED TO BE A DISPROPORTIONATELY IMPACTED  
11           COMMUNITY. A STATEWIDE AGENCY DETERMINING WHETHER A  
12           COMMUNITY IS A DISPROPORTIONATELY IMPACTED COMMUNITY UNDER  
13           THIS SUBSECTION (5)(b) SHALL APPLY THE MOST RECENT VERSION OF THE  
14           CLIMATE AND ECONOMIC JUSTICE SCREENING TOOL AVAILABLE WHEN IT  
15           IS DETERMINING WHETHER A COMMUNITY IS A DISPROPORTIONATELY  
16           IMPACTED COMMUNITY.

17           (6) THE PROVISIONS OF SUBSECTION (2)(b)(II) OF THIS SECTION  
18           ARE SEVERABLE, AND IF ANY PROVISION OF SUBSECTION (2)(b)(II) OF THIS  
19           SECTION IS FOUND BY A COURT OF COMPETENT JURISDICTION TO BE  
20           UNCONSTITUTIONAL, THE REMAINING PROVISIONS ARE VALID, UNLESS:

21           (a) IT APPEARS TO THE COURT THAT THE VALID PROVISIONS ARE SO  
22           ESSENTIALLY AND INSEPARABLY CONNECTED WITH, AND SO DEPENDENT  
23           ON, THE UNCONSTITUTIONAL PROVISION THAT IT CANNOT BE PRESUMED  
24           THAT THE LEGISLATURE WOULD HAVE ENACTED THE VALID PROVISIONS  
25           WITHOUT THE UNCONSTITUTIONAL ONE; OR

26           (b) THE COURT DETERMINES THAT THE VALID PROVISIONS,  
27           STANDING ALONE, ARE INCOMPLETE AND ARE INCAPABLE OF BEING

1 EXECUTED IN ACCORDANCE WITH THE LEGISLATIVE INTENT.

2 **SECTION 15.** In Colorado Revised Statutes, 8-83-502, **amend**  
3 (4) as follows:

4 **8-83-502. Definitions.** As used in this part 5, unless the context  
5 otherwise requires:

6 (4) "~~Disproportionately impacted community~~" means ~~any~~  
7 ~~community of color, low-to-middle income community, or indigenous~~  
8 ~~community that is or has been directly impacted by coal pollution~~ HAS  
9 THE MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

10 **SECTION 16.** In Colorado Revised Statutes, **amend** 24-30-104  
11 as follows:

12 **24-30-104. Burnham Yard rail property site - required**  
13 **development planning.** The executive director of the department of  
14 personnel shall engage with stakeholders including the city and county of  
15 Denver, the department of transportation, the department of local affairs,  
16 the regional transportation district created in section 32-9-105, and the  
17 communities, including disproportionately impacted communities, as  
18 defined in section ~~43-1-128 (2)(c)~~ SECTION 24-4-109 (2)(b)(II), and  
19 registered neighborhood organizations in the vicinity of the Burnham  
20 Yards rail property to create a site plan to support transit-oriented  
21 development at the Burnham Yard rail property site and potential  
22 recommendations for how to suballocate parcels for various beneficial  
23 uses at the site. The executive director shall, in consultation with the other  
24 governmental stakeholders named in this section, actively reach out to the  
25 communities, including disproportionately impacted communities, and  
26 registered neighborhood organizations in the vicinity of the Burnham  
27 Yards rail property regarding all stages of the development of the

1 property, provide meaningful opportunities for members of those  
2 communities to express their views regarding the development of the  
3 property, and endeavor to identify groups or individuals from those  
4 communities who are interested in and capable of representing the  
5 interests of those communities throughout the development process. The  
6 executive director shall also identify any additional stakeholders, and as  
7 appropriate already engaged stakeholders, to engage with who may have  
8 an interest in developing the suballocated parcels for the best use such as  
9 the department of local affairs for affordable housing, local housing  
10 authorities, and the great outdoors Colorado program for potential green  
11 space development. The site plan must consider opportunities for the site  
12 including front range passenger rail service, multi-family and affordable  
13 housing development, community benefits, green spaces, parkland,  
14 recreational opportunities, retail, and links to transit and multi-modal  
15 options to connect the site to the surrounding community. The site plan  
16 must promote the development and operation of quality public private  
17 partnership opportunities and include a well-defined framework to  
18 facilitate collaboration between public and private entities in  
19 infrastructure development and operation and enable investment of public  
20 and private capital.

21 **SECTION 17.** In Colorado Revised Statutes, 24-38.5-302,  
22 **amend (3) as follows:**

23 **24-38.5-302. Definitions.** As used in this part 3, unless the  
24 context otherwise requires:

25 (3) (a) ~~"Disproportionately impacted community" means a~~  
26 ~~community that is in a census block group, as determined in accordance~~  
27 ~~with the most recent United States decennial census, where the proportion~~

1 of households that are low income is greater than forty percent, the  
2 proportion of households that identify as minority is greater than forty  
3 percent, or the proportion of households that are housing cost-burdened  
4 is greater than forty percent "DISPROPORTIONATELY IMPACTED  
5 COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109  
6 (2)(b)(II).

7 (b) As used in this subsection (3):

8 (I) "Cost-burdened" means a household that spends more than  
9 thirty percent of its income on housing.

10 (II) "Low income" means the median household income is less  
11 than or equal to two hundred percent of the federal poverty guideline.

12 SECTION 18. In Colorado Revised Statutes, 25-7.5-102, amend  
13 (7) as follows:

14 25-7.5-102. Definitions. As used in this article 7.5, unless the  
15 context otherwise requires:

16 (7) (a) "Disproportionately impacted community" means a  
17 community that is in a census block group, as determined in accordance  
18 with the most recent United States decennial census, where the proportion  
19 of households that are low income is greater than forty percent, the  
20 proportion of households that identify as minority is greater than forty  
21 percent, or the proportion of households that are housing cost-burdened  
22 is greater than forty percent "DISPROPORTIONATELY IMPACTED  
23 COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109  
24 (2)(b)(II).

25 (b) As used in this subsection (7):

26 (I) "Cost-burdened" means a household that spends more than  
27 thirty percent of its income on housing.

1           ~~(H) "Low income" means the median household income is less~~  
2 ~~than or equal to two hundred percent of the federal poverty guideline.~~

3           **SECTION 19.** In Colorado Revised Statutes, 40-1-102, **add (6.5)**  
4 as follows:

5           **40-1-102. Definitions.** As used in articles 1 to 7 of this title 40,  
6 unless the context otherwise requires:

7           (6.5) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE  
8 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

9           **SECTION 20.** In Colorado Revised Statutes, 40-2-108, **repeal**  
10 (3)(d) as follows:

11           **40-2-108. Rules - definitions - legislative declaration.**  
12 (3) (d) As used in this subsection (3):

13           (f) "Cost-burdened" means a household that spends more than  
14 thirty percent of its income on housing.

15           ~~(H) "Disproportionately impacted community" means a~~  
16 ~~community that is in a census block group, as determined in accordance~~  
17 ~~with the most recent United States census, where the proportion of~~  
18 ~~households that are low income is greater than forty percent, the~~  
19 ~~proportion of households that identify as minority is greater than forty~~  
20 ~~percent, or the proportion of households that are housing cost-burdened~~  
21 ~~is greater than forty percent; or is any other community as identified or~~  
22 ~~approved by a state agency, if:~~

23           ~~(A) The community has a history of environmental racism~~  
24 ~~perpetuated through redlining, anti-Indigenous, anti-immigrant,~~  
25 ~~anti-Hispanic, or anti-Black laws; or~~

26           ~~(B) The community is one where multiple factors, including~~  
27 ~~socioeconomic stressors, disproportionate environmental burdens,~~

1 vulnerability to environmental degradation, and lack of public  
2 participation, may act cumulatively to affect health and the environment  
3 and contribute to persistent disparities.

4 (HI) "Low income" means meeting one or more of the following  
5 criteria:

6 (A) Median household income less than or equal to two hundred  
7 percent of the federal poverty guideline;

8 (B) Median household income less than or equal to eighty percent  
9 of the area median income; or

10 (C) Qualification under income guidelines adopted by the  
11 department of human services pursuant to section 40-8.5-105.

12 **SECTION 21.** In Colorado Revised Statutes, 43-1-128, amend  
13 (2)(c) as follows:

14 **43-1-128. Environmental impacts of capacity projects -**  
15 **additional requirements - legislative declaration - definitions. (2) As**  
16 **used in this section, unless the context otherwise requires:**

17 (c) (I) "Disproportionately impacted community" means a  
18 community that is in a census block group, as determined in accordance  
19 with the most recent United States decennial census, where the proportion  
20 of households that are low income is greater than forty percent, the  
21 proportion of households that identify as minority is greater than forty  
22 percent, or the proportion of households that are housing cost-burdened  
23 is greater than forty percent "DISPROPORTIONATELY IMPACTED  
24 COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109  
25 (2)(b)(II).

26 (II) As used in this subsection (2)(c):

27 (A) "Cost-burdened" means a household that spends more than

1 thirty percent of its income on housing.

2 (B) "Low income" means the median household income is less  
3 than or equal to two hundred percent of the federal poverty guideline.

4 SECTION 22. In Colorado Revised Statutes, 43-4-1202, amend  
5 (5) as follows:

6 43-4-1202. Definitions. As used in this part 12, unless the context  
7 otherwise requires:

8 (5) (a) "Disproportionately impacted community" means a  
9 community that is in a census block group, as determined in accordance  
10 with the most recent United States decennial census, where the proportion  
11 of households that are low income is greater than forty percent, the  
12 proportion of households that identify as minority is greater than forty  
13 percent, or the proportion of households that are housing cost-burdened  
14 is greater than forty percent "DISPROPORTIONATELY IMPACTED  
15 COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109  
16 (2)(b)(II).

17 (b) As used in this subsection (5):

18 (f) "Cost-burdened" means a household that spends more than  
19 thirty percent of its income on housing.

20 (H) "Low income" means the median household income is less  
21 than or equal to two hundred percent of the federal poverty guideline.

22 SECTION 23. Safety clause. The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, or safety.