

CHAPTER 245

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 23-1233

BY REPRESENTATIVE(S) Mauro and Valdez, Brown, Woodrow, Bacon, Boesenecker, deGruy Kennedy, Dickson, Duran, Epps, Froelich, Garcia, Hamrick, Jodeh, Joseph, Kipp, Lindsay, Mabrey, Michaelson Jenet, Ortiz, Parenti, Sirota, Story, Amabile, English, Gonzales-Gutierrez, McCormick, Velasco, Vigil, Willford; also SENATOR(S) Priola and Winter F., Cutter.

AN ACT

CONCERNING ENERGY EFFICIENCY, AND, IN CONNECTION THEREWITH, REQUIRING THE STATE ELECTRICAL BOARD TO ADOPT RULES FACILITATING ELECTRIC VEHICLE CHARGING AT MULTIFAMILY BUILDINGS, LIMITING THE ABILITY OF THE STATE ELECTRICAL BOARD TO PROHIBIT THE INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS, FORBIDDING PRIVATE PROHIBITIONS ON ELECTRIC VEHICLE CHARGING AND PARKING, REQUIRING LOCAL GOVERNMENTS TO COUNT CERTAIN SPACES SERVED BY AN ELECTRIC VEHICLE CHARGING STATION FOR MINIMUM PARKING REQUIREMENTS, FORBIDDING LOCAL GOVERNMENTS FROM PROHIBITING THE INSTALLATION OF ELECTRIC VEHICLE CHARGING STATIONS, EXEMPTING ELECTRIC VEHICLE CHARGERS FROM BUSINESS PERSONAL PROPERTY TAX, AND AUTHORIZING ELECTRIC VEHICLE CHARGING SYSTEMS ALONG HIGHWAY RIGHTS-OF-WAY.

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

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(d) Sales of electric vehicles currently account for more than 10% of all new vehicle sales in Colorado, and this market share is projected to increase to more than 80% by 2032;

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

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

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

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

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

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

(I) Available electrical capacity;

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

(III) Major renovations to existing multifamily housing; and

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

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

12-115-107. Board powers and duties - rules - definitions. (3) (a) NO LATER THAN SEPTEMBER 1, 2023, THE BOARD SHALL PROMULGATE RULES REQUIRING THAT, TO OBTAIN AN ELECTRICAL PERMIT UNDER THIS ARTICLE 115 ON OR AFTER MARCH 1, 2024, A PERMIT APPLICANT MUST COMPLY WITH THE EV POWER TRANSFER INFRASTRUCTURE REQUIREMENTS FOR MULTIFAMILY BUILDINGS IN THE MODEL ELECTRIC READY AND SOLAR READY CODE.

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

(II) IF A PROVISION OF A LOCAL BUILDING OR ZONING CODE PREVENTS A PROJECT

OR DEVELOPMENT FROM COMPLYING WITH THE RULES ADOPTED IN ACCORDANCE WITH THIS SUBSECTION (3), THEN THE RULES PREVAIL.

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

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

(III) IF AN ELECTRICAL PERMIT APPLICATION IS SUBMITTED TO A LOCAL ELECTRICAL INSPECTION AUTHORITY BEFORE THE ENFORCEMENT DATE IN SUBSECTION (3)(c)(II) OF THIS SECTION BUT AN ELECTRICAL PERMIT HAS NOT YET BEEN ISSUED, THE LOCAL ELECTRICAL INSPECTION AUTHORITY MAY DETERMINE HOW TO APPLY THE REQUIREMENTS OF THE RULES DEVELOPED IN ACCORDANCE WITH SUBSECTION (3)(a) OF THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

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

(b) ANY RULE PROMULGATED BY THE BOARD THAT PROHIBITS THE INSTALLATION OF ELECTRIC VEHICLE CHARGING SYSTEMS IS SUBJECT TO JUDICIAL REVIEW AS AUTHORIZED IN ARTICLE 4 OF TITLE 24.

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

38-12-601. Unreasonable restrictions on electric vehicle charging systems and electrical vehicle parking - definitions. (1) Notwithstanding any provision in the lease to the contrary, and subject to subsection (2) of this section:

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

(I) The leased premises; ~~and~~

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

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

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

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

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

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

(d) The general assembly encourages common interest communities not only to allow electric vehicle charging stations AND THE PARKING OF ELECTRIC VEHICLES in accordance with this section, but also to apply for grants from the electric vehicle grant fund created in section 24-38.5-103 C.R.S., or otherwise fund the installation of charging stations on common property as an amenity for residents and guests.

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

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

(I) A unit; ~~or~~

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

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

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

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

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

30-15-401. General regulations - definitions. (1) In addition to those powers granted by sections 30-11-101 and 30-11-107 and by parts 1, 2, and 3 of this article 15, the board of county commissioners may adopt ordinances for control or licensing of those matters of purely local concern that are described in the following enumerated powers:

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

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

(B) FOR THE PURPOSES OF ANY MINIMUM PARKING REQUIREMENT A BOARD OF

COUNTY COMMISSIONERS IMPOSES, THE BOARD OF COUNTY COMMISSIONERS IS SUBJECT TO SECTION 30-28-140; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31-23-315. Parking and electric vehicle charging stations - legislative declaration - conflict of law. (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

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

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

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

(IV) ACCORDING TO THE UNITED STATES DEPARTMENT OF ENERGY, AN ELECTRIC

VEHICLE PRODUCES AN AVERAGE OF LESS THAN ONE-FOURTH OF THE EMISSIONS OVER ITS LIFETIME THAN THE AVERAGE EMISSIONS OF A MOTOR VEHICLE POWERED BY AN INTERNAL COMBUSTION ENGINE;

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

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

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

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

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

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

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

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

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

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

(b) THIS SECTION DOES NOT LOWER THE PROTECTIONS PROVIDED FOR PEOPLE WITH DISABILITIES, INCLUDING THE NUMBER OF PARKING SPACES FOR PEOPLE THAT

ARE MOBILITY IMPAIRED, THAN THE PROTECTIONS PROVIDED BY THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND PARTS 6 AND 8 OF ARTICLE 34 OF TITLE 24.

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

30-28-212. Charging station rules prohibited. (1) NOTWITHSTANDING ANY AUTHORITY GRANTED TO A BOARD OF COUNTY COMMISSIONERS BY THIS PART 2, THE BOARD SHALL NOT ADOPT AN ORDINANCE OR A RESOLUTION PROHIBITING THE INSTALLATION OF OR UTILIZATION OF ELECTRIC VEHICLE CHARGING STATIONS UNLESS THE ORDINANCE OR RESOLUTION IS NARROWLY DRAFTED TO ADDRESS A BONA FIDE SAFETY CONCERN. THE BOARD SHALL NOT RESTRICT PARKING BASED ON A VEHICLE BEING A PLUG-IN HYBRID VEHICLE OR PLUG-IN ELECTRIC VEHICLE.

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

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

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

31-15-603. Charging station rules prohibited. (1) NOTWITHSTANDING ANY AUTHORITY GRANTED TO THE GOVERNING BODY OF A MUNICIPALITY BY THIS PART 6, THE GOVERNING BODY OF THE MUNICIPALITY SHALL NOT ADOPT AN ORDINANCE OR RESOLUTION PROHIBITING THE INSTALLATION OF OR UTILIZATION OF ELECTRIC VEHICLE CHARGING STATIONS UNLESS THE ORDINANCE OR RESOLUTION IS NARROWLY DRAFTED TO ADDRESS A BONA FIDE SAFETY CONCERN. THE GOVERNING BODY OF THE MUNICIPALITY SHALL NOT RESTRICT PARKING BASED ON A VEHICLE BEING A PLUG-IN HYBRID VEHICLE OR PLUG-IN ELECTRIC VEHICLE.

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

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

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

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

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

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

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

(3.5) (e) NOTWITHSTANDING THE TIMING REQUIREMENT OF SUBSECTION (3.5)(a) OF THIS SECTION, A BOARD OF COUNTY COMMISSIONERS MAY COMPLY WITH SUBSECTION (3.5)(a) OF THIS SECTION WHEN THE BOARD ADOPTS ONE OR MORE BUILDING CODES OTHER THAN THE NATIONAL ELECTRICAL CODE, THE ELEVATOR AND ESCALATOR CODE, AND THE COLORADO PLUMBING CODE, OR BY JUNE 30, 2026, WHICHEVER IS EARLIER, IF:

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

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

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

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

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

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

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

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

(B) THE ELEVATOR AND ESCALATOR CODE BY REFERENCE WHEN ADOPTED OR

UPDATED BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT; OR

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

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

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

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

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

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

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

(3.5) (d) NOTWITHSTANDING THE TIMING REQUIREMENT OF SUBSECTION (3.5)(a) OF THIS SECTION, A GOVERNING BODY OF A MUNICIPALITY MAY COMPLY WITH SUBSECTION (3.5)(a) OF THIS SECTION WHEN THE BODY ADOPTS ONE OR MORE BUILDING CODES OTHER THAN THE NATIONAL ELECTRICAL CODE, THE ELEVATOR AND ESCALATOR CODE, AND THE COLORADO PLUMBING CODE, OR BY JUNE 30, 2026, WHICHEVER IS EARLIER, IF:

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

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

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

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

(II) THE ADOPTION OR UPDATE OF THE NATIONAL ELECTRICAL CODE, THE ELEVATOR AND ESCALATOR CODE, OR THE COLORADO PLUMBING CODE OCCURS ON A TIMING CYCLE DIFFERENT FROM THE SCHEDULED ADOPTION OR UPDATE OF ONE OR

MORE BUILDING CODES OTHER THAN THE NATIONAL ELECTRICAL CODE, THE ELEVATOR AND ESCALATOR CODE, OR THE COLORADO PLUMBING CODE.

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

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

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

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

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

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

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

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

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

43-3-101. Freeways - how declared - commercial enterprises prohibited - definition. (3) Except as provided in SUBSECTION (4) OF THIS SECTION, section 32-9-119.8, ~~C.R.S.~~, and part 15 of article 1 of this ~~title, no~~ TITLE 43, A commercial enterprise or activity for serving motorists, other than emergency services for disabled vehicles, shall NOT be conducted or authorized on any property designated as or acquired for or in connection with a freeway or highway by the department of transportation or any other governmental agency. At locations deemed appropriate by the transportation commission, the department of transportation shall construct local service roads, which open into or connect with a freeway, in such manner as to facilitate the establishment and operation of competitive commercial enterprises for serving users of the freeway on private property abutting such local service roads.

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

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

(c) THE DEPARTMENT OF TRANSPORTATION MAY COLLABORATE WITH PUBLIC OR PRIVATE ENTITIES TO DEVELOP PROJECTS FOR THE CONSTRUCTION OF ELECTRIC VEHICLE CHARGING SYSTEMS ALONG STATE HIGHWAY RIGHTS-OF-WAY, INCLUDING REST AREAS, AS PRIORITIZED BY THE DEPARTMENT.

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

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

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

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

(C) A DETERMINATION OF THE PUBLIC UTILITIES COMMISSION THAT IT WILL PRIORITIZE OR TARGET CERTAIN CRITERIA OF THE DEFINITION OF DISPROPORTIONATELY IMPACTED COMMUNITY OR SUBSETS OF COMMUNITIES THAT MEET THE DEFINITION OF DISPROPORTIONATELY IMPACTED COMMUNITY DOES NOT CONSTITUTE ANY PREJUDICE OR DISADVANTAGE OR ANY UNREASONABLE DIFFERENCE AS SET FORTH IN SECTION 40-3-106 (1)(a).

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

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

(II) ~~"Disproportionately impacted community" means a community THAT IS DESCRIBED IN SUBSECTION (2)(b)(II)(G) OR (2)(b)(II)(H) OF THIS SECTION OR that is in a census block group, as determined in accordance with the most recent United States census, where the proportion of households that are low income is greater than forty percent, the proportion of households that identify as minority is greater than forty percent, or the proportion of households that are housing cost-burdened is greater than forty percent, or is any other community as identified or approved by a state agency, if: The community has a history of environmental racism perpetuated through redlining, anti-Indigenous, anti-immigrant, anti-Hispanic, or anti-Black laws; or the community is one where multiple factors, including socioeconomic stressors, disproportionate environmental burdens, vulnerability to environmental degradation, and lack of public participation, may act cumulatively to affect health and the environment and contribute to persistent disparities. As used in this subsection (2)(b)(II), "cost-burdened" means a household that spends more than thirty percent of its income on housing, and "low income" means the median household income is less than or equal to two hundred percent of the federal poverty guideline. FIVE YEAR UNITED STATES BUREAU OF THE CENSUS AMERICAN COMMUNITY SURVEY AND MEETS ONE OR MORE OF THE FOLLOWING CRITERIA:~~

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

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

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

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

(E) ~~A STATEWIDE AGENCY DETERMINES, AFTER A COMMUNITY PRESENTS EVIDENCE OF BEING AND REQUESTS TO BE CLASSIFIED AS A DISPROPORTIONATELY IMPACTED COMMUNITY, THAT THE POPULATION IS DISPROPORTIONATELY IMPACTED BASED ON EVIDENCE, PRESENTED IN A RELEVANT STATEWIDE AGENCY DECISION-MAKING PROCESS, THAT A CENSUS BLOCK GROUP IS DISPROPORTIONATELY IMPACTED BECAUSE IT HAS A HISTORY OF ENVIRONMENTAL RACISM PERPETUATED THROUGH REDLINING OR THROUGH ANTI-INDIGENOUS, ANTI-IMMIGRANT, ANTI-LATINO, OR ANTI-BLACK LAWS, POLICIES, OR PRACTICES AND THAT PRESENT-DAY DEMOGRAPHIC FACTORS AND DATA DEMONSTRATE THAT THE COMMUNITY CURRENTLY FACES ENVIRONMENTAL HEALTH DISPARITIES;~~

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

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

(G) THE COMMUNITY IS A MOBILE HOME PARK, AS DEFINED IN SECTION 38-12-201.5 (6), REGARDLESS OF WHETHER THE MOBILE HOME PARK IS A CENSUS BLOCK GROUP; OR

(H) THE COMMUNITY IS LOCATED ON THE SOUTHERN UTE OR UTE MOUNTAIN UTE INDIAN RESERVATION, REGARDLESS OF WHETHER THE COMMUNITY IS A CENSUS BLOCK GROUP;

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

(A) THE LEGISLATIVE BRANCH;

(B) THE JUDICIAL BRANCH;

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

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

(5)(a)(I) THE DIVISION OF ADMINISTRATION IN THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT SHALL ADMINISTER THE COLORADO ENVIROSCREEN TOOL SO THAT A CENSUS BLOCK GROUP THAT SCORES ABOVE THE EIGHTIETH PERCENTILE IN THE COLORADO ENVIROSCREEN TOOL IS PRESUMED TO BE A DISPROPORTIONATELY IMPACTED COMMUNITY UNDER SUBSECTION (2)(b)(II)(F) OF THIS SECTION. A STATEWIDE AGENCY DETERMINING WHETHER A COMMUNITY IS A DISPROPORTIONATELY IMPACTED COMMUNITY UNDER SUBSECTION (2)(b)(II)(F) OF THIS SECTION SHALL APPLY THE MOST RECENT VERSION OF THE COLORADO ENVIROSCREEN TOOL AVAILABLE AT THE TIME THE STATEWIDE AGENCY MAKES THE DETERMINATION.

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

(b) A CENSUS BLOCK GROUP THAT IS WITHIN A CENSUS TRACT THAT QUALIFIES AS DISADVANTAGED AS DETERMINED UNDER THE CLIMATE AND ECONOMIC JUSTICE SCREENING TOOL DEVELOPED BY THE COUNCIL ON ENVIRONMENTAL QUALITY IN THE OFFICE OF THE PRESIDENT OF THE UNITED STATES IS PRESUMED TO BE A DISPROPORTIONATELY IMPACTED COMMUNITY UNDER SUBSECTION (2)(b)(II)(F) OF THIS SECTION. A STATEWIDE AGENCY DETERMINING WHETHER A COMMUNITY IS A DISPROPORTIONATELY IMPACTED COMMUNITY UNDER SUBSECTION (2)(b)(II)(F) OF THIS SECTION SHALL APPLY THE MOST RECENT VERSION OF THE CLIMATE AND

ECONOMIC JUSTICE SCREENING TOOL AVAILABLE WHEN IT IS DETERMINING WHETHER A COMMUNITY IS A DISPROPORTIONATELY IMPACTED COMMUNITY.

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

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

(b) THE COURT DETERMINES THAT THE VALID PROVISIONS, STANDING ALONE, ARE INCOMPLETE AND ARE INCAPABLE OF BEING EXECUTED IN ACCORDANCE WITH THE LEGISLATIVE INTENT.

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

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

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

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

24-30-104. Burnham Yard rail property site - required development planning. The executive director of the department of personnel shall engage with stakeholders including the city and county of Denver, the department of transportation, the department of local affairs, the regional transportation district created in section 32-9-105, and the communities, including disproportionately impacted communities, as defined in section ~~43-1-128 (2)(c)~~ SECTION 24-4-109 (2)(b)(II), and registered neighborhood organizations in the vicinity of the Burnham Yards rail property to create a site plan to support transit-oriented development at the Burnham Yard rail property site and potential recommendations for how to suballocate parcels for various beneficial uses at the site. The executive director shall, in consultation with the other governmental stakeholders named in this section, actively reach out to the communities, including disproportionately impacted communities, and registered neighborhood organizations in the vicinity of the Burnham Yards rail property regarding all stages of the development of the property, provide meaningful opportunities for members of those communities to express their views regarding the development of the property, and endeavor to identify groups or individuals from those communities who are interested in and capable of representing the interests of those communities throughout the development process. The executive director shall also identify any additional stakeholders, and as appropriate already engaged stakeholders, to engage with who may have an interest in developing the suballocated parcels for the best use such as

the department of local affairs for affordable housing, local housing authorities, and the great outdoors Colorado program for potential green space development. The site plan must consider opportunities for the site including front range passenger rail service, multi-family and affordable housing development, community benefits, green spaces, parkland, recreational opportunities, retail, and links to transit and multi-modal options to connect the site to the surrounding community. The site plan must promote the development and operation of quality public private partnership opportunities and include a well-defined framework to facilitate collaboration between public and private entities in infrastructure development and operation and enable investment of public and private capital.

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

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

~~(3) (a) "Disproportionately impacted community" means a community that is in a census block group, as determined in accordance with the most recent United States decennial census, where the proportion of households that are low income is greater than forty percent, the proportion of households that identify as minority is greater than forty percent, or the proportion of households that are housing cost-burdened is greater than forty percent~~ "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(B) The community is one where multiple factors, including socioeconomic stressors, disproportionate environmental burdens, vulnerability to environmental degradation, and lack of public participation, may act cumulatively to affect health and the environment and contribute to persistent disparities.~~

~~(H) "Low income" means meeting one or more of the following criteria:~~

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

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

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

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

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

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

~~(H) As used in this subsection (2)(c):~~

~~(A) "Cost-burdened" means a household that spends more than thirty percent of its income on housing:~~

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

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

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

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

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

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

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

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

Approved: May 23, 2023