

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

INTRODUCED

LLS NO. 10-0929.01 Thomas Morris

HOUSE BILL 10-1358

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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/billssummaries>.)

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 MODEL SELECTED SHALL BE QUALIFIED PURSUANT TO THE FEDERAL

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

5 (III) IF FRONT YARD LANDSCAPING IS FINANCED, INSTALLED, OR
6 SOLD AS UPGRADES THROUGH THE HOME BUILDER AND WILL BE
7 MAINTAINED BY THE HOME OWNER, EITHER AVERAGE WATER USE OF THE
8 LANDSCAPE SHALL BE NO MORE THAN TEN GALLONS PER SQUARE FOOT PER
9 YEAR OR TURF GRASS SHALL NOT EXCEED FORTY PERCENT OF THE
10 LANDSCAPED AREA. IRRIGATION SYSTEMS SHALL:

11 (A) BE DESIGNED AND INSTALLED TO SUSTAIN THE LANDSCAPE
12 WITHOUT CREATING RUNOFF OR DIRECT OVERSPRAY;

13 (B) ACHIEVE A LOWER QUARTER DISTRIBUTION UNIFORMITY OF
14 SIXTY-FIVE PERCENT OR GREATER;

15 (C) USE SPRINKLER IRRIGATION ONLY TO WATER TURF GRASS;

16 (D) BE EQUIPPED WITH TECHNOLOGY THAT INHIBITS OPERATION
17 DURING PERIODS OF RAINFALL; AND

18 (E) BE EQUIPPED WITH A SMART IRRIGATION CONTROLLER SUCH AS
19 A FEDERAL ENVIRONMENTAL PROTECTION AGENCY
20 WATERSENSE-CERTIFIED CONTROLLER.

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

26 (b) THE OFFER REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION
27 (1) SHALL BE MADE IN ACCORDANCE WITH THE BUILDER'S CONSTRUCTION

1 SCHEDULE FOR THE RESIDENCE. IN THE CASE OF PREFABRICATED OR
2 MANUFACTURED HOMES, "CONSTRUCTION SCHEDULE" INCLUDES THE
3 SCHEDULE FOR COMPLETION OF PREFABRICATED WALLS OR OTHER
4 SUBASSEMBLIES.

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

7 (a) SUBJECTING WATER-EFFICIENT FIXTURE AND APPLIANCE
8 UPGRADES TO THE SAME TERMS AND CONDITIONS AS OTHER UPGRADES,
9 INCLUDING CHARGES RELATED TO UPGRADES, DEPOSITS REQUIRED FOR
10 UPGRADES, DEADLINES, AND CONSTRUCTION TIMELINES;

11 (b) SELECTING THE CONTRACTORS THAT WILL COMPLETE THE
12 INSTALLATION OF THE SELECTED OPTIONS; OR

13 (c) STIPULATING IN THE PURCHASE AGREEMENT OR SALES
14 CONTRACT THAT WATER-EFFICIENT FIXTURES AND APPLIANCES ARE BASED
15 ON TECHNOLOGY AVAILABLE AT THE TIME OF INSTALLATION, SUCH
16 UPGRADES MAY NOT SUPPORT ALL WATER-EFFICIENT FIXTURES OR
17 APPLIANCES INSTALLED AT A FUTURE DATE, AND THE PERSON THAT BUILDS
18 A NEW SINGLE-FAMILY DETACHED RESIDENCE IS NOT LIABLE FOR ANY
19 ADDITIONAL UPGRADES, RETROFITS, OR OTHER ALTERATIONS TO THE
20 RESIDENCE THAT MAY BE NECESSARY TO ACCOMMODATE
21 WATER-EFFICIENT FIXTURES OR APPLIANCES INSTALLED AT A FUTURE
22 DATE.

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

25 (4) THE UPGRADES DESCRIBED IN PARAGRAPH (a) OF SUBSECTION
26 (1) OF THIS SECTION ARE NOT INTENDED TO CONTRAVENE STATE OR LOCAL
27 CODES, COVENANTS, AND REQUIREMENTS. ALL HOMES, LANDSCAPES, AND

1 IRRIGATION SYSTEMS SHALL MEET ALL APPLICABLE NATIONAL, STATE, AND
2 LOCAL REGULATIONS.

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

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