

CHAPTER 357

GOVERNMENT - MUNICIPAL

HOUSE BILL 19-1260

BY REPRESENTATIVE(S) Kipp and Valdez A., Cutter, Duran, Froelich, Hooton, Jaquez Lewis, Sirota, Weissman, Arndt, Bird, Buentello, Hansen, Jackson, Michaelson Jenet, Roberts, Tipper, Titone, Becker;
also SENATOR(S) Winter and Priola, Lee, Moreno, Tate.

AN ACT**CONCERNING AN UPDATE TO THE MINIMUM ENERGY CODE FOR THE CONSTRUCTION OF BUILDINGS.**

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

SECTION 1. In Colorado Revised Statutes, 30-28-201, **amend** (3); and **add** (4) as follows:

30-28-201. Commissioners may adopt - emission performance standards required - reporting. (3) ~~By the date established in section 30-28-211, Every board of county commissioners, of a county that has enacted a building code, and thereafter every board that enacts a~~ WHEN ADOPTING OR UPDATING ANY building code, shall adopt and enforce a building energy code that meets or exceeds the standards in ~~the 2003 version~~ ONE OF THE THREE MOST RECENT VERSIONS of the international energy conservation code pursuant to section 30-28-211.

(4) BY JANUARY 1, 2020, EVERY BOARD OF COUNTY COMMISSIONERS OF A COUNTY WHICH HAS ENACTED A BUILDING CODE AND AN ENERGY CODE SHALL REPORT THE CURRENT VERSION OF THEIR COUNTY'S BUILDING AND ENERGY CODES TO THE COLORADO ENERGY OFFICE. THEREAFTER, EVERY BOARD OF COUNTY COMMISSIONERS IS ENCOURAGED TO REPORT ANY CHANGE IN THEIR COUNTY'S BUILDING AND ENERGY CODE TO THE COLORADO ENERGY OFFICE WITHIN A MONTH OF CHANGING THEIR COUNTY'S BUILDING AND ENERGY CODES.

SECTION 2. In Colorado Revised Statutes, 30-28-211, **amend** (1)(e), (2)(b), (3), (5) introductory portion, and (6); and **add** (1)(f), (1)(g), and (1)(h) as follows:

30-28-211. Energy efficient building codes - legislative declaration - definitions. (1) The general assembly hereby finds and declares that there is

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.

statewide interest in requiring an effective energy efficient building code for the following reasons:

(e) Controlling energy costs for residents and businesses furthers a statewide interest in a strong economy and reducing the TOTAL cost of housing in Colorado.

(f) MORE RECENT ENERGY CODES ARE MORE EFFECTIVE AT ENSURING BUILDING DURABILITY AND STRUCTURAL INTEGRITY AND PROTECTING PUBLIC HEALTH AND SAFETY THROUGH BETTER:

(I) MOISTURE MANAGEMENT TO PREVENT MOLD, MILDEW, AND ROT;

(II) AIRFLOW MANAGEMENT; AND

(III) PROTECTION DURING SEVERE WEATHER.

(g) MORE RECENT ENERGY CODES INCORPORATE NEWER BUILDING TECHNOLOGIES, TECHNIQUES, AND MATERIALS AND OFFER MORE OPTIONS FOR BUILDERS.

(h) BUSINESSES AND RESIDENTS IN LOW-INCOME COMMUNITIES AND RURAL AREAS OF THE STATE DESERVE AT LEAST THE SAME DURABILITY, HEALTH AND SAFETY, AND ENERGY COST SAVINGS FROM ENERGY EFFICIENT BUILDINGS AS THOSE IN WEALTHIER, URBAN, AND SUBURBAN AREAS OF THE STATE.

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

(b) "Energy code" means, at a minimum, ~~the 2003~~ ONE OF THE THREE most recent versions of the international energy conservation code ~~or any successor edition,~~ published by the international code council. ~~or any other code determined by the Colorado energy office created in section 24-38.5-101 C.R.S., to be more appropriate for local conditions.~~

(3) ~~Within one year of July 1, 2007,~~ Every board of county commissioners, ~~that has enacted~~ WHEN ADOPTING OR UPDATING a building code pursuant to section 30-28-201, shall adopt AND ENFORCE an energy code that ~~shall apply~~ APPLIES to the construction of, and renovations and additions to, all commercial and residential buildings in the county to which the building code applies.

(5) The following buildings are exempt from ~~the provisions of subsection~~ SUBSECTIONS (3) AND (4) of this section:

(6) Notwithstanding any other provision of this section, the board of county commissioners of a county that is required to adopt OR UPDATE an energy code may make any amendments to the energy code that the board deems appropriate for local conditions, so long as the amendments do not decrease the effectiveness OR ENERGY EFFICIENCY of the energy code.

SECTION 3. In Colorado Revised Statutes, 31-15-601, **add** (3) as follows:

31-15-601. Building and fire regulations - emission performance standards

required - reporting. (3) BY JANUARY 1, 2020, EVERY GOVERNING BODY OF A MUNICIPALITY WHICH HAS ENACTED A BUILDING CODE AND AN ENERGY CODE SHALL REPORT THE CURRENT VERSION OF THEIR MUNICIPALITY'S BUILDING AND ENERGY CODES TO THE COLORADO ENERGY OFFICE. THEREAFTER, EVERY GOVERNING BODY OF A MUNICIPALITY IS ENCOURAGED TO REPORT ANY CHANGE IN THEIR MUNICIPALITY'S BUILDING AND ENERGY CODE TO THE COLORADO ENERGY OFFICE WITHIN A MONTH OF CHANGING THEIR MUNICIPALITY'S BUILDING AND ENERGY CODES.

SECTION 4. In Colorado Revised Statutes, 31-15-602, **amend** (2)(b), (3), and (5) introductory portion; and **add** (1)(f), (1)(g), and (1)(h) as follows:

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

(f) MORE RECENT ENERGY CODES ARE MORE EFFECTIVE AT ENSURING BUILDING DURABILITY AND STRUCTURAL INTEGRITY AND PROTECTING PUBLIC HEALTH AND SAFETY THROUGH BETTER:

- (I) MOISTURE MANAGEMENT TO PREVENT MOLD, MILDEW, AND ROT;
- (II) AIRFLOW MANAGEMENT; AND
- (III) PROTECTION DURING SEVERE WEATHER.

(g) MORE RECENT ENERGY CODES INCORPORATE NEWER BUILDING TECHNOLOGIES, TECHNIQUES, AND MATERIALS AND OFFER MORE OPTIONS FOR BUILDERS.

(h) BUSINESSES AND RESIDENTS IN LOW-INCOME COMMUNITIES AND RURAL AREAS OF THE STATE DESERVE AT LEAST THE SAME DURABILITY, HEALTH AND SAFETY, AND ENERGY COST SAVINGS FROM ENERGY EFFICIENT BUILDINGS AS THOSE IN WEALTHIER, URBAN, AND SUBURBAN AREAS OF THE STATE.

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

(b) "Energy code" means, at a minimum, ~~the 2003~~ ONE OF THE THREE MOST RECENT VERSIONS OF THE international energy conservation code ~~or any successor edition~~, published by the international code council. ~~or any other code determined by the Colorado energy office created in section 24-38.5-101 C.R.S., to be more appropriate for local conditions.~~

(3) ~~Within one year of July 1, 2007,~~ The governing body of any municipality, ~~that has enacted a building code~~ WHEN ADOPTING OR UPDATING ANY OTHER BUILDING CODES, shall adopt AND ENFORCE an energy code that ~~shall apply~~ APPLIES to the construction of, and renovations and additions to, all commercial and residential buildings in the municipality TO WHICH THE BUILDING CODE APPLIES.

(5) The following buildings are exempt from ~~the provisions of subsection~~

SUBSECTIONS (3) AND (4) of this section:

SECTION 5. Act subject to petition - effective date. 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 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 30, 2019