

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 11-0580.01 Esther van Mourik

HOUSE BILL 11-1160

HOUSE SPONSORSHIP

Gerou,

SENATE SPONSORSHIP

Jahn,

House Committees
Local Government

Senate Committees
Local Government

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF A GREEN BUILDING INCENTIVE**
102 **PILOT PROGRAM ADMINISTERED BY THE GOVERNOR'S ENERGY**
103 **OFFICE TO INCENTIVIZE THE MAKING OF ENERGY EFFICIENCY**
104 **IMPROVEMENTS TO EXISTING RESIDENCES WITH CURRENT HOME**
105 **ENERGY RATINGS BELOW MINIMUM STANDARDS FOR PEOPLE**
106 **WHO PURCHASE HIGHLY EFFICIENT NEW RESIDENTIAL**
107 **CONSTRUCTION.**

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

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
2nd Reading Unam ended
April 18, 2011

HOUSE
3rd Reading Unam ended
March 17, 2011

HOUSE
Am ended 2nd Reading
March 15, 2011

1 BENEFIT HOMEBUYERS WHO ARE ATTEMPTING TO PURCHASE HIGHLY
2 ENERGY EFFICIENT NEW RESIDENTIAL CONSTRUCTION AND RETROFIT
3 EXISTING HOMES IN AN ATTEMPT TO REDUCE ENERGY AND WATER
4 CONSUMPTION.


5 **24-38.5-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "ENERGY CODE" MEANS THE 2006 INTERNATIONAL ENERGY
8 CONSERVATION CODE, OR ANY SUCCESSOR EDITION, PUBLISHED BY THE
9 INTERNATIONAL CODE COUNCIL OR ANY STATE OR LOCAL ENERGY CODE
10 THAT HAS MORE RECENT OR MORE STRINGENT REQUIREMENTS.

11 (2) "ENERGY EFFICIENCY IMPROVEMENT" MEANS:

12 (a) AN UPGRADE TO A STRUCTURE, APPLIANCE, FIXTURE,
13 PLUMBING, HEATING OR COOLING SYSTEM, OR WATER HEATER IN ANY
14 EXISTING RESIDENCE THAT IS INTENDED TO REDUCE THE CONSUMPTION OF
15 ELECTRICITY, NATURAL GAS, WATER, OR ANY OTHER FUEL OR ENERGY
16 SOURCE; AND

17 (b) THE INSTALLATION OR UPGRADE OF BUILDING INSULATION, AIR
18 SEALING MEASURES, AND DUCT SEALING IN ANY EXISTING RESIDENCE.

19 
20 (3) "EXISTING RESIDENCE" MEANS A RESIDENCE, EITHER
21 SINGLE-FAMILY DETACHED OR MULTI-FAMILY, THAT:

22 (a) IS LOCATED IN COLORADO;

23 (b) IS USED AS THE QUALIFIED HOMEBUYER'S PRIMARY RESIDENCE;

24 AND

25 (c) HAS A CURRENT HOME ENERGY RATING, AS DETERMINED BY A
26 RECOGNIZED GREEN BUILDING RATING SYSTEM, THAT IS BELOW MINIMUM
27 STANDARDS, AS DETERMINED BY THE ENERGY CODE.

1 (4) "GREEN BUILDING INCENTIVE PILOT PROGRAM" OR "PILOT
2 PROGRAM" MEANS THE GREEN BUILDING INCENTIVE PILOT PROGRAM
3 DESCRIBED IN SECTION 24-38.5-203.

4 (5) "HIGHLY EFFICIENT NEW RESIDENTIAL CONSTRUCTION" MEANS
5 A NEW SINGLE-FAMILY DETACHED RESIDENCE OR NEW MULTI-FAMILY
6 RESIDENCE LOCATED IN COLORADO THAT IS DESIGNED AND CONSTRUCTED
7 TO BE AT LEAST TWENTY-FIVE PERCENT MORE EFFICIENT THAN THE
8 ENERGY CODE'S REQUIREMENTS, AS DOCUMENTED BY A RECOGNIZED
9 GREEN BUILDING RATING SYSTEM.

10 (6) "HOME ENERGY AUDIT" MEANS AN INSPECTION, SURVEY, AND
11 ANALYSIS OF A HOME'S STRUCTURE AND SYSTEMS IN ORDER TO QUANTIFY
12 THE BUILDING'S PROJECTED ENERGY CONSUMPTION.

13 (7) "HOME ENERGY RATING" MEANS AN OBJECTIVE AND
14 STANDARD MEASUREMENT OF A HOME'S ENERGY EFFICIENCY RELATIVE TO
15 STANDARDS CONTAINED IN AN ENERGY CODE, SUCH AS THOSE DEVELOPED
16 BY THE RESIDENTIAL ENERGY SERVICES NETWORK OR ANY SUCCESSOR
17 ORGANIZATION.

18 (8) "QUALIFIED HOMEBUYER" MEANS A PERSON THAT HAS
19 ENTERED INTO A SALES CONTRACT TO PURCHASE HIGHLY EFFICIENT NEW
20 RESIDENTIAL CONSTRUCTION AND WILL BE SELLING THE PERSON'S
21 EXISTING RESIDENCE IN ORDER TO PURCHASE THE HIGHLY EFFICIENT NEW
22 RESIDENTIAL CONSTRUCTION AS THE PERSON'S PRIMARY RESIDENCE.

23 (9) "RECOGNIZED GREEN BUILDING RATING SYSTEM" MEANS A
24 SYSTEM OF RULES FOR COMPARING THE PERFORMANCE OF A WHOLE
25 BUILDING OR BUILDING SYSTEM TO THE ENERGY CODE, TO A PROBLEM, OR
26 TO A TEST CASE THAT SERVES AS A BASIS FOR EVALUATION OR
27 COMPARISON. "RECOGNIZED GREEN BUILDING RATING SYSTEM"

1 INCLUDES, BUT IS NOT LIMITED TO:

2 (a) THE FEDERAL ENERGY STAR PROGRAM, JOINTLY OPERATED BY
3 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE
4 UNITED STATES DEPARTMENT OF ENERGY, OR ITS SUCCESSOR PROGRAM;

5 (b) THE JANUARY 2008 VERSION, OR ANY SUCCESSOR STANDARD,
6 OF THE "LEED FOR HOMES RATING SYSTEM" ADMINISTERED BY THE
7 UNITED STATES GREEN BUILDING COUNCIL OR ITS SUCCESSOR
8 ORGANIZATION;

9 (c) THE NATIONAL GREEN BUILDING STANDARD, COMMONLY CITED
10 AS ANSI/ICC 700-2008, ESTABLISHED BY THE NATIONAL ASSOCIATION OF
11 HOME BUILDERS AND THE INTERNATIONAL COUNCIL CODE, OR ANY
12 SUCCESSOR STANDARD; AND

13 (d) ENERGY AUDITS THAT ARE PERFORMED BY THE ELECTRIC
14 UTILITY, OR ITS DESIGNEE, PROVIDING SERVICE TO THE RESIDENCE.

15 **24-38.5-203. Green building incentive pilot program.**

16 (1) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF SUBSECTION (9) OF THIS
17 SECTION, THE GOVERNOR'S ENERGY OFFICE SHALL ESTABLISH AND
18 ADMINISTER A GREEN BUILDING INCENTIVE PILOT PROGRAM IN
19 ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED IN THIS PART 2.

20 (2) (a) A QUALIFIED HOMEBUYER MAY SUBMIT AN APPLICATION,
21 PROVIDED BY THE GOVERNOR'S ENERGY OFFICE, TO THE GOVERNOR'S
22 ENERGY OFFICE FOR A GRANT TO MAKE ENERGY EFFICIENCY
23 IMPROVEMENTS TO THE HOMEBUYER'S EXISTING RESIDENCE THAT THE
24 HOMEBUYER IS SELLING IN PREPARATION FOR PURCHASING A HIGHLY
25 EFFICIENT NEW RESIDENTIAL CONSTRUCTION.

26 (b) THE GOVERNOR'S ENERGY OFFICE SHALL AWARD A LARGER
27 GRANT TO A QUALIFIED HOMEBUYER WITH AN EXISTING RESIDENCE THAT

1 HAS A HOME ENERGY RATING OR HOME ENERGY AUDIT SHOWING GREATER
2 INEFFICIENCY.

3 (3) THE ENERGY EFFICIENCY IMPROVEMENTS SHALL BE
4 PERFORMED BY CONTRACTORS APPROVED BY THE GOVERNOR'S ENERGY
5 OFFICE AS SPECIFIED IN SUBSECTION (6) OF THIS SECTION.

6 (4) THE GOVERNOR'S ENERGY OFFICE SHALL REQUIRE THE
7 QUALIFIED HOMEBUYER TO SUBMIT DOCUMENTATION:

8 (a) THAT THE HOME ENERGY RATING OF THE QUALIFIED
9 HOMEBUYER'S EXISTING RESIDENCE IS BELOW THE ENERGY CODE'S
10 REQUIREMENTS;

11 (b) THAT THE QUALIFIED HOMEBUYER HAS ENTERED INTO A SALES
12 CONTRACT TO PURCHASE A HIGHLY EFFICIENT NEW RESIDENTIAL
13 CONSTRUCTION;

14 (c) OF THE ESTIMATED COMPLETION DATE OF THE QUALIFIED
15 HOMEBUYER'S HIGHLY EFFICIENT NEW RESIDENTIAL CONSTRUCTION;

16 (d) OF THE NAME OR NAMES OF THE CONTRACTORS THAT WILL
17 PERFORM THE ENERGY EFFICIENCY IMPROVEMENTS ON THE EXISTING
18 RESIDENCE; AND

19 (e) THAT THE HIGHLY EFFICIENT NEW RESIDENTIAL CONSTRUCTION
20 MEETS THE DEFINITION SPECIFIED IN SECTION 24-38.5-202 (5). THE
21 QUALIFIED HOMEBUYER MAY SEEK SUCH DOCUMENTATION FROM THE
22 HOME BUILDER, WHO MAY THEN SUBMIT THE DOCUMENTATION ON BEHALF
23 OF THE QUALIFIED HOMEBUYER.

24 (5) ENERGY EFFICIENCY IMPROVEMENTS MADE TO AN EXISTING
25 RESIDENCE SHALL BE COMPLETED IN A MANNER THAT IS CONSISTENT WITH
26 A HOME ENERGY RATING OR A HOME ENERGY AUDIT, AND SHALL RESULT
27 IN IMPROVED ENERGY EFFICIENCY. RETROFITS AND UPGRADES TO

1 IMPROVE THE ENERGY EFFICIENCY OF A QUALIFIED HOMEBUYER'S
2 EXISTING RESIDENCE SHALL BE COMPLETED BEFORE THE CLOSING OF THE
3 SALE OF THE RESIDENCE.

4 (6) THE GOVERNOR'S ENERGY OFFICE SHALL CREATE A LIST OF
5 CONTRACTORS ELIGIBLE TO PERFORM ENERGY EFFICIENCY IMPROVEMENTS
6 TO A QUALIFIED HOMEBUYER'S EXISTING RESIDENCE.

7 (7) IN ORDER TO CONFIRM THAT THE QUALIFIED HOMEBUYER MET
8 THE REQUIREMENTS OF THE PILOT PROGRAM, THE QUALIFIED HOMEBUYER
9 SHALL SUBMIT TO THE GOVERNOR'S ENERGY OFFICE COPIES OF CLOSING
10 DOCUMENTATION FOR THE HIGHLY EFFICIENT NEW RESIDENTIAL
11 CONSTRUCTION NO LATER THAN THIRTY DAYS AFTER THE CONSTRUCTION
12 IS COMPLETE. IF CONSTRUCTION IS DELAYED AND NOT COMPLETED BY THE
13 ESTIMATED COMPLETION DATE, THE GOVERNOR'S ENERGY OFFICE MAY
14 GRANT A WAIVER OR EXTENSION FOR SUBMISSION OF THIS
15 DOCUMENTATION.

16 (8) IF THE PURCHASE OF THE HIGHLY EFFICIENT NEW RESIDENTIAL
17 CONSTRUCTION IS NOT FINALIZED FOR ANY REASON, INCLUDING BUT NOT
18 LIMITED TO THE CANCELLATION OF THE SALE BY THE QUALIFIED
19 HOMEBUYER OR THE FAILURE OF THE QUALIFIED HOMEBUYER TO SECURE
20 FINANCING, THE QUALIFIED HOMEBUYER SHALL REIMBURSE THE TOTAL
21 AMOUNT OF THE GRANT TO THE GOVERNOR'S ENERGY OFFICE WITHIN
22 THIRTY DAYS AFTER SUCH CANCELLATION OR FAILURE.

23 (9) (a) FUNDING FOR THE PILOT PROGRAM SHALL BE PROVIDED
24 FROM FEDERAL FUNDS TRANSFERRED TO THE GOVERNOR'S ENERGY OFFICE
25 THAT THE GOVERNOR'S ENERGY OFFICE HAS ALREADY RECEIVED PRIOR TO
26 THE EFFECTIVE DATE OF THIS SECTION OR MAY RECEIVE AFTER THE
27 EFFECTIVE DATE OF THIS SECTION. THE GOVERNOR'S ENERGY OFFICE MAY

1 REQUIRE ADDITIONAL DOCUMENTATION OR INFORMATION FROM THE
2 QUALIFIED HOMEBUYER AS REQUIRED TO SECURE ANY ADDITIONAL
3 FEDERAL FUNDS.

4 (b) THE GOVERNOR'S ENERGY OFFICE SHALL NOT ESTABLISH THE
5 PILOT PROGRAM SET FORTH IN THIS PART 2 IF FEDERAL FUNDS ARE NOT
6 AVAILABLE.

7 **SECTION 2. Act subject to petition - effective date.** This act
8 shall take effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly
10 (August 10, 2011, if adjournment sine die is on May 11, 2011); except
11 that, if a referendum petition is filed pursuant to section 1 (3) of article
12 V of the state constitution against this act or an item, section, or part of
13 this act within such period, then the act, item, section, or part shall not
14 take effect unless approved by the people at the general election to be
15 held in November 2012 and shall take effect on the date of the official
16 declaration of the vote thereon by the governor.