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HOUSE BILL 17-1067

BY REPRESENTATIVE(S) Thurlow, Arndt, Becker K., Benavidez, Exum, Hooton, Lebsock, Lontine, McKean, Mitsch Bush, Valdez, Duran; also SENATOR(S) Kerr, Moreno, Tate, Kefalas.

CONCERNING UPDATING REFERENCES TO A NATIONAL STANDARD SETTING FORTH TECHNICAL CRITERIA FOR ACCESSIBLE HOUSING.

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

SECTION 1. In Colorado Revised Statutes, 9-5-101, **amend** the introductory portion, (2), (10), (11), (12), (13), and (14); **repeal** (3); and **add** (5.5) as follows:

9-5-101. Definitions. As used in this ~~article~~ ARTICLE 5, unless the context otherwise requires:

(2) "Accessible route" means an interior or exterior circulation path that complies with the provisions contained in ~~"ANSI A117.1-1998"~~ WITH ICC/ANSI A117.1.

(3) ~~"ANSI A117.1-1998" means the 1998 version of the "American National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People", promulgated by the~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~American national standards institute.~~

(5.5) "ICC/ANSI A117.1" MEANS THE "ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES" STANDARD, OR ANY SUCCESSOR STANDARD, PROMULGATED AND AMENDED FROM TIME TO TIME BY THE INTERNATIONAL CODE COUNCIL.

(10) "Type A dwelling unit" means a dwelling unit designed in accordance ~~with the provisions of ANSI A117.1-1998~~ WITH ICC/ANSI A117.1, section 1002, OR ANY SUCCESSOR SECTION WITHIN ICC/ANSI A117.1.

(11) "Type A multistory dwelling unit" means a multiple story dwelling unit with a ground story level designed in accordance ~~with the provisions of ANSI A117.1-1998~~ WITH ICC/ANSI A117.1, section 1002, OR ANY SUCCESSOR SECTION WITHIN ICC/ANSI A117.1, and, if provided, accessible laundry facilities on the ground story level.

(12) "Type B dwelling unit" means a dwelling unit with a ground floor level designed in accordance ~~with the provisions of ANSI A117.1-1998~~ WITH ICC/ANSI A117.1, section 1003, OR ANY SUCCESSOR SECTION WITHIN ICC/ANSI A117.1.

(13) "Type B multistory dwelling unit" means a multiple-story dwelling unit with a ground story level that is designed in accordance ~~with the provisions of ANSI A117.1-1998~~ WITH ICC/ANSI A117.1, section 1003, OR ANY SUCCESSOR SECTION WITHIN ICC/ANSI A117.1, and, if provided, accessible laundry facilities on the ground story level.

(14) "Type B visitable ground floor" means a multiple-story dwelling unit with an accessible entrance and toilet facility designed in accordance ~~with the provisions of ANSI A117.1-1998~~ WITH ICC/ANSI A117.1, section 1003, OR ANY SUCCESSOR SECTION WITHIN ICC/ANSI A117.1.

SECTION 2. In Colorado Revised Statutes, 9-5-102, **amend** (2) as follows:

9-5-102. Disabilities covered - purpose. (2) Design criteria. Design criteria ~~shall~~ **MUST** comply with ~~the 1998 version of the "American~~

~~National Standard for Buildings and Facilities Providing Accessibility and Usability for Physically Handicapped People", promulgated by the American national standard institute, commonly cited as "ANSI A117.1-1998" ICC/ANSI A117.1.~~

SECTION 3. In Colorado Revised Statutes, 9-5-103, **amend** (3) introductory portion and (3)(a) as follows:

9-5-103. Applicability of standards - enforcement. (3) Any building or facility that would have been subject to ~~the provisions of this article~~ THIS ARTICLE 5 but was under construction prior to July 1, 1976, ~~shall~~ MUST comply with the following:

(a) If the walls or defining boundaries of an element or space are altered, then the altered element or space shall comply with the applicable provisions of section 9-5-105, unless such alteration is technically infeasible. If full compliance with this article is technically infeasible, compliance shall be implemented up to the point of technical infeasibility. No alteration shall be undertaken that negatively impacts accessibility of a building or facility pursuant to ~~ANSI A117.1-1998~~ TO ICC/ANSI A117.1. This ~~paragraph (a)~~ SUBSECTION (3)(a) shall not be construed to require the moving of any existing walls not otherwise planned to be moved.

SECTION 4. In Colorado Revised Statutes, 24-34-502.2, **amend** (3) as follows:

24-34-502.2. Unfair or discriminatory housing practices against individuals with disabilities prohibited. (3) Compliance with the appropriate requirements of the ~~American national standard for buildings and facilities providing accessibility and usability for individuals with physical disabilities~~ "ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES" STANDARD, OR ANY SUCCESSOR STANDARD, PROMULGATED AND AMENDED FROM TIME TO TIME BY THE INTERNATIONAL CODE COUNCIL (commonly cited as ~~ANSI A117.1~~ ICC/ANSI A117.1) suffices to satisfy the requirements of ~~paragraph (c) of subsection (2)~~ SUBSECTION (2)(c) of this section.

SECTION 5. In Colorado Revised Statutes, 42-4-1208, **amend** (2)(e)(II)(B) as follows:

42-4-1208. Reserved parking for persons with disabilities - applicability - rules. (2) Use of plate or placard. (e) (II) (B) The technical standards for accessible parking spaces should meet or exceed section 502, OR ANY SUCCESSOR SECTION, of the ~~2009 version of ANSI A117.1~~ "ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES" STANDARD, or any succeeding standard, ~~published~~ PROMULGATED AND AMENDED FROM TIME TO TIME by the international code council (COMMONLY CITED AS ICC/ANSI A117.1).

SECTION 6. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to buildings and facilities constructed or altered on or after the applicable effective date of this act.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO