

CHAPTER 8

GOVERNMENT - LOCAL

HOUSE BILL 25-1030

BY REPRESENTATIVE(S) Joseph and Stewart R., Bacon, Boesecker, Brown, Clifford, Duran, Froelich, Lindsay, Mabrey, Martinez, Mauro, Paschal, Phillips, Rutinel, Stewart K., Titone, Velasco, Bird, Lieder, Valdez, Willford, Woodrow, Zokaie; also SENATOR(S) Cutter and Winter F., Gonzales J., Hinrichsen, Jodeh, Kipp, Michaelson Jenet, Snyder, Sullivan, Weissman, Coleman.

AN ACT

CONCERNING THE REQUIREMENT THAT CERTAIN BUILDING CODES HAVE ACCESSIBILITY STANDARDS THAT ARE AT LEAST AS STRINGENT AS INTERNATIONAL BUILDING CODES.

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) Accessibility in building design is a fundamental right that fosters inclusivity and equal opportunity for all individuals, particularly those with disabilities. In alignment with article 9 of the United Nations Convention on the Rights of Persons with Disabilities, which emphasizes the need for persons with disabilities to live independently and participate fully in all aspects of life, Colorado recognizes the importance of creating an accessible built environment.

(b) It is crucial that Colorado's building codes incorporate "Americans with Disabilities Act" and "Architectural Barriers Act" standards, which require that buildings and facilities be accessible to persons with disabilities;

(c) Aligning local building codes with the internationally recognized standards set forth by the International Building Code and existing federal laws is crucial to ensure that all new constructions, renovations, and alterations adhere to minimum accessibility requirements;

(d) This House Bill 25-1030 requires local governments to adopt or amend local building codes to meet or exceed these necessary international building code accessibility standards;

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.

(e) By identifying and eliminating obstacles to accessibility, the general assembly can create a built environment that is welcoming and accessible to everyone; and

(f) By prioritizing accessibility in Colorado building codes, state and local governments can promote the participation of persons with disabilities in all aspects of community life, thereby enhancing the quality of life for all Colorado residents.

(2) Therefore, the general assembly declares that establishing uniform accessibility standards in building codes is of mixed local and statewide concern to ensure that all individuals may access the physical environment, transportation, information, and communications on an equal basis.

SECTION 2. In Colorado Revised Statutes, **amend 30-28-204** as follows:

30-28-204. Amendment of building code. (1) The board of county commissioners from time to time by resolution may alter and amend any county building code after public hearing, notice of which hearing shall be given by at least one publication in a newspaper of general circulation in the county at least fourteen days prior to said hearing. In no case shall the area covered by the building code be extended or changed unless the same has been proposed by or is first submitted for the approval, disapproval, or suggestions of the county planning commission. Unless the county planning commission acts within thirty days, approval shall be assumed. The opinion of the county planning commission shall be advisory only and not binding upon the board of county commissioners.

(2) WHEN A BOARD OF COUNTY COMMISSIONERS OR A REGIONAL BUILDING DEPARTMENT OPERATING THROUGH AN INTERGOVERNMENTAL AGREEMENT WITH A BOARD OF COUNTY COMMISSIONERS ADOPTS OR SUBSTANTIALLY AMENDS ANY COUNTY BUILDING CODE, OR UPDATES AN ALREADY ADOPTED BUILDING CODE WITH A SUCCEEDING VERSION OF THE INTERNATIONAL BUILDING CODE, THE BOARD OR REGIONAL BUILDING DEPARTMENT SHALL ENSURE THAT THE BUILDING CODE MEETS OR EXCEEDS THE ACCESSIBILITY STANDARDS ADOPTED IN ONE OF THE TWO MOST RECENT VERSIONS OF THE INTERNATIONAL BUILDING CODE, AS ADOPTED BY THE INTERNATIONAL CODE COUNCIL OR A SUCCESSOR ORGANIZATION. ADOPTION OF THE ENERGY-EFFICIENT BUILDING CODES IN ACCORDANCE WITH SECTION 30-28-211 DOES NOT CONSTITUTE A SUBSTANTIAL AMENDMENT OR UPDATE TO THE BUILDING CODES FOR PURPOSES OF THIS SUBSECTION (2). THE ACCESSIBILITY STANDARDS ADOPTED BY A BOARD OF COUNTY COMMISSIONERS OR REGIONAL BUILDING DEPARTMENT IN ACCORDANCE WITH THIS SUBSECTION (2) CANNOT PROVIDE LESS PROTECTION THAN WHAT IS REQUIRED BY THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ.

(3) THE REQUIREMENTS FOR ENSURING ACCESSIBILITY STANDARDS IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION DO NOT APPLY TO ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOMES THAT COMPLY WITH THE INTERNATIONAL RESIDENTIAL CODE, AS ADOPTED BY THE INTERNATIONAL CODE COUNCIL OR A SUCCESSOR ORGANIZATION, OR THAT COMPLY WITH A LOCAL BUILDING CODE WHOSE ACCESSIBILITY STANDARDS ARE EQUIVALENT TO THE ACCESSIBILITY STANDARDS IN THE INTERNATIONAL RESIDENTIAL CODE.

SECTION 3. In Colorado Revised Statutes, **add** 31-15-604 as follows:

31-15-604. Building codes - minimum accessibility standards required - international building codes. WHEN A GOVERNING BODY OF A MUNICIPALITY OR A REGIONAL BUILDING DEPARTMENT OPERATING THROUGH AN INTERGOVERNMENTAL AGREEMENT WITH A GOVERNING BODY OF A MUNICIPALITY ADOPTS OR SUBSTANTIALLY AMENDS ANY MUNICIPAL BUILDING CODE, OR UPDATES AN ALREADY ADOPTED BUILDING CODE WITH A SUCCEEDING VERSION OF THE INTERNATIONAL BUILDING CODE, THE GOVERNING BODY OR REGIONAL BUILDING DEPARTMENT SHALL ENSURE THAT THE BUILDING CODE MEETS OR EXCEEDS THE ACCESSIBILITY STANDARDS ADOPTED IN ONE OF THE TWO MOST RECENT VERSIONS OF THE INTERNATIONAL BUILDING CODE, AS ADOPTED BY THE INTERNATIONAL CODE COUNCIL OR A SUCCESSOR ORGANIZATION. ADOPTION OF THE ENERGY-EFFICIENT BUILDING CODES IN ACCORDANCE WITH SECTION 31-15-602 DOES NOT CONSTITUTE A SUBSTANTIAL AMENDMENT OR UPDATE TO THE BUILDING CODES FOR PURPOSES OF THIS SECTION. THE REQUIREMENTS FOR ENSURING ACCESSIBILITY STANDARDS IN ACCORDANCE WITH THIS SECTION DO NOT APPLY TO ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOMES THAT COMPLY WITH THE INTERNATIONAL RESIDENTIAL CODE, AS ADOPTED BY THE INTERNATIONAL CODE COUNCIL OR A SUCCESSOR ORGANIZATION, OR THAT COMPLY WITH A LOCAL BUILDING CODE WHOSE ACCESSIBILITY STANDARDS ARE EQUIVALENT TO THE ACCESSIBILITY STANDARDS IN THE INTERNATIONAL RESIDENTIAL CODE. THE ACCESSIBILITY STANDARDS ADOPTED BY A GOVERNING BODY OF A MUNICIPALITY OR A REGIONAL BUILDING DEPARTMENT CANNOT PROVIDE LESS PROTECTION THAN WHAT IS REQUIRED BY THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ.

SECTION 4. In Colorado Revised Statutes, 24-33.5-1203, **amend** (1)(p) and (1)(p.5) as follows:

24-33.5-1203. Duties of division. (1) The division shall perform the following duties:

(p) Conduct construction plan reviews and inspect public school and local district college buildings and structures and enforce the codes adopted in accordance with sections 22-32-124 (2), ~~and 23-71-122 (1)(v), C.R.S., and sections~~ 24-33.5-1213, AND 24-33.5-1213.3. THE DIVISION SHALL ENSURE THAT WHEN THE CODES ADOPTED IN ACCORDANCE WITH SECTIONS 22-32-124 (2), 23-71-122 (1)(v), 24-33.5-1213, AND 24-33.5-1213.3 ARE SUBSTANTIALLY AMENDED, THE CODES MEET OR EXCEED THE ACCESSIBILITY STANDARDS ADOPTED BY ONE OF THE TWO MOST RECENT VERSIONS OF THE INTERNATIONAL BUILDING CODE, AS ADOPTED BY THE INTERNATIONAL CODE COUNCIL OR A SUCCESSOR ORGANIZATION.

(p.5) When there is no local building department or fire department, or for facilities certified or potentially eligible for certification by the federal centers for medicare and medicaid services, conduct construction plan reviews and inspections of health facility buildings and structures, enforce the codes in accordance with sections 24-33.5-1212.5 and 24-33.5-1213, and issue certificates of compliance for such buildings and structures. THE DIVISION SHALL ENSURE THAT WHEN THE CODES ADOPTED IN ACCORDANCE WITH SECTIONS 24-33.5-1212.5 AND 24-33.5-1213 ARE SUBSTANTIALLY AMENDED, THE CODES MEET OR EXCEED THE ACCESSIBILITY STANDARDS ADOPTED BY ONE OF THE TWO MOST RECENT VERSIONS OF THE

INTERNATIONAL BUILDING CODE, AS ADOPTED BY THE INTERNATIONAL CODE COUNCIL OR A SUCCESSOR ORGANIZATION.

SECTION 5. In Colorado Revised Statutes, 24-32-707, **add** (1.5) as follows:

24-32-707. Powers of board. (1.5) THE BOARD SHALL ENSURE THAT WHEN THE STANDARDS AND CODES PRESCRIBED IN SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION ARE SUBSTANTIALLY AMENDED, THE STANDARDS AND CODES MEET OR EXCEED THE ACCESSIBILITY REQUIREMENTS IN ONE OF THE TWO MOST RECENT VERSIONS OF THE INTERNATIONAL BUILDING CODE, AS ADOPTED BY THE INTERNATIONAL CODE COUNCIL OR A SUCCESSOR ORGANIZATION.

SECTION 6. Act subject to petition - effective date. This act takes effect January 1, 2026; 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 the ninety-day period after final adjournment of the general assembly, 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 11, 2025