

**PUBLIC HEARING ITEM – 5A**



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: September 7, 2010**

**AGENDA TITLE:**

Items related to SmartRegs:

- 1) Second reading and consideration of a motion to adopt ordinance No. 7724 repealing and reenacting Chapter 10-2, "Housing Code" B.R.C. 1981 to adopt by reference, the 2009 edition of the International Property Maintenance Code (IPMC) with certain amendments and deletions and setting forth related details.
- 2) Second reading and consideration of a motion to adopt ordinance No. 7725 amending Section 4-20-18, "Rental License Fee," and Chapter 10-3, "Rental Licenses," B.R.C. 1981, to provide for comprehensive enforcement of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, through a system of rental licenses for all dwelling and rooming accommodations in the city rented to tenants and setting forth related details.
- 3) Second reading and consideration of a motion to adopt ordinance No. 7726 amending Chapter 4-4, "Building Contractor License," Chapter 4-20, "Fees," Chapter 10-1, "Definitions," Chapter 10-2, "Property Maintenance Code," and Chapter 10-3, "Rental Licenses," B.R.C. 1981 regarding energy conservation for existing residential rental structures, and setting forth related details.

**PRESENTERS:**

Jane S. Brautigam, City Manager  
Paul J. Fetherston, Deputy City Manager

Department of Public Works

Maureen Rait, Executive Director  
Neil Poulsen, Chief Building Official  
Kirk Moors, Senior Plans Examiner

Department of Community Planning and Sustainability

David Driskell, Executive Director  
Mary Ann Weideman, Acting Deputy Director of Operations  
Kara Mertz, Local Environmental Action Manager  
Yael Gichon, Residential Sustainability Coordinator  
James Hewat, Historic Preservation Planner

Department of Housing and Human Services

Karen Rahn, Director  
Jeff Yegian, Community Development Program Manager

## **EXECUTIVE SUMMARY:**

The purpose of this memo is to provide a brief summary of the May 18, June 1 and July 6 City Council meetings related to the SmartRegs proposal, provide information on the proposed revised ordinances, address clarifying questions and outline next steps. The SmartRegs proposal includes recommended changes to Boulder's Housing Code and Rental License Code and incorporates energy efficiency requirements as part of the code updates to address Climate Action Plan (CAP) objectives.

Based on the public hearing and first reading discussions on May 18 and June 1, and subsequent Council direction on July 6, staff proposes the revised code amendments described below to update the general provisions of the Housing Code and Rental License Code, as well as to add an energy efficiency requirement to the rental licensing program:

### **Housing Code**

- Adopt Ordinance No. 7724 to repeal and reenact Chapter 10-2, "Housing Code" B.R.C. 1981 to adopt by reference, the 2009 edition of the International Property Maintenance Code (IPMC) with certain amendments and deletions and setting forth related details. (**Attachment A**)

In addition to the revised code amendment (**Attachment A**), a list of the proposed key changes since first reading is provided in **Attachment B**. In general, the revised code amendments since first reading related to Ordinance 7724 include further local amendments to the International Maintenance Code to maintain consistency with the current Housing Code as well as to avoid duplication of existing requirements within other parts of the Boulder Revised Code.

### **Rental License Code**

- Adopt Ordinance No. 7725 to amend Section 4-20-18, "Rental License Fee," and Chapter 10-3, "Rental Licenses," B.R.C. 1981, to provide for comprehensive enforcement of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, through a system of rental licenses for all dwelling and rooming accommodations in the city rented to tenants and setting forth related details. (**Attachment C**)

In addition to the revised code amendment (**Attachment C**), a list of the proposed key changes since first reading is provided in **Attachment D**. Primarily, the revised code amendments since first reading related to Ordinance 7725 include items to further clarify the administration of the program and cost recovery policy.

### **Energy Efficiency Code**

- Adopt Ordinance No. 7726 to amend Chapters 4-4, "Building Contractor License," Chapter 4-20, "Fees," Chapter 10-1, "Definitions," Chapter 10-2, "Property Maintenance Code," and Chapter 10-3, "Rental Licenses," B.R.C. 1981 regarding energy conservation for existing residential rental structures, and setting forth related details. (**Attachment E**)

In addition to the revised code amendment (**Attachment E**), a list of the proposed key changes since first reading is provided in **Attachment F**. In general, the revised code amendments since first reading related to Ordinance 7726 include incorporating energy

efficiency implementation Option C and further clarifying the scope and compliance exceptions. For example, ADUs and attached OAU are proposed to be added as a Scope Exception (meaning ADUs and attached OAUs are exempt) and financial hardship has been deleted as a Compliance Exception (with the intention of returning to Council within the implementation phase for further consideration).

The proposed changes require that ordinances be amended at second reading on Sept. 7, which will require a third reading on Sept. 21. The proposed implementation date is Jan. 3, 2011, with an energy efficiency compliance date of Jan. 2, 2019 for all rental properties in the City of Boulder. Council will be updated on compliance progress on a semi-annual basis beginning in April 2011. The development of a Commercial Energy Conservation Ordinance (CECO) is also being analyzed and will be scheduled for Council consideration in 2011.

**STAFF RECOMMENDATION:**

**Suggested Motion Language:**

Staff requests Council consideration of this matter and action in the form of the following motions:

Housing Code

Motion to adopt Ordinance No. 7724, as amended at second reading per **Attachment A**, repealing and reenacting Chapter 10-2, "Housing Code" B.R.C. 1981 to adopt by reference, the 2009 edition of the International Property Maintenance Code (IPMC) with certain amendments and deletions and setting forth related details.

Rental License Code

Motion to adopt Ordinance No. 7725, as amended at second reading per **Attachment C**, amending Section 4-20-18, "Rental License Fee," and Chapter 10-3, "Rental Licenses," B.R.C. 1981, to provide for comprehensive enforcement of Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, through a system of rental licenses for all dwelling and rooming accommodations in the city rented to tenants and setting forth related details.

Energy Efficiency Code

Motion to adopt Ordinance No. 7726, as amended at second reading per **Attachment E**, amending Chapters 4-4, "Building Contractor License," Chapter 4-20, "Fees," Chapter 10-1, "Definitions," Chapter 10-2, "Property Maintenance Code," and Chapter 10-3, "Rental Licenses," B.R.C. 1981 regarding energy conservation for existing residential rental structures, and setting forth related details.

SmartRegs Progress Reports

A motion to direct staff to return to Council with regular reports on the progress of the program, including possible refinements as outlined on page 15.

**MAY 18, JUNE 1 AND JULY 6 MEETING SUMMARY:**

On May 18, three ordinances were introduced to update the general provisions of the Housing Code and Rental License Code, as well as to add an energy efficiency requirement to the rental licensing program. The May 18 first reading materials are located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings). Staff presented information

related to the three ordinances and Mary Young, Planning Board representative, presented the Planning Board's unanimous recommendation. Forty-six speakers addressed this item in the public hearing. After the public hearing was closed, Council requested a staff response to clarifying questions and approved a motion to continue this agenda item to June 1. At the continuation on June 1, Council provided additional comments and requested a staff response to clarifying questions. Additional first reading questions were posted through the Council hotline.

On July 6, under "Matters From the City Manager," the first reading questions were addressed and Council considered revised energy efficiency implementation options. The July 6 meeting materials are located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings). Council unanimously approved a motion to direct staff to prepare ordinance language for a second reading that would implement energy efficiency Option C incorporating a compliance date of Jan. 2, 2019 for all rental properties in the City of Boulder. Due to substantive changes to the ordinances since first reading, amendments are proposed for second reading, requiring a third reading on Sept. 21.

**COMMUNITY SUSTAINABILITY ASSESSMENTS AND FISCAL IMPACTS:**

The community sustainability and fiscal impacts were addressed in the May 18 first reading memo located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings).

**BOARD FEEDBACK:**

Board feedback was included in the May 18 first reading memo located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings).

On Aug. 25, 2010, staff updated the Board of Zoning Adjustment (BOZA) and the Board of Building Appeals (BOBA) on the proposed adoption of the International Property Maintenance Code (IPMC) and more specifically about the appeal process detailed in IPMC section 111, "Means of Appeal." This section would allow the city manager or city manager's delegate to choose a Board of Building Appeals process or appoint a hearing officer to administer an appeal as detailed in "Quasi-Judicial Hearings," Chapter 1-3, B.R.C. 1981. Board members voiced concern about ensuring the process remained in a public forum. David Gehr, Acting City Attorney, was in attendance and assured the board that both processes would be conducted through the appropriate public process. There was general support for the adoption of the IPMC and related appeal process.

**COMMUNITY WORKING GROUP FEEDBACK:**

Community Working Group feedback was included in the May 18 first reading memo located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings). The energy efficiency implementation options were further discussed with the Community Working Group at a meeting on June 24, 2010. The group supported implementation of energy efficiency Option C because of the greater flexibility afforded by decoupling the timing of compliance from the rental license cycles. The most recent Community Working Group meeting was held on July 29, 2010. Changes to the IPMC amendments and subsequent ordinance language were discussed and further modified as described on pages 5-6.

**PUBLIC FEEDBACK:**

Public feedback was included in the May 18, June 1 and July 6 memorandums located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings). Additional public feedback received after June 22 is included in **Attachment G**.

As work on the SmartRegs project progressed over the past year, the energy efficiency component tended to be the focal point in public meetings and press coverage. To better address the informational needs of those with concerns from a homeowner perspective, two open houses were held on July 26 and 29, 2010. Each meeting was attended by approximately 12 people. Along with other materials, the open houses provided clarifying information about how the IPMC will be applied to owner-occupied housing. Input from the public was received and applied in conjunction with the Community Working Group feedback related to the IPMC adoption and proposed amendments.

**BACKGROUND:**

The background for the SmartRegs proposal was provided in the May 18 first reading memo located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings).

**ANALYSIS:**

Based on the public hearing and feedback received from Council at its May 18, June 1 and July 6 meetings, revised draft ordinances have been prepared for consideration at second reading. These revised ordinances reflect additional IPMC amendments and energy efficiency implementation Option C, which incorporates a compliance date of Jan. 2, 2019 for all rental properties in the City of Boulder. Information on the revised proposals is provided below. Due to substantive changes to the ordinances since first reading, amendments are proposed for second reading, requiring a third reading for Sept. 21.

**ORDINANCE NO. 7724: PROPOSED CODE REVISIONS TO THE HOUSING CODE**

The May 18, June 1 and July 6 memorandums located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings) include information supporting the adoption of the International Property Maintenance Code (IPMC) as a replacement for the Housing Code. Adoption of the IPMC allows the city to improve and update the housing code requirements in the most cost-effective manner possible and to ensure compatibility with other international and national codes used by the city. For this meeting, the IPMC issues which are further clarified are: public access to the IPMC, suitability of IPMC amendments, and application to owner-occupied homes.

**Access to IPMC**

Concern about public access to the adopted-by-reference IPMC was received through the public input process. The city shared these concerns with the International Code Council (ICC) which is the publisher of the IPMC. The ICC responded by including the 2009 IPMC on a free site, where all of the International Codes are available for public viewing, without a subscription.

The free, online version of the IPMC can be seen by visiting [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs), under the first section "Quick links," the second item down is a direct link to the online 2009 IPMC.

Since the ICC version will not include the local amendments that are part of Boulder's proposed adoption, the city has arranged with ICC to place an amended document on their website, which

will greatly simplify viewing the document as locally amended. The local amendments are included in the proposed ordinance language in **Attachment A**.

Free access to the IPMC was available prior to the IPMC open house meetings which occurred July 26 and 29, 2010. The general consensus from the approximately 12 people who attended each meeting was that the free access provided by ICC adequately addresses the public access concerns.

The Community Working Group also discussed public access to the IPMC in their most recent meeting. The group considered the change in access availability beneficial for resolving public access concerns.

### **Suitability of IPMC Amendments (Additions and Deletions)**

Maintaining the scope of the current housing code was an essential factor in how IPMC additions and deletions were proposed. For example, the scope of the IPMC is proposed to be amended to be similar to the existing Housing Code by only applying to residential construction. Also, many of the deletions proposed are to prevent duplication of existing requirements within other parts of the Boulder Revised Code. For example, the IPMC trash and pest code provisions are proposed to be deleted since they would otherwise duplicate existing requirements found in Chapters 6-3 and 6-5 of the Boulder Revised Code. As the SmartRegs project progressed, the Community Working Group was updated about the proposed IPMC amendments. While consensus was not always possible, some of the group's suggestions were considered and incorporated where appropriate. The resulting ordinance language can be found in **Attachment A**. A description and explanation of the amendments is included in **Attachment B**.

### **The IPMC and Owner-Occupied Homes**

Another issue which surfaced through the public input process was concern about how the IPMC would be applied to owner-occupied homes. Like the current Housing Code, the IPMC will apply to all residential properties. Many homeowners may be unaware of the scope of the current code since it is typically only used for a small number of owner-occupied homes in extreme circumstances. Application of the Housing Code to owner-occupied homes has usually involved cases of self-neglect where the Housing Code was used in a multi-agency, cooperative effort to resolve unhealthy or unsafe situations that had been reported to the city.

The IPMC transfer of ownership provision was highlighted in a recent news article raising concern about Arvada's use of the IPMC. The transfer of ownership provision has been deleted in the amendments proposed for Boulder's adoption. Another concern raised in the article was in regard to emergency escape openings for existing basements. However, this issue is addressed in IPMC section 702.4 which states that such openings shall be maintained in accordance with the building code in effect at the time of construction. Additionally, existing finished basement ceiling heights were discussed extensively at the open house meetings. The housing code and the IPMC both have ceiling height provisions which allow legally finished basements to have a minimum height between the floor and beams or ductwork of six-feet-four inches which would not be in conflict with most legally finished spaces. The open house discussions revealed that the IPMC has provisions which allow legally established uses to continue based on the provisions in effect when construction occurred.

**STAFF RECOMMENDATION:**

Staff proposes adopting the IPMC to replace the housing code, since it represents the most cost-effective way of updating the housing code and ensuring compatibility with other international and national codes used by the city. Most of the concerns expressed through the public process have been addressed by the ICC providing free access and through the proposed local amendments (**Attachment A**). To date, the IPMC has been adopted by 54 Colorado jurisdictions and about 700 jurisdictions nationally.

**ORDINANCE NO. 7725: PROPOSED CODE REVISIONS TO THE RENTAL LICENSE CODE**

The May 18 and June 1 meeting memorandums located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings) include information supporting proposed changes to the Rental License Code to further clarify its administration and update the cost recovery policy. For this meeting, the Rental License code issue which is further clarified is in regard to the inspection checklists.

**Inspection Checklists**

As an update to Council, staff proposes to continue to retain two rental license inspection checklists: 1) Baseline and 2) Renewal (formerly known as Safety). It has been determined that each checklist has a purpose sufficient to stand alone. However, further refinements have been made to the checklists to improve the life safety provisions of the program. These refinements are described below.

**Baseline Checklist**

The purpose of the Baseline Checklist is to ensure buildings entering the rental license program comply with basic structural integrity components in addition to life safety requirements. Examples of revisions to the Baseline Checklist include inspections of items such as exterior building safety, fire-rated assemblies, egress windows, and the inclusion of all items on the renewal checklist.

**Renewal Checklist**

The Renewal Checklist has been renamed to incorporate energy efficiency compliance items that will be verified every four years as well as existing safety items. Also, some elements of the Baseline Checklist such as extension cord safety and handrail/guardrail safety have been added to the Renewal Checklist as it is prudent to inspect these items every four years. Additionally, space has been added to the Renewal Checklist for inspectors to note life safety items other than what is on the checklist, yet determined to be significant enough to repair prior to issuance of a rental license.

On July 29, the Community Working Group provided overall support for the proposed changes to the inspection checklists. The Community Working Group also recommended an annual review of the checklists to consider whether other refinements may be appropriate. Staff supports this idea and will schedule an annual review.

## **STAFF RECOMMENDATION:**

Staff recommends the following changes to the Rental License Code:

- Proposed revisions as outlined in the May 18 memorandum located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings) to further streamline and clarify its administration,
- Fee Option 1, Part B which includes a fee increase from \$46 to \$70 (payable once every four years) to achieve the Council-approved 60% cost recovery policy, and
- A \$250 investigative fee to be specifically applied to non-compliant properties to recover the cost to research and investigate. This investigative fee is proposed to be a part of a pilot program to assist with bringing more properties into compliance.

Further information in regard to the staff recommendation is included in the May 18 memorandum located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings). Lastly, staff proposes to continue to retain two rental license inspection checklists incorporating an annual review of the content.

## **ORDINANCE NO. 7726: PROPOSED CODE FOR ENERGY EFFICIENCY**

The May 18, June 1 and July 6 memorandums located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings) include information supporting the adoption of an energy efficiency ordinance as an appendix to the Housing Code (proposed IPMC). Adoption of the energy efficiency ordinance allows the city to move towards the goals associated with the Climate Action Plan (CAP) objective of upgrading the energy efficiency of the city's existing housing stock. For this meeting, the energy efficiency issues which are further clarified are: compliance options, exceptions, implementation, incentive phase and a rental rating system.

### **Compliance Options**

The proposed ordinance includes two compliance options. Property owners can comply with the energy efficiency requirements by following either a performance or prescriptive pathway.

### **Performance**

The performance pathway requires a Home Energy Rating System (HERS) score of 120 (20% less efficient than the 2003 national energy code). Background and analysis of the performance pathway was included on page 22 in the May 18 first reading memo located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings).

### **Prescriptive**

The prescriptive pathway requires a total of 100 points from the list found in **Attachment H**. The list is designed such that compliance will achieve an equivalent level of efficiency as a 120 HERS score. Background and analysis of the prescriptive pathway was included on pages 22-23 in the May 18 first reading memo located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings).

If the ordinance is adopted, a complete user's guide will be developed so property owners and other interested parties can understand the requirements and qualified technicians can apply it as part of the rental license checklist process.

### **Changes to Air Infiltration Points**

The prescriptive pathway (**Attachment H**) includes one technical change from its first iteration as a result of public and Council feedback, specifically:

- To receive points for air infiltration, a property must demonstrate air leakage of 1.2 natural air changes per hour (nACH) or less.

### **Multi-Family Common Areas**

Staff researched the possibility of including common area energy usage in the prescriptive checklist for multi-unit buildings. A few ideas were vetted through the Community Working Group on July 29. The group favored the option to allocate points for common area lighting into the individual dwelling unit 100-point prescriptive pathway requirement.

At this point, staff believes including common area lighting as part of the individual dwelling unit point requirement adds complexity and confusion since the points would have to be distributed across multiple units. Additionally, there is not enough data to inform a sound recommendation on how to include this component in the program design. Data will be gathered during program implementation to inform a possible recommendation in future years.

### **Exceptions**

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The proposed ordinance includes two types of exceptions, scope and compliance. The first type, scope exceptions, refers to buildings that are exempt from the requirement. The second type, compliance exceptions, refers to situations or housing types that have special compliance accommodations. Both types of exceptions are outlined below.

#### **Scope Exceptions**

Section C102.2 in Appendix C of the proposed ordinance (**Attachment E**) includes certain exceptions to the energy efficiency requirements for both the performance and prescriptive pathways. Information on the “unchanged scope exceptions” can be found on pages 26 and 28 of the May 18 memo located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings). Information on revised or additional exceptions can be found below.

#### **Unchanged Scope Exceptions:**

1. Buildings that meet or exceed the requirements of the Energy Conservation and Insulation Code, Chapter 10-7, B.R.C 1981.
2. Manufactured homes

#### *Definition*

A definition for “manufactured home” was added to the proposed ordinance language to clarify which structures are eligible for this exception.

#### **New Scope Exception: ADUs and Attached OAUs**

The following exception has been added:

1. Accessory Dwelling Units (ADUs)
2. Attached Owner’s Accessory Units (OAUs)

### *ADUs*

An Accessory Dwelling Unit (ADU) is a separate and complete housekeeping unit within a single family detached dwelling unit that complies with the city provisions of section 9-6-3, BRC, 1981. There are currently 141 licensed ADU's in the City of Boulder. Staff concluded that it would be difficult to upgrade the energy efficiency components of ADUs separate from the dwelling unit. Therefore, ADUs are now proposed to be exempted from the energy efficiency requirement for rental licensing.

### *Attached OAU's*

An Owners Accessory Unit (OAU) may be within the principal structure (the single family dwelling unit) or within a detached accessory structure, and is considered as a complete single housekeeping unit which is accessory to the owner's occupancy of the lot or parcel upon which the unit is located. For those OAU's that are within the principal structure staff recommends that they be exempted in the same way that Accessory Dwelling Units (ADUs) are exempt and for the same reasons. However, for those OAU's that are within detached accessory structures, staff does not recommend exempting them from the requirements as energy efficient upgrades could be completed independent of the single family dwelling unit.

### **Compliance Exceptions**

Additionally, Section C102.2 in Appendix C of the proposed ordinance (**Attachment E**) includes certain exceptions to the energy efficiency requirements for both the performance and prescriptive pathways based on specific conditions. Information on the "unchanged compliance exceptions" can be found on pages 26-27 and 37-39 of the May 18 memo located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings). Information on revised or deleted compliance exceptions can be found below.

#### **Unchanged Compliance Exceptions:**

1. Innovative materials
2. Historic buildings
3. Affordable housing

#### **Revised Compliance Exception: Technically Impractical**

What was referred to as "technical infeasibility" in the first reading memo is now called:

1. Technically impractical

#### *Definition*

A definition for "technically impractical" was added to the proposed ordinance language. Technically impractical is defined since it describes the criteria which must be met to demonstrate that there are structural circumstances which prevent meeting energy efficiency requirements for a particular building in a practical manner.

#### **Deleted Compliance Exception: Financial Hardship**

The financial hardship exception was removed from the ordinance. Staff would like to gather additional data during the implementation phase on expenses associated with compliance to inform a recommendation on financial hardship at a later date. For practical purposes, property owners would only apply for a financial hardship exception close to the proposed compliance date of Jan. 2, 2019. Therefore, staff proposes to compile the data, conduct an

analysis and provide a recommendation on the financial hardship exception at least one rental license cycle before the proposed compliance date (i.e., by Jan.1, 2015).

**New Location for Exception Language**

The ordinance language related to licensing was also reorganized since first reading in regard to exceptions. The ordinance language in the first reading memo attachment had a series of exceptions which had been placed in the prescriptive compliance section. The exceptions were moved to an earlier part of the ordinance language so that the exceptions can be considered regardless of whether performance or prescriptive compliance provisions are chosen.

**Implementation**

An implementation phase was described on pages 4-6 of the July 6 memo located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings).

The implementation phase in the July 6 memo referred to the first three-year period that the ordinance would be in effect as a time when rebates, incentives, and assistance programs will be available. For the purposes of *this* memo, the implementation phase refers to the eight-year period within which all properties will need to comply. The initial three-year period is now referred to as the “incentive phase” described on page 13.

At the July 6 Council meeting, staff presented four phase-in options for the energy efficiency requirements, listed in the table below. Details on the four options were included in the July 6 memo on pages 6-9 located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings).

**Four Phase-In Options Presented on July 6**

Option A	Two Rental Cycles, 50 points at 1 <sup>st</sup> cycle	Ordinance effective January 2011; Larger investment at end of the phase in period
Option B	1-Year voluntary period; two rental cycles, 50 points at 1 <sup>st</sup> cycle	Ordinance in effect January 2012; same phasing as Option A (two rental license cycles)
Option C	Date Certain	All properties must comply by Jan. 2, 2019. Ordinance effective Jan. 3, 2011
Option D	Voluntary Program	No compliance deadline

**Option C: Date Certain**

At the July 6 Council meeting, staff received direction to return with an ordinance that included Option C which requires all rental properties to reach compliance by Jan. 2, 2019 with an ordinance effective date of Jan. 3, 2011. Implementation of Option C would occur over an 8-year period (January 2011- December 2018).

Option C decouples the requirement from the rental license renewal cycle; properties can come into compliance any time in the 8-year implementation phase regardless of when their rental

license expires.<sup>1</sup> If a property that is not in compliance transfers ownership during the implementation phase, the new owner will have to meet the requirements by the end of 2018. If adopted, staff proposes to send an information postcard to all rental property owners about the revised ordinances. Information will also be provided as part of the current renewal letter.

### **Xcel Energy – Free Ridership<sup>2</sup> and Franchise**

During franchise negotiations, City staff and Xcel Energy staff developed language that would ensure Boulder rental property owners continue to qualify for Xcel's Demand-Side Management (DSM) rebates regardless of SmartRegs code requirements. This language will have to be approved by the Public Utilities Commission (PUC), most likely in a demand side management docket. Staff will continue to work with Xcel with regard to this filing before the PUC to receive this approval. However, the current SmartRegs recommendation (Option C), sets an implementation phase of eight years; the city would not be requiring a property owner to make any upgrades prior to Jan. 2, 2019. Therefore, properties that come into compliance before this date are doing so voluntarily and would necessarily be eligible for Xcel Energy rebates, even under the current demand side management plan. The city will work with Xcel and the PUC to ensure the free ridership issue is addressed prior to 2019. Also, the question has been raised as to the potential impact of the Xcel Franchise Agreement on Boulder-based customers' access to the company's DSM programs and rebates. The lack of a franchise agreement does not affect the customer's eligibility to participate in these programs.

### **Workforce Capacity**

Workforce capacity, both internal and external to the city organization was addressed in Attachment A of the July 6 Council memo on pages 15-16 located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings). In regard to the goal of investing in the local contractor workforce, Boulder County companies cannot be given priority due to federal funding guidelines. However, the city partners closely with the Boulder Green Building Guild to expand the opportunities and training for Boulder County contractors.

### **Contractor Licensing**

Contractor licensing was addressed in the May 18 memo on pages 43-44 located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings).

### **Permit Requirements**

Permit requirements associated with the prescriptive list was addressed in the June 1 memo on page 8 located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings).

### **Lead Based Paint Requirements**

Analysis of the cost impact of lead based paint requirements was included in the May 18 memo on page 44 located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings). The cost impact of these requirements will be further analyzed through the implementation phase

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<sup>1</sup> If a rental license expires in the four years preceding the compliance date and the property is not in compliance with the energy efficiency requirements, a temporary license will be issued which will require the license holder to demonstrate compliance by the end of 2018.

<sup>2</sup> Free ridership refers to the notion that property owners may not qualify for rebates through Xcel Energy's Demand-Side Management (DSM) program if they are required by law to improve their properties.

(page 11) and any necessary program refinements will be recommended through the proposed annual reporting process (page 15).

### **Incentive Phase**

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The first three years of the implementation phase (2011-2013) are referred to as the incentive phase since programs funded through the American Recovery and Reinvestment Act, Xcel Energy, Boulder County, and the city's Climate Action Plan tax will be offered to residents. The incentive phase (previously referred to as the implementation phase) was detailed in the July 6 memo on pages 4-6 located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings).

A timeline outlining participation targets, greenhouse gas impacts and reporting milestones can be found in **Attachment I**. The first year of the incentive phase (2011) will serve to test and refine the program. A description of this phase, including goals, data to be collected and analyzed was included in the July 6 memo on pages 5-6 located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings).

### **Two Techs**

The incentive phase is largely focused around the Two Techs<sup>3</sup> program and the associated rebates and financing facilitated through the program. A complete description of the program was included in Attachment A of the July 6 memo located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings). The costs in the July 6 memo do not include the projections for Boulder County-wide program administration costs. These costs are estimated to be between \$350,000 and \$550,000/year for the program.

An important distinction should be made between participation in the basic tier of the Two Techs service and implementing measures to reach full compliance with the energy efficiency requirements. Included in the estimated \$120 cost of the basic tier of the Two Techs service are the following:

1. An energy audit,
2. Energy concierge service (facilitates retrofits and rebates for customers),
3. Direct installation of energy saving devices such as light bulbs, basic air-sealing, low-flow showerheads,
4. Facilitation of insulation and air sealing at standardized pricing (the cost of which will be borne by the property owner; rebates are available and facilitated through the process),
5. Facilitation of all rebates and financing, and
6. Ongoing engagement and technical support.

While the energy concierge can facilitate the installation of larger energy efficiency measures, the cost of the installation is additional. It is assumed that many properties will participate in the program and install the recommended measures to reach compliance. Other properties might participate in the basic tier of the program and not immediately move forward with implementation, but will be informed about the investment needed and be able to accrue the capital to invest before January 2019. The participation targets (see below) take into account both of these scenarios.

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<sup>3</sup> Two Techs program soft launch is planned for fall, 2010. The SmartRegs compliance pathway will be available in January, 2011.

### **Participation Targets**

Participation targets for the entire implementation phase (2011-2018), outlined in **Attachment I**, are incremental and aligned with the estimated capacity for the Two Techs program during the incentive phase (2011-2013). The targets are designed to measure the progress of the date-certain approach and whether or not property owners are taking advantage of the incentive phase for early adoption. During the incentive phase the targets include an assumption that half of the participants will come into full compliance and half will participate in the basic tier of the Two Techs service and have a plan in place to reach full compliance at a later date. Members of the Community Working Group agreed to partner with the city to enroll participants.

If participation is not in alignment with the targets, Council may choose to amend the ordinance at a later date to increase participation. Examples of future amendments could include:

1. Move the required compliance date to an earlier year.
2. Adopt an option similar to Option B where 50 prescriptive points are required at the subsequent rental license renewal cycle.

### **Incentives and Rebates**

A complete list of rebates and incentives, including financing, was included as part of the Two Techs description in the July 6 memo on page 20 and pages 38-39, and in Attachment N of the May 18 memo, both located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings). The only update to this information relates to the ClimateSmart Loan Program for residential properties, which is postponed indefinitely due to federal issues (commercial property loans – including loans for apartment building improvements - are still available). Boulder County and City staff are currently exploring alternative local financing options.

As discussed on July 6, staff is proposing to allocate approximately 75 percent of the residential Climate Action Plan tax budget (~\$300,000/year) for rental property owners to participate in Two Techs and provide additional rebates for implementation. Staff is proposing to allocate the budget in the following manner:

1. Half of the budget (\$150,000) will cover the entire cost for affordable housing rental property owners to participate in the basic tier of Two Techs, approximately 550 units/year. This allocation should result in all affordable housing units receiving both basic efficiency measures and an analysis of the additional measures required to fully comply by the end of the incentive phase. The affordable housing providers will then have several years to develop a compliance plan and pursue financing if necessary. This support for affordable housing provides multiple community benefits aligned with Council's sustainability goals. It should also generate a high level of participation during the incentive phase, which will generate program data for reporting and program evaluation purposes regardless of private sector participation.
2. Twenty percent of the budget (\$60,000) will guarantee capacity for approximately 400 rental property owners in the basic tier of Two Techs. The remaining capacity in the county-wide program (approximately \$1M/year) will be on a first-come, first-served basis.
3. Twenty percent of the budget (\$60,000) will be available for approximately 500 units as rebates for implementing energy efficiency measures beyond the basic tier of Two Techs service. Multi-family units are proposed to receive \$100/unit and single family units are proposed to receive \$200/unit. These are in addition to other existing rebates.

4. Ten percent of the budget (\$30,000) will provide a reduced fee (from \$120 to \$60) for up to 500 property owners with low incomes to participate in the basic tier of the Two Techs service. The low income guidelines proposed are set by the United States Department of Housing and Urban Development (HUD). The HUD Low Income Limit provides a nationally accepted presumption of financial need and definition of eligibility for assistance with housing costs. The HUD Low Income Limits are listed below.

	HUD
1-person	\$45,100
2-person	\$51,550
3-person	\$58,000
4-person	\$64,400

The funding will be released in stages to licensed properties to ensure equity among property owners that own a large number of units versus single ownership. To accomplish this, a percentage of the incentive money will be available in the first quarter to gather data on the types of properties and owners requesting rebates. This data would inform the need for a policy to ensure an equitable distribution of subsidies among property owners. Depending on participation, the allocations could shift to meet the demand. Any changes in this allocation will be reported back to Council.

A comprehensive communication plan to ensure that property owners are aware of the incentives and rebates will be coordinated with the overall marketing and outreach associated with Two Techs and other countywide programs.

### **Reporting**

Staff will report back to Council on a regular basis. Throughout the incentive phase (2011-2013), semi-annual reports will provide participation information in relation to the targets. Annual reports will provide more detailed analyses on the impact of the program based on the data collected. A list of data that will be collected can be found in the July 6 memo on pages 5-6 located at [www.bouldercolorado.gov/smartregs](http://www.bouldercolorado.gov/smartregs) (select Current/Past Meetings).

Reporting on the actual energy savings that result from this program relies on Two Techs participants authorizing utility bill releases and Xcel Energy providing that information to Boulder County both before and after implementation. A proposal currently before Xcel Energy for a data access pilot would establish a system through which this data could be provided to the city in aggregate form so as to protect the confidentiality of premise-specific utility information. Council will be updated on the status of data access efforts as part of the regular reporting on actual energy savings and greenhouse gas reductions (which will also specify the data on which the reporting is based).

If the proposed changes related to energy efficiency requirements are approved, Council updates are proposed according to the following schedule:

1. Semi-annual reports beginning in April 2011 in an Information Packet during 2011-2013 to include, but not limited to:
  - o Number of rental properties participating in the basic tier of Two Techs service
  - o Number of rental properties certified with full compliance

- Number of units that were compliant at time of inspection
  - Average prescriptive points at time of audit (baseline points)
  - Range of costs to comply
2. Annual reports in April 2012-2019 will provide a complete program analysis which includes but is not limited to:
- All information listed in #1
  - Impact of lead-based paint requirements
  - Weatherization status of affordable housing
  - Energy and greenhouse gas savings as a result of implementation
  - Cost/benefit analysis of packages of measures
  - Workforce capacity
  - Rent increases, if any (if information is available)
  - Rebate money received (dollars and sources)
  - Financing mechanisms employed
  - Barriers to accessing rebates
  - Technically impractical cases
  - Multi-family building common area energy usage scenarios
  - Financial hardship exception
  - Recommendations for any necessary program refinements.

### **Rental Rating Program**

In response to input from the Community Working Group and public feedback, the possibility of developing a rating system for rental housing that would inform renters about properties' energy efficiency was researched. While staff does not recommend that the city provide financial support for the development of this system by a third-party, the existence of such a system would help drive the market to comply with the proposed energy efficiency requirements. Staff is aware of two organizations currently developing rental rating systems that include SmartRegs compliance as a rating component as well as other sustainability features.

The Public Works and Community Planning and Sustainability departments can provide data on SmartRegs compliant properties to organizations developing rental rating systems. Additionally, a layer will be developed on existing city maps which will color code compliant properties. As part of the communication plan, staff can work to publicize the map as well as direct interested parties to any third-party rating systems that exist.

### **STAFF RECOMMENDATION:**

Staff recommends adopting Ordinance 7726, a locally developed appendix to the International Property Maintenance Code requiring energy efficiency in existing rental housing. The requirements are to achieve a score of 120 or less on the Home Energy Rating System (HERS) scale through the performance pathway or 100 points on the prescriptive list. Both the performance and prescriptive pathway levels are believed to be achievable in most properties over a reasonable period of time.

Ordinance 7726 includes scope exceptions for properties already complying with the city's current Energy Conservation and Insulation code, manufactured homes, accessory dwelling units, and attached owners accessory units. Energy efficiency compliance exceptions are included for innovative materials, historic buildings, affordable housing and buildings which are

technically impractical to upgrade. The scope and compliance exceptions are designed to provide an exception or accommodation for these special situations based on public process and Council feedback.

The effective date of the ordinance is Jan. 3, 2011 with a required compliance date of Jan. 2, 2019, regardless of when a rental license expires. This extended implementation period allows for the program to be tested and refined in the early years based on the data collected through compliance and provides an eight-year time frame for properties to meet the requirements. Early adoption will be encouraged through the incentive phase in the first three years.

Staff recommends a motion for Council to direct staff to return to Council with regular reports on the progress of the program, including possible refinements as outlined. Reporting will provide the necessary information for council to monitor the effectiveness of the proposed approach.

**NEXT STEPS:**

The proposed code amendments are scheduled for Council consideration on Sept. 7 (public hearing and second reading) and Sept. 21 (third reading). The proposed implementation date is Jan. 3, 2011; a time frame which will facilitate implementation work, such as public notice, updating application materials, the handbook, the licensing database, and the Web; preparing and scheduling training workshops; and allowing additional time for workforce development.

Staff will begin reporting to Council on a semi-annual basis beginning in April 2011 and will provide an Annual Report in April 2012. The development of a Commercial Energy Conservation Ordinance (CECO) is also being analyzed and will be scheduled for Council consideration in 2011.

**ATTACHMENTS:**

- Attachment A: Ordinance 7724 to Adopt International Property Maintenance Code (IPMC)
- Attachment B: Ordinance 7724 Key Changes Related to IPMC
- Attachment C: Ordinance 7725 to Update Rental License Code
- Attachment D: Ordinance 7725 Key Changes Related to Rental License Code
- Attachment E: Ordinance 7726 to Adopt Energy Efficiency Code
- Attachment F: Ordinance 7726 Key Changes Related to Energy Efficiency Code
- Attachment G: Public Correspondence Received After June 22
- Attachment H: Prescriptive Pathway List
- Attachment I: Participation Targets

ORDINANCE NO. 7724

AN ORDINANCE REPEALING AND REENACTING CHAPTER 10-2, "HOUSING CODE" B.R.C. 1981 TO ADOPT BY REFERENCE, THE 2009 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) WITH CERTAIN AMENDMENTS AND DELETIONS AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Chapter 10-2, "Housing Code," B.R.C. 1981 is repealed and reenacted to read:

**Chapter 10-2 Property Maintenance Code**

**10-2-1 Legislative Intent.**

The purpose of this chapter is to protect the public health, safety and general welfare of the residents of the city by regulating existing residential rental and privately occupied residential structures and to promote conservation and the efficient use of energy. The City Council hereby adopts the 2009 edition of the International Property Maintenance Code as the Property Maintenance Code of the City of Boulder. This chapter establishes minimum code standards related to: administration; definitions; general requirements; light, ventilation and occupancy limitations; plumbing facilities and fixture requirements; mechanical and electrical systems; fire safety requirements; rental licensing and existing residential rental structure energy conservation.

**10-2-2 Adoption of the International Property Maintenance Code with Modifications.**

- (a) The 2009 edition of the International Property Maintenance Code (IPMC) of the International Code Council is hereby adopted by reference as the City of Boulder Property Maintenance Code and has the same force and effect as though fully set forth in this chapter, except as specifically amended for local application by this chapter.
- (b) IPMC Appendix chapters A, "Boarding Standard," and B, "Rental Housing Inspections," ~~C "Existing Residential Rental Structures Energy Conservation," and sections contained therein~~ are adopted.
- (c) For ease of reference, the following identifies all chapters, sections and appendices of the published and adopted IPMC and includes specific amendments for local application. Chapter, Section, Subsection or Appendix numbers of provisions not amended appear, followed by the words, "No changes." The amended text of specifically amended provisions appears below. Chapter, Section, Subsection or Appendix numbers of any provisions not adopted appear, followed by the word, "Deleted."



1 from or discontinued for any occupied dwelling, except for such temporary interruption as  
2 necessary while repairs or alterations are in progress. The requirements of this code are not  
3 intended to provide the basis for removal or abrogation of fire protection and safety systems and  
4 devices in existing structures. Except as otherwise specified herein, the owner or the owner's  
5 designated agent shall be responsible for the maintenance of buildings, structures and premises.

6 **102.3 Application of Other Codes.** Repairs, additions or alterations to a structure, inspections  
7 or changes of occupancy, shall be done in accordance with the procedures and provisions of the  
8 InternationalCity of Boulder Building Code, InternationalCity of Boulder Residential Code, City  
9 of Boulder Fuel Gas Code, InternationalCity of Boulder -Mechanical Code, City of Boulder  
10 Plumbing Code, City of Boulder Fire Prevention Code, NFPA 70. Nothing in this code shall be  
11 construed to cancel, modify or set aside any provision of International ZoningCity of Boulder  
12 Energy Conservation and Insulation Code and City of Boulder Electrical Code.

13 **102.4 - 102.10** No changes.

## 14 **PART 2 – ADMINISTRATION AND ENFORCEMENT**

### 15 **SECTION 103**

#### 16 **~~DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION~~**

#### 17 **DIVISION OF BUILDING SAFETY**

18 **103.1 General.** ~~The department of property maintenance inspection is hereby created and the~~

19 ~~“Division of Building Safety” means the administrative unit established by the city manager or~~  
20 ~~the manager’s delegates, and the personnel assigned to the unit by the manager. The Division of~~  
21 ~~Building Safety administers the Property Maintenance Code. The executive official in charge~~  
22 ~~thereof shall be known as the- of the Division of Building Safety is the code official.~~

23 ~~103.2 Appointment. The code official shall be appointed by the chief appointing authority of the~~  
24 ~~jurisdiction.~~

25 ~~103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the~~  
26 ~~concurrence of the appointing authority, the code official shall have the authority to appoint a~~  
27 ~~deputy(s). Such employees shall have powers as delegated by the code official.~~

28 **103.4 Liability.** ~~The code official, member of the board of appeals or employee charged with the~~  
enforcement of this code, while acting for the jurisdiction, in good faith and with out malice in  
the discharge of the duties required by this code or other pertinent law or ordinance, shall not  
thereby be rendered liable personally, and is hereby relieved from all personal liability for any  
damage accruing to persons or property as a result of an act or by reason of an act or omission in  
the discharge of official duties. Any suit instituted against any officer or employee because of an  
act performed by that officer or employee in the lawful discharge of duties and under the  
provisions of this code shall be defended by the legal representative of the jurisdiction until the  
final termination of the proceedings. The code official or any subordinate shall not be liable for  
costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

1 Neither the city nor any employee of the city who enforces, attempts to enforce, or is authorized  
2 to enforce this code, -or any related provisions or reviews under the Boulder Revised Code, shall  
3 be liable to third parties for any damage or injury to person or property as a result of enforcement  
4 or non-enforcement. The city assumes no duty of care by the adoption of this code or any related  
5 provisions or reviews under the Boulder Revised Code. No person is justified in relying upon the  
6 results of an inspection and such inspections are not a guarantee that the premises so approved,  
7 inspected and licensed in fact complies with all the requirements of this code or any related  
8 provisions or reviews under the Boulder Revised Code. It is the duty of the persons owning and  
9 controlling any building or structure to ensure that the building is maintained in accordance with  
10 the requirements of this code, and it is such persons, and not the city, who are responsible for  
11 damages caused by breach of such duty.

12 **103.5 Fees.** The fees and costs for activities and services performed by the department in  
13 carrying out its responsibilities under this code shall be as ~~indicated in the following schedule,~~  
14 detailed in section 111 of this code and section 4-20-47, “Zoning Adjustment and Building  
15 Appeals Filing Fees,” B.R.C. 1981.

## 16 SECTION 104

### 17 DUTIES AND POWERS OF THE CODE OFFICIAL

18 **104.1 General.** The code official is hereby authorized and directed to enforce the provisions of  
19 this code ~~and~~ chapter 10-3, “Rental Licenses,” B.R.C. 1981. The code official shall have the  
20 authority to render interpretations of this code and to adopt policies and procedures in order to  
21 clarify the application of its provisions. Such interpretations, policies and procedures shall be in  
22 compliance with the intent and purpose of this code. Such policies and procedures shall not have  
23 the effect of waiving requirements specifically provided for in this code.

24 **104.2 Inspections.** No changes.

25 **104.3 Right of Entry.** Where it is necessary to make an inspection to enforce the provisions of  
26 this code, or whenever the code official has reasonable cause to believe that there exists in a  
27 structure or upon a premises a condition in violation of this code, the code official is authorized  
28 to enter the structure or premises at reasonable times to inspect or perform the duties imposed by  
29 this code and as necessary to effect compliance with the provisions of this code and chapter 10-3,  
30 “Rental Licenses,” B.R.C. 1981, provided that if such structure or premises is occupied the code  
31 official shall present credentials to the occupant and request entry. If such structure or premises  
32 is unoccupied, the code official shall first make a reasonable effort to locate the owner or other  
33 person having charge or control of the structure or premises and request entry. If entry is refused,  
34 the code official shall have recourse to the remedies provided by law to secure entry.

35 **104.4 - 104.6** No changes.

36 **104.7 Clerk and Recorder Notices.** When the code official finds that there is a violation of this  
37 code a notice to that effect may be filed with the Boulder County Clerk and Recorder against the  
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1 title of the land upon which the dwelling or structure is built. The code official shall inform the  
2 property owner of this action in advance, in writing according to section 107, allowing adequate  
3 time to correct the violation. When the condition upon which the notice described in the record  
4 was based has been corrected, the code official shall provide a written release.

5 **104.8 Authority to Issue Rules.** The code official may adopt reasonable rules to implement the  
6 provisions of this code pursuant to chapter 1-4, "Rulemaking," B.R.C. 1981.

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**SECTION 105**  
**APPROVAL**

**105.1 – 105.6** No changes.

**SECTION 106**  
**VIOLATIONS**

**106.1- 106.3** No changes.

**106.4 Violation Penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Violations of this code are punishable as provided in sections 9-15-3 through 9-15-5, of chapter 9-15, "Enforcement," B.R.C. 1981.

**106.5 Abatement of Violation.** No changes.

**SECTION 107**  
**NOTICES AND ORDERS**

**107.1 Notice to Person Responsible.** No changes.

~~(1)~~**107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following: Except in those instances where section 308, "RUBBISH AND GARBAGE," or section 309, "PEST ELIMINATION," applies or if a violation of chapter 10-3, "Rental Licenses," B.R.C. 1981, is alleged, whenever the code official determines that there is or has been a violation of any provision of this code, notice shall be given of such determination to the person responsible to correct the violation. The notice shall:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

5. Inform the property owner of the right to appeal.
6. Include a statement of the right to file a lien in accordance with section 106.3.

**107.3 Method of Service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or ~~first-class~~registered mail addressed to the owner at the last known address with return receipt requested; or
3. Delivered in any other manner as prescribed by law. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

**107.4 - 107.5** No changes.

~~107.6 Deleted **Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.~~

## SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

**108.1 – 108.7** No changes.

## SECTION 109 EMERGENCY MEASURES

**109.1 – 109.6** No changes.

## SECTION 110 DEMOLITION

**110.1 – 110.4** No changes.

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**SECTION 111  
MEANS OF APPEAL**

**111.1 Application for Appeal.** Any person directly affected by a decision of the code official or a notice ~~or~~ order issued under this code shall have the right to appeal to the board of appeals, provided ~~that under the~~ procedures prescribed by chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, if a written application for appeal is filed with the code official within 10 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**111.2 Membership of Board .-**~~The board of appeals shall consist of the Board of Building Appeals, established under section 2-3-4, "Board of Building Appeals," B.R.C. 1981, unless the city manager determines, due to the nature of the issues in a particular appeal, to appoint a hearing officer under section 1-3-5, "Hearings and Determinations," B.R.C. 1981, a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The code official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.~~

**111.2.1 Alternate Members.** Deleted. ~~The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.~~

**111.2.2 Chairman.** Deleted. ~~The board shall annually select one of its members to serve as chairman.~~

**111.2.3 Disqualification of Member.** Deleted. ~~A member shall not hear an appeal in which that member has a personal, professional or financial interest.~~

**111.2.4 Secretary.** Deleted. ~~The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.~~

**111.2.5 Compensation of Members.** Deleted. ~~Compensation of members shall be determined by law.~~

**111.3 Notice of Meeting.** Deleted. ~~The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.~~

**111.4 Open Hearing.** Deleted. ~~All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.~~

**111.4.1 Procedure.** Deleted. ~~The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.~~

1 **111.5 Postponed Hearing.** Deleted ~~When the full board is not present to hear an appeal, either~~  
2 ~~the appellant or the appellant's representative shall have the right to request a postponement of~~  
3 ~~the hearing.~~

4 **111.6 Board Decision.** Deleted ~~The board shall modify or reverse the decision of the code~~  
5 ~~official only by a concurring vote of a majority of the total number of appointed board members.~~

6 **111.6.1 Records and Copies.** Deleted ~~The decision of the board shall be recorded. Copies shall~~  
7 ~~be furnished to the appellant and to the code official.~~

8 **111.6.2 Administration.** Deleted ~~The code official shall take immediate action in accordance~~  
9 ~~with the decision of the board.~~

10 **111.7 Court Review.** Deleted ~~Any person, whether or not a previous party of the appeal, shall~~  
11 ~~have the right to apply to the appropriate court for a writ of certiorari to correct errors of law.~~  
12 ~~Application for review shall be made in the manner and time required by law following the filing~~  
13 ~~of the decision in the office of the chief administrative officer.~~

14 **111.8 Stays of Enforcement.** Deleted ~~Appeals of notice and orders (other than Imminent~~  
15 ~~Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the~~  
16 ~~appeals board.~~

17 **111.9 Fees.** The fee for filing an appeal is that prescribed by section 4-20-47, "Zoning  
18 Adjustment and Building Appeals Filing Fees," B.R.C. 1981.

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**SECTION 112  
STOP WORK ORDER**

**112.1 – 112.3** No changes.

**112.4 Failure to Comply.** Any person who shall continue any work after having been served  
with a stop work order, except such work as that person is directed to perform to remove a  
violation or unsafe condition, shall be liable subject to a fine of not less than [Amount] dollars  
or more than [Amount] dollars. the "Violation Penalties" as detailed in section 106.4.

**CHAPTER 2  
DEFINITIONS**

**SECTION 201  
GENERAL**

**201.1 – 201.5** No changes

**SECTION 202  
GENERAL DEFINITIONS**

**(No changes except as follows)**

1 **CODE OFFICIAL.** The ~~official who is city manager and any city manager's delegate~~ charged  
2 with the administration and enforcement of this code, ~~or any duly authorized representative.~~

3 **KITCHEN SINK.** A kitchen sink shall be no smaller than twenty inches by sixteen inches, with  
4 a minimum uniform depth of six inches and a maximum uniform depth of twenty inches.  
5 Laundry tubs, lavatory basins, or bathtubs are not acceptable substitutes for required kitchen  
6 sinks.

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8 **CHAPTER 3**  
9 **GENERAL REQUIREMENTS**

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11 **SECTION 301**  
12 **GENERAL**

13 **301.1 – 301.3** No changes

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15 **SECTION 302**  
16 **EXTERIOR PROPERTY AREAS**

17 **302.1 – 302.3** No changes.

18 **302.4 Weeds.** ~~All premises and exterior property shall be maintained free from weeds or plant~~  
19 ~~growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be~~  
20 ~~prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees~~  
21 ~~or shrubs provided; however, this term shall not include cultivated flowers and gardens.~~  
22 ~~Upon failure of the owner or agent having charge of a property to cut and destroy weeds after~~  
23 ~~service of a notice of violation, they shall be subject to prosecution in accordance with Section~~  
24 ~~106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the~~  
25 ~~notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the~~  
26 ~~jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the~~  
27 ~~weeds growing thereon, and the costs of such removal shall be paid by the owner or agent~~  
28 ~~responsible for the property. Weed control is regulated and enforced under chapter 6-2, “Weed~~  
Control,” B.R.C. 1981.

**302.5 Rodent Harborage.** ~~All structures and exterior property shall be kept free from rodent~~  
~~harborage and infestation. Where rodents are found, they shall be promptly exterminated by~~  
~~approved processes which will not be injurious to human health. After extermination, proper~~  
~~precautions shall be taken to eliminate rodent harborage and prevent reinfestation. Rodent control~~  
~~is regulated and enforced under chapter 6-5, “Rodent Control,” B.R.C. 1981.~~

**302.6 – 302.7** No changes.

**302.8 Motor Vehicles.** Motor vehicle parking and storage are regulated by Title 7, “Regulation  
of Vehicle, Pedestrian and Parking,” B.R.C. 1981. ~~Except as provided for in other regulations, no~~  
~~inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no~~  
~~vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being~~

1 ~~stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved~~  
2 ~~spray booth.~~

3 ~~Exception: A vehicle of any type is permitted to undergo major overhaul, including body~~  
4 ~~work, provided that such work is performed inside a structure or similarly enclosed area~~  
5 ~~designed and approved for such purposes.~~

6 **302.9 Defacement of Property.** ~~No person shall willfully or wantonly damage, mutilate or~~  
7 ~~deface any exterior surface of any structure or building on any private or public property by~~  
8 ~~placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to~~  
9 ~~restore said sur face to an approved state of maintenance and repair. Graffiti control is regulated~~  
10 ~~and enforced under chapter 5-4-14, "Graffiti Prohibited," B.R.C. 1981.~~

11  
12 **SECTION 303**  
13 **SWIMMING POOLS, SPAS AND HOT TUBS**

14 **303.1 – 303.2** No changes.

15 **SECTION 304**  
16 **EXTERIOR STRUCTURE**

17 **304.1 General.** No changes.

18 **304.2 Protective Treatments:** ~~Deleted.~~

19 ~~All exterior surfaces, including but not limited to, doors, door and window frames, cornices,~~  
20 ~~porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood~~  
21 ~~surfaces, other than decay resistant woods, shall be protected from the elements and decay by~~  
22 ~~painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be~~  
23 ~~eliminated and sur faces repainted. All siding and masonry joints, as well as those between the~~  
24 ~~building envelope and the perimeter of windows, doors and skylights, shall be maintained~~  
25 ~~weather resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to~~  
26 ~~inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and~~  
27 ~~coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior~~  
28 ~~surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.~~

**304.3 Premises identification.** No changes.

**304.4 Structural members.** No changes.

**304.5 Foundation walls.** No changes.

**304.6 Exterior walls.** No changes.

**304.7 Roofs and Drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good

1 repair and free from obstructions. Roof water shall not be discharged in a manner that creates a  
2 public nuisance.

3 **304.8 Decorative Features.** No changes.

4 **304.9 Overhang Extensions.** All overhang extensions including, but not limited to canopies,  
5 marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained  
6 in good repair and be properly anchored so as to be kept in a sound condition. ~~When required, all  
7 exposed surfaces of metal or wood shall be protected from the elements and against decay or rust  
8 by periodic application of weather coating materials, such as paint or similar surface treatment.~~

9 **304.10 Stairways, Decks, Porches and Balconies.** No changes.

10 **304.11 Chimneys and Towers.** Deleted. ~~Chimneys and towers. All chimneys, cooling towers,  
11 smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in  
12 good repair. All exposed surfaces of metal or wood shall be protected from the elements and  
13 against decay or rust by periodic application of weather coating materials, such as paint or  
14 similar surface treatment.~~

15 **304.12 Handrails and Guards.** No changes.

16 **304.13 Window, Skylight and Door Frames.** No changes.

17 **304.13.1. Glazing.** Deleted ~~Glazing. All glazing materials shall be maintained free from  
18 cracks and holes.~~

19 **304.13.2. Openable Windows.** Deleted ~~Openable windows. Every window, other than a  
20 fixed window, shall be easily openable and capable of being held in position by window  
21 hardware.~~

22 **304.14. Insect Screens.** Deleted. ~~During the period from [ to [ every door, window and other  
23 outside opening required for ventilation of habitable rooms, food preparation areas, food service  
24 areas or any areas where products to be included or utilized in food for human consumption are  
25 processed, manufactured, packaged or stored shall be supplied with approved tightly fitting  
26 screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for  
27 insect control shall have a self-closing device in good working condition.~~

28 ~~Exception: Screens shall not be required where other approved means, such as air  
curtains or insect \_\_\_\_\_ repellent fans, are employed:~~

**304.15 Doors.** No changes.

**304.16 Basement Hatchways.** No changes.

1 **304.17 Guards for Basement Windows.** Deleted. ~~Guards for basement windows. Every~~  
2 ~~basement window that is openable shall be supplied with rodent shields, storm windows or other~~  
3 ~~approved protection against the entry of rodents.~~

4 **304.18 Building Security.** Doors, windows or hatchways for dwelling units, room units or  
5 housekeeping units shall be provided with devices designed to provide security for the occu  
6 pants and property within.

7 ~~304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping~~  
8 ~~unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be~~  
9 ~~readily openable from the side from which egress is to be made without the need for~~  
10 ~~keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25~~  
11 ~~mm). Such deadbolt locks shall be installed according to the manufacturer's~~  
12 ~~specifications and maintained in good working order. For the purpose of this section, a~~  
13 ~~sliding bolt shall not be considered an acceptable deadbolt lock.~~

14 ~~304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828~~  
15 ~~mm) above ground level or a walking surface below that provide access to a dwelling~~  
16 ~~unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with~~  
17 ~~a window sash locking device.~~

18 ~~304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling~~  
19 ~~unit, rooming unit or house keeping unit that is rented, leased or let shall be equipped~~  
20 ~~with devices that secure the units from unauthorized entry.~~

## 21 SECTION 305

### 22 INTERIOR STRUCTURE

23 **305.1 General.** No changes.

24 **305.1.1 Unsafe Conditions.** The following conditions shall be determined as unsafe and shall be  
25 repaired or replaced to comply with the [InternationalCity of Boulder](#) Building Code or the  
26 International Building Code as required for existing buildings:

- 27 1. The nominal strength of any structural member is exceeded by nominal loads, the  
28 load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns  
to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and  
handrails, are not structurally sound, not properly anchored or are anchored with  
connections not capable of supporting all nominal loads and resisting all load  
effects;

1 6. Foundation systems that are not firmly supported by footings are not plumb and  
2 free from open cracks and breaks, are not properly anchored or are not capable of  
3 supporting all nominal loads and resisting all load effects.

4 Exceptions:

- 5 1. When substantiated otherwise by an approved method.
- 6 2. Demolition of unsafe conditions shall be permitted when approved by  
7 the code official.

8 **305.2 Structural Members.** No changes.

9 **305.3 Interior Surfaces.** Deleted. ~~Interior surfaces. All interior surfaces, including windows and  
10 doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or  
11 abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and  
12 other defective surface conditions shall be corrected.~~

13 **305.4 – 305.6** No changes.

## 14 SECTION 306 15 COMPONENT SERVICEABILITY

16 **306.1 & 306.1.1** No changes.

## 17 SECTION 307 18 HANDRAILS AND GUARDRAILS

19 **307.1 General.** Every exterior and interior flight of stairs having four or more ~~than four~~ risers  
20 shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony,  
21 porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) high above  
22 the floor or grade below shall have guards. Handrails shall not be less than 30 inches (762 mm)  
23 high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or  
24 above the finished floor of the landing or walking surfaces. Guards shall not be less than 30  
25 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other  
26 walking surface.

27 **Exception:** Guards shall not be required where exempted by the adopted building code.

## 28 SECTION 308 RUBBISH AND GARBAGE

**308.1 Accumulation of Rubbish or Garbage.** All exterior property and premises, and the  
interior of every structure, shall be free from any accumulation of rubbish ~~or~~ and garbage ~~as~~  
required by chapter 6-3, "Trash, Recyclables and Compostables," B.R.C. 1981.

**308.2 Disposal of Rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean  
and sanitary manner by placing such rubbish in approved containers ~~as required by chapter 6-3,~~  
"Trash, Recyclables and Compostables," B.R.C. 1981.



1 **Exception:** Where the infestations are caused by defects in the structure, the owner shall  
2 be responsible for ~~extermination~~the eradication.

3 **309.6 Pre-application Pesticide Notification.** No operator or occupant shall fail to comply with  
4 the pre-application pesticide notification provisions of section 6-10-7, “Notification to Tenants  
and Employees of Indoor Application,” B.R.C. 1981.

5 **SECTION 310**  
6 **FLOODPLAIN SAFETY SIGNAGE**

7 **310.1 General.** The owner and operator of every property located in the floodplain as detailed in  
8 chapter 9-3-3 (a) (10), B.R.C. 1981, shall post and maintain on the exterior of the premises at the  
9 entrance a sign approved by the code official stating that the property is subject to flood hazard  
in accordance with the following:

- 10 1. The sign shall state: “This property is located in an area subject to sudden and  
11 severe flooding. In case of flood emergency be prepared to seek high ground  
12 immediately. For information go to [www.boulderfloodinfo.net](http://www.boulderfloodinfo.net)” or similar  
language.
- 13 2. The sign shall be a metal plaque with minimum ¼ inch letters in a contrasting  
14 color attached with non-removable fasteners on the exterior of the structure at the  
entrance.

15 **CHAPTER 4**  
16 **LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

17 **SECTION 401**  
18 **GENERAL**

19 **401.1 – 401.3** No changes.

20 **SECTION 402**  
21 **LIGHT**

22 **402.1 – 402.3** No changes.

23 **SECTION 403**  
24 **VENTILATION**

25 **403.1 Habitable Spaces.** Every habitable space shall have at least one openable window. The  
26 total openable area of the window in every room shall be equal to at least 45 percent of the  
27 minimum glazed area required in Section 402.1.

28 **Exceptions:**

1           1. Where rooms and spaces without openings to the outdoors are ventilated through  
2           an adjoining room, the unobstructed opening to the adjoining room shall be at  
3           least 8 percent of the floor area of the interior room or space, but not less than 25  
4           square feet (2.33 m). The ventilation openings to the outdoors shall be based on a  
5           total floor area being ventilated.

6           2. In R-3 occupancies the glazed area need not be openable, where the opening is not  
7           required to be an emergency escape and rescue opening, and an approved  
8           mechanical ventilation system capable of producing 0.35 air changes per hour in  
9           the room is provided.

10 **403.2 Bathrooms and Toilet Rooms.** Deleted ~~Every bathroom and toilet room shall comply~~  
11 ~~with the ventilation requirements for habitable spaces as required by Section 403.1, except that a~~  
12 ~~window shall not be required in such spaces equipped with a mechanical ventilation system. Air~~  
13 ~~exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to~~  
14 ~~the outdoors and shall not be recirculated.~~

15 **403.3 Cooking Facilities.** Deleted ~~Unless approved through the certificate of occupancy,~~  
16 ~~cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or~~  
17 ~~appliance shall not be permitted to be present in the rooming unit or dormitory unit.~~

18 ~~—————~~ **Exceptions:**

19 ~~—————~~ 1. Where specifically approved in writing by the code official.

20 ~~—————~~ 2. Devices such as coffee pots and microwave ovens shall not be considered cooking  
21 ~~—————~~ appliances.

22 **403.4 Process Ventilation.** Deleted ~~Where injurious, toxic, irritating or noxious fumes, gases,~~  
23 ~~dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the~~  
24 ~~contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated~~  
25 ~~to any space.~~

26 **403.5 Clothes Dryer Exhaust.** No changes.

27 **SECTION 404**  
28 **OCCUPANCY LIMITATIONS**

404.1 – 404.7 No changes.

**CHAPTER 5**  
**PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

No changes.

**CHAPTER 6**  
**MECHANICAL AND ELECTRICAL REQUIREMENTS**

**SECTION 601**

No changes.

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## SECTION 602 HEATING FACILITIES

5 **602.1 Facilities Required.** No changes.

6 **602.2 Residential Occupancies.** Deleted. ~~Dwellings shall be provided with heating facilities~~  
7 ~~capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and~~  
8 ~~toilet rooms based on the winter outdoor design temperature for the locality indicated in~~  
9 ~~Appendix D of the International Plumbing Code. Cooking appliances shall not be used to~~  
10 ~~provide space heating to meet the requirements of this section.~~

11 ~~Exception: In areas where the average monthly temperature is above 30°F (-1°C), a~~  
12 ~~minimum temperature of 65°F (18°C) shall be maintained.~~

13 **602.3 Heat Supply.** ~~Interior space intended for human occupancy shall have active or passive~~  
14 ~~space-heating systems capable of maintaining a minimum indoor temperature of 68°F (20°C). No~~  
15 ~~portable space heaters shall be used to achieve compliance with this section.~~

16 ~~Every owner and operator of any building who rents, leases or lets one or more dwelling units or~~  
17 ~~sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall~~  
18 ~~supply heat during the period from [ ] to [ ] to maintain a temperature of not less than 68°F (20°C)~~  
19 ~~in all habitable rooms, bathrooms and toilet rooms.~~

20 **Exceptions:**

- 21
- 22 1. ~~When the outdoor temperature is below the winter outdoor design temperature~~  
23 ~~for the locality, maintenance of the minimum room temperature shall not be~~  
24 ~~required provided that the heating system is operating at its full design capacity.~~  
25 ~~The winter outdoor design temperature for the locality shall be as indicated in~~  
26 ~~Appendix 0 of the International Plumbing Code.~~
  - 27 2. ~~In areas where the average monthly temperature is above 30°F (-1°C) a~~  
28 ~~minimum temperature of 65°F (18°C) shall be maintained.~~

29 **602.4 Occupiable Work Spaces.** Deleted. ~~Occupiable work spaces. Indoor occupiable work~~  
30 ~~spaces shall be supplied with heat during the period from [Date] to [Date] to maintain a~~  
31 ~~temperature of not less than 65°F (18°C) during the period the spaces are occupied.~~

32 **Exceptions:**

- 33
- 34 1. ~~Processing, storage and operation areas that require cooling or special~~  
35 ~~temperature conditions.~~
  - 36 2. ~~Areas in which persons are primarily engaged in vigorous physical activities.~~

37 **602.5 Room Temperature Measurement.** No changes.  
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**SECTION 606  
ELEVATORS, ESCALATORS AND DUMBWAITERS**

**606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the ~~code official.~~ State of Colorado. The inspection and tests shall be performed at not less than the periodic intervals ~~listed in ASME A17.1, Appendix N, except where otherwise specified as required~~ by the ~~authority having jurisdiction.~~ State of Colorado.

**606.2 Elevators.** No changes.

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**SECTION 607  
DUCT SYSTEMS**

**607.1 General.** No changes.

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**SECTION 608  
CARBON MONOXIDE ALARMS**

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**608.1 General.** Carbon monoxide alarms shall be installed in existing residential structures in accordance with Colorado state law, including Title 38, Article 45, Carbon Monoxide Alarms, C.R.S.

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**608.2 Carbon Monoxide Alarms.** Carbon monoxide alarms shall be installed in existing dwellings and rented single and multi-family dwellings that have fuel fired heaters, appliances or fireplaces or attached garages based on the following:

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1. Alarms must be installed within 15' of the entrance to each sleeping area and must be wired to AC power, connected to an electrical panel, plugged into an electrical outlet without a switch or, if battery operated, attached to the wall or ceiling per the manufacturer's installation instructions and in accordance with National Fire Protection Association 70.
  2. Alarms must be installed in existing rental dwellings upon change of tenant occupancy after July 1, 2009.
  3. Alarms must be installed in all newly constructed or renovated single family and multi-family rental units.
  4. Alarms may be installed within 25' of any fuel-fired heater or appliance, fireplace or garage entrance in a multi-family dwelling used for rental purposes ONLY if the multi-family dwelling is equipped with a centralized alarm system or other mechanism that allows a responsible person to hear the alarm at all times (commercially monitored system).

1 5. Rental owners are responsible for replacing non-functioning carbon monoxide  
2 alarms upon written request of the tenant or when the unit is being vacated and re-  
3 rented.

4 6. Carbon monoxide detectors shall not be disarmed, removed or have the batteries  
5 removed to make them inoperable.

6 **608.3 Carbon Monoxide Alarm Inspections.** Carbon monoxide alarm inspections shall be  
7 conducted by the property owner or agent as detailed below.

8 1. Carbon monoxide alarms that receive their primary power from the building  
9 wiring shall be checked for good operating condition once each year and supplied  
10 with battery backup. The battery shall be replaced as necessary for proper  
11 function of the carbon monoxide alarm.

12 2. Battery-powered carbon monoxide alarms shall be tested for proper function on  
13 an annual basis. Batteries shall be replaced as necessary for proper function of the  
14 carbon monoxide alarm.

15 **CHAPTER 7**  
16 **FIRE SAFETY REQUIREMENTS**

17 **SECTION 701 – 703**  
18 **No changes**

19 **SECTION 704**  
20 **FIRE PROTECTION SYSTEMS**

21 **704.1 – 704.4** No changes.

22 **704.5 Residential Rental Smoke Alarms.** In R-occupancies governed by chapter 10-3, “Rental  
23 Licenses,” B.R.C. 1981, smoke alarms shall be installed and inspected as required in this section.

24 **704.6 Smoke Alarm Inspections.** Smoke alarm inspections shall be conducted by the property  
25 owner or agent as detailed below.

26 1. Smoke alarms that receive their primary power from the building wiring shall be  
27 checked for good operating condition once each year and if supplied with battery  
28 backup, the battery shall be replaced as necessary for proper function of the  
smoke alarm.

2. Battery-powered smoke alarms shall be tested for proper function on an annual  
basis. Batteries shall be replaced as necessary for proper function of the smoke  
alarm.

1 704.7 Fire Alarms. Fire alarms in existing residential structures shall be installed in accordance  
2 with chapter 10-8, section 907.3, “Fire Prevention Code,” B.R.C. 1981.

3 **SECTION 705**  
4 **PORTABLE FIRE EXTINGUISHERS**

5 705.1 Where Required. Portable fire extinguishers shall be installed as required by the City of  
6 Boulder Fire Code Section 906.

7 705.1.1. In new and existing R-1, R-2 and R-4 occupancies, portable fire extinguishers  
8 need only be installed when interior corridors and common areas exist in accordance with  
9 section 903.1 and table 906.3 (1) for light (low) hazard occupancies and sections 903.6  
10 through 906.9.

11 **APPENDIX A**  
12 **BOARDING STANDARD**

13 **A101 – A103** No changes.

14 **APPENDIX B**  
15 **RENTAL HOUSING INSPECTION AND LICENSING**

16 B101 Scope. Appendix B sets standards for administering the rental housing maintenance,  
17 inspection and licensing process.

18 B102 Rental Licenses. Residential rental licenses are applied for and renewed in accordance  
19 with chapter 10-3, “Rental Licenses,” B.R.C. 1981.

20 B103 Inspections. “Baseline” and “Renewal inspections” shall be performed and certified by  
21 licensed contractors as detailed in chapter 4- 4, “Building Contractor License,” B.R.C. 1981.

22 Section 2. Every reference in the B.R.C. 1981 to chapter 10-2, “Housing Code,” B.R.C.  
23 1981 is amended to read, chapter 10-2, “Property Maintenance Code,” B.R.C. 1981.

24 Section 3. This ordinance shall take effect January 3, 2011.

25 Section 4. This ordinance is necessary to protect the public health, safety, and welfare of  
26 the residents of the city, and covers matters of local concern.  
27  
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**Ordinance 7724 – Key Changes Related to IPMC**

*The intent and maintenance language shown below was modified to clarify that legally established uses of buildings is allowed to continue as long as the code official determines that deviations from this code do not pose a danger to the health, safety or welfare of the public or occupants.*

**101.3 Intent.** This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Except as provided below, existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Existing structures and premises that comply with all applicable codes in force at the time of construction will be deemed to comply with this code except where the code official determines that deviations from this code pose a danger to the health, safety or welfare of the public or occupants, and issues an order for the owner to correct those specific conditions or alterations.

**102.2 Maintenance.** Equipment, systems, devices and safeguards required by this code ~~or a previous regulation or code under which~~ shall be maintained in accordance with the code in effect when the structure or premises was legally constructed, altered or repaired and shall be maintained in good working order.

**112.4 Failure to comply.**

*A reference to the violations penalties section is added to establish how penalties will be assessed for violating a stop work order.*

**112.4 Failure to comply.** Keep the first sentence as written. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the “Violation penalties” as detailed in section 106.4

**302.8 Motor vehicles and Exception.**

*The IPMC text is replaced with a reference to an existing BRC requirement related to motor vehicle parking and storage.*

**302.8 Motor vehicles and Exception.** (Delete current text and exception and add new text) Motor vehicle parking and storage are regulated by Title 7, “Regulation of Vehicle, Pedestrian and Parking,” B.R.C. 1981.

**304.9 Overhang extensions.** *The second sentence of this section is deleted so that the safety requirement is retained, but the finish and paint requirements are deleted.*

**304.17. Guards for basement windows.** *This section is proposed deleted since a comparable requirement did not exist in the Housing Code.*

**304.18 Building Security.** No changes.

**304.18.1 – 304.18.3.** *The specific provisions related to security of doors windows and basement hatchways were deleted since the general security language establishes the intent of the section, and the specific sections were perceived to be difficult to enforce.*

**309.1. Infestation.** *The following language changes of sections 309.1 through 309.5 were in response to public input concern over the use of the term exterminated.*

**309.1. Infestation.**

All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall ~~be promptly~~ have the infestation exterminated ~~eradicated~~ by approved processes that will not be injurious to human health. After ~~extermination~~ eradication, proper precautions shall be taken to prevent reinfestation. Rodent control is regulated and enforced under chapter 6-5, “Rodent Control”, B.R.C. 1981.

**309.2 Owner.** The owner of any structure shall be responsible for ~~extermination~~ eradication within the structure prior to renting or leasing the structure.

**309.3 Single occupant.** The occupant of a one-family dwelling or a single-tenant structure shall be responsible for ~~extermination~~ eradication on the premises.

**309.4 Multiple Occupancy.** The owner of a structure containing two or more dwelling units, a multiple occupancy or a rooming house shall be responsible for ~~extermination~~ eradication in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for ~~extermination~~ eradication.

**309.5 Occupant.** No changes.

**Exception:** Where the infestations are caused by defects in the structure, the owner shall be responsible for the ~~extermination~~ eradication.

**608.1 General.** *A reference to the Colorado state law for carbon monoxide alarms was added to this section to further clarify the intent to make the city requirement consistent with the state requirement.*

**608.1 General.** Colorado state law, including Title 38, /Article 45, Carbon Monoxide Alarms, C.R.S.

ORDINANCE NO. 7725

AN ORDINANCE AMENDING SECTION 4-20-18, "RENTAL LICENSE FEE," AND CHAPTER 10-3, "RENTAL LICENSES," B.R.C. 1981, TO PROVIDE FOR COMPREHENSIVE ENFORCEMENT OF CHAPTER 10-2, "PROPERTY MAINTENANCE CODE," B.R.C. 1981, THROUGH A SYSTEM OF RENTAL LICENSES FOR ALL DWELLING AND ROOMING ACCOMMODATIONS IN THE CITY RENTED TO TENANTS AND SETTING FORTH RELATED DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 4-20-18, B.R.C. 1981 is amended to read:

4-20-18. **Rental License Fee.**

The following fees shall be paid before the city manager may issue a rental license or renew a ~~renewed~~ rental license:

- (a) Dwelling and Rooming Units: ~~\$46.00~~ \$70.00 per building.
- (b) Accessory Units: ~~\$46.00~~ \$70.00 per unit.
- (c) To cover the cost of investigative inspections, the city manager will assess to owners or operators a \$250.00 fee per inspection, where the city manager has performed an investigative inspection to ascertain compliance with or violations of this chapter.

Section 2. Section 10-1-1, B.R.C. 1981 is amended as follows:

10-1-1 **Definitions.**

...

"Baseline inspection" as used in chapter 10-3, "Rental Licenses," B.R.C. 1981, means a physical inspection of a dwelling unit performed by a qualified city- licensed ~~rental housing inspector- contractor~~ for the purpose of determining compliance with all required items specified on a rental housing inspection checklist developed by the city manager based on the requirements of chapter 10-2, "Housing Code, Property Maintenance Code," B.R.C. 1981, ~~and provided by the manager to property owners, tenants, housing inspectors and the public upon request.~~ The safety inspection is a component of every baseline inspection.

1 ...  
2 ~~“Safety inspection~~Renewal inspection” means, with respect to any rental housing  
3 unit covered by a current rental license, an inspection ~~a combined report of the~~  
4 ~~physical and functional condition of all fuel burning appliances and their~~  
5 ~~appurtenances and a tune-up of those appliances~~ made performed by a qualified  
6 ~~heating maintenance person~~ city-licensed contractor for the purpose of  
7 determining compliance with all required items specified on a rental housing  
8 renewal inspection checklist that are likely to become noncompliant over time,  
9 based on the requirements of chapter 10-2, "Property Maintenance Code,"  
10 ~~chapters 3 through 7 section 10-2-10, "Mechanical and Heating Standards,"~~  
11 ~~B.R.C. 1981, and a report on the condition and location of all smoke detectors~~  
12 ~~required by this title and a trash removal plan meeting the requirements of~~  
13 ~~subsection 6-3-3(b), B.R.C. 1981, made and verified by the owner or operator, on~~  
14 ~~a checklist form developed by the city manager based on these requirements and~~  
15 ~~provided by the manager to property owners, tenants, housing inspectors, and the~~  
16 ~~public upon request.~~

17 Section 3. Chapter 10-3, B.R.C. 1981 is amended to read:

### 18 **Chapter 10-3 Rental Licenses**

#### 19 **10-3-1 Legislative Intent.**

20 This chapter provides for comprehensive enforcement of chapter 10-2, ~~"Housing~~ "Property  
21 Maintenance Code," B.R.C. 1981, by establishing a system of rental licenses for all dwelling and  
22 rooming accommodations in the city that are rented to tenants.

#### 23 **10-3-2 Rental License Required ~~Prior to~~ Before Occupancy and License Exemptions.**

- 24 (a) No operator shall allow any person to occupy any rental property as a tenant or lessee or  
25 otherwise for a valuable consideration unless each room or group of rooms constituting  
26 the rental property has been issued a valid rental license by the city manager.
- 27 (b) Buildings, or building areas, described in one or more of the following paragraphs are  
28 exempted from the requirement to obtain a rental license from the city manager.
- (1) Any dwelling unit occupied by the owner, or members of the owner's family and housing no more than two roomers who are unrelated to the owner or the owner's family.
  - (2) A dwelling unit meeting all of the following conditions:
    - (A) The dwelling unit constitutes the owner's principal residence;
    - (B) The dwelling unit is temporarily rented by the owner for a period of time no greater than twelve consecutive months in any twenty-four-month period;

- (C) The dwelling unit was occupied by the owner immediately ~~prior to~~ before its rental;
  - (D) The owner of the dwelling unit is temporarily living outside of Boulder County; and
  - (E) The owner intends to re-occupy the dwelling unit upon termination of the temporary rental period identified in subparagraph (b)(2)(B) of this section.
- (3) Commercial hotel and motel occupancies which offer lodging accommodations primarily for periods of time less than thirty days, but bed and breakfast facilities are not excluded from rental license requirements.
  - (4) Common areas and elements of buildings containing attached, but individually owned, dwelling units.

**10-3-3 Terms of ~~Rental~~ Licenses.**

(a) License terms shall be as follows:

(1) Rental licenses~~Licenses~~, other than reduced term licenses issued ~~pursuant to~~ under section 10-3-4, "Reduced Term Rental License," B.R.C. 1981, ~~or~~ temporary licenses issued ~~pursuant to~~ under section 10-3-9, "Temporary Rental License Appeals," B.R.C. 1981, shall expire four years from issuance ~~or accessory dwelling unit or owner's accessory unit licenses governed by paragraph (a)(2) when ownership of this section, shall be valid until the licensed property is sold unless transferred~~

(A) ~~The license is revoked; or~~  
 (B) In addition to any other applicable requirements, new licenses and renewals shall require that the licensee fails to submit to the city manager a completed current safety inspection baseline (for a new license) or renewal inspection report, on forms provided by the city, ~~within four years from the date of initial license issuance and within each successive four-year period thereafter.~~ The safety inspection baseline and renewal inspection report shall:

(i) ~~In t~~The section of the report concerning fuel burning appliances must be executed by a qualified heating maintenance person certifying compliance with those portions of subsection 10-2-10(e), B.R.C. 1981, for which the report form requires inspection and certification.

(ii) ~~In t~~The section of the report concerning smoke ~~detectors, is and~~ carbon monoxide alarms must, be executed by the operator certifying that the ~~operator owner or agent~~ inspected the smoke ~~detectors and~~ carbon monoxide alarms in the licensed property and that they complied with the requirements of chapter 10-2, ~~"Housing"~~ "Property Maintenance Code," B.R.C. 1981.

1 (iii) ~~In t~~The section of the report concerning trash removal must is be  
2 executed by the operator certifying that the operator has a current valid  
3 contract with a commercial trash hauler for removal of accumulated  
4 trash from the licensed property in accordance with subsection 6-3-3(b),  
B.R.C. 1981.

5 (2) Accessory dwelling units, ~~as defined in section 9-16-1, "General Definitions,"~~  
6 ~~B.R.C. 1981, and owner's or~~ accessory units as defined in section 9-16-1,  
7 "General Definitions," pursuant to subsection 9-8-5(b), B.R.C. 1981, ~~twelve~~  
8 ~~months~~ have terms of four years from the date of license application for newly  
9 constructed units or from the date of prior license expiration for units for which  
10 the operator is renewing an unexpired ~~rental~~ license.

11 (3) Reduced term licenses: as specified in section 10-3-4, "Reduced Term License,"  
12 B.R.C. 1981

13 (b) The city manager shall issue separate ~~rental~~ licenses for individual buildings. Such  
14 licenses shall cover all dwelling units and rooming units within such buildings. In a  
15 building containing attached but individually owned dwelling units, or any other dwelling  
16 units which may be separately conveyed, the city manager shall issue separate ~~rental~~  
17 licenses for each dwelling unit. A structure, or group of structures, shall be considered to  
18 be a single building if it has been assigned a single street address by the city. If a complex  
19 of buildings on one property is under common ownership, and this owner is willing to  
20 have a common expiration date for the ~~rental~~ licenses for all dwelling and rooming units,  
21 the city manager may consider the whole complex to be the equivalent of a single  
22 building for the purposes of licensing and the fee schedule in section 4-20-18, "Rental  
23 License Fee," B.R.C. 1981.

24 (c) Whenever an existing ~~rental~~ license is ~~being~~ renewed, the renewal license shall be  
25 effective from the date of expiration of the last ~~rental~~ license if the applicant submits a  
26 complete renewal application by or within 90 days after the expiration date, unless the  
27 operator provides documentation satisfactory to the city manager, or an affidavit subject  
28 to the law against perjury, that no portion of the subject property was rented during any  
of the time between expiration of the old rental license and issuance of the new rental  
license, in which case the renewal license shall be effective as of the date of issuance.  
Licenses not renewed within 90 days will be considered expired, requiring a new baseline  
inspection report.

#### 10-3-4 Reduced Term ~~Rental~~ License.

25 (a) The city manager shall issue a reduced term ~~rental~~ license whenever the city manager  
26 determines that violations of chapter 10-2, "~~Housing Code Property Maintenance Code,~~"  
27 B.R.C. 1981, revealed during an inspection, individually or in combination, demonstrate  
28 a failure to maintain the rental property in a safe, sanitary, and clean condition so that the  
dwelling endangers the health and safety of the occupants, ~~including, without limitation,~~

1 ~~violations of section 10-2-3, "Unfit Dwellings and Vacation Thereof," B.R.C. 1981,~~  
2 ~~involving property unfit for human habitation, and subsections 10-2-7(a), B.R.C. 1981,~~  
3 ~~involving open sewage, 10-2-7(b), B.R.C. 1981, involving use of a lavatory as a kitchen~~  
4 ~~sink, 10-2-17(c), B.R.C. 1981, involving blocked chimney flues, and 10-2-20(b), B.R.C.~~  
5 ~~1981, involving cockroaches,~~ or if the city manager determines that there is or has been a  
6 violation of a limitation on numbers of occupants or numbers of dwelling units found in  
7 title 9, "Land Use Code," B.R.C. 1981, which demonstrates a failure to maintain the  
8 rental property in compliance with that title.

6 (1) For violations of chapter 10-2, "~~Housing Code Property Maintenance Code~~,"  
7 B.R.C. 1981, the ~~rental~~ license term shall be reduced to twenty four months.

8 (2) For violations of title 9, "Land Use Code," B.R.C. 1981, the ~~rental~~ license term  
9 shall be reduced to twelve months.

10 (b) If ~~a person an operator~~ disagrees with the decision of the city manager to issue a reduced  
11 term ~~rental~~ license under subsection (a) of this section, such person may appeal the  
12 city manager's decision within thirty days after the issuance of the reduced term license,  
13 as follows:

13 (1) For reduced term licenses issued as a result of violations of ~~the provisions of~~  
14 chapter 10-2, "~~Housing Code Property Maintenance Code~~," B.R.C.  
15 1981, the appeal shall be made as provided in ~~chapter 10-2~~, section  
16 ~~111 10-2-5, "Means of Appeal Appeals and Variances,"~~ B.R.C. 1981.

16 (2) For reduced term licenses issued as a result of violations of ~~the provisions of~~ title  
17 9, "Land Use Code," B.R.C. 1981, the appeal shall be made to the board of zoning  
18 adjustment, although the fee amount shall be as specified for an appeal to the  
19 board of building appeals.

### 19 **10-3-5 Rental License Procedure for Newly Constructed Rental Property.**

20 ~~Inspections-Baseline inspectionsto determine compliance with the provisions of chapter 10-2,~~  
21 ~~"Housing Code," B.R.C. 1981,~~ are not required ~~prior to before~~ issuance of the first rental license  
22 for newly constructed rental property if a ~~rental~~ license application is submitted ~~no later than by~~  
23 ~~or within sixty days one year from after~~ the date of issuance of the first certificate of occupancy  
24 or temporary certificate of occupancy, ~~in which case payment of license fees is not required.~~

### 23 **10-3-6 Rental License Application Procedure for Buildings Being Converted to Rental** 24 **Property.**

25 Every operator ~~of a property who is~~ converting ~~the a~~ property to rental property shall follow the  
26 procedures in this section for procuring a rental license:

26 (a) Submit a written application for a ~~rental~~ license to the city, on official city forms  
27 provided for that purpose, at least thirty days ~~prior to before~~ rental of the property.;

1 1. A rental housing inspector's certification of baseline inspection. The operator  
2 shall make a copy of the inspection form available to city staff and tenants of  
3 inspected units within 14 days of a request;

4 2 A report on the condition and location of all smoke and carbon monoxide alarms  
5 required by Chapter 10-2 made and verified by the owner or operator; and

6 3. A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C.  
7 1981 made and verified by the owner or operator;

8 (b) Pay all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981, at  
9 the time of ~~submittal of~~ submitting the ~~rental~~ license application.

10 (c) ~~Cause an inspection of the property to be conducted at the operator's expense by a rental~~  
11 ~~housing inspector licensed by the city for such work, and cause the inspector~~ Submit to  
12 ~~return~~ to the city manager, in the form provided by the manager, a certification of  
13 baseline inspection report, showing compliance with ~~chapter 10-2, "Housing Code,"~~  
14 ~~B.R.C all applicable requirements, 1981,~~ within 12 months before the application. The  
15 operator shall make a copy of the inspection checklist available to city staff and tenants  
16 of inspected units within 14 days of a request.

17 (d) Take all reasonable steps to notify any occupants of the property in advance of the date  
18 and time of the ~~housing code~~ inspection. The operator, or an agent of the operator other  
19 than the inspector or any tenant of the unit, shall be present and accompany the inspector  
20 throughout the inspection, unlocking and opening doors as required.

### 17 **10-3-7 Rental License Renewal Procedure for Buildings Occupied as Rental Property.**

18 Every operator of a rental property shall follow the procedures in this section when renewing an  
19 unexpired ~~rental~~ license:

20 (a) Pay all license fees prescribed by section 4-20-18, "Rental License Fee," B.R.C. 1981,  
21 ~~prior to~~ before the expiration of the existing license.

22 (b) ~~Cause an inspection of the property to be conducted at the operator's expense by a rental~~  
23 ~~housing inspector licensed by the city for such work, and cause the inspector~~ Submit to  
24 ~~return~~ to the city manager, in on the forms provided by the manager;

25 1. A rental housing inspector's certification of ~~safety inspection~~ renewal inspection  
26 within 12 months before application. The operator shall make a copy of the  
27 inspection form available to city staff and tenants of inspected units within 14  
28 days of a request;

2 report showing compliance with all applicable requirements chapter 10-2,  
"Housing Code," B.R.C. 1981, as of a date no more than sixty nor less than fifteen  
days before the date of expiration of the existing license within 12 months before

1 ~~application. The operator shall make a copy of the inspection checklist available~~  
2 ~~to city staff and tenants of inspected units upon written request within 14 days of a~~  
3 ~~request. A report on the condition and location of all smoke and carbon monoxide~~  
4 ~~alarms required by Chapter 10-2 made and verified by the owner or operator; and~~

5 3. A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C.  
6 1981 made and verified by the owner or operator.

- 7 (c) Take all reasonable steps to notify in advance all tenants of the ~~rental~~ property of the date  
8 and time of the ~~scheduled housing code~~ inspection. The operator, or an agent of the  
9 operator other than the inspector or any tenant of the unit, shall be present and accompany  
10 the inspector throughout the inspection, unlocking and opening doors as required.

### 11 **10-3-8 Temporary Rental License.**

12 If the inspection ~~by the rental housing inspector~~ shows that there are violations of chapter 10-2,  
13 ~~"Housing Code," Property Maintenance Code,~~ B.R.C. 1981, in the building, and the operator  
14 cannot correct the deficiencies before the housing is to be occupied (in the case of new rental  
15 property) or the existing license expires (in the case of a renewal), the operator may apply, on  
16 forms specified by the city manager, ~~to the city~~ for a temporary ~~rental~~ license. If the manager  
17 finds, based on the number and severity of violations, that such a temporary license would not  
18 create or continue an imminent health or safety hazard to the public or the occupants, the  
19 manager may issue a temporary ~~rental~~ license. The manager shall specify the duration of the  
20 temporary license, ~~which shall be~~ for a period reasonably necessary to make the needed repairs  
21 and changes. Upon ~~submission to the manager by the operator~~ receipt of an additional certificate  
22 of inspection, ~~on forms supplied by the manager, performed by a rental housing inspector,~~  
23 showing ~~that correction of~~ the deficiencies ~~have been corrected~~, and ~~accompanied by an~~  
24 additional ~~rental~~ housing license fee, the manager shall issue the ~~rental~~ housing license.

### 25 **10-3-9 Temporary Rental License Appeals.**

26 Any operator denied a temporary ~~rental~~ license, or aggrieved by the period of time allowed for  
27 correction, may appeal the denial or the ~~period of~~ time for correction, or both, ~~to the board of~~  
28 ~~building appeals within thirty days~~ as provided in chapter 10-2, section 10-2-5111, "Appeals and  
Variances," "Means of Appeal," B.R.C. 1981. As to an appeal of the time reasonably required to  
correct a violation, the board shall either affirm the city manager's originally prescribed time  
~~period~~ or grant a longer time ~~period~~ to correct the alleged violation.

### 29 **10-3-10 Time of Rental License Expiration.**

30 Every rental license expires upon the earliest of the following dates:

- 31 (a) The expiration date on the ~~rental~~ license unless temporary authority to rent is allowed  
32 under ~~the provisions of~~ section 10-3-8, "Temporary Rental License," B.R.C. 1981, of  
33 this chapter;
- 34 (b) Thirty days after the date upon which transfer of ownership of the rental property occurs.  
35 However, for purposes of this section and section 10-3-11, "transfer of ownership" shall

1 not include situations in which a rental property is transferred from ownership by one or  
2 more individuals into a Limited-limited Liability-liability Company-company form of  
ownership, ~~and when if~~ all of the following conditions exist:

- 3 (1) At least one transferring owner is a member of the Limited-limited Liability-  
4 liability Company-company;
- 5 (2) No exchange of consideration takes place as a condition of the transfer; and
- 6 (3) The transferring owners certify on forms approved by the city manager that there  
7 will be no significant change in the persons who manage the rental property or, in  
the alternative, in the persons who are responsible for managing the rental  
property.
- 8 (c) The effective date of any order or notice to vacate the rental property issued under any  
9 provision of law;
- 10 (d) The expiration of the temporary certificate of occupancy for the rental property if a  
11 permanent certificate of occupancy has not been issued; or
- 12 (e) The revocation of the certificate of occupancy for the rental property.

13 **10-3-11 Change of Rental Property Ownership, ~~or Agent, and Rental License Transfer.~~**

- 14 (a) ~~Upon~~ Within sixty days after transfer of ownership of ~~the a~~ property for which ~~a rental~~  
15 there is a current and valid license ~~has been issued and is still current and valid at time of~~  
~~transfer,~~ the new operator of the property shall apply for a rental-new license ~~within thirty~~  
16 days after the date of transfer of ownership of the rental property. The new operator shall:
- 17 (1) Submit all license fees prescribed by section 4-20-18, "Rental License Fee,"  
B.R.C. 1981, with the application.
- 18 (2) ~~Cause~~ Submit, in the form provided by the city manager, a certification of  
19 baseline inspection of report for the property ~~to be,~~ conducted at the operator's  
20 expense by a rental housing inspector licensed by the city for such work, ~~and~~  
~~cause the inspector to return to the city manager, in the form provided by the~~  
21 ~~manager, a certification of inspection~~ showing compliance with ~~chapter 10-2,~~  
"Housing Code," B.R.C. 1981, as of a date no more than sixty days before the  
22 date of expiration of the existing license.all applicable requirements.
- 23 (3) Take all reasonable steps to notify all tenants of the rental property of the date and  
24 time of the scheduled housing code inspection. The operator, or an agent of the  
operator other than the inspector or any tenant of the unit, shall ~~be present and~~  
25 accompany the inspector throughout the inspection, unlocking and opening doors  
as required.
- 26 (b) ~~No~~ Within thirty days after transfer of ownership or change of local agent of a licensed  
property, the operator shall ~~transfer the ownership, or change the local agent, of a rental-~~  
27 property for which a rental license is required, without notifying notify the city manager  
of the identity and mailing address of the buyernew owner or new local agent ~~within~~  
28 fifteen days after the transfer of the property or change of agent.

1  
2 **10-3-12 Rental License Fees.**

- 3 (a) Applicants for any rental housing license, and operators ~~who are~~ renewing an existing  
4 rental housing license, shall pay the license fees prescribed by section 4-20-18, "Rental  
5 License Fee," B.R.C. 1981, upon submission of any ~~rental housing~~ license application.
- 6 (b) If an operator of rental property legally changes the use of a structure by adding units for  
7 which such operator receives a ~~rental~~ license under this chapter separate from the ~~rental~~  
8 license for the remainder of the rental property, the operator shall apply for a single rental  
9 license to cover the entire property no later than thirty days before the expiration date of  
10 the ~~rental~~ license that first expires. There shall be no additional fee assessed for the  
11 dwelling units or rooming units that were added to the structure at the time the separate  
12 ~~rental~~ licenses are consolidated.
- 13 (c) If an operator of rental property reduces the number of dwelling units or rooming units  
14 within a rental property, the operator is not entitled to a refund of any fee previously paid.
- 15 (d) The city manager shall charge no license fee for the following rental dwelling units, so  
16 long as such units have also been individually certified to the city manager as low income  
17 rental property by the housing authority of the City of Boulder, and such certification is  
18 valid at the time the fee would otherwise be due:
- 19 (1) Units owned by or leased and operated by the housing authority of the City of  
20 Boulder;
  - 21 (2) Units owned by or leased and operated by an entity which has a current valid tax  
22 status determination by the United States Internal Revenue Service as a section  
23 501(c)(3) tax exempt organization and such units are permanently affordable, as  
24 that term is defined in chapter 9-~~1416~~, "~~Residential Growth Management System~~  
~~Definitions~~," B.R.C. 1981; or
  - 25 (3) Units covered by an assistance payment contract ~~pursuant to under~~ 49 U.S.C.  
26 1437(b), "Lower-income housing assistance - authorization for contracts for  
27 assistance payments for existing dwellings."
  - 28 (4) If a housing complex under common ownership operates a fixed number or  
percentage of units as qualifying units under this subsection, but the individual  
units occupied by low income tenants vary over time, the license and fee waiver  
allowed by this subsection shall be applied pro rata to the total amount.

24 **10-3-13 Posting Availability of Rental License.**

25 No operator who holds a rental license shall fail to make the rental license available to anyone  
26 within 72 hours of receiving a request. ~~post the license, or a true copy thereof, conspicuously~~  
27 upon the premises for which such license has been issued. ~~Posting of a rental license at the~~  
rental property is not required.

1 **10-3-14 Local Agent Required.**

2 Whenever any rental property is required to be licensed under this chapter, and neither the owner  
3 nor the operator is a natural person domiciled within Boulder County, Colorado, the owner shall  
4 appoint a natural person who is domiciled within Boulder County, Colorado, to serve as the local  
5 agent of the owner and the operator for service of such notices as are specified in chapter 10-2,  
6 section 108, "Unsafe Structures and Equipment," and section 109, "Emergency Measures,"  
7 B.R.C. 1981, and notices given to the local agent shall be sufficient to satisfy any requirement of  
8 notice to the owner or the operator. The owner shall notify the city manager in writing of the  
9 appointment within five days of being required to make such an appointment, and shall thereafter  
10 notify the city manager of any change of local agent within fifteen days of such change.

8 **10-3-15 City Manager May Order Premises Vacated.**

- 9 (a) Whenever the city manager determines that any rental housing is in violation of this  
10 chapter or of chapter 10-2, "~~Housing Code,~~" Property Maintenance Code, B.R.C. 1981,  
11 and has caused a summons and complaint requiring the operator to appear in municipal  
12 court to answer the charge of violation to issue, and the summons cannot be served upon  
13 the operator despite reasonable efforts to do so, or, having been served, the operator has  
14 failed to appear in the municipal court to answer the charges or at any other stage in the  
15 proceedings, or, having been convicted or entered a plea of guilty or no contest, the  
16 operator has failed to satisfy the judgment of the court or any condition of a deferred  
17 judgment, then the city manager may, after thirty days' notice and an opportunity for a  
18 hearing to the tenants and the operator, require that the premises be vacated, and not be  
19 reoccupied until all of the requirements of the ~~housing code~~ Property Maintenance Code  
20 and the rental licenses code have been satisfied and a rental housing license is in effect.  
21 No person shall occupy any premises as a tenant after ~~that person receives~~ receiving  
22 actual or constructive notice that the premises have been vacated under this section.
- 19 (b) Any notice required by this section to be given to an operator is sufficient if sent by first  
20 class or certified mail to the address of the last known owner of the property as shown on  
21 the records of the Boulder County Assessor as of the date of mailing. Any notice to the  
22 tenant required by this section ~~to be given to a tenant~~ is sufficient if sent by first class or  
23 certified mail to or delivered to any occupant at the address of the premises and directed  
24 to "All Tenants."
- 23 (c) The remedy provided in this section is cumulative and is in addition to any other action  
24 the city manager is authorized to take.

25 **10-3-16 Administrative Remedy.**

- 26 (a) If the city manager finds that a violation of any provision of this chapter or chapter 10-2,  
27 "~~Housing Code,~~" Property Maintenance Code," B.R.C. 1981, exists, the manager, after  
28 notice to the operator and an opportunity for hearing under the procedures prescribed by  
chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, may take any one or more of the  
following actions to remedy the violation:

- 1 (1) Impose a civil penalty according to the following schedule:  
2 (A) For the first violation of the provision, \$150.00;  
3 (B) For the second violation of the same provision, \$300.00; and  
4 (C) For the third violation of the same provision, \$1,000.00;  
5 (2) Revoke the rental license; and  
6 (3) Issue any order reasonably calculated to ensure compliance with ~~the provisions of~~  
7 this chapter and chapter 10-2, "~~Housing Code,~~" Property Maintenance Code,"  
8 B.R.C. 1981.

9 (b) If notice is given to the city manager by the operator at least forty-eight hours before the  
10 time and date set forth in the notice of hearing on any violation that the violation has been  
11 corrected, the manager will reinspect the building. If the manager finds that the violation  
12 has been corrected, the manager may cancel the hearing.

13 (c) The city manager's authority under this section is in addition to any other authority the  
14 manager has to enforce this chapter, and election of one remedy by the manager shall not  
15 preclude resorting to any other remedy as well.

16 (d) ~~If any person fails or refuses to pay when due any charge imposed under this section, the~~  
17 The city manager may, in addition to taking other collection remedies, certify due and  
18 unpaid charges to the Boulder County Treasurer for collection as provided by section 2-  
19 2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer  
20 for Collection," B.R.C. 1981.

21 (e) To cover the costs of investigative inspections, the city manager will assess owners or  
22 operators a \$250.00 fee, per inspection, where the city manager performs an investigative  
23 inspection to ascertain compliance with or violations of this chapter.

### 24 10-3-17 Penalty.

25 (a) The penalty for violation of any provision of this chapter is a fine of at least \$500.00 and  
26 not more than \$2,000.00 per violation, or incarceration for not more than ninety days in  
27 jail, or both such fine and incarceration. In addition, upon conviction of any person for  
28 violation of this chapter, the court may issue a cease and desist order and any other orders  
reasonably calculated to remedy the violation. Violation of any order of the court issued  
under this section is a violation of this section and is punishable by a fine of not more  
than \$4,000.00 per violation, or incarceration for not more than ninety days in jail, or  
both such fine and incarceration.

(b) It shall be a condition of any deferred prosecution or deferred or suspended sentence  
under this chapter that the defendant commit no violations of this chapter for at least one  
year from the date of such deferred prosecution or deferred or suspended sentence.

1 (c) Notwithstanding paragraph (a) of this section, the following specific sentencing  
2 considerations shall apply to fines imposed for violations:

3 (1) The court shall consider any evidence presented by the defendant that a potential  
4 fine would be confiscatory. A confiscatory fine is a fine that would deprive a  
5 normally capitalized owner of the ability to continue operating a rental housing  
6 business of the sort involved in the case before the court. No fine that is  
7 confiscatory shall be enforced by the court.

8 (2) In imposing a fine in any single case or in any consolidated cases, the court may  
9 weigh all factors normally and properly considered in connection with the  
10 imposition of fines, including the seriousness of the violation, the past record of  
11 the defendant, the economic circumstances of the defendant and all mitigating or  
12 aggravating factors relevant to the violation or to the defendant. In addition, in  
13 determining the amount of any fine, the court may consider:

14 (A) The imposition of a fine that would deprive the defendant of any illegal  
15 profit collected because of the occurrence of the violation or violations on  
16 the rental housing property;

17 (B) The imposition of a reasonable penalty in addition to any level of fine that  
18 is attributable to illegally obtained profit; and

19 (C) The imposition of such additional fine as is determined by the court to  
20 constitute a reasonable amount to be suspended in order to ensure  
21 compliance with any terms of probation imposed by the court.

22 (d) No fine imposed in a single case alleging multiple dates of violation, nor any fine in  
23 consolidated cases alleging multiple days of violation, shall exceed the maximum fine  
24 that might be imposed for fifteen separate violations unless the court finds special  
25 aggravating circumstances. Where special aggravating factors are at issue, the following  
26 procedures shall apply:

27 (1) The defendant shall be entitled to ten days' notice of any special aggravating  
28 factors upon which the prosecution intends to rely at the sentencing hearing or  
29 about which, based upon evidence previously presented, the court is concerned. If  
30 necessary in order to provide such notice, a defendant shall be entitled to a  
31 continuance of the sentencing hearing.

32 (2) A judicial finding of the existence of special aggravating factors shall not mandate  
33 that the court impose any particular level of fine but will, rather, provide the  
34 sentencing court with discretion to determine a fine based upon all the criteria set  
35 forth in this subsection.

36 (3) Special aggravating factors, for the purpose of this subsection, shall require a  
37 judicial finding of one or more of the following:

- (A) The violations at issue were flagrant and intentional on the part of the defendant;
- (B) The defendant, after learning of the violation, failed to attempt corrective action over a sustained period of time; or
- (C) A fine equivalent to the maximum fine permitted for fifteen separate violations would be inadequate to disgorge the defendant of illegal profits obtained as a consequence of the violations or would be inadequate to ensure that the violation is neither profitable nor revenue neutral for the offender.

**10-3-18 Authority to Issue Rules.**

The city manager may adopt reasonable rules to implement ~~the provisions of~~ this chapter.

**10-3-19 Owner Occupied Designation.**

- (a) A rental property may be considered “owner occupied” if the occupant certifies to the city as part of the licensing process that the occupant owns an interest in a corporation, firm, partnership, association, organization or any other group acting as a unit that owns the rental property.
- (b) The definition for “Family”, as used in this chapter, appears in section 9-2-1, “Definitions,” B.R.C. 1981

Section 4. This ordinance shall take effect January 3, 2011.

Section 5. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 6. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY this 1st day of June 2010.

\_\_\_\_\_  
Mayor

Attest:

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City Clerk on behalf of the  
Director of Finance and Record

READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY  
TITLE ONLY this 7th day of September, 2010.

---

Mayor

Attest:

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City Clerk on behalf of the  
Director of Finance and Record

**Ordinance 7725 – Key Changes Related to Rental License Code**

**10-1-1 Definitions**

*The term renewal inspection was determined to better describe the intent for what was previously termed a safety inspection.*

“Renewal inspection” means with respect to any rental housing unit covered by a current rental license, an inspection performed by a qualified city-licensed contractor based on the requirements of chapter 10-2, “Property maintenance Code,” B.R.C. 1981.

**10-3-3 (a) (1)**

(A) In addition to any other applicable requirements, new licenses ~~and renewals~~ shall require that the license submit to the city manager a completed renewal inspection report, on forms provided by the city. The renewal inspection report shall:

- (i) In the section of the report concerning fuel burning appliances, be executed by a qualified heating maintenance person certifying compliance with those portions of subsection 10-2-10 (e), B.R.C. 1981, for which the report form requires inspection and certification.
- (ii) In the section of the report concerning smoke and carbon monoxide alarms , be executed by the operator certifying that the owner or agent inspected the smoke and carbon monoxide alarms in the licensed property and that they complied with the requirements of chapter 10-2, Property Maintenance Code," B.R.C. 1981.
- (iii) In the section of the report concerning trash removal, be executed by the operator certifying that the operator has a current valid contract with a commercial trash hauler for removal of accumulated trash from the licensed property in accordance with subsection 6-3-3(b), B.R.C. 1981.

**10-3-3 (a) (2)** Accessory dwelling units and owner’s accessory units as defined in section 9-16-1 “General Definitions,” four years from the date of license application for newly constructed units or from the date prior to license expiration for units for which the operator is renewing an unexpired license.

**10-3-3 (a) (3)** Reduced term licenses: as specified in section 10-3-4 “Reduced Term License” B.R.C. 1981.

**10-3-6 (a)**

1. A rental housing inspector's certification of baseline inspection. The operator shall make a copy of the inspection form available to city staff and tenants of inspected units within 14 days of a request;
2. A report on the condition and location of all smoke and carbon monoxide alarms required by Chapter 10-2 made and verified by the owner or operator;
3. and A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C. 1981 made and verified by the owner or operator;

**10-3-6 (c)** Submit to the city manager, on the form provided by the manager, a certification of baseline inspection report, showing compliance with all applicable requirements within 12 months before the application. The operator shall make a copy of the inspection checklist available to city staff and tenants of inspected units within 14 days of a request.

**10-3-7 (b)** Submit to the city manager, on forms provided by the manager:

1. A rental housing inspector's certification of renewal inspection within 12 months before application. The operator shall make a copy of the inspection form available to city staff and tenants of inspected units within 14 days of a request;
2. A report on the condition and location of all smoke and carbon monoxide alarms required by Chapter 10-2 made and verified by the owner or operator;
3. A trash removal plan meeting the requirements of subsection 6-3-3(b), B.R.C. 1981 made and verified by the owner or operator.

**10-3-8** fourth sentence “ Upon ~~submission to the manager by the operator~~ receipt of an additional certificate of inspection, ~~on forms supplied by the manager,~~ showing that the deficiencies have been corrected, and ~~accompanied by~~ an additional housing license fee, the manager shall issue the housing license.

*This section was in the fee section of the code and was added to the code for clarity to enforce this provision.*

**10-3-16 (e)** To cover the costs of investigative inspections, the city manager will assess owners or operators a \$250.00 fee, per inspection, where the city manager performs an investigative inspection to ascertain compliance with or violations of this chapter.

## ORDINANCE NO. 7726

AN ORDINANCE AMENDING CHAPTERS 4-4, "BUILDING CONTRACTOR LICENSE," CHAPTER 4-20, "FEES," CHAPTER 10-1, "DEFINITIONS," CHAPTER 10-2, "PROPERTY MAINTENANCE CODE," AND CHAPTER 10-3, "RENTAL LICENSES," B.R.C. 1981 REGARDING ENERGY CONSERVATION FOR EXISTING RESIDENTIAL RENTAL STRUCTURES, AND SETTING FORTH RELATED DETAILS BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO:

Section 1. Section 4-4-4, B.R.C. 1981 is amended to read:

**4-4-4 Classification of Licenses.**

- (a) A Class A license entitles the licensee to contract for the construction, alteration, wrecking, or repair of any type or size of building or structure permitted by the ~~International~~ City of Boulder Building Code ~~130~~. The annual fee for a Class A license is that prescribed by-in section 4-20-4, "Building Contractor License and Building Permit Fees," B.R.C. 1981.
- (b) A Class B license entitles the licensee to contract for the construction, alteration, wrecking, or repair of all commercial and residential buildings or structures defined as Type V, Type V-1 hour, Type IV, Type II-N, and Type III-N in the ~~International~~ City of Boulder Building Code. The annual fee for a Class B license is that prescribed in section 4-20-4, "Building Contractor License and Building Permit Fees," B.R.C. 1981.
- (c) A Class C license entitles the licensee to contract for:
- (1) The construction, alteration, wrecking, or repair of any R-3 occupancies or of R-1 occupancies, as defined in the ~~International~~ City of Boulder Building Code, chapter 10-5, "Building Code," B.R.C. 1981, of two stories or less not involving reinforced concrete construction; and
  - (2) The repair of non-residential buildings not involving load-bearing structures. But this Class C license does not entitle the holder to contract for construction, alteration, or repair of public buildings or places of public assembly, nor for non-residential projects whose total value of the labor and material exceeds \$5,000.00. The annual fee for a Class C license is that prescribed in section 4-20-4, "Building Contractor License and Building Permit Fees," B.R.C. 1981.
- (d) A Class D license entitles the licensee to contract for labor or for labor and materials involving only one trade, these trades will be identified as listed below:
- D-1. Moving and wrecking of structures

- 1 D-2. Roofing
- 2 D-3. Siding
- 3 D-4. Landscaping, irrigation and site work
- 4 D-5. Detached one-story garage and sheds accessory to single-family dwellings
- 5 D-6. Mobile home installer
- 6 D-7. Elevator and escalator installer
- 7 D-8. Class not identified above but requiring a building permit and inspection
- 8 D-9. Rental housing inspector

9 A Class D licensee may be licensed to perform more than one such trade. The annual fee  
10 for Class D license is that prescribed in section 4-20-4, "Building Contractor License and  
11 Building Permit Fees," B.R.C. 1981.

12 (e) A Class E license entitles the licensee to contract for the building or construction of:

- 13 (1) All fences of any size or value, and
- 14 (2) Minor structures, including, without limitation, sheds of two hundred square feet  
15 or less, or for the alteration or repair of other buildings or other structures, if total  
16 value of the labor and materials for each such project does not exceed \$2,000.00,  
17 the total square footage of each such project does not exceed two hundred square  
18 feet, and such work does not involve any load-bearing structure of the building.  
19 The annual fee for a Class E license is that prescribed in section 4-20-4, "Building  
20 Contractor License and Building Permit Fees," B.R.C. 1981.

21 (f) A Class F license entitles the licensee to construct, alter, or repair the licensee's own  
22 building or structure, if the total value of the labor and material for each such project does  
23 not exceed \$500.00 and if the project does not involve alteration of a load-bearing  
24 structure or work governed by the city's electrical, mechanical, or plumbing codes.

25 (g) A Class G license entitles the licensee to inspect prescriptive energy efficiency measures  
26 as detailed in the Property Maintenance Code, Appendix C.

27 Section 2. Section 4-4-5, B.R.C. 1981 is amended to read:

#### 28 4-4-5 License Application and Qualifications.

(a) An applicant for an initial building contractor license shall:

- 29 (1) Apply on forms furnished by the city manager, provide such information  
30 relating to the applicant's competence, education, training, and experience as the  
31 manager may require; and pay the fee prescribed in section 4-20-4, "Building  
32 Contractor License and Building Permit Fees," B.R.C. 1981;
- 33 (2) If applying for a license on or after January 1, 1983, successfully pass an  
34 examination designed by the manager to test the applicant's qualification for the  
35 category of license requested; and

1  
2 (3) Provide evidence of insurance coverage required by section 4-1-8, "Insurance  
Required," B.R.C. 1981.

3 (b) An applicant for a Class F license need not comply with paragraphs (a)(2) and (a)(3) of  
4 this section. An applicant for a Class D-9 license need not comply with paragraph (a)(3)  
5 of this section, and the city manager may substitute attendance at a seminar on rental  
6 housing inspection given by the city for the examination required by paragraph (a)(2) of  
this section of D-9 licensees.

7 (c) An applicant for a Class D-9 license shall show proof of current American Society of  
8 Home Inspectors, Inc. or National Association of Home Inspectors Inc., certification or  
tested candidate status after passing the ASHI test certification, current certification as a  
9 combination building inspector by the International Conference of Building Officials or  
10 the International Code Council, possession of a current, valid Class A, B, or C general  
contractor's license, or licensure by the state of Colorado as a qualified design  
11 professional (architect or engineer) an architect or mechanical or structural engineer.

12 (d) An applicant for a Class G license shall show proof of current American Society of Home  
Inspectors, Inc., or National Association of Home Inspectors, Inc., certification, current  
13 certification as a Combination Building Inspector or Commercial or Residential Energy  
Inspector by the International Code Council, possession of a current, valid City of  
14 Boulder Class A, B or C general contractor's license or licensure by the State of Colorado  
as a qualified design professional (architect or engineer or equivalent qualifications  
15 reviewed and approved by the city manager.) All of the above licensees shall also be  
16 trained and certified through the City of Boulder to make prescriptive energy efficiency  
inspections.

17  
18 Section 3. Section 4-20-4, B.R.C. 1981 is amended to read:

19 **4-20-4 Building Contractor License and Building Permit Fees.**

20 (a) An applicant for a building contractor license shall pay the following annual fee  
21 according to the type of license requested:

	Application	Fee
(1)	Class A	\$460.00
(2)	Class B	307.00
(3)	Class C	197.00
(4)	Class D-1 through D-8	153.00
(5)	Class D-9	15.00
(6)	Class E	75.00
(7)	Class G	15.00

1 (b) The fees herein prescribed shall not be prorated.

2 ...

3 Section 4. Section 10-1-1, B.R.C. 1981 is amended to read:

4 **10-1-1 Definitions.**

5 (a) The following terms used in this title have the following meanings unless the context  
6 clearly indicates otherwise:

7 ...

8 “Energy efficiency requirements inspection” means a physical inspection  
9 performed by a class G city-licensed contractor for the purpose of determining  
10 compliance with the Prescriptive Energy Efficiency Option under Section  
11 C101.2.2.

11 ...

12 “Permanently affordable unit” has the same meaning as in Chapter 9-13,  
13 “Inclusionary Zoning,” B.R.C. 1981.

14 ...

15 “Qualifying carbon offset” means a financial instrument aimed at a reduction in  
16 greenhouse gases, purchased from the Colorado Carbon Fund (CCF) or from an  
17 alternative fund established by the city. One qualifying carbon offset represents  
18 the reduction of one metric ton of carbon dioxide or its equivalent (CO<sub>2</sub>e) in other  
19 greenhouse gases (if purchased from CCF) or another level of reduction specified  
20 by any alternative fund established by the city.

21 ...

22 ~~“Safety inspection” means, with respect to any rental housing unit covered by a~~  
23 ~~current rental license, a combined report of the physical and functional condition~~  
24 ~~of all fuel burning appliances and their appurtenances and a tune-up of those~~  
25 ~~appliances made by a qualified heating maintenance person based on the~~  
26 ~~requirements of section 10 2 10, “Mechanical and Heating Standards,” B.R.C.~~  
27 ~~1981, and a report on the condition and location of all smoke detectors required~~  
28 ~~by this title and a trash removal plan meeting the requirements of subsection 6 3~~  
~~3(b), B.R.C. 1981, made and verified by the owner or operator, on a checklist~~  
~~form developed by the city manager based on these requirements and provided by~~  
~~the manager to property owners, tenants, housing inspectors, and the public upon~~  
~~request.~~

29 “Renewal inspection” means, with respect to any rental housing unit covered by a  
30 current rental license, an inspection performed by a qualified city-licensed  
31 contractor for the purpose of determining compliance with all required items  
32 specified on a rental housing renewal inspection checklist that are likely to

1 become noncompliant over time, based on the requirements of chapter 10-2,  
2 "Property Maintenance Code," B.R.C. 1981.

3 ...

4 Section 5. Section 202, "Property Maintenance Code of the City of Boulder," as adopted  
5 and amended by section 10-2-2, Property Maintenance Code, B.R.C. 1981, is further amended to  
6 read as follows:

7 **SECTION 202**  
8 **GENERAL DEFINITIONS**

9 (No changes except as follows)

10 **CODE OFFICIAL.** The city manager and any city manager's delegate charged with the  
11 administration and enforcement of this code.

12 **KITCHEN SINK.** A kitchen sink shall be no smaller than twenty inches by sixteen inches, with a  
13 minimum uniform depth of six inches and a maximum uniform depth of twenty inches. Laundry  
14 tubs, lavatory basins, or bathtubs are not acceptable substitutes for required kitchen sinks.

15 **MANUFACTURED HOME.** Means a structure, transportable in sections, built on a permanent  
16 chassis and designed for use with or without a permanent foundation when connected to the  
17 required utilities. The term "manufactured home" includes "modular home" but does not include  
18 "recreational vehicle."

19 **TECHNICALLY IMPRACTICAL.** Alterations that are unlikely to be accomplished because  
20 existing structural conditions or site constraints prohibit practical modifications or addition of  
21 elements or features that would attain the energy efficiency requirements of Appendix C of Title  
22 10-2, "Property Maintenance Code," B.R.C. 1981.

23 Section 6. Section 10-2-1, B.R.C. 1981 is amended to read:

24 **10-2-1 Legislative Intent.**

25 (a) The City Council finds:

26 (1) Energy efficiency requirements for housing are necessary because:

27 (A) reducing greenhouse gas emissions in existing buildings is imperative to  
28 meet the City of Boulder's sustainability goals;

(B) rental housing represents the largest number of existing housing units in  
the city; and

1                    (C) efforts to establish incentives for voluntary energy efficiency retrofits in  
2                    rental housing have proven to be ineffective.

3 (b) Reducing greenhouse gas emissions has been established as an important public policy  
4 objective and mandated by the City of Boulder due to:

5                    (1) the well-documented link between reduction of such emissions and current and  
6                    projected climate change; and

7                    (2) the profound public health and safety impacts of such emissions, including but not  
8                    limited to:

9                    (A) increased risk of extreme weather events,

10                    (B) increased flood severity,

11                    (C) increased risk and intensity of catastrophic wildfire,

12                    (D) increased insect invasions causing forest die-offs, and

13                    (E) increased risk of drought.

14 (c) The purposes of this chapter ~~is~~ are as follows:

15                    (1) to protect the public health, safety and general welfare of the residents of the city  
16                    by regulating existing residential rental and privately occupied residential  
17                    structures and to promote conservation and the efficient use of energy;

18                    (2) to establish minimum energy efficiency requirements for existing rental and  
19                    privately occupied housing in the City of Boulder with the goal of reducing  
20                    greenhouse gas emissions; and

21                    (3) to address the unique needs and challenges associated with energy retrofits in  
22                    existing rental and privately occupied housing.

23 (d) The City Council hereby adopts the 2009 edition of the International Property  
24 Maintenance Code as the Property Maintenance Code of the City of Boulder. This  
25 chapter establishes minimum code standards related to: administration; definitions;  
26 general requirements; light, ventilation and occupancy limitations; plumbing facilities  
27 and fixture requirements; mechanical and electrical systems; fire safety requirements;  
28 rental licensing and existing residential rental structure energy conservation.

Section 7. Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, is amended to add  
Appendix C, to read:

**Appendix C – Energy Efficiency Requirement**

**EXISTING RESIDENTIAL RENTAL STRUCTURES**  
**ENERGY CONSERVATION**

**C101**

1 **SCOPE**

2 **C101.1 Scope.** Appendix C sets standards for residential rental dwelling unit energy efficiency.  
3 Effective January 2, 2019, the energy efficiency requirements of this section shall apply to all  
4 residential rental dwelling units licensed according to B.R.C. 1981, 10-3-2, Rental licenses  
5 except:

6 1. Buildings that can be verified as meeting or exceeding the energy efficiency  
7 requirements of the Energy Conservation and Insulation Code, Chapter 10-7,  
8 B.R.C. 1981.

9 2. Any manufactured home.

10 3. Accessory Dwelling Units and Attached Owner Accessory Units as detailed  
11 in section 9-6-3, "Specific Use Standards Residential Uses." B.R.C. 1981.

12 **C101.2 Compliance.** The energy efficiency of existing residential rental dwelling units must  
13 comply with Section C101.2.1 for performance-based energy efficiency requirements or Section  
14 C101.2.2 for prescriptive-based energy efficiency requirements. The code official may grant  
15 exceptions as follows:

16 1. Innovative Materials: Buildings where equivalent energy efficiency  
17 performance through the use of innovative materials, methods and/or  
18 equipment in accordance with Section 105 of this code as an alternative to the  
19 performance and prescriptive methods. The code official shall determine the  
20 relative values and effectiveness of innovative materials, methods and/or  
21 equipment in satisfying the intent and purpose of this code.

22 2. Historic Buildings: Reasonable alterations and modifications in the award of  
23 prescriptive and performance points of this chapter upon a finding by the code  
24 official that:

25 a. Strict application of the requirements requires an alteration to an  
26 individual landmark or a contributing building within a historic district  
27 established under chapter 9-11, B.R.C. 1981, that would not be eligible for  
28 approval as part of a landmark certificate; or

b. The purposes of this appendix are otherwise met through such  
alterations and modifications; or

c. Such alterations or modifications are necessary to remove barriers for  
permanently affordable housing units.

3. Affordable Housing: Rental dwelling units meeting the requirements for a  
permanently affordable unit, as follows:

1 a. Units weatherized according to state or federal subsidy program  
2 standards after September 1994;

3 b. Units eligible for weatherization according to state or federal subsidy  
4 program standards that have applied for weatherization service; an  
5 exception for one rental license cycle, to reach compliance. The code  
6 official may approve additional time to achieve compliance if one rental  
7 license cycle is not adequate;

8 c. Units not qualifying for weatherization according to state or federal  
9 subsidy programs; an exception for one rental license cycle to achieve  
10 compliance. The code official may approve additional time to achieve  
11 compliance if one rental license cycle is not adequate.

12 4. Technically Impractical: Buildings where energy efficiency upgrades are  
13 technically impractical in accordance with IPMC sec. 105.1. Owners shall  
14 demonstrate equivalent code compliance as follows:

15 a. Except as provided below, owners shall make the energy efficiency  
16 improvements that are practical and shall purchase, for each rental license  
17 cycle, qualifying carbon offsets prorated for the improvements- that are  
18 impractical.

19 b. If the building is the subject of an application for concept review, site  
20 review or a demolition permit, and the application shows that the building  
21 will be demolished or substantially remodeled within the next licensing  
22 period, the owner need not make energy efficiency improvements, but  
23 must purchase, for each rental license cycle, carbon offsets for the  
24 improvements not made.

25 **C101.2.1 Performance energy efficiency option.** Existing residential rental structures shall  
26 demonstrate energy efficiency compliance by obtaining a minimum Home Energy Rating  
27 System (HERS) index of 120 per rental dwelling unit. A HERS index shall be determined by a  
28 rater accredited by the Residential Energy Services Network (RESNET). For multi-dwelling  
29 rental structures, a HERS index sampling protocol authorized and approved by the code official  
30 may be utilized.

31 **C101.2.2 Prescriptive energy efficiency option.** The energy efficiency of residential structures  
32 shall be determined by an energy efficiency inspection score of 100 points as documented on  
33 table C101.2. The applicant shall provide an energy efficiency compliance certificate signed by  
34 a licensed and approved contractor per subsection 4-4-4(g), "Building Contractor License," and  
35 section 4-4-5, "License Application and Qualifications," B.R.C. 1981.

1 **TABLE C 101.2**

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**SmartRegs Prescriptive Pathway**

Need 100 Total Points + Mandatory Water Conservation Measures

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WALLS	Base:		Final:		
	R-VALUE	25%	50%	75%	100%
No Insulation	0	0	0	0	0
R-3 Continuous (must be at least R-3)	3	6	9	12	12
R-5 Continuous	4	8	12	15	15
R-13 or Uninsulated Basement Wall	5	10	15	20	20
R-19 or Better	5	11	16	21	21
Shared Wall or Insulated Basement Wall	6	13	19	26	26

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WINDOWS/FENESTRATION	Base:		Final:		
	TYPE	25%	50%	75%	100%
Single Metal (1.2 U-Value)	0	0	0	0	0
Single Non-Metal* (0.9 U-Value)	0	1	1	2	2
Double Metal (.8 U-Value)	1	2	3	4	4
Double Non-Metal* (.55 U-Value)	2	3	5	6	6
0.35 U-Value*	3	7	10	13	13
0.3 U-Value	3	7	10	14	14
0.25 U-Value or Better	4	7	11	14	14

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ATTIC	Base:		Final:		
	TYPE	25%	50%	75%	100%
No Insulation	0	0	0	0	0
R-19	6	12	18	24	24
R-20	6	13	19	26	26
R-38 or Better	7	13	20	26	26
Shared Ceilings	7	14	20	27	27

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INFILTRATION	Base:		Final:	
	nACH	POINTS		
1.00 nACH or Greater		2		
0.75 nACH		4		
0.50 nACH		6		
0.35 nACH or Less (ventilate per ASHRAE 62.2)		7		

\*Historically designated properties and properties older than 50 years with wooden window frames that rehabilitate and install storm panels will receive credit at the 0.35 U-Value level.

SLAB / FOUNDATION Base: Final:

DUCT LEAKAGE Base: Final:

CFM per 100 SF

POINTS

80 cfm @ 25 Pa 0

SLAB ON GRADE

TYPE	25%	50%	75%	100%
Slab Edge: R-0	2	3	5	6
Slab Edge: R-5	2	4	5	7
Slab Edge: R-10 or Better	2	4	6	8
Slab Edge R-10 plus Under Slab R-10 or Better	3	6	8	11

BELOW GRADE SLAB (Basement Slab)

Basement Slab	2	4	6	8
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FOUNDATION WALLS (Crawlspace)

R-0	0	0	0	0
R-2	2	3	5	6
R-11	2	4	6	8
R-19 or Better	2	5	7	9

FLOOR

(Only Available if No Ducts or HVAC Equipment are Located in Uninsulated Crawlspace Below Floor)

Floor Over Crawl: R-0	0	0	0	0
Floor Over Crawl: R-13	3	5	8	11
Floor Over Crawl: R-25	3	6	9	12
Floor Over Crawl: R-38 or Better	4	7	11	14

60 cfm @ 25 Pa 4

40 cfm @ 25 Pa 9

20 cfm @ 25 Pa 14

10 cfm @ 25 Pa or Less or no ducts (radiant) 17

DUCTS / RADIANT Base: Final:

LOCATION / INSULATION	25%	50%	75%	100%
Uninsulated Ducts (In Unconditioned Space)	0	0	0	0
Ducts Insulated to at Least R-4 (In Unconditioned Space)	1	3	4	6
Radiant Heat or Ducts Entirely Within Conditioned Space	2	3	5	7

1 Heating Base: Final:

SPECIFICATION	POINTS
Electric, Oil, or ASHP	<u>0</u>
Gas 65 AFUE or worse	<u>0</u>
Gas 80 AFUE	<u>13</u>
Gas 90 AFUE	<u>17</u>
Gas 96 AFUE	<u>19</u>
GSHP (COP 3.3)	<u>29</u>
GSHP (COP 4.1)	<u>38</u>
GSHP (COP 4.8)	<u>43</u>

8 COOLING Base: Final:

SPECIFICATION	POINTS
10 SEER or worse	<u>0</u>
13 SEER	<u>4</u>
15 SEER / Evaporative Cooler / no A/C	<u>6</u>
17 SEER	<u>7</u>
19 SEER / Indirect Evaporative Cooler	<u>8</u>
GSHP (> EER 13.5)	<u>4</u>

14 FANS Base: Final:

SPECIFICATION	POINTS
Whole House Fan (In Addition to Cooling Points)	<u>2</u>

17 LIGHTING Base: Final:

HIGH- EFFICACY LIGHTING (solar tubes/light tunnels counted as light fixtures)	POINTS
0%	<u>0</u>
25%	<u>2</u>
50%	<u>4</u>
75%	<u>6</u>
100%	<u>7</u>

22 HOT WATER Base: Final:

SPECIFICATION	POINTS
Electric, Oil or Heat Pump	<u>0</u>
Gas 56 EF	<u>0</u>
Gas 60 EF	<u>1</u>
Gas 64 EF	<u>2</u>
Gas Tankless 82 EF or Better	<u>6</u>
Gas Boiler Side Arm (65 AFUE Boiler)	<u>0</u>
Gas Boiler Side Arm (80 AFUE Boiler)	<u>3</u>
Gas Boiler Side Arm (95 AFUE Boiler)	<u>5</u>

1	<u>Gas Boiler Side Arm (95 AFUE Boiler)</u>	<u>5</u>
2	<b>REFRIGERATION</b> Base: _____ Final: _____	
	<b>SPECIFICATION</b>	<b>POINTS</b>
3	<u>750 kWh</u>	<u>0</u>
	<u>650 kWh</u>	<u>2</u>
4	<u>450 kWh</u>	<u>3</u>
5	<u>350 kWh or Better</u>	<u>4</u>
6	<b>SOLAR THERMAL</b> Base: _____ Final: _____	
	<b>SPECIFICATION</b>	<b>POINTS</b>
7	<u>Points per 20 sq ft of collector surface area</u>	<u>8</u>
8		
9	<u>PV (includes power purchase agreements and solar leases or verified subscription in a Community Solar Garden )*</u>	
10	Base: _____ Final: _____	
	<b>kW</b>	<b>POINTS</b>
11	<u>Points per kW</u>	<u>44</u>
12	<u>*Must earn 70 prescriptive pathway points in other categories to be eligible to earn PV points</u>	
13	<b>OCCUPANT</b> Base: _____ Final: _____	
	<b>MEASURE</b>	<b>POINTS</b>
14	<u>Sub-Metering: Real Time Energy Monitoring Device</u>	<u>1</u>
15	<u>Programmable Thermostat</u>	<u>1</u>
16	<u>Provide Operation / Training Manual</u>	<u>1</u>
16	<u>Tenant Attends Energy Conservation Class</u>	<u>1</u>
17		
18	<b>OTHER</b> Base: _____ Final: _____	
	<b>MEASURE</b>	<b>POINTS</b>
19	<u>Heat Pump Desuperheater</u>	<u>1</u>
19	<u>Electrically Commutated Motor ("ECM")</u>	<u>3</u>
20	<u>Passive Solar Design</u>	<u>Discretionary – approved by City of Boulder</u>
21	<u>Innovative Practice</u>	<u>Discretionary – approved by City of Boulder</u>
22	<u>Hardship Exception: Carbon Offsets</u>	<u>Must be Approved by City of Boulder</u>

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1 **Mandatory Water Conservation**

2 Must Earn Two Points Regardless of Whether Performance or Prescriptive SmartRegs Pathway is Chosen

<u>Water Conservation Measure*</u>	<u>Points per Fixture</u>
<u>Low flow showerhead</u>	<u>1</u>
<u>Low flow lavatory faucets</u>	<u>1</u>
<u>Self-closing faucet valves</u>	<u>1</u>
<u>High-efficiency or dual-flush toilet</u>	<u>2</u>
<u>ENERGY STAR washing machine</u>	<u>2</u>
<u>ENERGY STAR dishwasher</u>	<u>2</u>

7 \*Points earned in this category do not count towards prescriptive 100 point requirement

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1 \*Points earned in this category do not count towards prescriptive 100 point requirement

2 \*\* The average flow rate for all bathroom faucets must be less than or equal to 1.5 gallons per  
3 minute (gpm).

4 \*\*\* The average flow rate for all shower heads must be less than or equal to  
5 2.0 gpm.

6 \*\*\*\* The average flow rate for all toilets, including dual-flush toilets, must be less than or equal  
7 to 1.28 gpf (gallons per flush). A common dual-flush toilet has a 1.6 gpf and a 0.8 gpf. This  
8 makes an average of 1.2, which would qualify.

9 Definitions of acronyms:

10 **R-value:** a measure of thermal resistance used to describe insulation. The bigger the number, the  
11 better the insulation's effectiveness.

12 **U-value:** the overall heat transfer coefficient, describes how well a building element conducts  
13 heat. U-value is the inverse of R-value. The lower the U-value, the better.

14 **nACH:** natural air changes per hour

15 **HVAC:** Heating, Ventilating and Air Conditioning

16 **cfm:** cubic feet per minute

17 **Pa:** Pascal; a measure of force per unit area

18 **ASHP:** air source heat pump

19 **AFUE:** annual fuel utilization efficiency; the most widely used measure of a furnace's heating  
20 efficiency

21 **GSHP:** ground source heat pump

22 **COP:** coefficient of performance of a heat pump is the ratio of the change in heat at the "output"  
23 (the heat reservoir of interest) to the supplied work

24 **SEER:** seasonal energy efficiency ratio; used to measure the efficiency of air conditioners

25 **EF:** energy factor is the ratio of useful energy output from the water heater to the total amount of  
26 energy delivered to the water heater. The higher the EF is, the more efficient the water heater

27 **kWh:** kilowatt hour; a unit of energy equal to 1000 watt hours

28 **kW:** kilowatt

1 **C101.3 Administration and enforcement. Administration and enforcement of these measures**  
2 **shall be as detailed in Part 2 of this code.**

3 Section 8. Section 10-3-3, B.R.C. 1981 is amended to read:

4 **10-3-3 Terms of Licenses.**

5 (a) License terms shall be as follows:

6 (1) Licenses, other than reduced term licenses issued under section 10-3-4, "Reduced  
7 Term Rental License," B.R.C. 1981 or temporary licenses issued under section  
8 10-3-9, "Temporary Rental License Appeals," B.R.C. 1981, shall expire four  
9 years from issuance or when ownership of the licensed property is transferred.

10 (A) In addition to any other applicable requirements, new licenses and  
11 renewals shall require that the licensee submit to the city manager a  
12 completed current renewal inspection report, on forms provided by the  
13 city. The renewal inspection report shall:

14 (i) In the section of the report concerning fuel burning appliances, be  
15 executed by a qualified heating maintenance person certifying  
16 compliance with those portions of subsection 10-2-10(e), B.R.C.  
17 1981, for which the report form requires inspection and  
18 certification.

19 (ii) In the section of the report concerning smoke and carbon  
20 monoxide alarms, be executed by the operator certifying that the  
21 owner or agent inspected the smoke and carbon monoxide alarms  
22 in the licensed property and that they complied with the  
23 requirements of chapter 10-2, "Property Maintenance Code,"  
24 B.R.C. 1981.

25 (iii) In the section of the report concerning trash removal, be executed  
26 by the operator certifying that the operator has a current valid  
27 contract with a commercial trash hauler for removal of accumulated  
28 trash from the licensed property in accordance with subsection 6-3-  
3(b), B.R.C. 1981.

(2) Accessory dwelling units or accessory units as defined in section 9-16-1, "General  
Definitions," B.R.C. 1981: four years from the date of license application for  
newly constructed units or from the date of prior license expiration for units for  
which the operator is renewing an unexpired license.

(3) Reduced term licenses: as specified in section 10-3-4, "Reduced Term License,"  
B.R.C. 1981

(b) The city manager shall issue separate licenses for individual buildings. Such licenses  
shall cover all dwelling units and rooming units within such buildings. In a building  
containing attached but individually owned dwelling units, or any other dwelling units

1 which may be separately conveyed, the city manager shall issue separate licenses for each  
2 dwelling unit. A structure, or group of structures, shall be considered to be a single  
3 building if it has been assigned a single street address by the city. If a complex of  
4 buildings on one property is under common ownership, and this owner is willing to have  
5 a common expiration date for the licenses for all dwelling and rooming units, the city  
6 manager may consider the whole complex to be the equivalent of a single building for the  
7 purposes of licensing and the fee schedule in section 4-20-18, "Rental License Fee,"  
8 B.R.C. 1981.

- 9 (c) Whenever an existing license is renewed, the renewal license shall be effective from the  
10 date of expiration of the last license if the applicant submits a complete renewal  
11 application by or within 90 days after the expiration date, unless the operator provides  
12 documentation satisfactory to the city manager, or an affidavit subject to the law against  
13 perjury, that no portion of the subject property was rented during any of the time between  
14 expiration of the old license and issuance of the new license, in which case the renewal  
15 license shall be effective as of the date of issuance. Licenses not renewed within 90 days  
16 will be considered expired, requiring a new baseline inspection report before renewal.

17 (d) Issuance of any license (new or renewed) extending beyond December 31, 2018 requires  
18 meeting the energy efficiency requirements of Title 10-2, "Property Maintenance Code,  
19 Appendix C - Energy Efficiency Requirements," B.R.C. 1981.

20 Section 9. Section 10-3-4, B.R.C. 1981 is amended to read:

21 **10-3-4 Reduced Term License.**

- 22 (a) The city manager shall issue a reduced term license whenever the city manager  
23 determines that:

24 (1) violations of chapter 10-2, "Property Maintenance Code," B.R.C. 1981, revealed  
25 during an inspection, individually or in combination, demonstrate a failure to  
26 maintain the rental property in a safe, sanitary, and clean condition so that the  
27 dwelling endangers the health and safety of the occupants, or

28 (2) ~~if the city manager determines that~~ there is or has been a violation of a limitation  
on numbers of occupants or numbers of dwelling units found in title 9, "Land Use  
Code," B.R.C. 1981, which demonstrates a failure to maintain the rental property  
in compliance with that title; ~~or~~

(3) the term of an initial license or renewal of an existing license would otherwise  
extend beyond December 31, 2018 for a property that has not received an "Energy  
efficiency requirements inspection" demonstrating compliance with chapter 10-2,  
"Property Maintenance Code, Appendix C - Energy Efficiency Requirements,"  
B.R.C. 1981.

1 ~~(A)~~ For violations of chapter 10-2, " Property Maintenance Code," B.R.C.  
2 1981, the license term shall be reduced to twenty four months.

3 ~~(B)~~ For violations of title 9, "Land Use Code," B.R.C. 1981, the license term  
4 shall be reduced to twelve months.

5 (C) In case of failure to demonstrate a satisfactory energy efficiency  
6 requirements inspection for the subject property, under paragraph (3),  
7 above, the license term shall expire December 31, 2018, unless, before  
8 that date, the city manager receives an energy efficiency requirements  
9 inspection demonstrating compliance, in which case the license term shall  
10 extend for the full period otherwise prescribed by this chapter.

11 (b) If an operator disagrees with the decision of the city manager to issue a reduced term  
12 license under subsection (a) of this section, such person may appeal the city manager's  
13 decision within thirty days after the issuance of the reduced term license, as follows:

14 (1) For reduced term licenses issued as a result of violations of chapter 10-2, "  
15 Property Maintenance Code," B.R.C. 1981, the appeal shall be made as provided  
16 in chapter 10-2, section 111, "Means of Appeal," B.R.C. 1981.

17 (2) For reduced term licenses issued as a result of violations of title 9, "Land Use  
18 Code," B.R.C. 1981, the appeal shall be made to the board of zoning adjustment,  
19 although the fee amount shall be as specified for an appeal to the board of  
20 building appeals.

21 Section 10. Section 10-3-11, B.R.C. 1981 is amended to read:

22 **10-3-11 Change of Rental Property Ownership or Agent.**

23 (a) Within sixty days after transfer of ownership of a property for which there is a current  
24 and valid license at time of transfer, the new operator of the property shall apply for a  
25 new license . The new operator shall:

26 (1) Submit all license fees prescribed by section 4-20-18, "Rental License Fee,"  
27 B.R.C. 1981, with the application.

28 (2) Submit, in the form provided by the city manager, a certification of baseline  
inspection report for the property, conducted at the operator's expense by a rental  
housing inspector licensed by the city for such work, showing compliance with all  
applicable requirements. A rental housing inspector per-licensed under  
subsections 4-4-4 (g), "Building Contractor License," and 4-4-5 (d), "License  
Application and Qualifications," B.R.C. 1981 shall complete those portions of the  
inspection covered in chapter 10-2, Appendix C, "Efficiency Requirements,"  
B.R.C. 1981.

1  
2 (3) Take all reasonable steps to notify all tenants of the property of the date and time  
3 of the scheduled inspection. The operator, or an agent of the operator other than  
4 the inspector or any tenant of the unit, shall accompany the inspector throughout  
the inspection, unlocking and opening doors as required.

5 (b) Within thirty days after transfer of ownership or change of local agent of a licensed  
6 property, the operator shall notify the city manager of the identity and mailing address of  
the new owner or new local agent.

7  
8 (c) Issuance of any licenses extending beyond December 31, 2018 requires meeting the  
9 energy efficiency requirements of Title 10-2, "Property Maintenance Code, Appendix C,"  
"Efficiency Requirements," B.R.C. 1981.

10 Section 6. This ordinance shall take effect January 3, 2011.

11 Section 7. This ordinance is necessary to protect the public health, safety, and welfare of  
12 the residents of the city, and covers matters of local concern.

13  
14 Section 8. The City Council deems it appropriate that this ordinance be published by title  
15 only and orders that copies of this ordinance be made available in the office of the city clerk for  
16 public inspection and acquisition.

17 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY  
18 TITLE ONLY this 1st day of June, 2010.

19  
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21 \_\_\_\_\_  
Mayor

22 Attest:

23 \_\_\_\_\_  
24 City Clerk on behalf of the  
Director of Finance and Record

1 READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY  
2 TITLE ONLY this 7<sup>th</sup> day of September, 2010.

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4 \_\_\_\_\_  
5 Mayor

6 Attest:

7 \_\_\_\_\_  
8 City Clerk on behalf of the  
9 Director of Finance and Record

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**Ordinance 7726 – Key Changes Related to Energy Efficiency Code**

Section 1. Section 202, “Property Maintenance Code of the City of Boulder,” as adopted and amended by section 10-2-2, Property Maintenance Code, B.R.C. 1981, is further amended to read as follows:

**202 General Definitions**

*The following defined terms were added to the definitions section. Since the administrative section of the IPMC references the Code Official, a definition of that position is provided. A definition of kitchen sink is needed in regard to enforcing the number of dwelling units within a structure. Since manufactured homes are categorically excepted from the energy efficiency requirements, the term is defined. Technically impractical is defined since it establishes the criteria for when an exception to the energy efficiency requirements may be pursued.*

CODE OFFICIAL. The city manager and any city manager's delegate charged with the administration and enforcement of this code.

KITCHEN SINK. A kitchen sink shall be no smaller than twenty inches by sixteen inches, with a minimum uniform depth of six inches and a maximum uniform depth of twenty inches. Laundry tubs, lavatory basins, or bathtubs are not acceptable substitutes for required kitchen sinks.

MANUFACTURED HOME. means, a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” includes “modular homes” but does not include a “recreational vehicle.”

TECHNICALLY IMPRACTICAL. Alterations that are unlikely to be accomplished because existing structural conditions or site constraints prohibit practical modifications or addition of elements or features that would attain energy efficiency requirements of appendix C of Title 10-2 “Property Maintenance Code,; B.R.C. 1981.

**C101.1 Scope.**

*The scope was modified to include a compliance date of January 2, 2019 which corresponds to staff’s recommendation of Option C – Date Certain. Exceptions are now incorporated in the scope section. Two of the exceptions related to buildings that meet the current energy code and manufactured housing were included in previous versions of the ordinance language, but were in a different location. A new exception for Accessory Dwelling Units and attached Owner’s Accessory Units were also added to this group of exceptions. For better clarity categorical exceptions were grouped under the scope*

heading and energy efficiency compliance exceptions are grouped under the compliance heading.

**C101.1 Scope.** Appendix C sets standards for residential rental dwelling unit energy efficiency. Effective January 2, 2019, the energy efficiency requirements of this section shall apply to all residential rental dwelling units licensed according to B.R.C. 1981, 10-3-2, Rental licenses.

1. Buildings that can be verified as meeting or exceeding the energy efficiency requirements of the “Energy Conservation and Insulation Code,” Chapter 10-7, B.R.C.1981
2. Any manufactured home.
3. Accessory Dwelling Units and attached Owner’s Accessory Units as detailed in title 9-6-3, “Specific Use Standards Residential Uses.”

### **C101.2 Compliance**

*The financial hardship exception was deleted, with the understanding that the issue must be revisited at least one rental license cycle before the proposed compliance date. The innovation, historic, technically infeasible, and affordable housing exceptions were moved to this section from the prescriptive compliance section so that the exceptions apply to both performance and prescriptive compliance provisions. The term technically infeasible was changed to technically impractical and a definition provided. The affordable housing exception was also revised for better clarity in how this provision can be applied. The compliance date was changed to January 2, 2019 in order to coordinate with the proposed implementation date.*

1. Innovative Materials: Buildings that demonstrate equivalent energy efficiency performance through the use of, innovative materials, methods and/or equipment in accordance with Section 105 of this code as an alternative to the performance and prescriptive methods. The code official shall determine the relative values and effectiveness of innovative materials, methods and/or equipment in satisfying the intent and purpose of this code.
- ~~3. Financial Hardship: A one-time delay of a rental license cycle, related to the installation of energy efficiency upgrades required by this appendix. The owner has the burden of proof to show the code official, by clear and convincing evidence, a financial hardship arising from exceptional or extraordinary circumstances. The owner shall apply on a form provided by the code official and shall:
  - a. ~~Demonstrate a financial hardship;~~
  - b. ~~Be a natural person owning five or fewer rental dwelling units operated as rental dwelling units. Relief is not available for owners that are business entities such as corporations or limited liability companies.~~~~

- ~~e. Have a gross annual income less than the United States Department of Housing and Urban Development (HUD) Low-income Limit (published annually and adjusted for household size).~~
- ~~d. Purchase qualifying carbon offsets in the interim period until the required energy efficiency upgrades can be completed in proportion to the energy efficiency upgrades required to make the unit(s) comply with this appendix.~~
- ~~e. The code official will consider the following factors, together with any additional reasons provided by the owner or agent as part of the application process, when considering whether to grant relief under this section:
 
  - ~~i. Whether the owner pays the utility bills for the rental dwelling unit;~~
  - ~~ii. Whether the owner is eligible to receive rebates or other financing or qualify for federally subsidized weatherization services to fund installation of energy efficiency upgrades;~~
  - ~~iii. Whether the extension is reasonable given the energy efficiency measures required.~~~~

2. Historic Buildings: Reasonable alterations and modifications in the award of prescriptive and performance points of this chapter upon a finding by the code official that:

- a. Strict application of the requirements requires an alteration to an individual landmark or a contributing building within a historic district established under chapter 9-11, BRC 1981, that would not be eligible for approval as part of a landmark certificate; or
- b. The purposes of this appendix are otherwise met through such alterations and modifications; or
- c. Such alterations or modifications are necessary to remove barriers for permanently affordable housing units.

3. Affordable Housing: Rental dwelling units that meet the requirements for a permanently affordable unit and one of the following energy efficiency criteria:

- ~~a. Units weatherized through a federally subsidized program after September 1994;~~
- ~~b. Units not weatherized after September 1994, but on a waiting list for federally subsidized weatherization services at the beginning of the first rental license period.~~
- ~~c. Units ineligible for federally subsidized weatherization services at the first rental license period;~~

- ~~i. If federally subsidized weatherization is not complete by the end of the first rental license period, the code official may grant one additional renewal period if the property is scheduled to receive federally subsidized weatherization or the owner can demonstrate financial hardship;~~
    - ~~ii. The code official may grant further license renewal periods to obtain energy efficiency due to financial hardship if the property has a compliance plan acceptable to the code official under C101.2.3.~~
  - a. Units weatherized according to state or federal subsidy program standards after September 1994.
  - b. Units eligible for weatherization according to state or federal program standards that have applied for weatherization service: an exception for one rental license cycle to achieve compliance. The code official may approve additional time to achieve compliance if one rental license is not adequate.
  - c. Units not qualifying for weatherization according to state or federal subsidy programs: an exception for one rental license cycle to achieve compliance. The code official may approve additional time to achieve compliance if one rental license is not adequate.
4. Technically impractical: Buildings where energy efficiency upgrades are technically impractical in accordance with IPMC sec. 105.1. Owners may demonstrate equivalent code compliance as follows:
- a. Except as provided below, owners shall make the energy efficiency improvements which are practical and shall purchase, for each rental license cycle, qualifying carbon offsets prorated for the improvements which are impractical.
  - b. If the building is the subject of an application for concept review, site review or a demolition permit, and the application shows that the building will be demolished or substantially remodeled within the next licensing period, the owner need not make energy efficiency improvements, but must purchase, for each rental license cycle, qualifying carbon offsets for the improvements not made.

## **Sections C101.2.1 and C101.2.2**

*Performance and Prescriptive options have been edited to add clarity to the requirements and their certification process.*

**C101.2.1** Performance energy efficiency option. Existing residential rental structures shall demonstrate energy efficiency compliance by obtaining a minimum Home Energy

Rating System (HERS) index of 120 per rental dwelling unit. A HERS index shall be determined by a rater accredited by the Residential services Network (RESNET). For multi-dwelling rental structures, a HERS index sampling protocol authorized and approved by the code official may be utilized.

C101.2.2 Prescriptive energy efficiency option. The energy efficiency of residential structures shall be determined by an energy efficiency inspection score of 100 points as documented on table C101.2. The applicant shall provide an energy efficiency compliance certificate signed by a licensed and approved contractor per section 4-4-4 (g), "Building Contractor License" and section 4-4-5, "License Application and Qualifications," B.R.C. 1981.

## **Table C101.2 SmartRegs Prescriptive Pathway**

*New notes and footnotes have been added to the table.*

### **Mandatory Water Conservation\***

Must Earn Two Points Regardless of Whether Performance or Prescriptive SmartRegs Pathway is Chosen

Footnotes:

\*Points earned in this category do not count towards prescriptive 100 point requirement

\*\* The average flow rate for all bathroom faucets must be less than or equal to 1.5 gallons per minute (gpm)

\*\*\* The average flow rate for all shower heads must be less than or equal to 2.0 gpm.

\*\*\*\* The average flow rate for all toilets, including dual-flush toilets, must be less than or equal to 1.28 gpf (gallons per flush). A common dual-flush toilet has a 1.6 gpf and a 0.8 gpf. This makes an average of 1.2, which would qualify.

### **Definitions of acronyms:**

*Definitions of the prescriptive pathway acronyms were added as follows:*

**R-value:** a measure of thermal resistance used to describe insulation. The bigger the number, the better the insulation's effectiveness.

**U-value:** the overall heat transfer coefficient, describes how well a building element conducts heat. U-value is the inverse of R-value. The lower the U-value, the better.

**nACH:** natural air changes per hour

**HVAC:** Heating, Ventilating and Air Conditioning

cfm: cubic feet per minute

Pa: Pascal; a measure of force per unit area

ASHP: air source heat pump

AFUE: annual fuel utilization efficiency; the most widely used measure of a furnace's heating efficiency

GSHP: ground source heat pump

COP: coefficient of performance of a heat pump is the ratio of the change in heat at the "output" (the heat reservoir of interest) to the supplied work

SEER: seasonal energy efficiency ratio; used to measure the efficiency of air conditioners

EF: energy factor is the ratio of useful energy output from the water heater to the total amount of energy delivered to the water heater. The higher the EF is, the more efficient the water heater

kWh: kilowatt hour; a unit of energy equal to 1000 watt hours

kW: kilowatt

### **10-2-1 Legislative Intent**

*The legislative intent related to the energy efficiency ordinance was revised based on first reading council comments. The new language is factually correct and provides a connection between greenhouse gas emissions, energy use in buildings and the city's sustainability goals.*

- (a) The City Council finds:
  - (1) Energy efficiency requirements for housing are necessary because:
    - A. reducing greenhouse gas emissions in existing buildings is imperative to meet the City of Boulder's sustainability goals;
    - B. rental housing represents the largest number of existing housing units in the city; and
    - C. efforts to establish incentives for voluntary energy efficiency retrofits in rental housing have proven to be ineffective.

### **10-3-3 (d); 10-3-4 (a) (3); 10-3-4 (a) (3) (C); 10-3-11 (c)**

*Language was added to clarify the requirements for new licenses beyond the energy efficiency implementation date.*

**10-3-3 (d).** Issuance of any license (new or renewed) Extending beyond December 31, 2018 requires meeting the energy efficiency requirements of Title 10-2 “Property Maintenance Code, Appendix B and C,” B.R.C. 1981.

**10-3-4 (a) (3).** The term of an initial license or renewal of an existing license would otherwise extend beyond December 31, 2018 for a property that has not received an “Energy efficiency requirements inspection” demonstrating compliance with chapter 10-2, “Property Maintenance Code, Appendix C – Energy Efficiency Requirement,” B.R.C. 1981.

**10-3-4 (a) (3) (C).** In case of failure to demonstrate a satisfactory energy efficiency requirements inspection for the subject property, under paragraph (3), above, the license term shall expire December 31, 2018, unless, before that date, the city manager receives an energy efficiency requirements inspection demonstrating compliance, in which case the license term shall extend for the full period otherwise prescribed by this chapter.

**10-3-11 (c)** Issuance of any licenses extending beyond December 31, 2018 requires meeting the energy efficiency requirements of Title 10-2, “Property Maintenance Code, Appendix C,” B.R.C. 1981.

**Public Correspondence Received after June 22**

Sent: Tuesday, June 22, 2010 8:33 PM  
To: SmartRegs@bouldercolorado.gov  
Subject: SmartsRegs Web Comment Form Submission

name: Juliana Dahl  
category: Renter  
comments: My utility bills are very high because house I am renting was built in early 60's and windows are single pane and no insulation in walls and very little in roof. I want to attend July 13th meeting. when and where is it?  
Juliana Dahl

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Sent: Monday, June 28, 2010 9:32 PM  
To: SmartRegs@bouldercolorado.gov  
Subject: SmartsRegs Web Comment Form Submission

name: Meg Letherby  
category: Interested Resident  
comments: I'm an HOA manager and some of my Homeowners are concerned it will affect them. So my question is; does this affect Multi-Family dwellings (ie: condominiums) even if the unit is owner occupied?  
Thanks Meg

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Sent: Friday, July 09, 2010 3:37 PM  
To: SmartRegs@bouldercolorado.gov  
Subject: SmartsRegs Web Comment Form Submission

name: Joan Welsh  
category: Landlord  
comments: I own a 1200 sq ft home in the Historic District that was built in the late 1800's. Is there consideration being given to these older historic homes that will be more costly to upgrade? I am an environmentalist eager to do the right thing but I am concerned about the cost of meeting the standards being considered.  
thank you  
Joan Welsh

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From: Roberta Gantz  
Sent: Monday, July 19, 2010 10:09 PM  
To: Banuelos, Michael  
Subject: Re: [smart-regs-update] E-News: City of Boulder to host International Property Maintenance Code open houses

Respectfully, you have scheduled these informative sessions @ a most inconvenient, not practical date.

From mid July, to the end of August, Landlords have their busiest times getting properties cleaned and remodeled for future tenants. I want to attend but I will be too busy preparing and doing.....

Please consider September? Do u really intend to disregard the landlord renting schedules? I think not..... :)

Thank you for your review. Solution: Please add teaching times mid September.

Roberta Gantz, RN, Dr.PH,  
Heart of Boulder Rentals/Property Management

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From: Gichon, Yael  
Sent: Friday, July 30, 2010 11:42 AM  
To: William Shell  
Subject: RE: SmartsRegs Web Comment Form Submission

Mike,

We are in the middle of the Council policy making process right now. We are scheduled for a second reading of the ordinance on Sept 7th. Unfortunately, since nothing has passed by Council, we cannot guarantee any of the program details. However, the conversation has largely been around how to phase requirements in and implement the changes and less about the actual requirements (although that was a larger part of the conversation earlier in the process). One detail of the proposal that has not wavered and I am confident will be a part of the program if it passes is that **any existing energy efficiency in rental properties will count towards the requirements** if they are passed. That detail has not at all been in question throughout this process. So, any investments made now on high efficiency appliances or windows **will receive credit if this ordinance passes** and goes into effect in January. So, I would not wait to make these renovations if you need to do them anyway.

Best,  
Yael

From: William Shell  
Sent: Thursday, July 29, 2010 4:06 PM  
To: Gichon, Yael  
Subject: Re: SmartsRegs Web Comment Form Submission

Yael Gichon:

Thank you for the reply.

Let me be more precise: I need to spend several thousand dollars on new high-efficiency windows and appliances in one or more rental properties. The condos need renovation. I would like to get SmartReg credit for these upgrades.

Should I wait until SmartReg starts in Jan. 2011 to make these needed renovations? Or will the purchases made next week count the same as next January?

Mike Shell

From: "Gichon, Yael"  
To: Mike Shell  
Sent: Thu, July 15, 2010 2:41:43 PM  
Subject: RE: SmartsRegs Web Comment Form Submission

Mike,

If passed, the requirements would likely go into effect Jan, 2011. Any existing energy efficiency (insulation, high efficiency appliances, etc) in the rental property would receive credit towards compliance.

Yael Gichon  
Residential Sustainability Coordinator  
Local Environmental Action Division (LEAD)  
Community Planning + Sustainability  
p. 303-441-3878  
f. 720-564-2188  
PO Box 791  
Boulder, CO 80306  
[www.mysustainableboulder.net](http://www.mysustainableboulder.net)

-----Original Message-----

Sent: Monday, July 12, 2010 12:15 PM  
To: SmartRegs@bouldercolorado.gov  
Subject: SmartsRegs Web Comment Form Submission

name: Mike Shell  
category: Landlord  
comments: Dear Sirs:

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How can I assure that my renovation dollars will go toward the SmartRegs requirements?  
When is the start date?

William M. Shell

Sent: Friday, August 06, 2010 10:23 AM  
To: SmartRegs@bouldercolorado.gov  
Subject: SmartsRegs Web Comment Form Submission

name: N Sheffield  
category: Interested Resident  
comments: I own a condominium in a building that consists of both owner-occupied and investor-owned (rental) units. The original covenants of the development require HOA approval for any external changes such as window replacement. In addition to these individually owned units some of the building is common property (exercise room meeting room etc.). I have been unable to find in the proposed regs how they will apply to these various ownership situations. Would you please provide information to help me find how the proposed regs will affect our building. Thank you.

---

From: Gichon, Yael  
Sent: Monday, August 16, 2010 4:07 PM  
To: Karla Lankford  
Cc: Joyce, Heidi  
Subject: RE: SmartsRegs Web Comment Form Submission

Karla,

There are not currently any incentives for window replacement beyond a federal tax credit. Unfortunately, the tax credit does not apply to rental properties. Any future rebates offered for energy efficiency through the city will not be retroactive. There are currently incentives for many other energy efficiency measures (insulation, air sealing, furnaces, etc), just not windows. Please let me know if you have any other questions.

Best,

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name: Karla Lankford  
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comments: I am planning on installing new windows in my rental home. What incentives are being offered to offset the cost and will any future rebates or incentives be retroactive.

---

Sent: Thursday, August 19, 2010 2:27 PM  
To: SmartRegs@bouldercolorado.gov  
Subject: SmartsRegs Web Comment Form Submission

name: Sally Ann Rhea

category: Landlord

comments: I own a Martin Acres home that I rent way under market. I'm in favor of the program in principle but you may lose an unofficial affordable house as I will raise the rent commensurate with what I spend. Some things I think are missing:

1. NO COOLING AT ALL--shouldn't wasting NOTHING on this unnecessary feature be worth something? (house is well insulated and has shade trees)
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5. Why does the thermostat have to be programmable. I have an old set-back thermostat. It has no chips and therefore no programming but it really works just as well. Would I get credit for that?

See you on the 7th maybe.

**Public Correspondence Received after June 22**

Sent: Tuesday, June 22, 2010 8:33 PM  
To: SmartRegs@bouldercolorado.gov  
Subject: SmartsRegs Web Comment Form Submission

name: Juliana Dahl  
category: Renter  
comments: My utility bills are very high because house I am renting was built in early 60's and windows are single pane and no insulation in walls and very little in roof. I want to attend July 13th meeting. when and where is it?  
Juliana Dahl

---

Sent: Monday, June 28, 2010 9:32 PM  
To: SmartRegs@bouldercolorado.gov  
Subject: SmartsRegs Web Comment Form Submission

name: Meg Letherby  
category: Interested Resident  
comments: I'm an HOA manager and some of my Homeowners are concerned it will affect them. So my question is; does this affect Multi-Family dwellings (ie: condominiums) even if the unit is owner occupied?  
Thanks Meg

---

Sent: Friday, July 09, 2010 3:37 PM  
To: SmartRegs@bouldercolorado.gov  
Subject: SmartsRegs Web Comment Form Submission

name: Joan Welsh  
category: Landlord  
comments: I own a 1200 sq ft home in the Historic District that was built in the late 1800's. Is there consideration being given to these older historic homes that will be more costly to upgrade? I am an environmentalist eager to do the right thing but I am concerned about the cost of meeting the standards being considered.  
thank you  
Joan Welsh

---

From: Roberta Gantz  
Sent: Monday, July 19, 2010 10:09 PM  
To: Banuelos, Michael  
Subject: Re: [smart-regs-update] E-News: City of Boulder to host International Property Maintenance Code open houses

Respectfully, you have scheduled these informative sessions @ a most inconvenient, not practical date.

From mid July, to the end of August, Landlords have their busiest times getting properties cleaned and remodeled for future tenants. I want to attend but I will be too busy preparing and doing.....

Please consider September? Do u really intend to disregard the landlord renting schedules? I think not..... :)

Thank you for your review. Solution: Please add teaching times mid September.

Roberta Gantz, RN, Dr.PH,  
Heart of Boulder Rentals/Property Management

---

From: Gichon, Yael  
Sent: Friday, July 30, 2010 11:42 AM  
To: William Shell  
Subject: RE: SmartsRegs Web Comment Form Submission

Mike,

We are in the middle of the Council policy making process right now. We are scheduled for a second reading of the ordinance on Sept 7th. Unfortunately, since nothing has passed by Council, we cannot guarantee any of the program details. However, the conversation has largely been around how to phase requirements in and implement the changes and less about the actual requirements (although that was a larger part of the conversation earlier in the process). One detail of the proposal that has not wavered and I am confident will be a part of the program if it passes is that **any existing energy efficiency in rental properties will count towards the requirements** if they are passed. That detail has not at all been in question throughout this process. So, any investments made now on high efficiency appliances or windows **will receive credit if this ordinance passes** and goes into effect in January. So, I would not wait to make these renovations if you need to do them anyway.

Best,  
Yael

From: William Shell  
Sent: Thursday, July 29, 2010 4:06 PM  
To: Gichon, Yael  
Subject: Re: SmartsRegs Web Comment Form Submission

Yael Gichon:

Thank you for the reply.

Let me be more precise: I need to spend several thousand dollars on new high-efficiency windows and appliances in one or more rental properties. The condos need renovation. I would like to get SmartReg credit for these upgrades.

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Proposed Prescriptive Pathway

SmartRegs Prescriptive Pathway

Need 100 Total Points + Mandatory Water Conservation Measures

**WALLS** Base: \_\_\_\_\_ Final: \_\_\_\_\_

R-VALUE	25%	50%	75%	100%
No Insulation	0	0	0	0
R-3 Continuous (must be at least R-3)	3	6	9	12
R-5 Continuous	4	8	12	15
R-13 or Uninsulated Basement Wall	5	10	15	20
R-19 or Better	5	11	16	21
Shared Wall or Insulated Basement Wall	6	13	19	26

**WINDOWS/FENESTRATION** Base: \_\_\_\_\_ Final: \_\_\_\_\_

TYPE	25%	50%	75%	100%
Single Metal (1.2 U-Value)	0	0	0	0
Single Non-Metal* (.95 U-Value)	0	1	1	2
Double Metal (.8 U-Value)	1	2	3	4
Double Non-Metal* (.55 U-Value)	2	3	5	6
0.35 U-Value*	3	7	10	13
0.30 U-Value	3	7	10	14
0.25 U-Value or Better	4	7	11	14

**ATTIC** Base: \_\_\_\_\_ Final: \_\_\_\_\_

TYPE	25%	50%	75%	100%
No Insulation	0	0	0	0
R-19	6	12	18	24
R-30	6	13	19	26
R-38 or Better	7	13	20	26
Shared Ceilings	7	14	20	27

**INFILTRATION** Base: \_\_\_\_\_ Final: \_\_\_\_\_

nACH	POINTS
1.20 nACH or Less	2
0.75 nACH	4
0.50 nACH	6
0.35 nACH or Less (ventilate per ASHRAE 62.2)	7

\*Historically designated properties and properties older than 50 years with wooden window frames that rehabilitate and install storm panels will receive credit at the 0.35 U-Value level.

**SLAB / FOUNDATION** Base: \_\_\_\_\_ Final: \_\_\_\_\_

**SLAB ON GRADE**

TYPE	25%	50%	75%	100%
Slab Edge: R-0	2	3	5	6
Slab Edge: R-5	2	4	5	7
Slab Edge: R-10 or Better	2	4	6	8
Slab Edge R-10 plus Under Slab R-10 or Better	3	6	8	11

**BELOW GRADE SLAB (Basement Slab)**

Basement Slab	2	4	6	8
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**FOUNDATION WALLS (Crawlspace)**

R-0	0	0	0	0
R-2	2	3	5	6
R-11	2	4	6	8
R-19 or Better	2	5	7	9

**FLOOR**  
(Only Available if No Ducts or HVAC Equipment are Located in Uninsulated Crawlspace Below Floor)

Floor Over Crawl: R-0	0	0	0	0
Floor Over Crawl: R-13	3	5	8	11
Floor Over Crawl: R-25	3	6	9	12
Floor Over Crawl: R-38 or Better	4	7	11	14
Shared Floor	4	8	11	15

**DUCT LEAKAGE** Base: \_\_\_\_\_ Final: \_\_\_\_\_

CFM per 100 SF	POINTS
80 cfm @ 25 Pa	0
60 cfm @ 25 Pa	4
40 cfm @ 25 Pa	9
20 cfm @ 25 Pa	14
10 cfm @ 25 Pa or Less or no ducts (radiant)	17

**DUCTS / RADIANT** Base: \_\_\_\_\_ Final: \_\_\_\_\_

LOCATION / INSULATION	25%	50%	75%	100%
Uninsulated Ducts (In Unconditioned Space)	0	0	0	0
Ducts Insulated to at Least R-4 (In Unconditioned Space)	1	3	4	6
Radiant Heat or Ducts Entirely Within Conditioned Space	2	3	5	7

**HEATING** Base: \_\_\_\_\_ Final: \_\_\_\_\_

SPECIFICATION	POINTS
Electric, Oil, or ASHP	0
Gas 65 AFUE or worse	0
Gas 80 AFUE	13
Gas 90 AFUE	17
Gas 96 AFUE	19
GSHP (COP 3.3)	29
GSHP (COP 4.1)	38
GSHP (COP 4.8)	43

**COOLING** Base: \_\_\_\_\_ Final: \_\_\_\_\_

SPECIFICATION	POINTS
10 SEER or worse	0
13 SEER	4
15 SEER / Evaporative Cooler / no A/C	6
17 SEER	7
19 SEER / Indirect Evaporative Cooler	8
GSHP (> EER 13.5)	4

**FANS** Base: \_\_\_\_\_ Final: \_\_\_\_\_

SPECIFICATION	POINTS
Whole House Fan (In Addition to Cooling Points)	2

**LIGHTING** Base: \_\_\_\_\_ Final: \_\_\_\_\_

HIGH- EFFICACY LIGHTING (solar tubes/light tunnels counted as light fixtures)	POINTS
0%	0
25%	2
50%	4
75%	6
100%	7

**HOT WATER** Base: \_\_\_\_\_ Final: \_\_\_\_\_

SPECIFICATION	POINTS
Electric, Oil or Heat Pump	0
Gas 56 EF	0
Gas 60 EF	1
Gas 64 EF	2
Gas Tankless 82 EF or Better	6
Gas Boiler Side Arm (65 AFUE Boiler)	0
Gas Boiler Side Arm (80 AFUE Boiler)	3
Gas Boiler Side Arm (95 AFUE Boiler)	5

**REFRIGERATION** Base: \_\_\_\_\_ Final: \_\_\_\_\_

SPECIFICATION	POINTS
750 kWh	0
650 kWh	2
450 kWh	3
350 kWh or Better	4

**SOLAR THERMAL** Base: \_\_\_\_\_ Final: \_\_\_\_\_

SPECIFICATION	POINTS
Points per 20 sq ft of collector surface area	8

**PV** (includes power purchase agreements and solar leases)\* Base: \_\_\_\_\_ Final: \_\_\_\_\_

kW	POINTS
Points per kW	44

\*Must earn 70 prescriptive pathway points in other categories to be eligible to earn PV points

**OCCUPANT** Base: \_\_\_\_\_ Final: \_\_\_\_\_

MEASURE	POINTS
Sub-Metering: Real Time Energy Monitoring Device	1
Programmable Thermostat	1
Provide Operation / Training Manual	1
Tenant Attends Energy Conservation Class	1

**OTHER** Base: \_\_\_\_\_ Final: \_\_\_\_\_

MEASURE	POINTS
Heat Pump Desuperheater	1
Electrically Commutated Motor ("ECM")	3
Passive Solar Design	Discretionary – approved by City of Boulder
Innovative Practice	Discretionary – approved by City of Boulder
Hardship Exception: Qualifying Carbon Offsets	Must be Approved by City of Boulder

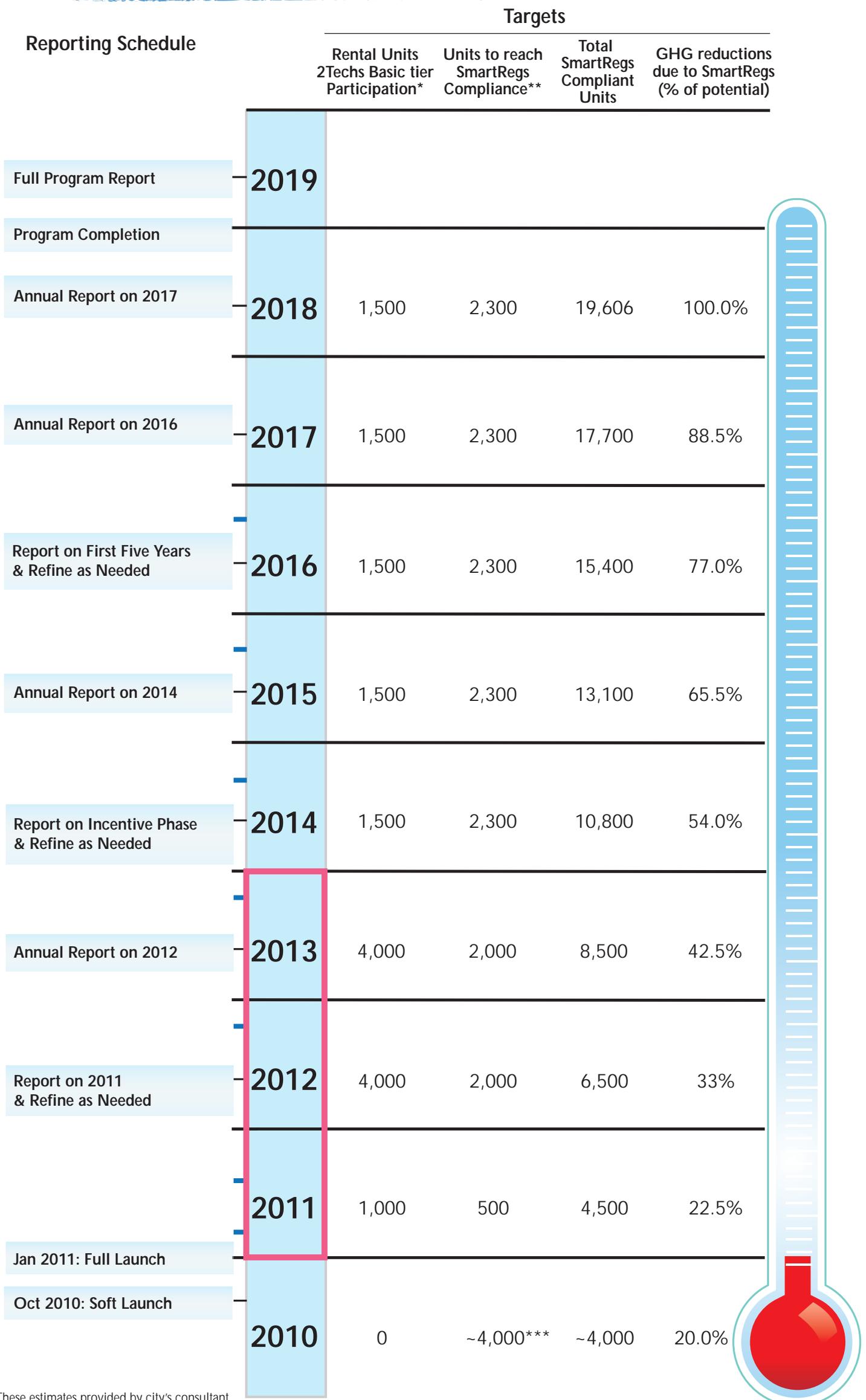
## Mandatory Water Conservation

Must Earn Two Points Regardless of Whether Performance or Prescriptive SmartRegs Pathway is Chosen

Water Conservation Measure*	Points per Fixture
Low flow showerhead	1
Low flow lavatory faucets	1
Self-closing faucet valves	1
High-efficiency or dual-flush toilet	2
ENERGY STAR washing machine	2
ENERGY STAR dishwasher	2

\*Points earned in this category do not count towards prescriptive 100 point requirement

# SmartRegs Timeline & Participation Targets



\* These estimates provided by city's consultant

\*\* Anticipate approximately 50% of all units participating in 2Tech during incentive phase will come into SmartRegs compliance. Many will use the 2Techs program for planning purposes, coming into compliance in the later years.

\*\*\* Assume ~4,000 units already comply or are exempt

— Semi-Annual/Annual Report

□ Incentive Phase