

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 22-1218

BY REPRESENTATIVE(S) Valdez A., Bacon, Benavidez, Bernett, Boesenecker, Cutter, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jodeh, Kipp, Lindsay, Lontine, Michaelson Jenet, Sirota, Tipper, Titone, Woodrow, Amabile, McCormick, McLachlan, Ricks; also SENATOR(S) Winter and Priola, Hansen, Jaquez Lewis, Moreno, Pettersen, Story.

CONCERNING RESOURCE EFFICIENCY RELATED TO CONSTRUCTING A BUILDING FOR OCCUPANCY.

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

SECTION 1. In Colorado Revised Statutes, **add with amended and relocated provisions** article 47 to title 38 as follows:

ARTICLE 47

Resource Efficiency Requirements for Certain Buildings

38-47-101. [Formerly 38-35.7-106] Solar prewire option - solar consultation. (1) (a) Every person that builds a new single-family detached residence for which a buyer is under contract shall offer the buyer the opportunity to have each of the following options included in the residence's

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.

electrical system or plumbing system, or both:

(I) A residential photovoltaic solar generation system or a residential solar thermal system, or both;

(II) Upgrades of wiring or plumbing, or both, planned by the builder to accommodate future installation of such systems; and

(III) A chase or conduit, or both, constructed to allow ease of future installation of the necessary wiring or plumbing for such systems.

(b) The offer required by subsection (1)(a) of this section must be made in accordance with the builder's construction schedule for the residence.

(2) Every person that builds a new single-family detached residence for sale, whether or not the residence has been prewired for a photovoltaic solar generation system, shall provide to every buyer under contract a list of businesses in the area that offer residential solar installation services so that the buyer ~~if he or she so desires,~~ can obtain expert help in assessing whether the residence is a good candidate for solar installation and how much of a cost savings a residential photovoltaic solar generation system could provide. ~~The list of businesses shall be derived from a master list of Colorado solar installers maintained by the Colorado solar energy industries association, or a successor organization.~~

~~(3) Repealed.~~

~~(4)~~ (3) Providing the master list of solar installers prepared by the Colorado solar energy industries association SOLAR AND STORAGE ASSOCIATION, or a successor organization, to a buyer under contract ~~shall~~ DOES not constitute an endorsement of any installer or contractor listed. A person that builds a new single-family detached residence ~~shall~~ IS not be liable for any advice, labor, or materials provided to the buyer by a third-party solar installer.

~~(5) Repealed.~~

~~(6)~~ (4) Nothing in this section ~~shall preclude~~ PRECLUDES a person that builds a new single-family detached residence from:

(a) Subjecting solar photovoltaic electrical system upgrades to the same terms and conditions as other upgrades, including but not limited to charges related to upgrades, deposits required for upgrades, deadlines, and construction timelines;

(b) Selecting the contractors that will complete the installation of solar photovoltaic electrical system upgrades;

(c) Stipulating in the purchase agreement or sales contract that solar photovoltaic electrical system upgrades are based on technology available at the time of installation and such upgrades may not support all solar photovoltaic systems or systems installed at a future date, and that the person that builds a new single-family detached residence shall IS not be liable for any additional upgrades, retrofits, or other alterations to the residence that may be necessary to accommodate a solar photovoltaic system installed at a future date.

~~(7)~~ (5) (a) This section applies to contracts entered into on or after August 10, 2009, to purchase new single-family detached residences built on or after August 10, 2009.

(b) This section does not apply to:

(I) An unoccupied home serving as sales inventory or a model home; or

(II) A manufactured home as defined in section 24-32-3302 (20).

38-47-102. [Formerly 38-35.7-107] Water-smart homes option.

(1) (a) Every person that builds a new single-family detached residence for which a buyer is under contract shall offer the buyer the opportunity to select one or more of the following water-smart home options for the residence:

~~(F) Repeated:~~

~~(H)~~ (I) If dishwashers or clothes washers are financed, installed, or sold as upgrades through the home builder, the builder shall offer a model that is qualified pursuant to the federal environmental protection agency's Energy Star program, AS DEFINED IN SECTION 6-7.5-102 (15), at the time of

offering. Clothes washers shall MUST have a water factor of less than or equal to six gallons of water per cycle per cubic foot of capacity.

(HH) (II) If landscaping is financed, installed, or sold as upgrades through the home builder and will be maintained by the home owner, the home builder shall offer a landscape design that follows the landscape practices specified in this ~~subparagraph (HH)~~ SUBSECTION (1)(a)(II) to ensure both the professional design and installation of such landscaping and that water conservation will be accomplished. These best management practices are contained in the document titled "Green Industry Best Management Practices (BMPs) for the Conservation and Protection of Water Resources in Colorado: Moving Toward Sustainability", 3rd release, and appendix, released in May 2008, or this document's successors due to future inclusion of improved landscaping practices, water conservation advancements, and new irrigation technology. The best management practices specified in this ~~subparagraph (HH)~~ SUBSECTION (1)(a)(II), through utilization of the proper landscape design, installation, and irrigation technology, accomplish substantial water savings compared to landscape designs, installation, and irrigation system utilization where these practices are not adhered to. The following best management practices and water budget calculator form the basis for the design and installation for the front yard landscaping option if selected by the homeowner as an upgrade:

(A) Xeriscape: To include the seven principles of xeriscape that provide a comprehensive approach for conserving water;

(B) Water budgeting: To include either a water allotment by the water utility for the property, if offered by the water utility, or a landscape water budget based on plant water requirements;

(C) Landscape design: To include a plan and design for the landscape to comprehensively conserve water and protect water quality;

(D) Landscape installation and erosion control: To minimize soil erosion and employ proper soil care and planting techniques during construction;

(E) Soil amendment and ground preparation: To include an evaluation of the soil and improve it, if necessary, to address water retention, permeability, water infiltration, aeration, and structure;

(F) Tree placement and tree planting: To include proper soil and space for root growth and to include proper planting of trees, shrubs, and other woody plants to promote long-term health of these plants;

(G) Irrigation design and installation: To include design of the irrigation system for the efficient and uniform distribution of water to plant material and the development of an irrigation schedule;

(H) Irrigation technology and scheduling: To include water conserving devices that stop water application during rain, high wind, and other weather events and incorporate evapotranspiration conditions. Irrigation scheduling should address frequency and duration of water application in the most efficient manner. ~~and~~

(I) Mulching: To include the use of organic mulches to reduce water loss through evaporation, reduce soil loss, and suppress weeds.

~~(IV)~~ (III) Installation of a pressure-reducing valve that limits static service pressure in the residence to a maximum of sixty pounds per square inch. Piping for home fire sprinkler systems ~~shall~~ MUST comply with state and local codes and regulations but are otherwise excluded from this ~~subparagraph~~ ~~(IV)~~ SUBSECTION (1)(a)(III).

(b) The offer required by ~~paragraph (a) of this subsection~~ ~~(1)~~ SUBSECTION (1)(a) OF THIS SECTION shall be made in accordance with the builder's construction schedule for the residence. In the case of prefabricated or manufactured homes, "construction schedule" includes the schedule for completion of prefabricated walls or other subassemblies.

(2) Nothing in this section precludes a person that builds a new single-family detached residence from:

(a) Subjecting water-efficient fixture and appliance upgrades to the same terms and conditions as other upgrades, including charges related to upgrades, deposits required for upgrades, deadlines, and construction timelines;

(b) Selecting the contractors that will complete the installation of the selected options; or

(c) Stipulating in the purchase agreement or sales contract that water-efficient fixtures and appliances are based on technology available at the time of installation, such upgrades may not support all water-efficient fixtures or appliances installed at a future date, and the person that builds a new single-family detached residence is not liable for any additional upgrades, retrofits, or other alterations to the residence that may be necessary to accommodate water-efficient fixtures or appliances installed at a future date.

(3) This section does not apply to unoccupied homes serving as sales inventory or model homes.

(4) The upgrades described in ~~paragraph (a) of subsection (1)~~ SUBSECTION (1)(a) of this section ~~shall~~ MUST not contravene state or local codes, covenants, and requirements. All homes, landscapes, and irrigation systems ~~shall~~ MUST meet all applicable national, state, and local regulations.

38-47-103. [Formerly 38-35.7-109] Electric vehicle charging system - electric heating system - energy efficiency information - options - definitions. (1) (a) A person that builds a new residence for which a buyer is under contract shall offer the buyer the opportunity to have the residence's electrical system include one of the following:

(I) An electric vehicle charging system;

(II) Upgrades of wiring planned by the builder to accommodate future installation of an electric vehicle charging system; or

(III) A two-hundred-eight- to two-hundred-forty-volt alternating current plug-in receptacle in an appropriate place accessible to a motor vehicle parking area.

(b) A person that builds a new residence for which a buyer is under contract shall offer the buyer the opportunity to have the residence include an efficient electrical heating system, including an electric water heater, electric boiler, or electric furnace or heat-pump system.

(c) A person that builds a new residence for which a buyer is under contract shall offer the buyer pricing, energy efficiency, and utility bill information for each natural gas, electric, or other option available from and

information pertaining to those options from the federal Energy Star program, as defined in section 6-7.5-102 (15), or similar information about energy efficiency and utilization reasonably available to the person building the residence.

(d) Subsection (1)(a) of this section does not apply to a residence in which the electrical system has been substantially installed before a buyer enters into a contract to purchase the residence. Subsection (1)(b) of this section does not apply to a residence in which the heating system has been substantially installed before a buyer enters into a contract to purchase the residence.

(2) To comply with this section, the offer required by subsection (1) of this section must be made in accordance with the builder's construction schedule for the residence.

(3) Nothing in this section precludes a person that builds a new residence from:

(a) Subjecting electric vehicle charging system upgrades to the same terms and conditions as other upgrades, including charges related to upgrades, deposits required for upgrades, deadlines, and construction timelines;

(b) Selecting the contractors that will complete the installation of electric vehicle charging system upgrades;

(c) Stipulating in the purchase agreement or sales contract that:

(I) Electric vehicle charging system upgrades are based on technology available at the time of installation and might not support all electric vehicle charging systems or systems installed in the future; and

(II) The person that builds a new residence is not liable for any additional upgrades, retrofits, or other alterations to the residence necessary to accommodate an electric vehicle charging system installed in the future.

(4) As used in this section:

(a) "Electric vehicle charging system" means:

(I) An electric vehicle charging system as defined in section 38-12-601 (6)(a) that has power capacity of at least 6.2 kilowatts, ~~that~~ is Energy Star certified, and ~~that~~ has the ability to connect to the internet; or

(II) An inductive residential charging system for battery-powered electric vehicles that:

(A) Is certified by Underwriters Laboratories or an equivalent certification;

(B) ~~that~~ Complies with the current version of article 625 of the National Electrical Code, published by the National Fire Protection Association, and other applicable industry standards;

(C) ~~that~~ Is Energy Star certified; and

(D) ~~that~~ Has the ability to connect to the internet.

(b) "Residence" means a single-family owner-occupied detached dwelling.

(5) (a) This section applies to contracts entered into on or after September 14, 2020, to purchase new residences built on or after September 14, 2020.

(b) This section does not apply to:

(I) An unoccupied home serving as sales inventory or a model home; or

(II) A manufactured home as defined in section 24-32-3302 (20).

38-47-104. Electric vehicle charging facilities - multifamily and large commercial buildings - requirements - definitions. (1) THIS SECTION APPLIES TO THE CONSTRUCTION OF A NEW HIGH-OCCUPANCY BUILDING PROJECT OR TO THE RENOVATION OF FIFTY PERCENT OR MORE OF AN EXISTING HIGH-OCCUPANCY BUILDING PROJECT AND TO:

(a) A CONTRACT EXECUTED ON OR AFTER JULY 1, 2023, TO CONSTRUCT A HIGH-OCCUPANCY BUILDING PROJECT;

(b) THE PLANNING OF OR DRAFTING FOR THE DESIGN OF A HIGH-OCCUPANCY BUILDING PROJECT ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION; AND

(c) THE LAYING OUT OF OR CONSTRUCTION OF A HIGH-OCCUPANCY BUILDING PROJECT ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

(2) A PERSON THAT IS PLANNING, DESIGNING, OR CONSTRUCTING:

(a) A LARGE COMMERCIAL BUILDING PROJECT SHALL PLAN, DESIGN, AND CONSTRUCT THE LARGE COMMERCIAL BUILDING PROJECT TO HAVE:

(I) TWENTY-FIVE PERCENT OF THE PARKING SPACES USED BY THE OCCUPANTS OF THE BUILDING BE EV CAPABLE; AND

(II) TEN PERCENT OF THE PARKING SPACES USED BY THE OCCUPANTS OF THE BUILDING BE EV READY; AND

(b) A MULTIFAMILY BUILDING SHALL PLAN, DESIGN, AND CONSTRUCT THE MULTIFAMILY BUILDING TO HAVE:

(I) IN FIFTY PERCENT OF THE UNITS, A PARKING SPACE USED BY THE OCCUPANTS OF THE BUILDING THAT IS EV CAPABLE; AND

(II) IN TWENTY PERCENT OF THE UNITS, A PARKING SPACE USED BY THE OCCUPANTS OF THE BUILDING THAT IS EV READY.

(3) (a) TO COMPLY WITH THIS SECTION, A PERSON MAY:

(I) PARTNER WITH A THIRD-PARTY COMPANY TO INSTALL AND MAINTAIN EV READY PARKING SPACES AND EV SUPPLY EQUIPMENT; OR

(II) INCLUDE THE COST OF COMPLYING WITH THIS SECTION IN THE PRICE TO PLAN, DRAFT, DESIGN, OR CONSTRUCT THE HIGH-OCCUPANCY BUILDING PROJECT.

(b) A HIGH-OCCUPANCY BUILDING PROJECT OWNER MAY CHARGE THE COST OF COMPLYING WITH THIS SECTION DIRECTLY TO INDIVIDUAL TENANTS THAT USE THE EV READY PARKING SPACES AND EV SUPPLY EQUIPMENT.

(4) THIS SECTION DOES NOT PREEMPT A POLITICAL SUBDIVISION OF COLORADO FROM REQUIRING MORE ELECTRIC VEHICLE INFRASTRUCTURE THAN REQUIRED IN THIS SECTION.

(5) AS USED IN THIS SECTION:

(a) (I) "EV CAPABLE" MEANS A PARKING SPACE THAT:

(A) HAS THE ELECTRICAL PANEL CAPACITY AND CONDUIT INSTALLED TO SUPPORT FUTURE IMPLEMENTATION OF ELECTRICAL VEHICLE CHARGING WITH A MINIMUM OF TWO HUNDRED EIGHT VOLTS AND A MINIMUM OF FORTY-AMPERE RATED CIRCUITS; AND

(B) IS ADJACENT TO THE TERMINAL POINT OF THE CONDUIT FROM THE ELECTRICAL FACILITIES DESCRIBED IN SUBSECTION (5)(a)(I)(A) OF THIS SECTION.

(II) "EV CAPABLE" INCLUDES TWO ADJACENT PARKING SPACES IF THE CONDUIT FOR THE ELECTRICAL FACILITIES DESCRIBED IN SUBSECTION (5)(a)(I)(A) OF THIS SECTION TERMINATES ADJACENT TO AND BETWEEN BOTH PARKING SPACES.

(b) (I) "EV READY" MEANS A PARKING SPACE THAT:

(A) HAS THE ELECTRICAL PANEL CAPACITY, RACEWAY WIRING, RECEPTACLE, AND CIRCUIT OVERPROTECTION DEVICES INSTALLED TO SUPPORT FUTURE IMPLEMENTATION OF ELECTRICAL VEHICLE CHARGING WITH A MINIMUM OF TWO HUNDRED EIGHT VOLTS AND A MINIMUM OF FORTY-AMPERE RATED CIRCUITS; AND

(B) IS ADJACENT TO THE RECEPTACLE FOR THE ELECTRICAL FACILITIES DESCRIBED IN SUBSECTION (5)(b)(I)(A) OF THIS SECTION.

(II) "EV READY" INCLUDES TWO ADJACENT PARKING SPACES IF THE RECEPTACLE FOR THE ELECTRICAL FACILITIES DESCRIBED IN SUBSECTION (5)(b)(I)(A) OF THIS SECTION IS INSTALLED ADJACENT TO AND BETWEEN BOTH PARKING SPACES.

(c) "HIGH-OCCUPANCY BUILDING PROJECT" MEANS:

(I) A MULTIFAMILY BUILDING; OR

(II) A LARGE COMMERCIAL BUILDING PROJECT.

(d) "LARGE COMMERCIAL BUILDING PROJECT" MEANS:

(I) A BUILDING WITH TWENTY-FIVE THOUSAND SQUARE FEET OR MORE OF FLOOR SPACE THAT IS USED OR INTENDED TO BE USED FOR COMMERCIAL PURPOSES; OR

(II) A PROJECT TO BUILD FORTY THOUSAND SQUARE FEET OR MORE OF FLOOR SPACE IN MORE THAN ONE BUILDING WITH A TOTAL OF TWENTY-FIVE OR MORE SETS OF LIVING QUARTERS OR COMMERCIAL UNITS IN ALL THE BUILDINGS.

(e) "MULTIFAMILY BUILDING" MEANS A RESIDENTIAL BUILDING WITH AT LEAST THREE FAMILY UNITS AND AT LEAST TEN PARKING SPACES.

SECTION 2. Repeal of relocated provisions in this act. In Colorado Revised Statutes, **repeal** 38-35.7-106, 38-35.7-107, and 38-35.7-109.

SECTION 3. In Colorado Revised Statutes, 12-115-120, **add** (11) and (12) as follows:

12-115-120. Inspection - permit - rules - exemption. (11) THE BOARD SHALL PROMULGATE RULES:

(a) REQUIRING COMPLIANCE WITH SECTION 38-47-104 TO BE ISSUED AN INSPECTION PERMIT UNDER THIS SECTION; AND

(b) SETTING STANDARDS FOR WAIVING THE REQUIREMENT TO COMPLY WITH SECTION 38-47-104 TO BE ISSUED AN INSPECTION PERMIT UNDER THIS SECTION IF THE WAIVER IS FOR THE RENOVATION OF FIFTY PERCENT OR MORE OF AN EXISTING HIGH-OCCUPANCY BUILDING PROJECT.

(12) NOTWITHSTANDING SUBSECTION (10) OF THIS SECTION, AN ENTITY OTHER THAN THE STATE THAT CONDUCTS ELECTRICAL INSPECTIONS MAY WAIVE THE REQUIREMENT THAT AN INSPECTION PERMIT APPLICANT COMPLIES WITH SECTION 38-47-104 TO BE ISSUED AN INSPECTION PERMIT

UNDER THIS SECTION IF THE WAIVER IS FOR THE RENOVATION OF FIFTY PERCENT OR MORE OF AN EXISTING HIGH-OCCUPANCY BUILDING PROJECT.

SECTION 4. In Colorado Revised Statutes, 38-33.3-103, **amend** the introductory portion and (33) as follows:

38-33.3-103. Definitions. As used in the declaration and bylaws of an association, unless specifically provided otherwise or unless the context otherwise requires, and in this ~~article~~ ARTICLE 33.3:

(33) "Xeriscape" means the combined application of the seven principles of landscape planning and design, soil analysis and improvement, hydro zoning of plants, use of practical turf areas, uses of mulches, irrigation efficiency, and appropriate maintenance under section ~~38-35.7-107(1)(a)(H)(A)~~ 38-47-102 (1)(a)(II)(A).

SECTION 5. 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; 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 2022 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 conduct occurring on or after the applicable effective date of this act.

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO