A BILL FOR AN ACT

Concerning the requirement that certain local governments adopt an energy efficiency code in connection with the construction of certain buildings.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires every board of county commissioners (board) and every governing body of a municipality (governing body) that has enacted a building code to adopt an energy code that meets or exceeds the standards in the 2003 International Energy Conservation Code (code) as minimum requirements that apply to the construction of, and renovations and additions to, all commercial and residential buildings in the county or municipality.
municipality.

Specifies the period during which a board or governing body shall adopt the code. Specifies that in the case of certain alterations to a building that was in existence before adoption of the code, the provisions of the code shall apply only to the portions of the structure that are altered subsequent to the adoption of the code. Specifies certain buildings that are exempt from the requirements of the code.

Directs the governor's office of energy management and conservation to provide information explaining the requirements of the code and to provide boards and governing bodies with technical assistance concerning the implementation and enforcement of the code. Authorizes the department of local affairs to award grants to boards and governing bodies out of moneys made available to the energy and mineral assistance program for training and technical assistance. Authorizes the department to award grants to nonprofit organizations to provide training and technical assistance in the implementation and enforcement of the code.

Makes legislative findings and declarations. Defines terms.

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

SECTION 1. 30-28-201, Colorado Revised Statutes, is amended by the addition of a new subsection to read:

30-28-201. Commissioners may adopt - emission performance standards required. (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 building code, shall adopt and enforce a building energy code that meets or exceeds the standards in the 2003 version of the international energy conservation code pursuant to section 30-28-211.

SECTION 2. Part 2 of article 28 of title 30, Colorado Revised Statutes, is amended by the addition of a new section to read:

30-28-211. Energy efficient building codes - legislative
declaration - definitions. (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:

(a) Excessive energy consumption creates effects beyond the boundaries of the local government within which the energy is consumed because the production of power occurs in centralized locations.

(b) Air pollutant emissions from energy consumption affects the health of the citizens throughout Colorado.

(c) The strain on the grid from peak electric power demands is not confined to jurisdictional boundaries.

(d) There is statewide interest in the reliability of the electrical grid and an adequate supply of heating oil and natural gas.

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

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

(a) "Building code" means regulations related to energy performance, electrical systems, mechanical systems, plumbing systems, or other elements of residential or commercial buildings.

(b) "Department" means the department of local affairs.

(c) "Energy code" means, at a minimum, the 2003 international energy conservation code published by the
INTERNATIONAL CODE COUNCIL OR ANY OTHER CODE DETERMINED BY THE
OFFICE OF ENERGY MANAGEMENT AND CONSERVATION TO EFFECT AN
EQUIVALENT AMOUNT OF ENERGY CONSERVATION.

(d) "Office" means the Office of Energy Management and
Conservation within the Office of the Governor or any successor
office that is created within the Office of the Governor for the
purpose of promoting energy management or conservation.

(3) Within one year of the effective date of this section,
every board of county commissioners that has enacted a
building code pursuant to section 30-28-201 shall adopt an
energy code that shall apply to the construction of, and
renovations and additions to, all commercial and residential
buildings in the county.

(4) The energy code shall apply to any commercial or
residential building in the county for which a building permit
application is received subsequent to the adoption of the energy
code.

(5) In the case of an addition, alteration, renovation, or
repair to a commercial or residential structure that was in
existence before the board of county commissioners adopted the
energy code, the provisions of the energy code shall apply only
to the portions of the structure that are added, altered,
renovated, or repaired subsequent to the adoption of the energy
code.

(6) The following buildings are exempt from the
provisions of subsection (4) of this section:

(a) Any building that is otherwise exempt from the
(b) Any building that does not use either electricity or fossil fuels for comfort heating. A building will be presumed to be heated by electricity even in the absence of equipment used for electric comfort heating if the building is provided with electrical service in excess of one hundred amps, unless the code enforcement official of the county determines that the electrical service is necessary for a purpose other than for providing electric comfort heating.

(c) Historic buildings that are listed on the National Register of Historic Places or Colorado State Register of Historic Properties and buildings that have been designated as historically significant by a local governing body that is authorized to make such designations; and

(d) Any building that is exempt pursuant to the energy code.

(7) (a) The office shall ensure that information explaining the requirements of the energy code and describing acceptable methods of compliance is available to builders, designers, engineers, and architects.

(b) The office shall provide boards of county commissioners with technical assistance concerning the implementation and enforcement of the energy code.

(8) (a) The department may award grants to boards of county commissioners out of moneys made available to the
ENERGY AND MINERAL ASSISTANCE PROGRAM FOR TRAINING AND 
TECHNICAL ASSISTANCE IN ENACTING, COMPLYING WITH, AND ENFORCING 
THE ENERGY CODE. 

(b) THE DEPARTMENT MAY AWARD GRANTS TO NONPROFIT 
ORGANIZATIONS TO PROVIDE TRAINING AND TECHNICAL ASSISTANCE IN 
THE IMPLEMENTATION AND ENFORCEMENT OF THE ENERGY CODE AND ON 
BUILDING DESIGN AND CONSTRUCTION METHODS THAT EXCEED THE 
MINIMUM STANDARDS REQUIRED PURSUANT TO THIS SECTION. 

SECTION 3. Part 6 of article 15 of title 31, Colorado Revised 
Statutes, is amended BY THE ADDITION OF A NEW SECTION to 
read: 

31-15-602. Energy efficient building codes - legislative 
declaration - definitions. (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: 

(a) EXCESSIVE ENERGY CONSUMPTION CREATES EFFECTS BEYOND 
the boundaries of the local government within which the energy 
is consumed because the production of power occurs in 
centralized locations. 

(b) AIR POLLUTANT EMISSIONS FROM ENERGY CONSUMPTION 
affects the health of the citizens throughout Colorado. 

(c) THE STRAIN ON THE GRID FROM PEAK ELECTRIC POWER 
DEMANDS IS NOT CONFINED TO JURISDICTIONAL BOUNDARIES. 

(d) THERE IS STATEWIDE INTEREST IN THE RELIABILITY OF THE 
electrical grid and an adequate supply of heating oil and 
natural gas.
(e) **CONTROLLING ENERGY COSTS FOR RESIDENTS AND BUSINESSES**

further's a statewide interest in a strong economy and reducing the cost of housing in Colorado.

(2) **AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

(a) "**BUILDING CODE**" MEANS REGULATIONS RELATED TO ENERGY PERFORMANCE, ELECTRICAL SYSTEMS, MECHANICAL SYSTEMS, PLUMBING SYSTEMS, OR OTHER ELEMENTS OF RESIDENTIAL OR COMMERCIAL BUILDINGS.

(b) "**DEPARTMENT**" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

(c) "**ENERGY CODE**" MEANS, AT A MINIMUM, THE 2003 INTERNATIONAL ENERGY CONSERVATION CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL OR ANY OTHER CODE DETERMINED BY THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION TO EFFECT AN EQUIVALENT AMOUNT OF ENERGY CONSERVATION.

(d) "**Office**" MEANS THE OFFICE OF ENERGY MANAGEMENT AND CONSERVATION WITHIN THE OFFICE OF THE GOVERNOR OR ANY SUCCESSOR OFFICE THAT IS CREATED WITHIN THE OFFICE OF THE GOVERNOR FOR THE PURPOSE OF PROMOTING ENERGY MANAGEMENT OR CONSERVATION.

(3) **WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION,**

the governing body of any municipality that has enacted a building code shall adopt an energy code that shall apply to the construction of, and renovations and additions to, all commercial and residential buildings in the municipality.

(4) **THE ENERGY CODE SHALL APPLY TO ANY COMMERCIAL OR RESIDENTIAL BUILDING IN THE MUNICIPALITY FOR WHICH A BUILDING PERMIT APPLICATION IS RECEIVED SUBSEQUENT TO THE ADOPTION OF THE**
ENERGY CODE.

(5) IN THE CASE OF AN ADDITION, ALTERATION, RENOVATION, OR REPAIR TO A COMMERCIAL OR RESIDENTIAL STRUCTURE THAT WAS IN EXISTENCE BEFORE THE GOVERNING BODY OF THE MUNICIPALITY ADOPTED THE ENERGY CODE, THE PROVISIONS OF THE ENERGY CODE SHALL APPLY ONLY TO THE PORTIONS OF THE STRUCTURE THAT ARE ADDED, ALTERED, RENOVATED, OR REPAIRED SUBSEQUENT TO THE ADOPTION OF THE ENERGY CODE.

(6) THE FOLLOWING BUILDINGS ARE EXEMPT FROM THE PROVISIONS OF SUBSECTION (4) OF THIS SECTION:

(a) ANY BUILDING THAT IS OTHERWISE EXEMPT FROM THE PROVISIONS OF THE BUILDING CODE ADOPTED BY THE GOVERNING BODY OF THE MUNICIPALITY IN WHICH THE BUILDING IS LOCATED AND BUILDINGS THAT DO NOT CONTAIN A CONDITIONED SPACE;

(b) ANY BUILDING THAT DOES NOT USE EITHER ELECTRICITY OR FOSSIL FUELS FOR COMFORT HEATING. A BUILDING WILL BE PRESUMED TO BE HEATED BY ELECTRICITY EVEN IN THE ABSENCE OF EQUIPMENT USED FOR ELECTRIC COMFORT HEATING IF THE BUILDING IS PROVIDED WITH ELECTRICAL SERVICE IN EXCESS OF ONE HUNDRED AMPS, UNLESS THE CODE ENFORCEMENT OFFICIAL OF THE MUNICIPALITY DETERMINES THAT THE ELECTRICAL SERVICE IS NECESSARY FOR A PURPOSE OTHER THAN FOR PROVIDING ELECTRIC COMFORT HEATING.

(c) HISTORIC BUILDINGS THAT ARE LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES OR COLORADO STATE REGISTER OF HISTORIC PROPERTIES AND BUILDINGS THAT HAVE BEEN DESIGNATED AS HISTORICALLY SIGNIFICANT BY A LOCAL GOVERNING BODY THAT IS AUTHORIZED TO MAKE SUCH DESIGNATIONS; AND
(d) Any building that is exempt pursuant to the energy code.

(7) (a) The office shall ensure that information explaining the requirements of the energy code and describing acceptable methods of compliance is available to builders, designers, engineers, and architects.

(b) The office shall provide the governing body of any municipality with technical assistance concerning the implementation and enforcement of the energy code.

(8) (a) The department may award grants to the governing body of any municipality out of moneys made available to the energy and mineral assistance program for training and technical assistance in enacting, complying with, and enforcing the energy code.

(b) The department may award grants to nonprofit organizations to provide training and technical assistance in the implementation and enforcement of the energy code and on building design and construction methods that exceed the minimum standards required pursuant to this section.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.