

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

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

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.**

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**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.*

SENATE  
Am ended 2nd Reading  
May 6, 2010

HOUSE  
3rd Reading Unam ended  
April 13, 2010

HOUSE  
Am ended 2nd Reading  
April 12, 2010

- 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.

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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, IF OFFERED BY THE WATER  
4 UTILITY, OR A LANDSCAPE WATER BUDGET BASED ON PLANT WATER  
5 REQUIREMENTS;

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

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

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

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

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

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

1 ADDRESS FREQUENCY AND DURATION OF WATER APPLICATION IN THE  
2 MOST EFFICIENT MANNER; AND

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

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

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

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

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

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

25 (c) STIPULATING IN THE PURCHASE AGREEMENT OR SALES  
26 CONTRACT THAT WATER-EFFICIENT FIXTURES AND APPLIANCES ARE BASED  
27 ON TECHNOLOGY AVAILABLE AT THE TIME OF INSTALLATION, SUCH

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

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

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

16 **SECTION 2. Act subject to petition - specified effective date**  
17 **- applicability.** (1) This act shall take effect January 1, 2011; except  
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
19 of the state constitution against this act or an item, section, or part of this  
20 act within the ninety-day period after final adjournment of the general  
21 assembly, then the act, item, section, or part shall not take effect unless  
22 approved by the people at the general election to be held in November  
23 2010 and shall take effect on January 1, 2011, or on the date of the  
24 official declaration of the vote thereon by the governor, whichever is  
25 later.

26 (2) The provisions of this act shall apply to contracts for new

- 1 single-family detached residences occurring on or after the applicable
- 2 effective date of this act.