

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0929.01 Thomas Morris

HOUSE BILL 10-1358

HOUSE SPONSORSHIP

Fischer, Apuan, Court, Frangas, Gagliardi, Hullinghorst, Kagan, Kefalas, Kerr A., Labuda, Levy, Merrifield, Middleton, Pace, Peniston, Primavera, Ryden, Solano, Todd, Tyler, Vigil, Weissmann

SENATE SPONSORSHIP

Johnston, Bacon, Hodge, Steadman, Tapia, Williams

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A REQUIREMENT FOR NEW HOME BUILDERS TO OFFER**
102 **HOME BUYERS WATER EFFICIENCY OPTIONS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill requires every person that builds a new single-family detached residence for which a buyer is under contract to offer the buyer the opportunity to select one or more of the following water-smart home options for the residence:

! Installation of water-efficient toilets, lavatory faucets, and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

- showerheads;
- ! If dishwashers or clothes washers are financed, installed, or sold as upgrades through the home builder, the model selected must be qualified pursuant to the federal environmental protection agency's energy star program at the time of offering;
 - ! If front yard landscaping is financed, installed, or sold as upgrades through the home builder and will be maintained by the home owner, either average water use of the landscape must be no more than 10 gallons per square foot per year or turf grass shall not exceed 40% of the landscaped area; and
 - ! Installation of a pressure-reducing valve that limits static service pressure in the residence to a maximum of 60 pounds per square inch.

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

2 **SECTION 1.** Article 35.7 of title 38, Colorado Revised Statutes,
3 is amended BY THE ADDITION OF A NEW SECTION to read:

4 **38-35.7-107. Water-smart homes option.** (1) (a) EVERY
5 PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED RESIDENCE FOR
6 WHICH A BUYER IS UNDER CONTRACT SHALL OFFER THE BUYER THE
7 OPPORTUNITY TO SELECT ONE OR MORE OF THE FOLLOWING WATER-SMART
8 HOME OPTIONS FOR THE RESIDENCE:

9 (I) INSTALLATION OF WATER-EFFICIENT TOILETS, LAVATORY
10 FAUCETS, AND SHOWERHEADS THAT MEET OR EXCEED THE FOLLOWING
11 WATER-EFFICIENT STANDARDS: TOILETS SHALL USE NO MORE THAN ONE
12 AND TWENTY-EIGHT ONE-HUNDREDTHS OF A GALLON PER FLUSH,
13 LAVATORY FAUCETS NO MORE THAN ONE AND ONE-HALF GALLONS PER
14 MINUTE, AND SHOWERHEADS NO MORE THAN TWO GALLONS PER MINUTE;

15 (II) IF DISHWASHERS OR CLOTHES WASHERS ARE FINANCED,
16 INSTALLED, OR SOLD AS UPGRADES THROUGH THE HOME BUILDER, THE
17 BUILDER SHALL OFFER A MODEL THAT IS QUALIFIED PURSUANT TO THE

1 FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S ENERGY STAR
2 PROGRAM AT THE TIME OF OFFERING. CLOTHES WASHERS SHALL HAVE A
3 WATER FACTOR OF LESS THAN OR EQUAL TO SIX GALLONS OF WATER PER
4 CYCLE PER CUBIC FOOT OF CAPACITY.

5 (III) IF LANDSCAPING IS FINANCED, INSTALLED, OR SOLD AS
6 UPGRADES THROUGH THE HOME BUILDER AND WILL BE MAINTAINED BY
7 THE HOME OWNER, THE HOME BUILDER SHALL OFFER A LANDSCAPE DESIGN
8 THAT FOLLOWS THE LANDSCAPE PRACTICES SPECIFIED IN THIS
9 SUBPARAGRAPH (III) TO ENSURE BOTH THE PROFESSIONAL DESIGN AND
10 INSTALLATION OF SUCH LANDSCAPING AND THAT WATER CONSERVATION
11 WILL BE ACCOMPLISHED. THESE BEST MANAGEMENT PRACTICES ARE
12 CONTAINED IN THE DOCUMENT TITLED: "GREEN INDUSTRY BEST
13 MANAGEMENT PRACTICES (BMP) FOR THE CONSERVATION AND
14 PROTECTION OF WATER RESOURCES IN COLORADO, 3RD EDITION", AND
15 APPENDIX, RELEASED IN MAY 2008, OR THIS DOCUMENT'S SUCCESSORS
16 DUE TO FUTURE INCLUSION OF IMPROVED LANDSCAPING PRACTICES,
17 WATER CONSERVATION ADVANCEMENTS, AND NEW IRRIGATION
18 TECHNOLOGY. THE BEST MANAGEMENT PRACTICES SPECIFIED IN THIS
19 SUBPARAGRAPH (III), THROUGH UTILIZATION OF THE PROPER LANDSCAPE
20 DESIGN, INSTALLATION, AND IRRIGATION TECHNOLOGY, ACCOMPLISH
21 SUBSTANTIAL WATER SAVINGS COMPARED TO LANDSCAPE DESIGNS,
22 INSTALLATION, AND IRRIGATION SYSTEM UTILIZATION WHERE THESE
23 PRACTICES ARE NOT ADHERED TO. THE FOLLOWING BEST MANAGEMENT
24 PRACTICES AND WATER BUDGET CALCULATOR FORM THE BASIS FOR THE
25 DESIGN AND INSTALLATION FOR THE FRONT YARD LANDSCAPING OPTION
26 IF SELECTED BY THE HOMEOWNER AS AN UPGRADE:

27 (A) XERISCAPE: TO INCLUDE THE SEVEN PRINCIPLES OF XERISCAPE

1 THAT PROVIDE A COMPREHENSIVE APPROACH FOR CONSERVING WATER;

2 (B) WATER BUDGETING: TO INCLUDE EITHER A WATER ALLOTMENT
3 BY THE WATER UTILITY FOR THE PROPERTY OR A LANDSCAPE WATER
4 BUDGET BASED ON PLANT WATER REQUIREMENTS;

5 (C) LANDSCAPE DESIGN: TO INCLUDE A PLAN AND DESIGN FOR THE
6 LANDSCAPE TO COMPREHENSIVELY CONSERVE WATER AND PROTECT
7 WATER QUALITY;

8 (D) LANDSCAPE INSTALLATION AND EROSION CONTROL: TO
9 MINIMIZE SOIL EROSION AND EMPLOY PROPER SOIL CARE AND PLANTING
10 TECHNIQUES DURING CONSTRUCTION;

11 (E) SOIL AMENDMENT AND GROUND PREPARATION: TO INCLUDE AN
12 EVALUATION OF THE SOIL AND IMPROVE, IF NECESSARY, TO ADDRESS
13 WATER RETENTION, PERMEABILITY, WATER INFILTRATION, AERATION, AND
14 STRUCTURE;

15 (F) TREE PLACEMENT AND TREE PLANTING: TO INCLUDE PROPER
16 SOIL AND SPACE FOR ROOT GROWTH AND TO INCLUDE PROPER PLANTING OF
17 TREES, SHRUBS, AND OTHER WOODY PLANTS TO PROMOTE LONG-TERM
18 HEALTH OF THESE PLANTS;

19 (G) IRRIGATION DESIGN AND INSTALLATION: TO INCLUDE DESIGN
20 OF THE IRRIGATION SYSTEM FOR THE EFFICIENT AND UNIFORM
21 DISTRIBUTION OF WATER TO PLANT MATERIAL AND THE DEVELOPMENT OF
22 AN IRRIGATION SCHEDULE;

23 (H) IRRIGATION TECHNOLOGY AND SCHEDULING: TO INCLUDE
24 WATER CONSERVING DEVICES THAT STOP WATER APPLICATION DURING
25 RAIN, HIGH WIND, AND OTHER WEATHER EVENTS AND INCORPORATE
26 EVAPOTRANSPIRATION CONDITIONS. IRRIGATION SCHEDULING SHOULD
27 ADDRESS FREQUENCY AND DURATION OF WATER APPLICATION IN THE

1 MOST EFFICIENT MANNER; AND

2 (I) MULCHING: TO INCLUDE THE USE OF ORGANIC MULCHES TO
3 REDUCE WATER LOSS THROUGH EVAPORATION, REDUCE SOIL LOSS, AND
4 SUPPRESS WEEDS.

5 (IV) INSTALLATION OF A PRESSURE-REDUCING VALVE THAT LIMITS
6 STATIC SERVICE PRESSURE IN THE RESIDENCE TO A MAXIMUM OF SIXTY
7 POUNDS PER SQUARE INCH. PIPING FOR HOME FIRE SPRINKLER SYSTEMS
8 SHALL COMPLY WITH STATE AND LOCAL CODES AND REGULATIONS BUT
9 ARE OTHERWISE EXCLUDED FROM THIS SUBPARAGRAPH (IV).

10 (b) THE OFFER REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION
11 (1) SHALL BE MADE IN ACCORDANCE WITH THE BUILDER'S CONSTRUCTION
12 SCHEDULE FOR THE RESIDENCE. IN THE CASE OF PREFABRICATED OR
13 MANUFACTURED HOMES, "CONSTRUCTION SCHEDULE" INCLUDES THE
14 SCHEDULE FOR COMPLETION OF PREFABRICATED WALLS OR OTHER
15 SUBASSEMBLIES.

16 (2) NOTHING IN THIS SECTION PRECLUDES A PERSON THAT BUILDS
17 A NEW SINGLE-FAMILY DETACHED RESIDENCE FROM:

18 (a) SUBJECTING WATER-EFFICIENT FIXTURE AND APPLIANCE
19 UPGRADES TO THE SAME TERMS AND CONDITIONS AS OTHER UPGRADES,
20 INCLUDING CHARGES RELATED TO UPGRADES, DEPOSITS REQUIRED FOR
21 UPGRADES, DEADLINES, AND CONSTRUCTION TIMELINES;

22 (b) SELECTING THE CONTRACTORS THAT WILL COMPLETE THE
23 INSTALLATION OF THE SELECTED OPTIONS; OR

24 (c) STIPULATING IN THE PURCHASE AGREEMENT OR SALES
25 CONTRACT THAT WATER-EFFICIENT FIXTURES AND APPLIANCES ARE BASED
26 ON TECHNOLOGY AVAILABLE AT THE TIME OF INSTALLATION, SUCH
27 UPGRADES MAY NOT SUPPORT ALL WATER-EFFICIENT FIXTURES OR

1 APPLIANCES INSTALLED AT A FUTURE DATE, AND THE PERSON THAT BUILDS
2 A NEW SINGLE-FAMILY DETACHED RESIDENCE IS NOT LIABLE FOR ANY
3 ADDITIONAL UPGRADES, RETROFITS, OR OTHER ALTERATIONS TO THE
4 RESIDENCE THAT MAY BE NECESSARY TO ACCOMMODATE
5 WATER-EFFICIENT FIXTURES OR APPLIANCES INSTALLED AT A FUTURE
6 DATE.

7 (3) THIS SECTION DOES NOT APPLY TO UNOCCUPIED HOMES
8 SERVING AS SALES INVENTORY OR MODEL HOMES.

9 (4) THE UPGRADES DESCRIBED IN PARAGRAPH (a) OF SUBSECTION
10 (1) OF THIS SECTION SHALL NOT CONTRAVENE STATE OR LOCAL CODES,
11 COVENANTS, AND REQUIREMENTS. ALL HOMES, LANDSCAPES, AND
12 IRRIGATION SYSTEMS SHALL MEET ALL APPLICABLE NATIONAL, STATE, AND
13 LOCAL REGULATIONS.

14 **SECTION 2. Act subject to petition - effective date -**
15 **applicability.** (1) This act shall take effect at 12:01 a.m. on the day
16 following the expiration of the ninety-day period after final adjournment
17 of the general assembly (August 11, 2010, if adjournment sine die is on
18 May 12, 2010); except that, if a referendum petition is filed pursuant to
19 section 1 (3) of article V of the state constitution against this act or an
20 item, section, or part of this act within such period, then the act, item,
21 section, or part shall not take effect unless approved by the people at the
22 general election to be held in November 2010 and shall take effect on the
23 date of the official declaration of the vote thereon by the governor.

24 (2) The provisions of this act shall apply to contracts for new
25 single-family detached residences occurring on or after the applicable
26 effective date of this act.