

**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: May 18, 2010

AGENDA TITLE:

Items related to SmartRegs:

- 1) Introduction, first reading and consideration of a motion to order published by title only 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.
- 2) Introduction, first reading and consideration of a motion to order published by title only 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.
- 3) Introduction, first reading and consideration of a motion to order published by title only 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.

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 outline recommended changes to Boulder's Housing Code and Rental License Code and to incorporate energy efficiency requirements as part of the code updates to address Climate Action Plan (CAP) objectives.

The Public Works and Community Planning & Sustainability departments periodically perform an evaluation of construction codes and related programs to ensure health and safety standards are updated, and provisions of the code are administered effectively. Updates are performed in a comprehensive manner to incorporate other appropriate city goals and objectives. The departments have identified code changes needed to update the technical provisions of the Housing Code and also propose changes to the Rental License Code to further streamline and clarify its administration. This examination included an evaluation of the program's cost recovery and fees. Energy efficiency requirements were also developed in an effort to further community sustainability objectives of the CAP.

As background, the City of Boulder adopted a CAP to reduce greenhouse gas emissions by 23 percent (to 7 percent below 1990 levels) by 2012. This local goal is part of a global effort in response to increasingly serious forecasts regarding the long-term effects of increased greenhouse gases in the atmosphere. The implementation of the CAP involves activities across several city departments and operations and includes various strategies to reduce greenhouse gas emissions.

At a Nov. 18, 2008 City Council Study Session on the CAP, council identified strategies needed to reduce greenhouse gas emissions to meet CAP objectives. One of the primary strategies for reaching this goal is to reduce energy use in buildings. Since 2007, several energy efficiency measures were implemented which require residential and commercial new construction, remodels and additions to exceed 2006 International Energy Conservation Code (IECC) minimum standards.

Addressing energy efficiency in existing rental housing and existing commercial buildings has been the focus of the 2009/2010 work plan. Proposed changes to the Housing Code and Rental License Code, including options for energy efficiency requirements, have been developed as part of the broader effort to improve energy efficiency across all building types in the city. The energy efficiency proposal for existing rental housing has been scheduled for consideration first to coincide with the updates to the Housing Code and Rental License Code. These proposed changes directly address the issues of long-term public health and safety, consistent with the stated purpose of the housing code.

Staff proposes the following code amendments 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

- 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)

Rental License Code

- 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 B)

Energy Efficiency Code

- 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 C)

The proposed changes are scheduled for City Council consideration on May 18 (public hearing and first reading) and July 6 (public hearing and second reading). The proposed implementation date is January 3, 2011. The development of a Commercial Energy Conservation Ordinance (CECO) is also being analyzed and will be scheduled for council consideration during the fourth quarter of 2010.

STAFF RECOMMENDATION:

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion 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.

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion 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.

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion 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.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS:

Economic: The adoption and consistent application of building codes and standards support all segments of the community and a sustainable economy. Proposed code changes have been evaluated to demonstrate how the economic impact and investment is offset by increasing energy efficiency. Estimated costs for energy efficiency improvements range from \$675-\$3,200 per unit phased over 4-8 years, not including rebates or the cost of inspection. Further information on the costs and financial analysis may be found on page 32.

Environmental: The long-term impact of greenhouse gas emissions is a public health and safety issue. Scientific evidence indicates that carbon dioxide and other greenhouse gases are impacting the Earth's climate and will have profound and potentially devastating effects. Building codes play an important role in reducing energy use and carbon emissions in the city's new and existing building stock. In the city's experience to date in implementing climate action programs, the reduction of energy use in rental housing and commercial spaces will not be achieved sufficiently through voluntary measures.

Social: Building codes help control the potential impacts of the built environment on life and property. Safe buildings, a healthy environment and the reduction of climate change impacts have significant social benefits. Additionally, property owners and tenants benefit from lower, more predictable utility bills as energy prices are expected to increase over time.

FISCAL IMPACT:

Periodic code updates and maintenance are part of the normal work plan involving the use of staff resources. Costs of the implementation of these code changes, including training for customers and staff, are included within the city's operating budget. A proposed change to the rental license application and renewal fee (every four years) from the current \$46 to \$70 per building would bring the fee into alignment with the Council-approved 60% cost recovery policy. Additionally, a pilot program is proposed which would create a fixed-term 0.50 FTE, 100% cost recovered through a \$250 investigative fee, to specifically address a backlog of rental housing properties not currently licensed.

BACKGROUND:

The City of Boulder periodically updates its construction codes. This effort is done in a coordinated and integrated manner to maintain a practical balance between safety and costs related to the protection of life and property while advancing green building objectives pertaining to sustainable development. Since 2007, several energy efficiency measures were implemented which require residential and commercial new construction, remodels and additions to exceed 2006 IECC minimum standards. Commercial construction must document energy efficiency 30 percent better than the 2006 IECC. Residential construction must be 30 to 75 percent more efficient than the 2006 IECC based on the size of the structure, with larger houses having the higher efficiency requirements. Column 2 of the [Commercial and Residential Green Building Adoption Matrix](#)¹ outlines residential and commercial efficiency programs that were implemented during 2007, 2008 and the first quarter of 2009.

¹ Please note that all [blue underlined](#) text within this document represents a hyperlink to a reference document posted on the SmartRegs Web site. Simply click on the hyperlink to view the document. Additionally, a hyperlink reference sheet is included as Attachment S and provides specific web addresses.

Since early 2009, staff has been working on residential and commercial energy efficiency programs for existing rental housing and existing commercial buildings where no permit activity (already requiring energy efficiency measures) is occurring. The program for existing rental housing is scheduled for consideration first to coincide with the updates to the Housing Code and Rental License Code. Additionally, an infrastructure to administer energy efficiency requirements in rental housing is already available through the city's rental licensing program. A proposal to address energy efficiency in existing commercial buildings is slated for development and Council consideration later this year.

The promotion of improved energy efficiency is already within the stated purpose of the Housing Code:

“to protect, preserve, and promote the physical and mental health of the residents of the city, to control communicable diseases by regulating privately and publicly owned dwellings, promote conservation and efficient use of energy in dwellings, protect safety, and promote the general welfare” as well as to establish “minimum standards for basic equipment and facilities for light, ventilation, and heating; for safety from fire; for use and amount of space for human occupancy; and for safe and sanitary maintenance of dwellings.”

The Housing Code was initially adopted in June 1968 and established “rules and regulations concerning minimum standards governing basic equipment and facilities, physical condition, maintenance and occupancy of dwellings.” The initial code was created to address sub-standard housing units but did not create a rental housing inspection and licensing program. The Rental License Code was adopted in 1973 to establish the systematic inspection of all rental property. The current code establishes minimum standards for the safe and sanitary maintenance of dwellings offered to the public for rent. All rental properties in Boulder are required to maintain a rental license in compliance with the Housing Code.

During the year 2000, a major change to the rental license program was implemented involving the outsourcing of inspections to private professional inspectors. As a result of concerns in regard to this program change, a rental housing task force was convened in November of that year and, in early 2002, specific changes were implemented based on the recommendations developed.

The private inspection program was updated to include Baseline and Safety Inspection Checklists intended to verify code compliance for rental license applications (new and renewal). The Baseline and Safety Inspection Checklists are both required to obtain a new rental license and the Safety Inspection Checklist is required to renew a rental license every four years. The requirements for the program were adopted into the Housing Code and the Rental License Code.

Feedback from owners, tenants and inspectors suggested the need to update the current checklists and process to enhance program effectiveness. In 2009, the Public Works and Community Planning & Sustainability departments began the process of evaluating and updating the Housing Code and Rental License Code, including energy efficiency options.

Health and safety continues to be a paramount standard for any building code adopted by the City of Boulder. Scientific evidence indicates that carbon dioxide and other greenhouse gases are impacting the Earth's climate and will have profound and potentially devastating effects. Building codes play an important role in reducing energy use and carbon emissions in the city's new and existing building stock.

On July 22, 2009, staff began holding meetings with a Community Working Group that included representatives from the Boulder Area Rental Housing Association, University of Colorado Off Campus Student Services, Boulder Housing Partners, apartment owners and licensed rental housing inspectors. The scope of work addressed by the working group included:

- Consideration of the potential adoption of the International Existing Building Code (IEBC) and/or the International Property Maintenance Code (IPMC), as an alternative to amending the existing housing code,
- Review of proposed revisions to the rental licensing code to further streamline and clarify its administration,
- Consideration of energy efficiency requirements, measures and options that could be added to the housing code and/or national standards to address the city's adopted Climate Action Plan objectives.

The Community Working Group, including its subcommittees, has reviewed a significant amount of information and provided feedback on all proposals to date. The intention of the group was not to reach consensus on all issues but to be an integral part of the public feedback process and assist in providing comment and direction on the staff proposals.

BOARD FEEDBACK:

On April 22, 2010, the Planning Board reviewed and unanimously recommended (5-0, Willa Johnson and Danica Powell recused) City Council approval of the proposed ordinances. Planning Board also suggested staff further consider the following items prior to the City Council meeting:

- Make minor technical modifications to the prescriptive list.
- Clarify the energy efficiency reinspection process for license renewals.
- Explore incentives for early compliance with the energy efficiency requirements.
- Clarify available loans for energy efficiency improvements.
- Research the potential impact of the new lead-based paint requirements on the case study properties.
- Explain why the home size adjustment recommended by the consultants was not included.
- Consider different Home Energy Rating System (HERS) scores for different housing types.
- Consider a one-year evaluation of the program implementation.

The draft Planning Board minutes and information addressing the board's suggestions is provided in Attachment D.

On April 7, 2010 the Landmarks Board supported the inclusion of the historic building provision included in this proposal (pg. 26). The Landmarks Board expressed concerns in regard to impacts to non-designated historic resources, solar installations, and the potential for lead-based paint

mitigation triggered through these retrofits. The Landmarks Board requested that licensed or approved contractors have training in appropriate techniques for window rehabilitation and insulation of historic buildings. The Landmarks Board also expressed concern that the prescriptive list is disproportionately weighted for the installation of solar photovoltaic (PV) systems.

On April 7, 2010 the Environmental Advisory Board supported staff's recommendations included in this proposal. The Environmental Advisory Board had some additional suggestions:

- Emphasize the incentives that are available to assist property owners, including a comment that early adoption will maximize access to incentives since they are not guaranteed to be in place long term.
- Include the option to buy offsets from the Colorado Carbon Fund in addition to a local investment option. However, not all board members agree with the offsets approach since it does not benefit the tenant and the tenants continue to pay the Climate Action Plan tax.
- Consider an amnesty clause which could serve to bring unlicensed rental properties into the program.
- Allow the innovation clause to be interpreted broadly to encourage innovation.

The Landmarks Board and Environmental Advisory Board comments were addressed as follows:

- A provision has been added to give credit for window rehabilitation and the addition of storm panels on buildings older than 50 years (non-designated resources).
- Contractor training will address local guidelines for rehabilitation in historic districts. Training contractors in historic preservation practice will assist in ensuring that retrofits to historic buildings are done sensitively and consistent with the [Historic Building Energy Efficiency Guide](#) (pg. 26).
- The prescriptive list is based on the greenhouse gas reductions that can be achieved by each measure, which is the reason solar PV installations are given a large number of points. A requirement has been added to the prescriptive list for a minimum of 70 points to be achieved through other categories before credit for PV installations can be taken.
- Incentives have been emphasized throughout this memo. Additional educational efforts are proposed to be included during implementation.
- The Colorado Carbon Fund has been included in the definition of qualifying carbon offsets in the ordinance.
- Staff believes that amnesty is sufficiently addressed since rental property owners not currently in the program can enter the program on their own without penalty. If they are found to be out of compliance through city enforcement then penalties may be assessed.
- The innovation clause has been amended to reflect a broader interpretation.

COMMUNITY WORKING GROUP FEEDBACK:

In July 2009, staff began holding meetings with a Community Working Group that included representatives from the Boulder Area Rental Housing Association, University of Colorado Off Campus Student Services, Boulder Housing Partners, apartment owners and licensed rental housing inspectors. The group was an integral part of the public feedback process and assisted in providing comment and direction on the staff proposals. On April 5, 2010, the Community Working Group discussed the complete proposal. Summary notes were compiled and are available at [April 5, 2010 Community Working Group Meeting Notes](#). Highlights of the feedback include:

- The rental license investigative fee of \$250 seems fair provided the city properly notifies the owners. There was support for further utilizing the civil penalties in the code.
- Concern was expressed about the limited license term for those that may wish to prematurely renew.
- Significant concern was expressed about requiring fire extinguishers in every unit.
- The group requested further information in regard to the economics of the energy efficiency proposal including rental property cash flow and impacts to the resale of properties.
- A more balanced description and approach to the energy efficiency phase-in options should be presented, especially in regard to offsets. Some members of the group are in favor of investing in offsets over time.
- Some members appreciated the proposal to allow compliance over two renewal cycles to address property owner financial considerations. Concern was expressed about the disincentive the proposal would have on investing in property in Boulder.
- Some stakeholders believe the proposed regulations will represent a significant change as it would require retrofits when no other construction or remodeling is proposed by the owner. It would represent a significant deviation from previous practice by not allowing buildings to be “grandfathered.”

The Community Working Group’s comments were addressed as follows:

- The \$250 investigative fee is included in the ordinance as well as further clarification related to penalties.
- Limiting the term of prematurely renewed licenses to maintain the integrity of the energy efficiency proposal is recommended.
- The proposal has been revised to require fire extinguishers in common areas and corridors of apartment and condominium buildings with three units or more.
- Consultants from Economic and Planning Systems, Inc. were retained to provide an independent financial analysis which is included in the memo.
- The memo content in regard to offsets has been revised. Other feedback has been addressed in the narrative.

PUBLIC FEEDBACK:

In addition to the feedback provided by the advisory boards and Community Working Group, public outreach began last year when an informational postcard and invitation to community open houses was mailed to approximately 16,000 renters and property owners with existing rental licenses. Approximately 267 people attended the two community open houses held in mid-November 2009. At these open houses, staff collected stakeholder e-mail addresses to populate a “SmartRegs E-News” e-mail group. Feedback was collected at the open houses and through the SmartRegs Web site. This input was analyzed and compiled into an [Open House Comment Card Feedback](#) sheet.

To discuss how to resolve the potential conflict between the city’s affordable housing goal and the Climate Action Plan goal to upgrade existing housing’s energy efficiency, a focus group of affordable housing providers was convened, which met twice. The main outcome of these focus groups involved the pursuit of federal weatherization funds for the majority of this housing stock.

Public outreach has also included using the social networking Web site *Facebook*, an online survey service called *Survey Monkey*, the University of Colorado's E-memo and Buff Bulletin e-mail service, the city web site, Municipal Channel 8 and stakeholder targeted e-mail campaigns. These strategies were used, in part, to convene community stakeholders "virtually." A SmartRegs Web page was created to act as an information hub as well as a venue for public feedback. This Web site has provided background information as well as links to various feedback opportunities throughout the project, including the *Survey Monkey* surveys (during specified feedback periods), an online comment form and a staff e-mail address for project-related comments.

Two *Survey Monkey* surveys were created to poll all stakeholders on components of the SmartRegs project:

- A survey on the housing and rental licensing code changes was released from March 8-19, 2010 ([see the Housing and Rental Licensing Code Changes Survey Results](#)), and
- A survey on the project's energy efficiency proposal was released from April 5-16, 2010 (see the energy efficiency survey results for [Property Owner Survey Results](#) and [Renter Survey Results](#)).

The surveys asked community members for their opinions on items such as the updated Rental Licensing Checklist as well as their thoughts on specific details of the energy efficiency proposal. Due to the large volume of feedback received through the energy efficiency surveys, summarized results can be found in Attachment E. Complete results for both surveys can be found by visiting [Project Documents Link](#).

In conjunction with the city's use of the social networking Web site *Facebook*, a SmartRegs tab was added to the city's main web page. The SmartRegs tab contained background information, links back to the city Web site as well as direct links to all feedback channels. According to a demographic tool provided by *Facebook*, of the city's 601 fans more than 50 percent are between the ages of 25-44. Nineteen percent of fans are between the ages of 18-24. By using *Facebook*, the hope was to support the younger demographic to become more involved in city public processes, while still delivering information to older stakeholder groups.

The city also piloted the use of Municipal Channel 8 to produce an informational video (viewable at [Informational Video](#)) that was shown at the open houses and which also received approximately 100 views on the city's YouTube channel. Staff also secured SmartRegs coverage on the Channel 8 news program *Inside Boulder News*.

The city worked closely with the University of Colorado (CU) to elicit student feedback. Off-Campus Student Services (OCSS) sponsored a student e-mail campaign using the CU E-memo and Buff Bulletin e-mail service. This e-mail service sends short memos to targeted student groups through the university e-mail system. These students received another E-memo message in April to provide basic SmartRegs information, links to the city Web site, and an invitation to take the surveys.

In addition to the e-mail campaign, OCSS hosted an on-line survey advertised via a Buff Bulletin that replicated the city's SmartRegs survey. The OCSS survey had 920 student respondents who strongly supported the proposed regulations. The results can be found at [CU-Sponsored Student](#)

[Renter Survey](#). An open-ended question was added to the survey that asked the student respondents to comment on their experience regarding heating, energy-related comfort, energy bills, etc. in relation to Boulder units they have lived in. The responses have been sorted into categories and can be found at [CU-Sponsored Student Renter Survey](#).

Additionally, a targeted e-mail campaign including links to all feedback opportunities was sent to the “SmartRegs E-News” e-mail list. This e-mail list contained 326 community member e-mails. On May 6, another informational postcard was mailed to approximately 16,000 renters, property owners and interested community members providing information on the City Council meetings for this item.

PROPOSED CODE REVISIONS TO THE HOUSING CODE

To update the Housing Code, staff analyzed and considered three options with the Community Working Group. An analysis of the considerations for and against the options followed by the staff recommendation is outlined below:

Adopt the 2009 International Existing Building Code (IEBC)

After review of the 2009 IEBC, staff determined the purpose of the IEBC is to aid in the design of major remodeling and renovation of large multiple-residence or commercial building projects. As such, staff and the Community Working Group determined that the 2009 IEBC should not be considered as an alternative to the existing Housing Code.

Retain and Amend the Existing Housing Code

The existing Housing Code is a locally developed code that has served the Boulder community since 1968. Its provisions regulate public and private dwellings to protect the health, safety and general welfare of Boulder residents. The Housing Code is integrated into the rental license program and is familiar to staff and customers of the program. Initially, retaining and updating the existing code was a preferred option for many Community Working Group members. However, once the group discussed the issues related to updating the existing housing code, the benefits of replacing it with an amended International Property Maintenance Code (IPMC) became evident. The more pertinent discussion points of the working group and staff are summarized below:

Considerations for Retaining the Existing Housing Code

- Locally developed to specifically address the concerns of the community.
- The tone of the document is perceived as being more “user friendly” since less technical code language is used than in the International Code Council (ICC) documents.

Considerations Against Retaining the Existing Housing Code

- The existing Housing Code is not easily coordinated with the other adopted building codes published by the ICC.
- The Housing Code has not been updated as often as the ICC documents which has led to a situation where the Housing Code is different and in many cases more restrictive than the contemporary ICC codes.
- Maintaining and updating a locally developed code takes more staff time than adopting a code published by the ICC. This investment made sense when the code was developed and no similar document was available. However, now that the IPMC is available the city can save the costs of maintaining a locally developed code by adopting the IPMC.
- Inspector certification testing has recently changed so that the testing references ICC documents. With current testing procedures, inspectors are certified for code knowledge which varies substantially from the requirements of the locally developed Housing Code.

Adopt an Amended International Property Maintenance Code (IPMC)

The 2009 IPMC was created by the ICC and is a national code standard. The purpose of the 2009 IPMC is “to apply to all existing residential and non-residential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance.” The code also specifies the responsibility of owners, operators and occupants related to code compliance. The IPMC includes regulations similar to the existing Housing Code while incorporating more relevant code language that is consistent with the rest of the City’s currently adopted building codes. To better understand the correlation between the current Housing Code and the proposed IPMC refer to Attachment F that provides a cross reference between the two documents and a summary of the most important items that are changing. The more pertinent discussion points of the working group and staff are summarized below:

Considerations for Adopting an Amended IPMC to Replace the Housing Code

- While the technical language is not perceived to be as “user friendly” as the Housing Code, the IPMC language facilitates more effective enforcement of the code provisions.
- Provisions are consistent with the requirements referenced in inspector and contractor certification testing.
- The IPMC contains provisions for addressing unsafe structures and equipment that have not been in a code since the 1997 Uniform Code for Abatement of Dangerous Buildings (UCADB). Since the IPMC must be adopted to replace the 1997 UCADB it makes sense to locally amend the document to take the place of the Housing Code since the scopes of the two documents are so similar.

Considerations Against Adopting the IPMC

- A new document will be perceived as unfamiliar to those used to the existing Housing Code.
- According to Community Working Group feedback the technical code language of the IPMC is not as user friendly as that of the locally developed Housing Code.

As stated above, the IPMC is very similar to the Housing Code. However, it is important to modify the IPMC with sections from the Housing Code that have been locally vetted. The list below provides an overview of some of the main modifications to the IPMC:

- **Chapter 1, Scope and Administration:** The scope has been limited from a commercial and residential code to only a residential code and includes energy conservation, which is consistent with the current Housing Code. Several administrative sections have been modified to correlate with the Boulder Revised Code in areas such as city liability, code official duties, rule making authority, penalties, clerk and recorder notices and means of serving notices. The Means of Appeal section of the IPMC has been modified to refer appeals cases to the “quasi-judicial Hearing” requirements contained in the Boulder Revised Code, rather than to a building appeals board. The IPMC sets specific criteria as to what can be appealed and generally limits appeals to areas where the City Manager has interpreted a code section and the owner doesn’t agree with the interpretation.

- **Chapter 2, Definitions:** Similar to other adopted codes, the “City Manager” has been defined as the code or building official. Definitions for “contributing building” and “local landmark” were added as well as a requirement that energy efficiency upgrades should maintain the historic character of a building per the historic preservation ordinance.
- **Chapter 3, General Requirements:** Several sections were added or modified that would enforce safety requirements for stairs, handrails, guardrails, decks, porches and balconies in existing buildings. Maintenance requirements for gutters, downspouts and cosmetic finishes were removed. The recent State requirement to install carbon monoxide alarms is also included.
- **Chapter 6, Electrical Equipment:** This chapter was modified to require occupants of multi-residential rental units to have access to their circuit breakers. If an electrical malfunction occurs the occupant must have access to circuit breakers or fuses serving their unit to turnoff or reset tripped circuits. There are roughly 9,000 multi-residential dwelling units. It is estimated that less than 10% of these units would require some alteration to meet this requirement. Estimates for this work vary between \$100 and \$1,000 depending on the scope of work. A new state law requires the installation of carbon monoxide alarms in residential rental units. This requirement has been included in the IPMC. Verification of the installation of carbon monoxide alarms is done in the same way as smoke alarms are currently, by the owner or operator at time of license renewal. Electrical permits would be required for any new wiring associated with these two changes.
- **Chapter 7, Fire Safety:** The provision was modified to only require fire extinguishers in common areas and corridors in hotel/motels, fraternities and sororities, congregate care facilities, and apartment and condominium buildings with three units or more. The amendment is in response to strong feedback from the Community Working Group in regard to liability concerns and experience with tenant behavior. The city’s Fire Chief and Chief Fire Marshal support this amendment.
- **Appendix “B”, Rental Housing Inspection and Licensing:** This appendix has been added to provide continuity between the IPMC and Title 10-3, Rental Licenses.

Staff Recommendation

The staff and Community Working Group determined the best approach is to repeal the Housing Code and adopt the IPMC as amended to incorporate sections of the Housing Code that specifically relate to the Boulder community. The recommendation retains the best of both documents while gaining the improvements associated with a nationally standardized document that is legally consistent with other city codes adopted by reference from the ICC.

PROPOSED CODE REVISIONS TO THE RENTAL LICENSE CODE

The Rental License Code provides for comprehensive enforcement of Chapter 10-2, “Housing Codes,” B.R.C 1981, by establishing a system of rental licenses for all dwelling and rooming accommodations in the city that are rented to tenants. The Rental License Code also provides requirements designed to enhance the health and safety of those who inhabit residential rental structures. As part of the periodic assessment of technical codes, the City of Boulder also evaluated the rental license program to ensure the administrative provisions, business process, and cost recovery policies remain effective.

There are approximately 6,393 rental licenses in the City of Boulder representing 19,606 rental dwelling units. The licenses are renewed every four years. Also, there are 380 properties with open compliance cases for either renting without a license or because they have not responded to the city’s recent renewal notices. Additionally, there are approximately 4,100 properties that require further research and investigation to determine their status. These properties have been identified for further research as the property address and the owner mailing address do not match.

Staff experience in administering the code provisions, in combination with Community Working Group feedback, suggests the following revisions to the code to clarify its administration and address the backlog in properties that may not be in compliance. Recommended changes to Title 10, Chapter 3, Rental Licenses Code, B.R.C. 1981, include the following:

- **Timeframes:** Several timeframes are proposed to be revised in the code to coincide with customer and business process needs. These include: A 90-day grace period for rental license renewals; extending the renewal period for Accessory Dwelling Unit (ADU) licenses from one year to four years; allowing the Baseline and Safety Inspections to be performed up to one year in advance of an application; and extending the timeframe for the city inspection of newly constructed rental properties to remain valid up to 12 months.
- **Clarifications:** Other proposed changes include: Requiring both a Safety and a Baseline Inspection when a license expires; requiring application materials to be submitted by the applicant rather than the housing inspector; requiring the property owner to make the inspection report available upon request by the city and tenant; and no longer requiring the posting of the rental license but making it available upon request.

The proposed changes to the Rental License Code were discussed with the Community Working Group and received general consensus.

Rental License Fee Options

In 2003, the full cost of the rental licensing program was identified and changes to the Rental License Fee were considered to achieve City Council's approved policy of 60% cost recovery. The license fee was revised from \$15 to \$45 per building for new and renewal (every four years) applications. Below is information about the current program costs for 2010 as well as options for changes and on-going program funding.

Current Program Cost and Fee

For 2010, the full cost of the program is \$157,181. Please see Attachment G for the cost detail. Based on current costs and the number of current rental licenses in the system, the fee should be increased from \$46 (revised from \$45 in 2008 as an adjustment) to \$60 to meet the 60% cost recovery policy. Other funding options are outlined in Attachment H and include:

Option 1, Part A

Allocate .20 FTE from the General Fund to the Rental License Program for the enforcement of the housing code. In 2004, the housing code compliance inspector was eliminated and the remaining work and cost wasn't reallocated. Additionally, a .05 (5%) FTE for enforcement administration support should be allocated to the rental license program. These changes reduce the cost to the General Fund and increase the cost to the Rental License Program by approximately \$28,540. To achieve 60% cost recovery, the fee would increase to \$70.

Option 1, Part B

This option includes Option 1, Part A and adds a 100% cost-recovered pilot program to address a gap in compliance. Evaluation of the program suggests that there is a need to have a dedicated .50 FTE responsible for following up on rental properties that do not comply with the program. There are 380 properties with open compliance cases for either renting without a license or because they have not responded to the city's recent renewal notices. Additionally, there are approximately 4,100 properties that require further research and investigation to determine their status. To address this situation, a pilot compliance program is proposed. The proposal includes using a .50 FTE from a currently vacant position in the building inspection area and dedicating the resource to investigating these properties and bring them into compliance as appropriate. The intention is to make this pilot position 100% cost-recovered through a \$250 investigative fee that would be assessed to property owners that did not respond to renewal notices and were not in compliance or the property was identified as not being in compliance following a complaint. The pilot term would be for one year with a subsequent evaluation and recommendation on a longer-term solution (if necessary).

To encourage property owners to voluntarily comply in advance of the pilot start date, the city would more frequently advertise the rental license regulation and include information about program enforcement. The advertisement would include information on the \$250 investigative fee and civil penalties that may be imposed as described in Attachment B. The time period prior to the pilot start date would essentially serve as an "amnesty" period during which currently non-compliant properties may enter the program on their own without penalty.

Option II

This option increases the current cost recovery from 60% to 75% with a fee increase to \$75 for new and renewal applications. A cost recovery policy is typically based on the level of benefit realized by those receiving the service. Currently, the level of benefit is noted as: 40% community (General Fund), 40% tenants and 20% owners (total equals 60%). The respective levels of benefit would need to be adjusted to support a 75% cost recovery policy.

Option III

Option III takes the cost in Option I, Part A and adds 60% of the General Fund enforcement costs. It has been determined that 60% of compliance cases (such as weeds and trash) are related to rental properties. This approach would increase the current fee of \$46 to \$190 for new and renewal applications.

Analysis

- Minimally, the fee should be increased from \$46 to \$60. However, it is prudent to pursue Option 1 A as it appropriately allocates the cost of the .20 FTE dedicated to enforcement of the housing code and the .05 FTE for enforcement administrative support to the rental license program. To achieve 60% cost recovery, the fee would increase from \$46 to \$70.
- Option 1 B includes Option 1 A and adds the 100% cost recovered pilot program that would further support the effectiveness of the program. The license fee would be adjusted to \$70 as proposed in Option 1 A but it is anticipated that the proposed investigative fee of \$250 for non-compliant properties would recover the additional enforcement expense.
- Option II increases the cost recovery from 60% to 75% but the rationale to support a policy change is undetermined at this time.
- Option III recovers an increased cost of services that may be attributable to rental housing but does not seem equitable as those property owners that are in compliance would be penalized. Additionally, landlords have been experiencing an increase in costs in other areas such as required carbon monoxide alarms and water service backflow prevention. As such, it does not appear to be prudent to increase the cost of the fee to approximately \$200.

Rental License Program Performance and Measurement

In addition to the proposed code changes and additional support to bring properties into compliance, staff considers improved education and outreach opportunities to be the next step in a phased program to ensure the effectiveness of the Rental License Program. A draft Rental License Handbook (Attachment I), described below, will help improve program effectiveness. In addition, a concerted effort to further educate the rental license community will include improved documentation, greater accessibility to information on the web, increased utilization of social networking tools, and training workshops for inspectors, owners and property agents. Once these initial steps are complete, staff will conduct a stakeholder survey, evaluate the feedback and determine appropriate next steps.

To improve program information, the Rental License Handbook is proposed as a companion to the IPMC and Rental License Code. The handbook would provide guidelines and other information to landlords, tenants and inspectors. Two documents, the Baseline and Safety Inspection Checklists, which are currently part of the rental license application materials will be incorporated as part of the new handbook. The checklists are used to verify code compliance for both new and renewal license applications. The documents are currently based on the Housing Code and have been revised, incorporating public and Community Working Group feedback, to reflect the requirements of the IPMC. The scope of the lists has also been expanded to address additional health and safety items such as installation of carbon monoxide alarms and tenant access to circuit breakers.

Additionally, the Rental Lease Disclosure Form will be included in the handbook and updated to include information about the requirement for properties to have a rental license as well as information on how to file a rental housing complaint. This form represents an important opportunity to provide tenants with information on rental license requirements and the rental housing complaint system.

Staff continues to monitor and investigate properties not in compliance. As noted in the fee section above, utilizing a pilot 100% cost-recovered position for one year would significantly improve staff's ability to investigate and appropriately address the properties not in compliance. Staff also tracks the number of licensed properties and annual renewals and measures on-time performance for new and renewal applications. Lastly, should the program evolve to include energy efficiency requirements, staff will need to track and analyze appropriate measures to determine the effectiveness of that part of the program.

Staff Recommendation

Staff recommends the proposed changes to the Rental License Code to further streamline and clarify its administration. Staff also recommends Fee Option 1, Part B which includes a fee increase from \$46 to \$70 (every four years) to achieve the Council approved 60% cost recovery policy, as well as a \$250 investigative fee to recover the cost of a pilot program to further address non-compliant properties.

PROPOSED CODE FOR ENERGY EFFICIENCY

At its Nov. 18, 2008 study session on the Climate Action Plan (CAP), council identified strategies needed to reduce greenhouse gas emissions to meet CAP objectives. These strategies were further refined and confirmed in June 2009 when Council approved the [Climate Action Plan \(CAP\) Community Guide](#) which outlined key priorities for climate action in Boulder.

Addressing energy efficiency in existing rental housing has been one focus of city staff's 2009-10 work plans. Other staff work program items are addressing energy efficiency in owner-occupied housing and in commercial structures, in addition to efforts focused on renewable energy, transportation and social mobilization to encourage changes in energy-related behaviors.

The goals of the proposed energy efficiency code changes are to:

- Address long-term public health and safety related to greenhouse gas emissions;
- Improve the energy efficiency in Boulder's rental housing stock;
- Move the community toward achieving its CAP goal;
- Provide a flexible approach that can accommodate different building improvement needs, owners that have previously made efficiency investments, and differing forms of lease agreements and ownership models;
- Recognize the financial circumstances of rental property owners and the specific limitations associated with rental property debt structures; and
- Preserve affordability by recommending cost-effective measures with proven energy savings so any rent increase (that may be passed on to recoup investments in efficiency) is balanced by utility cost savings.

Housing Type Data

The table below lists the number of dwelling units with rental licenses in the city characterized by housing type. Although there are 19,606 licensed rental units, there are only 6,393 rental licenses as multiple units in a solely owned building are covered under a single license. "Other" refers to classifications in the assessor's database such as mobile homes, charitable organizations and residential offices.

Of the 45 percent of the city's dwelling units covered under the rental licensing program:

- Three percent were built after 2001 and as such, were built to higher energy efficiency standards and are proposed to be exempt from the energy efficiency requirements.
- Eleven percent are affordable housing rental properties.
- Manufactured and modular homes are included in the "other" category and are proposed to be exempt from the energy efficiency requirements since they are built to federal and state requirements that cannot be preempted by local requirements.

| Housing Type | Total Dwelling Units | Total Licensed Rental Dwelling Units | Rental Licenses % of Dwelling Units |
|------------------------|-----------------------------|---|--|
| Single Family Attached | 10,207 | 5,016 | 49% |
| Single Family Detached | 19,750 | 3,736 | 19% |
| Multi-Family | 9,526 | 8,998 | 94% |
| Other | 3,919 | 1,856 | 47% |
| Total | 43,402 | 19,606 | 45% |

As described earlier in this memo, there are 380 properties with open compliance cases for either renting without a license or because they have not responded to the city's recent renewal notices. Additionally, there are approximately 4,100 properties that require further research and investigation to determine their status.

Background on Proposed Requirements for Energy Efficiency

The entire residential sector accounted for approximately 327,000 tons of carbon dioxide equivalent² (CO₂e) in 2008 based in large part on the sector's electricity consumption. The overall residential sector's contribution to the city's greenhouse gas emission reduction goal is approximately 100,000 tons CO₂e. Since 45 percent of residential properties are licensed rentals, the residential rental sector's contribution to achieving the goal is approximately 45,000 tons CO₂e reductions by 2012. Along with other criteria, the proposed code changes have been analyzed for their ability to meet this benchmark. Staff estimates that a majority of the rental sector's contribution to the goal can be met through energy efficiency improvements while the remaining reductions will be achieved through other strategies such as addressing behavior, conservation, and energy supply.

Staff is proposing a code change that results in energy efficiency improvements to attain a targeted efficiency performance level. In other communities, this type of regulatory ordinance is commonly referred to as a Residential Energy Conservation Ordinance (RECO). There are a number of other communities with RECOs in place such as San Francisco, Berkeley and the state of Wisconsin. The communities that employ a RECO as a tool to upgrade rental housing apply the ordinance at the time of sale or a major renovation. For background information on other communities, see [Residential Retrofit Study - Oct. 2008](#).

² Carbon dioxide equivalent (CO₂e) is a measure for describing how much global warming a given type and amount of greenhouse gas may cause, using the functionally equivalent amount or concentration of carbon dioxide (CO₂) as the reference.

Compliance Options

The communities with a RECO have approached attaining a targeted efficiency performance level through two compliance options: a performance option and/or a prescriptive list.

Performance Option

The performance option uses the Residential Energy Services Network (RESNET) Home Energy Rating System (HERS) to determine the level of energy efficiency. The level of efficiency is determined by various diagnostics on the building, including a blower door test, which provides a rating on the overall energy performance of the building. The HERS score is based on a scale of 0-500. A lower score on the HERS scale reflects a more energy efficient building. A score of 100 is equal to a building built to the 2003 International Energy Conservation Code (IECC). Wisconsin allows for a performance option specific to heating equipment. Berkeley is revising its RECO and exploring a performance option as well.

Prescriptive List

A prescriptive list consists of a menu of options so property owners may choose measures that work with the age and type of construction of a particular building. Wisconsin, Berkeley and San Francisco provide this compliance option. After further research and analysis, staff determined the prescriptive list requirements should align with performance option requirements to provide equity between the two compliance paths. In order to meet this objective, staff retained consultants from Populus Sustainable Design Consulting and What's Working, Inc. to assist in creating a prescriptive list.

The scope of work included the following:

- Select five to seven rental properties that represent a broad spectrum of Boulder housing types;
- Perform energy analyses to determine the baseline energy performance of the properties;
- Prioritize efficiency measures that would achieve the greatest energy and greenhouse gas emissions reductions for the lowest cost;
- Install the measures;
- Test the effectiveness of each measure installed; and
- Make recommendations to align the prescriptive list with the proposed HERS target.

The consultants completed seven case studies. The details of these case studies can be found at [SmartRegs Case Study Final Report by City Consultant Populus and What's Working](#). The properties represent a broad range of Boulder housing types from single-family homes to multi-story apartment buildings. The ages of the properties range from 1909 to 1972. The properties were analyzed and retrofitted to inform the design of the prescriptive list and tune its performance to a HERS 120 level (20% less efficient than the 2003 IECC standard). By completing tangible property analyses and retrofits, the case studies provided valuable information to support the design of the program.

Based on the studies, the consultants were able to develop a prescriptive home energy scoring system (prescriptive list) for existing homes that would:

- Account for the baseline energy performance of the property and apply credit for existing energy efficiency in the property;

- Prioritize measures that achieve the greatest energy savings for the lowest cost, serving as a decision-making tool for property owners to identify the property-specific “low-hanging” fruit;
- Correlate with the proposed performance level requirement;
- Correlate with greenhouse gas emissions reduction of the various improvements;
- Provide for cost-effective implementation;
- Account for variations in housing types by giving credit for features such as shared walls and multiple pathways to meet the required point level; and
- Account for historically designated buildings and provide for alternative means to improve energy efficiency when necessary.

The prescriptive list functions as a “checklist audit” that awards and weights points similarly to a performance-based home energy modeling approach. In addition, the prescriptive list is weighted by greenhouse gas emissions and accounts for the carbon-intensity of the energy source. This means that in areas like Colorado, where electricity production is particularly carbon-intensive due to the burning of coal, the scoring list accounts for the high carbon emissions resulting from electric heating and also rewards carbon-friendly fuel switching retrofits from electric heating to natural gas. The design of the list requires a unit to meet 100 points to correlate to a HERS 120 requirement. The proposed prescriptive list is included in Attachment J. The prescriptive list is intended to be utilized by a trained energy professional. An example of how it is applied is detailed in Attachment K, Prescriptive Pathway Introduction to Determining Baseline Points and Improvement Options.

Estimated Costs

For the case study properties, the consultants contracted for all improvements that would be required to meet the 100 points requirement and then measured actual energy reductions once the upgrades were complete. The city paid for the improvements to be made in all cases except one.³ Initial inspections of the case study properties showed that each unit already had between 38 and 110 points from the prescriptive list. Each unit was given a \$3,000 budget to implement energy efficiency measures; and the measures with the lowest cost and highest point value were chosen (these point values correspond to the highest carbon reductions). Two units did not require any improvements as they already exceeded the 100 points target; therefore, the cost was zero. The remaining units required between 13 and 62 points to meet a 100-point requirement, with costs ranging from \$675 to \$3,200. The total estimated private sector investment to upgrade rental properties to this level of energy efficiency is \$17.7M after rebates and incentives.

Estimates for energy efficiency inspections based on the prescriptive list have been in the range of \$25 to \$100/unit. This does not include the cost of specialized testing for energy efficiency such as blower door or duct leakage tests. If a property owner chooses to address air leakage or duct leakage, these tests would be required to measure the effectiveness. Air leakage testing is currently subsidized through Xcel Energy (pg. 42) and is likely to be subsidized through the Two Techs and a Truck Program (pg. 40) as well. The cost of obtaining a HERS rating is approximately \$600-\$1000, depending on the size of the property.

³ One of the properties – College, is a 35-unit apartment building where the city paid for the pre and post-improvement analysis but the property owner completed all the improvements independent of this project. The complete details of the property can be found at [College Avenue Multi-family Energy Efficiency Case Study](#).

While each project was unique, the study found that the following three measures typically resulted in the greatest savings:

- Insulation – crawlspace, attic, walls;
- Duct sealing; and
- Air sealing.

The following table summarizes the measures completed in each property to achieve the 100-point prescriptive requirement, associated costs, and greenhouse gas emission reductions.

Case Study Results

| Location | Measures completed | Initial HERS | Post-HERS | Initial Prescriptive Points | Post- Prescriptive Points | Projected greenhouse gas reductions per yr (tons CO2e) | Cost of Improvements | Estimated Annual Energy Savings | % Carbon Reduction |
|---|---|--------------|-----------|-----------------------------|---------------------------|--|----------------------|---------------------------------|--------------------|
| Ash – Martin Acres | Air sealing, Duct sealing, Insulation | 170 | 126 | 67 | 101 | 2.4 | \$2,872 | \$304 | 20% |
| University – The Hill | Air sealing, Duct Sealing, Insulation | 162 | 117 | 73 | 101 | 3.1 | \$2,079 | \$395 | 25% |
| Walnut – Downtown | Duct sealing, Insulation | 146 | 128 | 79 | 97* | 1.17 | \$675 | \$146 | 9% |
| 29 th St (Spanish Towers) – 30 th /Colorado | Duct sealing, Insulation | 167 | 120 | 84 | 98** | 1.4 | \$800 | \$172 | 20% |
| College - 29th and College*** | Insulation Air Sealing Windows Doors Lighting Refrigerator | 136 | 86 | 60 | 114 | 1.84 | \$3,243 | \$221 | 36% |
| Twin Pines (22 nd St) – Goss/Grove | None | 114 | NA | NA | NA | NA | NA | NA | NA |
| Pearl | None | 105 | NA | 110 | NA | NA | NA | NA | NA |

*The Walnut property achieved 97 out of 100 points, spending \$675. The remaining 3 points to meet the proposed requirement could be met through a low-cost retrofit to energy efficient light bulbs.

**The 29th St property did not meet the proposed 100 points, spending \$800. The remaining 2 points to meet the proposed requirement could be met through a low-cost retrofit to add a programmable thermostat and providing an operations manual to the tenant. The property met the proposed performance level of 120 HERS.

***Average of six units in a 35-unit apartment building. Initial prescriptive points for these units were between 38 and 76. The units achieved between 29 to 61 points with an average unit cost of \$3,250. Two of the units sampled were already at the proposed code level for energy efficiency, therefore were not retrofitted in this study.

Consultant Recommendation

The consultants recommend the City of Boulder’s housing code changes include a requirement that the energy performance level of rental properties should be equal to or less than 120 HERS. Alternatively, if a property owner chooses to use the prescriptive list to show compliance, 100 points should be obtained from the prescriptive list presented in Attachment J. The recommendation includes phasing-in of the requirements by capping the number of points required at any given rental renewal cycle. The consultant’s executive summary and a summary of policy recommendations can be found in Attachment L. The complete consultant’s report can be found at [SmartRegs Case Study Final Report by City Consultant Populus and What’s Working](#).

It should be noted that one of the consultant's policy recommendations includes a provision where the city would require landlords to disclose average utility bills when offering a property for rent. Staff has not yet explored the feasibility of this recommendation with respect to confidentiality and logistical feasibility. The consultants also recommended the possibility of amending the prescriptive list to award points for square footage and number of bedrooms to account for the carbon impact of big homes versus small homes. Rental properties are generally smaller units compared to owner-occupied housing, which would eliminate the need for this approach. More information on this approach can be found at [SmartRegs Case Study Final Report by City Consultant Populus and What's Working](#).

Additionally, the National Green Building Standard (NGBS) was considered as another prescriptive approach. However, the consultant's analysis found that the prescriptive list in the NGBS does not include a mechanism to account for the existing energy efficiency of the property, prioritize measures that achieve the greatest energy savings for the lowest cost, or account for differences in housing type.

Other Prescriptive List Considerations

Historic Buildings

In 2006 the "[Historic Building Energy Efficiency Guide](#)" provided information to create the publication "[General Design Guidelines](#)" which provides information to address greater energy efficiency without jeopardizing historic designation. The information from the project has been incorporated into the proposed code changes so that existing window and door assemblies in historically designated structures would be allowed to be rebuilt using existing materials to maintain the original appearance. Since the addition of storm panels improves energy efficiency, rehabilitating windows and doors and adding storm panels on historically designated buildings or buildings older than 50 years with wooden window frames would be awarded point values similar to upgrading to new windows at the level of U-0.35 for a building which is not historic (Attachment J). A wide range of energy efficiency point options have been developed to provide flexibility for improving energy efficiency in ways that do not affect the historic integrity of the building.

Manufactured and Modular Housing

Both of these types of housing are proposed to be exempt from the SmartRegs energy efficiency requirements since they are built to federal and state standards that cannot be preempted by local requirements. The federal requirements for manufactured housing, commonly called mobile homes, are managed through the U.S. Department of Housing and Urban Development (HUD) and modular homes are constructed to state requirements administered by the Factory Assembled Structures Division (FAS). These housing types are served through existing Climate Action Plan programs, such as the neighborhood sweeps which deliver direct installation of low-cost energy efficiency measures door-to-door. This program and other outreach efforts also serve to connect income-qualified residents with free weatherization services.

Innovation Points

Staff anticipates the need for a method of considering energy efficiency improvements that are not addressed by the proposed performance or prescriptive measures. The innovation points measure is meant to provide an allowance for a property owner to demonstrate equivalent or better energy efficiency gains for features planned or already present in their properties that

cannot be verified or documented through the performance and prescriptive measures. For example, one scenario described in public comments involved a fairly large photovoltaic system on the roof of a multi-family apartment building. Since the system was not net-metered through individual dwelling units, compliance with the performance or prescriptive measures is not easily determined. However, the system results in lower energy demand (and greenhouse gas savings) for the building comparable to those sought by the SmartRegs program. The innovation points measure is meant to provide a compliance path for existing and to-be-developed technologies, which can demonstrate energy and greenhouse gas savings comparable to the conventional measures.

Analysis

Other communities' regulations that address energy efficiency in existing residential properties are typically enforced at the time of sale or renovation of the property. Boulder's proposed ordinance utilizes rental license renewals to trigger compliance as the city does not currently have a time-of-sale administrative infrastructure, and there is already a requirement for energy efficiency upgrades at the time of renovation (for additions or renovations affecting greater than 500 square feet of the building).

In general, building science experts agree that a target energy performance level is the direction that energy codes are moving towards and takes into account building science principals that regard the building as a system. Staff's proposed target performance level of HERS 120 represents a building that is 20 percent less efficient than the 2003 IECC standard. This means that the proposed code will not require properties to meet today's national energy code performance level, but it should be achievable for older properties built before energy codes were in place. The proposal also includes a prescriptive list that correlates to the HERS scale and the consultants have concluded that achieving 100 points on the prescriptive list will reflect a property that is performing at approximately a HERS 120 level. Compliance with the prescriptive list can provide for a less expensive path to meet the targeted energy performance level since the cost of HERS testing is much higher than evaluating a property for compliance with the prescriptive list.

The target energy performance level is based on analysis of energy performance of existing residential units in Boulder; existing code levels for new construction, remodels and additions; and input from the public process that informed the SmartRegs proposal as well as the most recent Green Building/Green Points program update.

By way of comparison, new residential construction in Boulder currently requires a HERS level between 70 and 35 which is 30 to 75 percent more efficient than the national energy code, depending on the size of the home (the lower the HERS, the more efficient the building). Although the proposed SmartRegs standard is lower than the performance level of these existing codes, most of the buildings in Boulder that will be impacted by the proposed code changes were built before today's energy codes were in place.

Properties reviewed under the IECC (which became effective in July 2001) are proposed to be exempt from these requirements, since their energy performance level is comparable to the targeted performance level of HERS 120.

The proposed prescriptive list allows for flexibility in homeowner association (HOA)-controlled, multi-family, and historic properties. The list is not rigidly prescriptive, so common obstacles in multi-family, HOA-controlled and historic housing can be overcome. For example, units in multi-family housing with a common heating system aren't required to upgrade or replace the whole system. Instead, they can choose other more feasible upgrades that have comparable overall impact on improved efficiency and carbon reductions. The same is true for historic housing or homes under HOA control that have more limited improvement options. Since the prescriptive list assigns points for shared walls, the system can address multi-family housing under the same system as single-family homes.

A large amount of variability is present within existing housing characteristics. Staff believes the proposed "performance" and "prescriptive" pathway options are balanced and that they effectively accommodate the complexity and variability of existing housing. The approach is designed to provide flexible options, upgrade the energy efficiency of Boulder's rental properties and reduce greenhouse gas emissions, while aiming to protect long-term health and safety of the community.

Phasing in Compliance

In order to allow property owners time to accrue capital for investments in energy efficiency, staff has considered phasing in the requirements over multiple rental license cycles. The requirements would apply to new and existing rental licenses. The first iteration of phasing options was presented in November at public meetings and can be found at [“What are We Proposing – November 2009.”](#) The following options were developed subsequent to that, through work with the Community Working Group and public feedback, and evaluated as outlined below.

Phasing options considered include:

1. **First Rental Cycle**

- At the time of the initial rental license application or first renewal, property owners must demonstrate compliance with the energy efficiency requirements.

2a. **Two Rental Cycles–Larger investment in first phasing period**

- At the time of the initial rental license application or first renewal, property owners must either:
 - Demonstrate an increase of 50 points through building upgrades or offsets⁴ on the prescriptive list from the baseline, which is determined by crediting the property with energy efficiency features that already exist. In cases where the property’s baseline is greater than 50 points, the property would need to get the amount of points (less than 50) to reach 100 OR
 - Comply with HERS 120 on the performance path⁵
- At the time of the subsequent rental license renewal, property owners must:
 - Achieve the remaining points on the prescriptive list to reach 100.

2b. **Two Rental Cycles–Larger investment at end of the phasing period**

- At the time of the initial rental license application or first renewal, property owners must either:
 - Demonstrate a baseline of 50⁶ points on the prescriptive list. In the case that the property’s baseline is less than 50 points, the property would need to get the amount of points needed to reach 50, OR
 - Comply with HERS 120 on the performance path
- At the time of the subsequent rental license renewal, property owners must:
 - Achieve the remaining points on the prescriptive list to reach 100.

⁴ Property owners could purchase offsets in the first cycle towards the 50 point requirement at the rate of eight points per ton outlined in Attachment M, but would need to achieve the points through building upgrades at the second rental cycle.

⁵ It is not recommended to phase-in the performance path since the cost of HERS ratings range from \$600-\$1,000/each. If the performance path is phased, this cost would be incurred at each phase.

⁶ Most of the case study properties’ baseline points were close to or over 50.

3. **Two rental cycles with offsets**

- At the time of the initial rental license application or first renewal, property owners must either:
 - Purchase four years worth of carbon offsets equivalent to the 100-point requirement (8 points/ton) or contribute to a local investment fund, OR
 - Demonstrate compliance with HERS 120 or 100 points on the prescriptive list.
- At the time of the subsequent rental license renewal, properties must demonstrate compliance with HERS 120 or 100 points on the prescriptive list.

4. **Voluntary compliance: Rental Rating System**

- This option would encourage voluntary compliance through a rental rating system (pg. 43).

All options assume the city's support in development of a rental rating system, a voluntary database where property owners could list the efficiency of their property (pg. 43) for the benefit of prospective renters to be informed of more or less efficient properties.

The table on the following page summarizes the pros and cons of each option. A complete description of the options, including analysis of the financial and greenhouse gas impacts and a decision matrix can be found in Attachment M.

| Phasing Option | Pros | Cons |
|--|--|--|
| 1. First Rental Cycle: All properties must comply with requirements at the time of application or first rental license renewal | All units upgraded to code by the end of 2014 | Investment over short timeframe Contractor workforce may not be able to handle capacity |
| 2a. Two Rental Cycles: Larger investment in beginning of phasing period | Phases in investment for properties starting with less than 50 points as a baseline Allows contractor workforce time to develop | Small amount of greenhouse gas reductions by 2012 Majority of investment may be required in first cycle, unless offsets are chosen All units upgraded to code by 2018 |
| 2b. Two Rental Cycles: Larger investment towards end of phasing period | Spreads the cost out over a longer time period Allows contractor workforce time to develop Longer timeframe for upgrades could allow property owners to take advantage of tenant turnover or rehabilitation as a time to complete upgrades | Smaller amount of greenhouse gas reductions by 2012 All units upgraded to code by 2018 |
| 3. Two rental cycles with offsets | Small investment initially while property owners accrue funds for improvements Offsets contribute towards 2012 goal Percentage of offset funds or entire local investment would fund local projects | Funds spent on offsets will not provide long term greenhouse gas emissions reductions Funds spent on offsets/local investment are additional to money that will need to be spent on building upgrades All units upgraded to code by 2018 |
| 4. Voluntary compliance: Rental Rating System | Allows contractor workforce time to develop Tests the market-based approach for a rental rating system | Unable to estimate the impact and effectiveness Approach depends on market transformation - renter's valuing more efficient properties above other factors |

When determining a phase-in option, there are many factors to consider such as the available incentives, financial ownership structure of rental properties, cost effectiveness of the retrofits, offsets or local investment as a bridge option, and hardship considerations. Information on each of these topics is provided below.

Incentives and Early Adoption

There are a number of incentives currently available for installing residential energy efficiency upgrades. Current rebates, financing and technical assistance are incentives for early compliance since they exist for a limited time. Measures covered through these incentives range from insulation and air sealing to appliance replacement to mechanical equipment upgrades. Rebates are currently available through [Xcel Energy](#) (pg. 42) and the [Governor's Energy Office](#) (pg. 40). A list of rebates as it applies to this proposal is included in Attachment N. Technical assistance is available through the [Residential Energy Action Program](#) and [Xcel Energy](#). Financing is available through the ClimateSmart Loan Program (pg. 42). For example, current rebates available for the improvements completed in the case studies range from \$390-\$675, which would reduce the cost to the property owner in these case studies to \$285 (from \$675) up to \$2,525 (from \$3,200).

In addition to the existing rebates, there are incentives that are expected to be available in the near future to further assist property owners in implementing energy efficiency retrofits. These include:

- Two Techs and a Truck Program (pg.40) which will have a SmartRegs compliance package aligned with this proposal.
- Competitive Energy Efficiency and Conservation Block Grant (EECBG-C) or “Colorado Retrofit-Ramp-up Program” funds (pg. 40). Boulder County was awarded \$25M under this grant. This grant will provide significant financial assistance throughout Boulder County, including low interest micro-loans (\$500-\$3,000), implementation assistance through Two Techs and a Truck (including subsidized energy audits), and rebates for a three year period.
- HomeStar (pg. 40) which is a proposed federal program that would provide direct incentives to homeowners who invest in improving the energy efficiency of their homes.

Impact of Expenses on Income Property Value

There are a number of ways to analyze the economic impact of expenses on income property values. Staff retained consultants from Economic and Planning Systems, Inc. to explore the impact of the proposed energy efficiency requirements. The complete consultant report can be found at [SmartRegs Economic Analysis](#). The consultants modeled a hypothetical 50-unit apartment building comparing annual cash flows with and without the proposed energy efficiency requirements. The consultants specifically modeled the impact of Option 2b (pg. 29) in relation to estimated cost, time period over which the investments would be made and estimated utility savings. The analysis was performed using:

- Static value, direct capitalization – estimates the typical annual operating income of the property and divides it by the capitalization rate (the value investors place on annual income).
- Present value analysis, discounted cash flow – estimates the value of a property today (present value) by projecting future annual revenue over the estimated holding period of the property, 10 years in this model, assuming no rental premium.

- Present value analysis, discounted cash flow – assuming an increase in rents equal to the estimated reduced utility costs to the tenant.

Each of the analyses was performed with and without the impact of the proposed energy efficiency requirements. The following table shows the impact on property value with the added expense of the proposed energy efficiency requirements:

| Analysis | Impact on property value (%) |
|---|-------------------------------------|
| Static value | -2.4 |
| Present value analysis (no rental increase) | -1.3 |
| Present value analysis (with rental increase) | +1.0 |

Staff believes the present value analysis provides a more realistic representation of the impact on the values of properties over time as it incorporates the expenses as they occur, rather than spread evenly over time. Market forces will ultimately determine whether or not energy efficiency improvements will enable rental increases due to reduced energy costs. According to the consultants, the research on such a rental premium for energy efficient apartments is thin, so a definitive conclusion is not possible.

Cost-effectiveness and Simple Payback

Since the majority of tenants pay their own energy bills, there is usually not an incentive for landlords to upgrade the energy efficiency of their properties. This is often referred to as the split-incentive. It is important to keep this in mind when discussing cost-effectiveness or return on investment for implementing energy efficiency in rental housing. As described in the above section (pg. 32), market conditions will determine whether or not property owners could try to recover expenses through rent increases. For example, to amortize a \$2000 investment at six percent over 15 years would cost \$17/month. Although a rent increase of this magnitude may be completely offset by energy cost savings for many tenants, for some it may not. However, if rent increases are not feasible due to vacancy rates or other market factors, the property owners would incur the full cost of improvements (less rebates and incentives) and the cost savings from efficiency measures would increase housing affordability for tenants paying energy bills.

While in most cases the person paying for the improvement is not recouping the cost through energy savings, the design of this program allows landlords to prioritize measures that will generate the highest energy and carbon savings for the lowest cost. In other words, this program is asking landlords to implement measures that are the “low-hanging fruit” or the highest priority energy efficiency upgrades usually accomplished first and foremost with owner occupied properties.

When the split-incentive is not a factor, simple payback is often how energy efficiency improvements are prioritized. There are program proposals around the country that would require installing measures that have a five-year or shorter payback. There are a few reasons that model was not incorporated into this program. Primarily, the person paying for the improvement is not necessarily being paid back for the improvement (split-incentive) and secondarily, the cost to audit and analyze a specific property to this level of detail is much more expensive than the energy inspection recommended and these funds might be better spent on actual improvements. Lastly, the program presented here is designed to provide a flexible approach and prioritizes

improvements based on the prescriptive list; therefore it is inherently built into the program – the measures that generate the most points for the least amount of money are already prioritized through the list.

Another approach for analyzing cost-effectiveness is return on investment. The consultants include a description of this in the [SmartRegs Case Study Final Report by City Consultants Populus and What's Working](#). The case studies are analyzed for their ability to be cost neutral from the start based on the monthly improvements financed at six percent for 15 years. Therefore, the economic impact of these building improvements can be offset by increased energy efficiency and lower overall operating costs. Again, this is only relevant when the person paying the improvements is recouping the cost through energy savings, but could be a way for a landlord to structure increases to rent to result in equal or greater energy cost savings for the tenant.

Tenant Behavior

Tenant behavior is often stated as a reason not to invest in energy efficiency in rental properties. Ideally, both upgrading housing stock and educating tenants happens simultaneously to maximize the potential benefits. While a tenant using energy inefficiently will result in fewer savings in an upgraded property, it will still provide greater savings than in a property that has not been upgraded. A tenant living in an inefficient property is not given the opportunity to save energy. The infrastructure needs to be in place. Both conservation behaviors and energy efficiency upgrades need to be addressed. Energy conservation education and occupant behavior are being addressed, through other city and collaborative community efforts such as programs through the University of Colorado Environmental Center Renter Education Programs, the Residential Energy Action Program, Neighborhood Sweeps, Boulder County Energy Corps, and Xcel's SmartGrid City Project. The city and its community partners are committed to continue investment in education and outreach programs that influence occupant behavior.

Offsets and/or Local Investment

The purpose of carbon offsets is to provide a way to contribute to greenhouse gas reductions by investing in energy efficiency or renewable energy rather than reducing emissions. A common example is when an individual purchases carbon offsets to compensate for the greenhouse gas emissions caused by personal air travel. The money from the purchase of offsets is used to fund an energy efficiency or renewable energy project that reduces carbon emissions. In Colorado, the Governor's Energy Office's Colorado Carbon Fund (CCF) aims to provide high quality carbon offsets to consumers as a way to support new energy efficiency and renewable energy projects to reduce greenhouse gas emissions. The CCF only funds projects in Colorado.

In the context of the proposed energy efficiency code, offsets can serve as an option or a bridge to allow a potentially smaller investment on the part of the property owner for a period of time before an investment is required for property upgrades. As an option, offsets provide an affordable mechanism to achieve verifiable greenhouse gas emissions reductions. The current cost per ton for offsets is less than the cost per ton realized through building upgrades⁷.

⁷ It is unpredictable to what extent the price of offsets will escalate over time. Assuming a 20-year life of energy efficiency measures and offsets escalating at the rate of inflation, the cost of offsets over 20-years as compared to one-time costs of installing energy efficiency the investment ratio of offsets to energy efficiency is 1:1.67. However, it is likely that the cost of offsets will increase greater than the rate of inflation given the potential of pending legislation to put a price on carbon emissions, in which case this ratio will narrow and potentially reverse (with energy efficiency investments outperforming carbon offset costs).

Additionally, if offsets are purchased through the Colorado Carbon Fund, 20 percent of the amount spent on offsets in Boulder could be reinvested into the local community. Conversely, offsets would need to be repurchased every year to maintain the level of greenhouse gas emissions reductions and they do not improve the building; therefore the tenant paying the Climate Action Plan tax does not realize a benefit as they do not reduce energy consumption. As a bridge, offsets could provide time for property owners to accrue capital for building upgrades while achieving greenhouse gas emissions reductions. However, any money spent on carbon offsets is additional to money that will need to be eventually spent on upgrades to the property.

An alternative to offsets could be a local investment program. A local investment program could contribute to the following programs and reduce the city's greenhouse gas emissions:

- Create a grant fund for local non-profit affordable housing agencies for energy efficiency improvements.
- Provide additional funding for the city ClimateSmart Solar Grant fund that grants money to owner-occupied affordable housing and all site-based non-profit organizations to install solar. There are currently two grant cycles per year.
- Use a portion to implement an urban forestry tree-planting pilot program. Staff from urban forestry estimates that a tree planting pilot program of approximately \$50,000 could be administered under existing staffing levels. Anything greater than this funding level would not be sustainable at this point. (It may be difficult to establish a quantifiable connection between this option and the underlying purposes of the energy efficiency requirements.)

However, for the same amount of funding the greenhouse gas reductions would be considerably less through a local investment program. Colorado Carbon Fund offsets currently cost \$20 per ton and a local investment would not be able to reduce a ton of emissions for \$20. In addition, a local investment program would require city administrative capacity to manage. Options such as offsets or a local investment program should have a reasonable connection to the public purposes supporting the underlying energy requirements (greenhouse gas reductions and energy efficiency). They should reasonably reflect either the cost to the applicant or the benefit to the City of complying with the underlying energy efficiency requirements. Such options should have more support than mere conclusory statements. They should reflect some quantified findings (mathematical certainty is not necessary) about the cost or benefit of complying with the underlying requirement.

Hardship Provision

The staff proposal includes a "hardship provision" for owners who can demonstrate an inability to complete the upgrades at the time of rental licensing. Hardship will be considered for either financial or technical reasons. In the case of financial hardship, the provision will make it possible to extend the time to comply for one additional rental license cycle. In the case of technical hardship, the provision will waive the requirement for any upgrade that is technically infeasible. The provision for both the financial and technical hardship will include the purchase of qualifying carbon offsets which is defined to include payment into a local investment fund in proportion to the upgrades required to make the units comply with the proposed 100-point requirement. Requests will be handled through the City Manager. Proposed ordinance language

(Attachment C) details criteria for an appeal process similar to other sections of the Boulder Revised Code. Staff is proposing that funds generated through the hardship provision be used to grant monies to affordable housing rental properties that cannot comply with the proposed requirements. See pages 37-39 for details on affordable rental housing and the proposed use of these funds.

The following table outlines the pros and cons of offsets versus a local investment program.

| | Pros | Cons |
|--------------------------------|---|--|
| Offsets - Colorado Carbon Fund | <p>Verifiable greenhouse gas emissions reductions</p> <p>Funds projects in Colorado</p> <p>A percentage (~20%) reinvested in city projects</p> <p>Tracked and managed through 3rd party</p> | <p>Majority of money likely spent outside of city</p> |
| Local Investment Option | <p>All funds spent in city</p> <p>Greater flexibility in how money is spent – affordable housing example</p> | <p>Requires city administration to manage fund</p> <p>Not likely to provide verifiable greenhouse gas emissions reductions</p> |

Affordable Housing

In pursuit of the 10 percent affordable housing goal, the city partners with local agencies to fund rental housing for community members with limited incomes. These agencies support the city's social and economic sustainability goals. Affordable rental housing operates with two significant economic constraints: rent amounts and increases are regulated and resident incomes are limited. These constraints, coupled with the agencies' desire to serve those with the greatest housing needs, make it difficult to generate additional income for capital improvements such as energy efficiency measures. In some cases, where the provider pays the utility costs, energy efficiency upgrades could serve to reduce operating expenses through lower energy bills in the properties. However, for the remainder of the properties, income and reserve funds spent to comply with energy efficiency requirements could reduce the agencies' ability to maintain their properties and/or to serve their current residents.

To discuss how to resolve the potential conflict between the city's affordable housing goal and the Climate Action Plan goals for energy efficiency, city staff convened a focus group of affordable housing providers, which met twice. The main outcome of these focus groups involved the pursuit of federal weatherization funds for the majority of this housing stock. See Attachment O for more details on this housing stock and the stakeholder process.

The city currently counts 2,061 affordable units that require rental licenses. They are owned and operated by 19 agencies. Of the 2,061 units, 1,220 should meet the proposed requirements without additional investment due to recent construction (553 units built post-2001) or because they have had substantial rehabilitation and upgrades (667). An estimated 547 of the remaining 841 units should be eligible for free weatherization programs, leaving only 294 units that are not eligible. However, due to weatherization program priorities and capacity, property eligibility does not assure access to the free improvements. Assuming conservatively that half of the eligible units will actually receive weatherization, approximately 570 affordable units (28%) will require investment in energy efficiency improvements to meet the proposed requirements.

At an estimated average cost of \$675 - \$1,500⁸/unit to achieve the proposed standards in the compliance period, it would cost a total of \$384,750 to \$855,000 for the 570 affordable units. These units would still qualify for the city assistance programs and Xcel Energy, state and federal rebates, which would offset a portion of the cost of improvements. Since it is difficult to predict with certainty the exact cost impact, a range is presented.

Options

For the Affordable Housing sector of the rental housing stock, proposed compliance phasing options fall into two categories:

Properties Eligible for Weatherization

- **Properties weatherized after September, 1994** would meet the requirements of this program. Properties weatherized after this date have received upgrades comparable with the targeted energy performance level. Additionally, properties weatherized after September, 1994 are not eligible for additional federal funds through re-weatherization.

⁸ Most of these properties are multi-family or attached units. The cost estimates for these housing types are \$675-\$1,500 per unit as opposed to the range of \$675-\$3,200 for all housing types.

- **Properties not weatherized after September, 1994**

At the time of first rental license renewal, the property must be on the wait list to receive weatherization. At the time of the second rental license renewal weatherization improvements would need to be completed to bring the property into compliance. If a weatherization-eligible property did not comply by the time of the second rental license renewal, it would need to either demonstrate that it was scheduled for weatherization under the federal program, or demonstrate a hardship that could qualify it for local funding of improvements, and/or have a compliance plan outlining how the property would be brought into compliance within a mutually agreed period of time.

Properties Not Eligible for Weatherization

- **Option 1: Allow some affordable housing properties to extend the compliance period**

This option allows the estimated 28 percent (570) of affordable housing units that will not receive weatherization services to have two rental license cycles to demonstrate compliance. All affordable housing properties that can demonstrate ineligibility for weatherization programs would be granted a rental license at the first renewal. At the second renewal, an affordable housing property would either demonstrate compliance or request an extension for the next four-year cycle from the City Manager (providing a total of 8 to 12 years for compliance). The extension would be based on a financial analysis of the property's inability to fund necessary improvements without having a significant impact on housing affordability for the target population. This demonstration of hardship could qualify the property for local funding of improvements (pg. 35). At the third license renewal period, the property would need to demonstrate compliance or provide a compliance plan outlining how the property would be brought into compliance within a mutually agreed period of time.

Pros:

- This option avoids the negative impact of the new requirements on affordable housing properties that are unable to finance improvements.
- Providing an extension of the compliance period for affordable housing reduces the need to identify and secure funds for improvements from city or non-city sources.
- All of these properties will eventually invest in substantial renovations over time and could finance and complete the energy efficiency improvements at that time with minimal impact.
- Extending the period within which the properties would have to comply could allow for more availability of weatherization services.

Cons:

- This option could result in some affordable housing properties not receiving energy efficiency upgrades for up to 12 (or more) years.

- **Option 2: An affordable housing efficiency fund could be created**

For \$150,000/year⁹, approximately 100 affordable units could be improved each year. In order to provide full funding for all 570 units, this level of funding would need to continue for five to six years. Possible sources include: Climate Action Plan Tax (through 2012 only), local investment fund, affordable housing funds or General Fund.

Pros:

- Improves the existing housing stock by funding the improvements for the properties that cannot comply on their own without negatively affecting affordable housing
- Accelerates reduction in greenhouse gas emissions by affordable housing properties.

Cons:

- Utilizing city funds for this purpose would reduce the funding available to pursue other city goals.

⁹ Assuming the high end of the range of \$1,500/unit.

Implementation Enhancements/Strategies

Grants/Federal Funding

Grants

The city partnered with Boulder County, the City and County of Denver, the Governor's Energy Office, and Garfield County to apply for a Department of Energy (DOE) Competitive Energy Efficiency and Conservation Block Grant (EECBG-C) called "Colorado Retrofit Ramp-up Program." The grant was awarded for \$25M to expand existing efforts and create new mechanisms to increase the rate of energy efficiency retrofits through regional implementation of the Two Techs and a Truck program; increased statewide financing support; comprehensive workforce development and contractor training; and to provide a community-wide social mobilization effort to drive participation in energy efficiency programs.

While programmatic and budget negotiations are still underway with the DOE, Boulder County is estimated to receive approximately \$11M of the award to support both residential and commercial programming. Some highlights from the residential sector proposal:

- Expand the Two Techs and a Truck Program county-wide, focusing on implementation assistance and energy concierge services.
- Develop micro-loans of \$500-\$3,000 over a 3 to 5 year loan cycle. This financing will be a revolving loan fund.
- Create rebates primarily to support implementation of efficiency requirements in existing buildings and to fill gaps where rebates do not currently exist.

Home Star

Home Star is a proposed federal program that would provide direct incentives to homeowners who invest in improving energy efficiency. At this time, the program has not been passed into law and it is not clear whether or not it would apply to rental property owners. Staff is tracking the program's development through Efficiency First's Colorado chapter and the Governor's Energy Office.

Status of the Two Techs and a Truck Program

The City of Boulder and Boulder County contributed to a contract for a consulting firm to design the Two Techs and a Truck program. The program is being designed to deliver a one-stop-shop service to Boulder homes. The goal of the program is to remove common barriers to making energy efficiency upgrades.

In designing this program, it is clear that it must address simplifying and streamlining the available assistance to a variety of housing types and ownership structures. The program will include a central call center and website to pre-screen participants and assist in navigating all available offerings for each unique property type and ownership structure. The EECBG-C funds will likely be used to administer the program, so the City of Boulder CAP tax funding can be applied directly to priority additional assistance for property owners within the City of Boulder. The program will also offer an 'energy concierge' service that will serve to support property owners through the retrofit process including:

- Initial visit providing an energy audit, education and direct installation of efficiency measures (ex: air sealing, lighting, water conservation);

- Scheduling services through a certified contractor network for the next tier of energy efficiency retrofits (e.g., insulation, mechanical systems); and
- Assistance with all available rebates and financing mechanisms tailored to their specific situation.

A variety of energy efficiency packages through the Two Techs and a Truck program will likely include subsidies for audits, significant financial assistance programs, rebate forms completed on-site and educational materials for those choosing to make additional changes. The concept of the program includes the ability to take advantage of economies of scale through pre-negotiated bulk purchasing discounts for materials and services. Services to individual properties will be organized by blocks, neighborhoods and existing social networks like schools and churches, as well as large property owners or affordable housing providers. The design team is analyzing information on the SmartRegs proposal so any requirements through SmartRegs will fit into a “Two Techs – SmartRegs compliance package,” including specific offerings for multi-family buildings.

Multi-Family Buildings

Traditionally, multi-family buildings have barriers such as split-ownership in buildings, shared mechanical systems, and a diverse array of energy equipment. Additionally, there is often confusion on the rebates and tax credits available since the buildings could be eligible for both residential and commercial incentives.

Since almost half of licensed rental units are multi-family, staff is working to develop specialized assistance for these properties. To tailor the Two Techs program for multi-family buildings, the City is:

- Contracting with an energy concierge specifically for multi-family buildings;
- Identifying common multi-family building types;
- Identifying and facilitating rebate and financing opportunities;
- Identifying gaps in incentives;
- Working with Xcel Energy to facilitate the rebate processes; and
- Identifying specialized auditors, contractors and training needs.

Next Steps

Since the new DOE grant will support a County-wide program, this requires additional time be spent to develop an enterprise management system that can accommodate the entire county; ramping up a call center to serve the increased load; statewide contractor training and workforce development; and creating a more robust customer and program tracking service. While this will delay the launch of the program until the fall, the resulting program will be more comprehensive and will build a common expectation and program delivery front throughout the County.

Activities taking place this summer include:

- Finalizing a county-wide program design and infrastructure to meet procurement guidelines of the DOE funding;
- Workforce development and contractor training; and
- Addressing the barriers to implementation in multi-family buildings.

Xcel Rebates

There are a number of rebates available through Xcel Energy's demand side management programs that provide direct rebates for installing many of the measures that would be required through SmartRegs. A list of current rebates can be found in Attachment N. Xcel has indicated that Boulder residents and commercial customers will continue to be eligible for its present demand-side management and energy efficiency programs (collectively "DSM programs") if the City adopts energy efficiency standards that (1) are applicable to existing residential housing and commercial buildings and (2) exceed the average energy efficiency standards in effect in the State of Colorado. Staff is continuing to work with Xcel to support Boulder residents' and commercial customers' continued eligibility for the Company's DSM programs in any action before the Public Utilities Commission (PUC), including Xcel's requests for any extension of their 2009-2010 DSM program and for approval of the 2012 DSM program.

Through the franchise negotiations, the city is working with Xcel to guarantee that Boulder property owners will still qualify for all of Xcel's demand-side management program rebates if SmartRegs is implemented.

Recharge Colorado

The City of Boulder partnered with the Governor's Energy Office on a state-wide campaign called Recharge Colorado. This campaign includes a website, www.rechargecolorado.com as well as a call-center, which is a comprehensive resource for energy efficiency and renewable energy including access to rebates for a variety of measures. The system allows property owners to search and reserve rebates by zip-code. The city specifically partnered with this campaign, providing matching funds for increased rebate levels in the following categories:

- Insulation and air sealing
- Duct Sealing
- Furnaces
- Energy Audits

While the Two Techs and a Truck program will have a central administrative call center, the program is still in the design phase so it is not clear how the Recharge Colorado call center will interface with the Two Techs and a Truck program. Through the program design, every effort will be made to leverage existing resources and not duplicate efforts.

Financing

The ClimateSmart Loan Program offers financing for energy efficiency and renewable energy measures that are fixtures to the property. Repayment is through a special assessment on property tax. Loans are available from \$3,000 to \$50,000 for a 15 year period. These loans are easy to qualify for since they do not depend on credit scores or home equity. Additionally, as mentioned on pg. 40, the DOE grant is proposing to create a pool of revolving micro-loans (\$500-\$3,000) for energy retrofits. Staff is also working with the CAP financing technical team to minimize risk for local lenders to offer financing for energy improvements. The total amount of financing available through the ClimateSmart Loan program is currently \$27M, with additional bonding capacity anticipated to be referred to the November, 2010 ballot. The micro-loan fund is expected to be \$2.3M. Since this is a revolving loan fund the fund will replenish as loans are repaid.

Rental Rating Program

In response to input from the Community Working Group and public feedback, staff is working with stakeholders to develop a rating system for rental housing that would inform renters about properties' energy efficiency.

- Properties that meet as well as exceed the minimum code levels for efficiency could be listed in a centralized database.
- A marketing campaign/recognition program would be developed to raise awareness among renters about the total cost of occupancy of a rental unit, including rent and utilities.
- A campaign would encourage renters to ask for the efficiency rating of the property.
- If renters choose properties based on their energy ratings, landlords would have an incentive to upgrade their properties to remain competitive in the market.

Details associated with the design and cost of developing and maintaining this system are currently being researched.

Permit Requirements as a Result of Proposed Energy Efficiency Regulations

Building permits would be required for certain energy efficiency improvements such as:

- Heating, ventilation and air conditioning system replacement
- Hot water heater replacement
- Solar photovoltaic and solar hot water heating systems
- Insulation
- Whole house fan installations
- Window replacement when the window opening size is increased.

Permit fees are based on the valuation of the work being proposed and include construction use tax based on 50 percent of the project valuation. Permits for most of these items vary from around \$100 to \$500 per unit, which includes the construction use tax. Solar photovoltaic and solar hot water heating systems are a flat permit fee of \$69.60 for residential and \$139.20 for non-residential permits plus the construction use tax.

None of these items would trigger any additional permit requirements, such as the need for installation of additional smoke alarms which are required for additions and remodels.

Energy Efficiency Compliance

The current Housing Code, Rental Licensing Code and proposed IPMC provide an enforcement path for non-compliant rental housing units. It is proposed that rental housing units not compliant with the proposed energy efficiency regulation follow the same enforcement path. A summary of this process is detailed in Attachment P.

Contractor Licensing

It is proposed that energy efficiency compliance be verified through private inspections similar to the existing rental housing inspection process. Two types of licensed energy efficiency inspectors will be necessary to support the performance or prescriptive compliance paths:

- For performance-based compliance it is proposed that inspection verification be performed by Residential Energy Service Network (RESNET) certified raters and inspectors. RESNET is a nationwide third party certification company currently utilized for the city's residential Home Energy Rating Systems (HERS) plan review submittals

and final inspection program. Staff proposes that RESNET-certified inspectors perform the inspection verification for performance-based compliance.

- For prescriptive-based compliance, components would be inspected by licensed inspectors holding a proposed “G” license. The “G” license would use the “D-9 Rental Housing Inspector” qualifications as a base and add a city-sponsored energy efficiency inspection certification program. Utilizing the D-9 contractor license qualifications as a base for a “G” license efficiently accommodates rental housing inspection requirements. The fee to obtain this license is proposed to be \$15. If the proposed energy efficiency ordinance is adopted, staff would partner with local experts to provide training workshops for professionals that may want to apply for this license.

To be cost effective for applicants, energy efficiency inspections could be made in conjunction with regular rental license inspections. Discussions with licensed rental housing inspectors serving on the Community Working Group have commented that this is a viable approach. Information on cost estimates to include energy efficiency inspections as part of the existing rental housing inspection have been in the range of an additional \$25-\$100/unit. This does not include the cost of specialized testing for energy efficiency such as blower door or duct leakage tests. If a property owner chooses to address air leakage or duct leakage, these tests would be required to measure the effectiveness. Air leakage testing is currently subsidized through Xcel Energy and is likely to be subsidized through the Two Techs and a Truck Program as well.

Lead-Based Paint Requirements

New requirements for lead-based paint went into effect on April 22, 2010. These requirements will be enforced through the Environmental Protection Agency’s (EPA) 2008 Lead Renovation, Repair, and Painting Program. The requirements can be found at the [EPA Lead-Paint Small Entity Compliance Guide](#). Contractors are required to obtain certification from the EPA under this program for any renovation activity disturbing at least six square feet of interior space and twenty square feet of exterior space on homes built before 1978. The requirement also applies to window replacements. Certification classes are available in Boulder at a cost of \$180 for an eight-hour class. It is expected that this requirement will increase the cost of retrofits, but the amount of increase is not known. A recent article stated that contractors estimate an increase of \$500 to \$1,500, while the EPA estimates between \$8 and \$167 per job.

In the case study properties, which were completed before the requirements went into effect, only one retrofit would have triggered the requirements for lead-paint mitigation and it involved a window replacement. The estimated cost from the contractor who completed this measure is 35-50% higher now that these new regulations are in place.

The city’s consultants evaluated the prescriptive list and estimate that the only measure (besides window replacements) that would trigger the lead paint requirements is insulation (primarily walls). Although, they estimate that there will likely be little to no impact on the cost of ‘drill and fill insulation’ due to the EPA’s new lead-paint rules. Since EPA’s lead paint rules don’t apply unless the contractor disturbs six square feet of wall area per room (the equivalent of 275 2” holes in one room). The consultants spoke with a local insulation company regarding the impact of the new rules on ‘drill and fill’ insulation and insulation retrofits in general and the company didn’t believe there would be any impact since it is unlikely that the rules would ever apply to this type of work.

Terms of Rental Licenses

The projected greenhouse gas reductions pursuant to the proposed energy efficiency requirements are based on phasing in those requirements, after a January 2011 effective date, as licensees renew at the end of their current four-year license terms. This phasing may give some current licensees an incentive to renew early (before their licenses would otherwise expire). Licensees might see this as a way to postpone the next deadline for license renewal and the associated energy efficiency compliance requirement. Allowing the program requirements to be avoided in such a manner could undermine the basis for projected greenhouse gas reductions. To maintain the integrity of the proposal, it is important to consider a provision to prohibit early renewals.

The staff recommendation includes a provision that would limit the term of prematurely renewed licenses to January 3, 2011. The recommendation would subject a renewed license to that limited term if the code requires no renewal application before January 3, 2011 and the licensee submits a renewal application between April 2, 2010 (when staff publicized its energy efficiency proposals) and January 2, 2011. Further renewal of such prematurely renewed licenses would require compliance with the enhanced license fees and the energy efficiency requirements.

Staff Recommendation

Energy Efficiency Compliance Options

Staff recommends that rental properties not reviewed under the IECC standards should comply with energy efficiency requirements that achieve a score of 120 or less on the HERS scale through the performance pathway or 100 points on the prescriptive list. Both the prescriptive and performance levels are believed achievable in most properties over a reasonable time period. Staff's recommendation matches that of the consultant.

Phase-In Options

Staff recommends Option 2b, phased over two rental cycles with the larger investment towards the end of the phasing period. This option performs well in meeting the goals outlined on page 20. It meets 13 percent of this sector's energy efficiency contribution to the current CAP goal by 2012 and 91 percent by 2018. Through this option, all of the currently licensed rental properties will be upgraded by 2018. It also includes a hardship provision described in the offsets/local investment section on page 35. A decision matrix, including criteria that informed staff's recommendation, is detailed in Attachment M.

While staff's recommendation does not meet this sector's full contribution to the greenhouse gas goal by 2012, staff expects other strategies such as conservation to contribute to the overall greenhouse gas emissions reduction of this sector. Option 3, which includes the purchase of offsets, would achieve 95 percent of this sector's contribution towards the goal by 2012. If this option is preferable, the amount of offset purchases required could be increased to achieve 100 percent of this sector's contribution to the goal by 2012.

Hardship Provision

Staff recommends implementing a local investment fund through the hardship provision that would provide grants for affordable housing properties that cannot meet the proposed energy efficiency requirements (pg. 35). Housing and Human Services would administer these grants through their existing administrative processes.

Affordable Housing

Staff recommends Option 1 which allows the 28 percent (up to 570) of affordable housing units that may not qualify for weatherization services the ability to receive a rental license for up to 8 to 12 years without affecting the low-income populations residing in them. This option reduces the need for direct funding from the city for these properties' energy efficiency upgrades. Staff evaluated other options for these housing units; details can be found in Attachment O.

Contractor Licensing

Staff recommends revising Title 4, Chapter 4, Building Contractor License, B.R.C. 1981, to include provisions for a Class G license to entitle the licensee to inspect prescriptive energy efficiency measures.

Terms of Rental Licenses

Staff recommends revising Title 10, Chapter 3, Terms of Rental Licenses, B.R.C. 1981 to limit the term of prematurely renewed licenses to January 3, 2011.

NEXT STEPS:

The proposed changes are scheduled for City Council consideration on May 18 (public hearing and first reading) and July 6 (public hearing and second reading). The proposed implementation date is January 3, 2011; a time frame which will facilitate implementation work, such as updating application materials, the handbook, and the Web; preparing and scheduling training workshops; and allowing additional time for workforce development. Staff also proposes to send an information postcard in August to all rental property owners about the revised ordinances. The development of a Commercial Energy Conservation Ordinance (CECO) is also being analyzed and will be scheduled for council consideration during the fourth quarter of 2010.

If the proposed changes related to energy efficiency requirements are approved, staff is proposing to submit a Weekly Information Packet in July, 2011 to review the status, potential inequities, and any unintended consequences of the program, as well as changes that may have been made or recommended for staff consideration. Metrics to be reported include:

- Number of properties complying early;
- Baseline points of existing properties;
- Points achieved at each rental cycle;
- Cost to comply;
- Hardships - Number of properties and explanation;
- Innovation – types of project submitted to inform future code revisions; and
- Affordable housing weatherization status

Approved By:

Jane S. Brautigam,
City Manager

ATTACHMENTS:

- Attachment A: Ordinance to Adopt International Property Maintenance Code
- Attachment B: Ordinance to Update Rental License Code
- Attachment C: Ordinance to Adopt Energy Efficiency Code
- Attachment D: April 22 Draft Planning Board Minutes and Staff Follow-Up
- Attachment E: Energy Efficiency Survey Summary
- Attachment F: Housing Code and IPMC Cross Reference
- Attachment G: Program Cost Detail
- Attachment H: Program Funding Options
- Attachment I: Draft Rental Housing Program Handbook
- Attachment J: Prescriptive List
- Attachment K: Prescriptive Pathway Intro. to Determining Baseline Points
- Attachment L: Consultant Executive Summary
- Attachment M: Phasing Options
- Attachment N: Current Rebates as of May 11, 2010
- Attachment O: Affordable Housing
- Attachment P: Rental Licensing Enforcement
- Attachment Q: Letter from the Environmental Advisory Board
- Attachment R: Public Correspondence Not Directly Received by Council
- Attachment S: Hyperlink Reference Sheet with Specific Web Addresses

ORDINANCE NO.

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," 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

1 provisions appears below. Chapter, Section, Subsection or Appendix numbers of any
2 provisions not adopted appear, followed by the word, "Deleted."

3 **CHAPTER 1**
4 **SCOPE AND ADMINISTRATION**

5 **PART 1 - SCOPE AND ADMINISTRATION**

6 **SECTION 101**
7 **GENERAL**

8 **101.1 Title.** These regulations shall be known as the ~~International Property Maintenance Code of~~
9 ~~[NAME OF JURISDICTION]~~ the City of Boulder, hereinafter referred to as "this code."

10 **101.2 Scope.** ~~The provisions of this~~ This code shall apply to all existing residential and
11 ~~nonresidential structures and all existing residential premises and constitute minimum~~
12 ~~requirements and standards for premises, structures, equipment and facilities for light,~~
13 ~~ventilation, space, heating, sanitation, energy conservation, protection from the elements, life~~
14 ~~safety, safety from fire and other hazards, and for safe and sanitary maintenance; this code also~~
15 ~~specifies the responsibility of the owners, operators and occupants related to code compliance;~~
16 ~~the occupancy of existing structures and premises, and provides for administration, licensing,~~
17 ~~enforcement and penalties.~~

18 **101.2.1 Application of Rental Licenses Code.** Existing residential structures utilized as
19 rental properties will also be subject to the requirements of Chapter 10-3 "Rental
20 Licenses," B.R.C. 1981.

21 **101.3 and 101.4** No changes.

22 **SECTION 102**
23 **APPLICABILITY**

24 **102.1 and 102.2** No changes.

25 **102.3 Application of Other Codes.** Repairs, additions or alterations to a structure, inspections
26 or changes of occupancy, shall be done in accordance with the procedures and provisions of the
27 InternationalCity of Boulder Building Code, InternationalCity of Boulder Residential Code, City
28 of Boulder Fuel Gas Code, InternationalCity of Boulder Mechanical Code, City of Boulder
Plumbing Code, and NFPA 70. Nothing in this code shall be construed to cancel, modify or set
aside any provision of the International ZoningCity of Boulder Energy Conservation and
Insulation Code and City of Boulder Electrical Code.

102.4 - 102.10 No changes.

1 **PART 2 – ADMINISTRATION AND ENFORCEMENT**

2 **SECTION 103**

3 **DEPARTMENT OF PROPERTY MAINTENANCE INSPECTION**
4 **DIVISION OF BUILDING SAFETY**

5 **103.1 General.** ~~The department of property maintenance inspection is hereby created and the~~
6 ~~“Division of Building Safety” means the administrative unit established by the city manager or~~
7 ~~the manager’s delegates, and the personnel assigned to the unit by the manager. The Division of~~
8 ~~Building and Safety administers the Property Maintenance Code. The executive official in~~
9 ~~charge thereof shall be known as the~~ of the Division of Building Safety is the code official.

10 ~~103.2 Appointment. The code official shall be appointed by the chief appointing authority of the~~
11 ~~jurisdiction.~~

12 ~~103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the~~
13 ~~concurrence of the appointing authority, the code official shall have the authority to appoint a~~
14 ~~deputy(s). Such employees shall have powers as delegated by the code official.~~

15 ~~103.4 Liability. The code official, member of the board of appeals or employee charged with the~~
16 ~~enforcement of this code, while acting for the jurisdiction, in good faith and with out malice in~~
17 ~~the discharge of the duties required by this code or other pertinent law or ordinance, shall not~~
18 ~~thereby be rendered liable personally, and is hereby relieved from all personal liability for any~~
19 ~~damage accruing to persons or property as a result of an act or by reason of an act or omission in~~
20 ~~the discharge of official duties. Any suit instituted against any officer or employee because of an~~
21 ~~act performed by that officer or employee in the lawful discharge of duties and under the~~
22 ~~provisions of this code shall be defended by the legal representative of the jurisdiction until the~~
23 ~~final termination of the proceedings. The code official or any subordinate shall not be liable for~~
24 ~~costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.~~

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

103.5 Fees. The fees and costs for activities and services performed by the department in
carrying out its responsibilities under this code shall be as indicated in the following schedule,
detailed in Section 111.1.5, 111.3 and 4-20-47, “Zoning Adjustment and Building Appeals Filing
Fees,” B.R.C. 1981.

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SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

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

104.2 Inspections. No changes.

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

104.4 - 104.6 No changes.

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

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

SECTION 105
APPROVAL

105.1 – 105.6 No changes.

1 such notice in the foregoing manner upon the owner's agent or upon the person
2 responsible for the structure shall constitute service of notice upon the owner.

3 **107.4 - 107.5** No changes.

4 ~~107.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure~~
5 ~~who has received a compliance order or upon whom a notice of violation has been served to sell,~~
6 ~~transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until~~
7 ~~the provisions of the compliance order or notice of violation have been complied with, or until~~
8 ~~such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any~~
9 ~~compliance order or notice of violation issued by the code official and shall furnish to the code~~
10 ~~official a signed and notarized statement from the grantee, transferee, mortgagee or lessee,~~
11 ~~acknowledging the receipt of such compliance order or notice of violation and fully accepting the~~
12 ~~responsibility without condition for making the corrections or repairs required by such~~
13 ~~compliance order or notice of violation.~~

11 **SECTION 108**
12 **UNSAFE STRUCTURES AND EQUIPMENT**

13 **108.1 - 108.7** No changes.

14 **SECTION 109**
15 **EMERGENCY MEASURES**

16 **109.1 - 109.6** No changes.

17 **SECTION 110**
18 **DEMOLITION**

19 **110.1 - 110.4** No changes.

20 **SECTION 111**
21 **MEANS OF APPEAL**

22 **111.1 Application for Appeal.** Any person directly affected by a decision of the code official or
23 a notice ~~or~~and order issued under this code shall have the right to appeal to the board of appeals,
24 provided ~~that~~under the procedures prescribed by chapter 1-3, "Quasi-Judicial Hearings," B.R.C.
25 1981, if a written application for appeal is filed with the code official within 10 days after the
26 day the decision, notice or order was served. An application for appeal shall be based on a claim
27 that the true intent of this code or the rules legally adopted thereunder have been incorrectly
28 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

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

7 **111.2.1 Alternate members.** Deleted. The chief appointing authority shall appoint two or more
8 alternate members who shall be called by the board chairman to hear appeals during the absence
9 or disqualification of a member. Alternate members shall possess the qualifications required for
10 board membership.

11 **111.2.2 Chairman.** Deleted. The board shall annually select one of its members to serve as
12 chairman.

13 **111.2.3-Disqualification of member.** Deleted A member shall not hear an appeal in which that
14 member has a personal, professional or financial interest.

15 **111.2.4-Secretary.** Deleted The chief administrative officer shall designate a qualified person to
16 serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the
17 office of the chief administrative officer.

18 **111.2.5-Compensation of members.** Deleted. Compensation of members shall be determined by
19 law.

20 **111.3 Notice of Meeting.** Deleted The board shall meet upon notice from the chairman, within
21 20 days of the filing of an appeal, or at stated periodic meetings.

22 **111.4 Open Hearing.** Deleted All hearings before the board shall be open to the public. The
23 appellant, the appellant's representative, the code official and any person whose interests are
24 affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-
25 thirds of the board member ship.

26 **111.4.1 Procedure.** Deleted The board shall adopt and make avail able to the public through the
27 secretary procedures under which a hearing will be conducted. The procedures shall not require
28 compliance with strict rules of evidence, but shall mandate that only relevant information be
received.

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

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

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

111.6.2-Administration. Deleted The code official shall take immediate action in accordance
with the decision of the board.

111.7 Court Review. Deleted Any person, whether or not a previous party of the appeal, shall
have the right to apply to the appropriate court for a writ of certiorari to correct errors of law.

1 Application for review shall be made in the manner and time required by law following the filing
2 of the decision in the office of the chief administrative officer.

3 **111.8 Stays of Enforcement.** Deleted. Appeals of notice and orders (other than Imminent
4 Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the
5 appeals board.

6 **111.9 Fees.** The fee for filing an appeal is that prescribed by section 4-20-47, "Zoning
7 Adjustment and Building Appeals Filing Fees." B.R.C. 1981.

8 **111.10 Costs.** The costs of such appeals work plus twenty percent for administrative overhead
9 shall be billed to the record owner of the property, and if not paid within thirty days of billing,
10 may be collected under section 2-2-12, "City Manager May Certify Taxes, Charges, and
11 Assessments to County Treasurer for Collection." B.R.C. 1981.

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13 **SECTION 112
14 STOP WORK ORDER**

15 **112.1 – 112.4** No changes.

16
17 **CHAPTER 2
18 DEFINITIONS**

19
20 **SECTION 201
21 GENERAL**

22 **201.1 – 201.5** No changes

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24 **SECTION 202
25 GENERAL DEFINITIONS**

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27 **(No changes except as follows)**

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

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.

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**CHAPTER 3
GENERAL REQUIREMENTS**

**SECTION 301
GENERAL**

301.1 – 301.3 No changes

**SECTION 302
EXTERIOR PROPERTY AREAS**

302.1 – 302.3 No changes.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent 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 – 302.8 No changes.

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

**SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS**

303.1 – 303.2 No changes.

1 against decay or rust by periodic application of weather coating materials, such as paint or
2 similar surface treatment.

3 **304.12 Handrails and Guards.** No changes.

4 **304.13 Window, Skylight and Door Frames.** No changes.

5 **304.13.1. Glazing.** Deleted Glazing. All glazing materials shall be maintained free from
6 cracks and holes.

7 **304.13.2. Openable Windows.** Deleted Openable windows. Every window, other than a
8 fixed window, shall be easily openable and capable of being held in position by window
9 hardware.

10 **304.14. Insect Screens.** Deleted. During the period from [to [every door, window and other
11 outside opening required for ventilation of habitable rooms, food preparation areas, food service
12 areas or any areas where products to be included or utilized in food for human consumption are
13 processed, manufactured, packaged or stored shall be supplied with approved tightly fitting
14 screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for
15 insect control shall have a self-closing device in good working condition.

16 ~~Exception: Screens shall not be required where other approved means, such as air
17 curtains or insect _____ repellent fans, are employed:~~

18 **304.15 Doors.** No changes.

19 **304.16 Basement Hatchways.** No changes.

20 **304.17 Basement Hatchways.** Deleted. Guards for basement windows. Every basement
21 window that is openable shall be supplied with rodent shields, storm windows or other approved
22 protection against the entry of rodents.

23 **304.18 Building Security.** Deleted. Doors, windows or hatchways for dwelling units, room units
24 or housekeeping units shall be provided with devices designed to provide security for the occu
25 pants and property within.

26 ~~304.18.1 Doors. Doors providing access to a dwelling unit, rooming unit or housekeeping
27 unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be
28 readily openable from the side from which egress is to be made without the need for
keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25
mm). Such deadbolt locks shall be installed according to the manufacturer's
specifications and maintained in good working order. For the purpose of this section, a
sliding bolt shall not be considered an acceptable deadbolt lock.~~

~~304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828
mm) above ground level or a walking surface below that provide access to a dwelling~~

1 unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with
2 a window sash locking device.

3 ~~304.18.3 Basement hatchways. Basement hatchways that provide access to a dwelling~~
4 ~~unit, rooming unit or house keeping unit that is rented, leased or let shall be equipped~~
5 ~~with devices that secure the units from unauthorized entry.~~

6 **SECTION 305**
7 **INTERIOR STRUCTURE**

8 **305.1 General.** No changes.

9 **305.1.1 Unsafe Conditions.** The following conditions shall be determined as unsafe and shall be
10 repaired or replaced to comply with the International City of Boulder Building Code or the
11 International Existing Building Code as required for existing buildings:

- 12 1. The nominal strength of any structural member is exceeded by nominal loads, the load
13 effects or the required strength;
- 14 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to
15 foundations is not capable of resisting all nominal loads or load effects;
- 16 3. Structures or components thereof that have reached their limit state;
- 17 4. Structural members are incapable of supporting nominal loads and load effects;
- 18 5. Stairs, landings, balconies and all similar walking surfaces, including guards and
19 handrails, are not structurally sound, not properly anchored or are anchored with
20 connections not capable of supporting all nominal loads and resisting all load effects;
- 21 6. Foundation systems that are not firmly supported by footings are not plumb and free
22 from open cracks and breaks, are not properly anchored or are not capable of supporting
23 all nominal loads and resisting all load effects.

24 Exceptions:

- 25 1. When substantiated otherwise by an approved method.
- 26 2. Demolition of unsafe conditions shall be permitted when approved by
27 the code official.

28 **305.2 Structural Members.** No changes.

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

305.4 – 305.6 No changes.

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**SECTION 306
COMPONENT SERVICEABILITY**

306.1 & 306.1.1 No changes.

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**SECTION 307
HANDRAILS AND GUARDRAILS**

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

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

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**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.

308.2.1 Rubbish Storage Facilities. Deleted. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

308.2.2 Refrigerators. Deleted. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

308.3 Disposal of Garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers: as required by chapter 6-3, "Trash, Recyclables and Compostables," B.R.C. 1981.

308.3.1 Garbage Facilities. Deleted. The owner of every dwelling shall supply one of the following: ~~an approved mechanical food waste grinder in each dwelling unit; an approved~~

1 incinerator unit in the structure available to the occupants in each dwelling unit; or an approved
2 leakproof, covered, outside garbage container.

3 **308.3.2 Containers.** Deleted. The operator of every establishment producing garbage
4 shall provide, and at all times cause to be utilized, approved leakproof containers provided with
5 close-fitting covers for the storage of such materials until removed from the premises for
6 disposal.

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SECTION 309
PEST ELIMINATION

309.1. Infestation. No changes.

309.1.1 Infestation. Rodent control is regulated and enforced under chapter 6-5, "Rodent Control", B.R.C. 1981.

309.2 – 309.3 No changes.

309.4 Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, or a rooming house or a nonresidential structure shall be responsible for extermination 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 and owner shall be responsible for extermination.

309.5 No changes.

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

SECTION 310
FLOODPLAIN SAFETY SIGNAGE

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

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

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CHAPTER 4
LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

SECTION 401
GENERAL

401.1 – 401.3 No changes.

SECTION 402
LIGHT

402.1 – 402.3 No changes.

SECTION 403
VENTILATION

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

Exceptions:

1. Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least 8 percent of the floor area of the interior room or space, but not less than 25 square feet (2.33 m²). The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

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

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

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

~~Exceptions:~~

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

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

3 **403.4 Process Ventilation.** Deleted ~~Where injurious, toxic, irritating or noxious fumes, gases,~~
4 ~~dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the~~
5 ~~contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated~~
6 ~~to any space.~~

7 **403.5 Clothes Dryer Exhaust.** Deleted ~~Clothes dryer exhaust systems shall be independent of~~
8 ~~all other systems and shall be exhausted outside the structure in accordance with the~~
9 ~~manufacturer's instructions.~~

10 ~~Exception: Listed and labeled condensing (ductless) clothes dryers.~~

11 **SECTION 404**
12 **OCCUPANCY LIMITATIONS**

13 **404.1 – 404.7** No changes.

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

16 No changes.

17 **CHAPTER 6**
18 **MECHANICAL AND ELECTRICAL REQUIREMENTS**

19 **SECTION 601**

20 No changes.

21 **SECTION 602**
22 **HEATING FACILITIES**

23 **602.1 Facilities Required.** No changes.

24 **602.2 Residential Occupancies.** Deleted. ~~Dwellings shall be provided with heating facilities~~
25 ~~capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and~~
26 ~~toilet rooms based on the winter outdoor design temperature for the locality indicated in~~
27 ~~Appendix D of the International Plumbing Code. Cooking appliances shall not be used to~~
28 ~~provide space heating to meet the requirements of this section.~~

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

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

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

4 **Exceptions:**

5 1. When the outdoor temperature is below the winter outdoor design temperature
6 for the locality, maintenance of the minimum room temperature shall not be
7 required provided that the heating system is operating at its full design capacity.
8 The winter outdoor design temperature for the locality shall be as indicated in
9 Appendix 0 of the International Plumbing Code.

10 2. In areas where the average monthly temperature is above 30°F (-1°C) a
11 minimum temperature of 65°F (18°C) shall be maintained.

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

13 **Exceptions:**

14 1. Processing, storage and operation areas that require cooling or special
15 temperature conditions.

16 2. Areas in which persons are primarily engaged in vigorous physical activities.

17 **602.5 Room Temperature Measurement.** No changes.

18 **SECTION 603**
19 **MECHANICAL EQUIPMENT**

20 **603.1 – 603.6** No changes.

21 **SECTION 604**
22 **ELECTRICAL FACILITIES**

23 **604.1 – 604.3.2** No changes.

24 **SECTION 605**
25 **ELECTRICAL EQUIPMENT**

26 **605.1 – 605.2** No changes.
27
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1 605.2.1 Non-grounding-type electrical receptacles (two-prong receptacles). Where
2 attachment to an equipment grounding conductor (two-wire circuits) does not exist in the
3 receptacle enclosure, the installation shall comply with 1, 2 or 3 below.

- 4 1. A two-prong receptacle shall be permitted to be replaced with another two-
5 prong receptacle.
- 6 2. A two-prong receptacle may be replaced with a ground-fault circuit
7 interrupter-type (GFCI) three-prong receptacle. These receptacles shall be
8 marked "No Equipment Ground." An equipment grounding conductor shall
9 not be connected from the GFCI-type receptacle to any outlet supplied from
10 the GFCI-type receptacle.
- 11 3. A two-prong receptacle may to be replaced with a three-prong, grounding-
12 type receptacle where supplied through a GFCI device. Three-prong,
13 grounding-type receptacles, supplied through the GFCI shall be marked
14 "GFCI Protected" and "No Equipment Ground." An equipment grounding
15 conductor shall not be connected between the grounding-type receptacles.

16 **605.3 Luminaires.** Deleted. Every public hall, interior stairway, toilet room, kitchen, bathroom,
17 laundry room, boiler room and furnace room shall contain at least one electric luminaire.

18 605.4 Branch Circuits in Buildings with More Than One Occupancy. Each occupant shall
19 have ready access to all circuit breakers protecting the conductors supplying that occupancy.

20 605.5 Flexible Cord Uses Not Permitted. Flexible cords and cables shall not be used:

- 21 1. As a substitute for the fixed wiring of the structure.
- 22 2. Where run through holes in walls, structural ceilings, suspended ceilings, dropped
23 ceilings or floors.
- 24 3. Where run through doorways, windows, or similar openings.

25 SECTION 606

26 ELEVATORS, ESCALATORS AND DUMBWAITERS

27 **606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with
28 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.

- 1 1. Carbon monoxide alarms that receive their primary power from the building wiring shall
2 be checked for good operating condition once each year and supplied with battery
3 backup. The battery shall be replaced as necessary for proper function of the carbon
4 monoxide alarm.
5
6 2. Battery-powered carbon monoxide alarms shall be tested for proper function on an annual
7 basis. Batteries shall be replaced as necessary for proper function of the carbon monoxide
8 alarm.

9
10 **CHAPTER 7**
11 **FIRE SAFETY REQUIREMENTS**

12 **SECTION 701 – 703.**
13 **No changes**

14 **SECTION 704**
15 **FIRE PROTECTION SYSTEMS**

16 **704.1 – 704.4.** No changes.

17 **704.5 Residential Rental Smoke Alarms.** In R-occupancies governed by chapter 10-3, “Rental
18 Licenses,” B.R.C. 1981, smoke alarms shall be installed and inspected as required in this section.

19 **704.6 Smoke Alarm Inspections.** Smoke alarm inspections for non-condominium buildings
20 shall be conducted by the property owner or agent as detailed below.

- 21 1. Smoke alarms that receive their primary power from the building wiring shall be checked
22 for good operating condition once each year and if supplied with battery backup, the
23 battery shall be replaced as necessary for proper function of the smoke alarm.
24 II.2. Battery-powered smoke alarms shall be tested for proper function on an annual
25 basis. Batteries shall be replaced as necessary for proper function of the smoke alarm.

26 **704.7 Fire Alarms.** Fire alarms in existing residential structures shall be installed in accordance
27 with chapter 10-8, section 903.7, “Fire Prevention Code.” B.R.C. 1981.

28 **SECTION 705**
PORTABLE FIRE EXTINGUISHERS

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

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

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APPENDIX A

BOARDING STANDARD

A101 – A103 No changes.

APPENDIX B

RENTAL HOUSING INSPECTION AND LICENSING

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

B102 Rental licenses. Residential rental licenses are applied for and renewed in accordance with: “Rental Licenses,” title 10, chapter 3, B.R.C. 1981 and the “Rental Housing Handbook.”

B103 Inspections. Inspections for “Baseline” and “Safety Inspections” shall be performed and certified by licensed contractors as detailed in “Building Contractor License,” title 4, chapter 4, B.R.C. 1981 and the “Rental Housing Handbook.”

Section 2. The City Council hereby amends every reference in the B.R.C. 1981 to chapter 10-2, “Housing Code,” B.R.C. 1981 to read, chapter 10-2, “Property Maintenance Code,” B.R.C. 1981.”

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

Section 4. 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 5. 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.

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INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY

TITLE ONLY this ___ day of _____ 2010.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this _____ day of _____ 2010.

Mayor

Attest:

City Clerk on behalf of the
Director of Finance and Record

ORDINANCE NO. _____

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 to read:

4-20-18. Rental License Fee.

The following fees shall be paid before the city manager may issue a rental license or 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 1. 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" means, with respect to any rental housing unit covered by a
3 current rental license, ~~a combined report of the physical and functional condition~~
4 ~~of all fuel burning appliances and their appurtenances and a tune-up of those~~
5 ~~appliances made performed~~ by a qualified heating maintenance person ~~city-~~
6 ~~licensed contractor~~ based on the requirements of chapter 10-2, "Property
7 Maintenance Code," ~~chapters 3 through 7~~ section 10-2-10, "Mechanical and
8 Heating Standards," B.R.C. 1981, and a report on the condition and location of all
9 smoke and carbon monoxide alarms detectors required by this title and a trash
10 removal plan meeting the requirements of subsection 6-3-3(b), B.R.C. 1981,
11 made and verified by the owner or operator, on a checklist form developed by the
12 city manager based on these requirements ~~and provided by the manager to~~
13 ~~property owners, tenants, housing inspectors, and the public upon request.~~

14 Section 2. Chapter 10-3, B.R.C. 1981 is amended to read:

15 Chapter 10-3 Rental Licenses

16 10-3-1 Legislative Intent.

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

20 10-3-2 Rental License Required ~~Prior to~~ Before Occupancy and License Exemptions.

- 21 (a) No operator shall allow any person to occupy any rental property as a tenant or lessee or
22 otherwise for a valuable consideration unless each room or group of rooms constituting
23 the rental property has been issued a valid rental license by the city manager.
- 24 (b) Buildings, or building areas, described in one or more of the following paragraphs are
25 exempted from the requirement to obtain a rental license from the city manager.
- 26 (1) Any dwelling unit occupied by the owner, or members of the owner's family and
27 housing no more than two roomers who are unrelated to the owner or the owner's
28 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;

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

13 **10-3-3 Terms of Rental Licenses.**

14 (a) License terms shall be as follows:

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

22 (A) ~~The license is revoked; or~~

23 (B) The In addition to any other applicable requirements, new licenses and
 24 renewals shall require that the licensee fails to submit to the city manager
 25 a completed current safety inspection report, on forms provided by the
 26 city, within four years from the date of initial license issuance and within
 27 each successive four year period thereafter. The safety inspection report
 28 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 detectors, ~~is and carbon~~
monoxide alarms, 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.

(iii) In the section of the report concerning trash removal, ~~is he~~
 executed by the operator certifying that the operator has a current valid

1 contract with a commercial trash hauler for removal of accumulated
2 trash from the licensed property in accordance with subsection 6-3-3(b),
B.R.C. 1981.

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

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

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

28 **10-3-4 Reduced Term Rental License.**

(a) The city manager shall issue a reduced term ~~rental~~ license whenever the city manager
determines that violations of chapter 10-2, "Housing Code Property Maintenance Code,"
B.R.C. 1981, revealed during an inspection, individually or in combination, demonstrate
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,~~
~~violations of section 10-2-3, "Unfit Dwellings and Vacation Thereof," B.R.C. 1981,~~
~~involving property unfit for human habitation, and subsections 10-2-7(a), B.R.C. 1981,~~
~~involving open sewage, 10-2-7(b), B.R.C. 1981, involving use of a lavatory as a kitchen~~
~~sink, 10-2-17(c), B.R.C. 1981, involving blocked chimney flues, and 10-2-20(b), B.R.C.~~
~~1981, involving cockroaches, or 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

1 title 9, "Land Use Code," B.R.C. 1981, which demonstrates a failure to maintain the
2 rental property in compliance with that title.

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

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

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

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

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

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

20 ~~Inspections~~ Baseline inspection ~~to 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.

25 **10-3-6 Rental License Application Procedure for Buildings Being Converted to Rental** 26 **Property.**

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

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

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

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

1 owner and operator shall make a copy of the inspection checklist available to city staff
2 and tenants of inspected units upon request.

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

7
8 **10-3-7 Rental License Renewal Procedure for Buildings Occupied as Rental Property.**

9 Every operator of a rental property shall follow the procedures in this section when renewing an
10 unexpired rental license:

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

- 13 (b) ~~Cause an inspection of the property to be conducted at the operator's expense by a rental~~
14 ~~housing inspector licensed by the city for such work, and cause the inspector~~ Submit ~~to~~
15 ~~return to the city manager, in the form provided by the manager, a certification of safety~~
16 ~~inspection report showing compliance with all applicable requirements chapter 10-2,~~
17 ~~"Housing Code," B.R.C. 1981, as of a date no more than sixty nor less than fifteen days~~
18 ~~before the date of expiration of the existing license~~ within 12 months before application.
19 The owner and operator shall make a copy of the inspection checklist available to city
20 staff and tenants of inspected units upon written request.

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

- 25 (d) Submit to the city manager, in the form provided by the manager, an affidavit of lawful
26 presence.

27
28 **10-3-8 Temporary Rental License.**

If the inspection by the ~~rental housing inspector~~ shows that there are violations of chapter 10-2,
"Housing Code," Property Maintenance Code, B.R.C. 1981, in the building, and the operator
cannot correct the deficiencies before the housing is to be occupied (in the case of new rental
property) or the existing license expires (in the case of a renewal), the operator may apply, on
forms specified by the city manager, ~~to the city~~ for a temporary rental license. If the manager
finds, based on the number and severity of violations, that such a temporary license would not
create or continue an imminent health or safety hazard to the public or the occupants, the

1 manager may issue a temporary rental license. The manager shall specify the duration of the
2 temporary license, ~~which shall be~~ for a period reasonably necessary to make the needed repairs
3 and changes. Upon submission to the manager by the operator of an additional certificate of
4 inspection, on forms supplied by the manager, ~~performed by a rental housing inspector,~~ showing
5 that the deficiencies have been corrected, and accompanied by an additional rental housing
6 license fee, the manager shall issue the rental housing license.

7 **10-3-9 Temporary Rental License Appeals.**

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

14 **10-3-10 Time of Rental License Expiration.**

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

- 16 (a) The expiration date on the rental license unless temporary authority to rent is allowed
17 under the provisions of section 10-3-8, "Temporary Rental License," B.R.C. 1981, of
18 this chapter;
- 19 (b) Thirty days after the date upon which transfer of ownership of the rental property occurs.
20 However, for purposes of this section and section 10-3-11, "transfer of ownership" shall
21 not include situations in which a rental property is transferred from ownership by one or
22 more individuals into a Limited limited Liability liability Company company form of
23 ownership, ~~and when if~~ all of the following conditions exist:
- 24 (1) At least one transferring owner is a member of the Limited limited Liability
25 liability Company company;
- 26 (2) No exchange of consideration takes place as a condition of the transfer; and
- 27 (3) The transferring owners certify on forms approved by the city manager that there
28 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.
- (c) The effective date of any order or notice to vacate the rental property issued under any
provision of law;
- (d) The expiration of the temporary certificate of occupancy for the rental property if a
permanent certificate of occupancy has not been issued; or
- (e) The revocation of the certificate of occupancy for the rental property.

1 **10-3-11 Change of Rental Property Ownership, or Agent, and Rental License Transfer.**

2 (a) ~~Upon~~ Within sixty days after transfer of ownership of the a property for which a rental
3 there is a current and valid license has been issued and is still current and valid at time of
4 transfer, the new operator of the property shall apply for a rental new license within thirty
5 days after the date of transfer of ownership of the rental property. The new operator shall:

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

8 (2) ~~Cause Submit, in the form provided by the city manager, a certification of~~
9 baseline inspection ~~of report for the property to be,~~ conducted at the operator's
10 expense by a rental housing inspector licensed by the city for such work, ~~and~~
11 cause the inspector to return to the city manager, in the form provided by the
12 manager, a certification of inspection showing compliance with chapter 10-2,
13 "Housing Code," B.R.C. 1981, as of a date no more than sixty days before the
14 date of expiration of the existing license. all applicable requirements.

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

20 (b) ~~No~~ Within thirty days after transfer of ownership or change of local agent of a licensed
21 property, the operator shall transfer the ownership, or change the local agent, of a rental
22 property for which a rental license is required, without notifying notify the city manager
23 of the identity and mailing address of the ~~buyer~~ new owner or new local agent ~~within~~
24 fifteen days after the transfer of the property or change of agent.

25 **10-3-12 Rental License Fees.**

26 (a) Applicants for any rental housing license, and operators ~~who are~~ renewing an existing
27 rental housing license, shall pay the license fees prescribed by section 4-20-18, "Rental
28 License Fee," B.R.C. 1981, upon submission of any ~~rental housing~~ license application.

(b) If an operator of rental property legally changes the use of a structure by adding units for
which such operator receives a rental license under this chapter separate from the rental
license for the remainder of the rental property, the operator shall apply for a single rental
license to cover the entire property no later than thirty days before the expiration date of
the rental license that first expires. There shall be no additional fee assessed for the
dwelling units or rooming units that were added to the structure at the time the separate
rental licenses are consolidated.

(c) If an operator of rental property reduces the number of dwelling units or rooming units
within a rental property, the operator is not entitled to a refund of any fee previously paid.

1 (d) The city manager shall charge no license fee for the following rental dwelling units, so
2 long as such units have also been individually certified to the city manager as low income
3 rental property by the housing authority of the City of Boulder, and such certification is
4 valid at the time the fee would otherwise be due:

- 5 (1) Units owned by or leased and operated by the housing authority of the City of
6 Boulder;
- 7 (2) Units owned by or leased and operated by an entity which has a current valid tax
8 status determination by the United States Internal Revenue Service as a section
9 501(c)(3) tax exempt organization and such units are permanently affordable, as
10 that term is defined in chapter 9-1416, "~~Residential Growth Management System~~
11 Definitions," B.R.C. 1981; or
- 12 (3) Units covered by an assistance payment contract pursuant to under 49 U.S.C.
13 1437(b), "Lower-income housing assistance - authorization for contracts for
14 assistance payments for existing dwellings."

15 If a housing complex under common ownership operates a fixed number or percentage of
16 units as qualifying units under this subsection, but the individual units occupied by low
17 income tenants vary over time, the license and fee waiver allowed by this subsection shall
18 be applied pro rata to the total amount.

19 **10-3-13 ~~Posting Availability of Rental License.~~**

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

24 **10-3-14 Local Agent Required.**

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

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

- (a) Whenever the city manager determines that any rental housing is in violation of this
chapter or of chapter 10-2, "~~Housing Code,~~" Property Maintenance Code, B.R.C. 1981,
and has caused a summons and complaint requiring the operator to appear in municipal
court to answer the charge of violation to issue, and the summons cannot be served upon
the operator despite reasonable efforts to do so, or, having been served, the operator has

1 failed to appear in the municipal court to answer the charges or at any other stage in the
2 proceedings, or, having been convicted or entered a plea of guilty or no contest, the
3 operator has failed to satisfy the judgment of the court or any condition of a deferred
4 judgment, then the city manager may, after thirty days' notice and an opportunity for a
5 hearing to the tenants and the operator, require that the premises be vacated, and not be
6 reoccupied until all of the requirements of the ~~housing code~~ Property Maintenance Code
and the rental licenses code have been satisfied and a rental housing license is in effect.
No person shall occupy any premises as a tenant after ~~that person receives~~ receiving
actual or constructive notice that the premises have been vacated under this section.

7 (b) Any notice required by this section to be given to an operator is sufficient if sent by first
8 class or certified mail to the address of the last known owner of the property as shown on
9 the records of the Boulder County Assessor as of the date of mailing. Any notice to the
10 tenant required by this section ~~to be given to a tenant~~ is sufficient if sent by first class or
11 certified mail to or delivered to any occupant at the address of the premises and directed
12 to "All Tenants."

13 (c) The remedy provided in this section is cumulative and is in addition to any other action
14 the city manager is authorized to take.

15 **10-3-16 Administrative Remedy.**

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

21 (1) Impose a civil penalty according to the following schedule:

22 (A) For the first violation of the provision, \$150.00;

23 (B) For the second violation of the same provision, \$300.00; and

24 (C) For the third violation of the same provision, \$1,000.00;

25 (2) Revoke the rental license; and

26 (3) Issue any order reasonably calculated to ensure compliance with the provisions of
27 this chapter and chapter 10-2, "~~Housing Code,~~ Property Maintenance Code,"
28 B.R.C. 1981.

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

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

3 (d) ~~If any person fails or refuses to pay when due any charge imposed under this section, the~~
4 The city manager may, in addition to taking other collection remedies, certify due and
5 unpaid charges to the Boulder County Treasurer for collection as provided by section 2-
6 2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer
for Collection," B.R.C. 1981.

7 **10-3-17 Penalty.**

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

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

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

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

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

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

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

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

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

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

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

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

22 (A) The violations at issue were flagrant and intentional on the part of the
23 defendant;

24 (B) The defendant, after learning of the violation, failed to attempt corrective
25 action over a sustained period of time; or

26 (C) A fine equivalent to the maximum fine permitted for fifteen separate
27 violations would be inadequate to disgorge the defendant of illegal profits
28 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.

1 firm, partnership, association, organization or any other group acting as a unit that owns
2 the rental property.

3 (b) The definition for "Family", as used in this chapter, appears in section 9-2-1,
4 "Definitions," B.R.C. 1981

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

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

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

11
12
13 INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
14 TITLE ONLY this ___ day of _____ 2010

15
16 _____
17 Mayor

18
19 Attest:

20 _____
21 City Clerk on behalf of the
22 Director of Finance and Record

23
24 READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
25 PUBLISHED BY TITLE ONLY this _____ day of _____ .

26 _____
27 Mayor

28 Attest:

City Clerk on behalf of the
Director of Finance and Record

ORDINANCE NO. _____

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 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.

2 (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:

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

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

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

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

28 (f) A Class F license entitles the licensee to construct, alter, or repair the licensee's own
building or structure, if the total value of the labor and material for each such project does
30 not exceed \$500.00 and if the project does not involve alteration of a load-bearing
structure or work governed by the city's electrical, mechanical, or plumbing codes.14

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

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

38 **4-4-5 License Application and Qualifications.**

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

42

2 (1) Apply on forms furnished by the city manager, provide such information
relating to the applicant's competence, education, training, and experience as the
4 manager may require; and pay the fee prescribed in section 4-20-4, "Building
Contractor License and Building Permit Fees," B.R.C. 1981;

6 (2) If applying for a license on or after January 1, 1983, successfully pass an
8 examination designed by the manager to test the applicant's qualification for the
category of license requested; and

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

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

20 (c) An applicant for a Class D-9 license shall show proof of current American Society of
Home Inspectors, Inc. or National Association of Home Inspectors Inc., ~~certification or~~
22 ~~tested candidate status after passing the ASHI test certification,~~ current certification as a
combination building inspector by the International Conference of Building Officials or
24 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
26 professional (architect or engineer) ~~an architect or mechanical or structural engineer.~~

28 (d) An applicant for a Class G license shall show proof of current American Society of Home
Inspectors, Inc., or National Society of Home Inspectors, Inc., certification, current
certification as a Combination Building Inspector or Commercial or Residential Energy
Inspector by the International Code Council, possession of a current, valid City of
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
reviewed and approved by the city manager.) All of the above licensees shall also be
trained and certified through the City of Boulder to make prescriptive energy efficiency
inspections.
36

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

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

- (a) An applicant for a building contractor license shall pay the following annual fee 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 |

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

...

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

10-1-1 Definitions.

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

...

"Energy efficiency requirements inspection" means a physical inspection performed by a city-licensed contractor for the purpose of determining compliance with all required items specified on an energy efficiency requirements inspection checklist developed by the city manager based on the requirements of chapter 10-2, "Property Maintenance Code, Appendix C - Energy Efficiency Requirements," B.R.C. 1981, and provided by the manager to property owners, tenants, housing inspectors and the public upon request.

...

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

...

2 Qualifying carbon offset means a financial instrument aimed at a reduction in
3 greenhouse gases, purchased from the Colorado Carbon Fund (CCF) or from an
4 alternative fund established by the city. One qualifying carbon offset represents
5 the reduction of one metric ton of carbon dioxide or its equivalent (CO2e) in other
6 greenhouse gases (if purchased from CCF) or another level of reduction specified
7 by any alternative fund established by the city.

8 ...
9
10 "Safety inspection" means, with respect to any rental housing unit covered by a
11 current rental license, performed by a qualified city-licensed contractor based on
12 the requirements of chapter 10-2, "Property Maintenance Code", B.R.C.
13 1981B.R.C. 1981, and a report on the condition and location of all smoke and
14 carbon monoxide alarms required by this title and a trash removal plan meeting
15 the requirements of subsection 6-3-3(b), B.R.C. 1981, made and verified by the
16 owner or operator, on a checklist form developed by the city manager based on
17 these requirements and provided by the manager to property owners, tenants,
18 housing inspectors, and the public upon request. The energy efficiency
19 requirements inspection is a component of every safety inspection.

20 Section 3. Chapter 10-2, "Property Maintenance Code," B.R.C. 1981, is amended to add

21 Appendix C, to read:

22 Appendix C – Energy Efficiency Requirement

23 EXISTING RESIDENTIAL RENTAL STRUCTURES
24 ENERGY CONSERVATION

25 C101
26 SCOPE

27
28
29 C101.1 Scope. Appendix C sets standards for residential rental dwelling unit energy efficiency.
30 The energy efficiency requirements of this section shall apply to all residential rental dwelling
31 units licensed according to B.R.C. 1981, 10-3-2. Rental licenses.

32
33 C101.2 Compliance. With the exceptions listed below, the energy efficiency of existing
34 residential rental dwelling units must comply with Section C101.2.1 for performance-based
35 energy efficiency requirements or Section C101.2.2 for prescriptive-based energy efficiency
36 requirements. The following exceptions apply:

- 37 1. Buildings that can be verified as meeting or exceeding the energy efficiency
38 requirements of the Energy Conservation and Insulation Code, Chapter 10-7,
39 B.R.C. 1981.
40 2. Any manufactured home.

2 **C101.2.1 Performance energy efficiency option.** Existing residential rental structures
3 shall demonstrate energy efficiency compliance by obtaining a minimum Home Energy
4 Rating System (HERS) index of 120 per rental dwelling unit. A HERS index shall be
5 determined by a rater accredited by the Residential Energy Services Network (RESNET).

- 6 1. For multi-dwelling rental structures, a HERS index sampling protocol authorized
7 and approved by the code official may be utilized.
8 2. The city manager must receive a final HERS certificate before issuing a new
9 license or renewing a license.

10 **C101.2.2 Prescriptive energy efficiency options.** Subject to the exceptions listed below,
11 existing residential rental structures shall demonstrate energy efficiency compliance by
12 obtaining a minimum cumulative score of 100 points using values detailed in Table
13 C101.2. The applicant shall provide an energy efficiency compliance certificate signed
14 by a licensed and approved contractor per subsection 4-4-4 (g), Building Contractor
15 License and section 4-4-5, License Application and Qualifications, B.R.C. 1981. The
16 time allowed to meet this energy efficiency requirement is detailed below:

- 17 1. At the first or renewal license application after January 3, 2011, owners must
18 demonstrate building features which equate to at least 50 points per rental
19 dwelling unit.
20 2. At subsequent license renewals, owners must demonstrate attaining the remaining
21 points to meet a minimum, cumulative total of 100 points per rental dwelling unit.
22 3. The following exceptions apply:
23 a. Buildings that demonstrate equivalent energy efficiency performance through
24 the use of, innovative materials, methods and/or equipment in accordance with
25 Section 105 of this code as an alternative to the performance and prescriptive
26 methods. The code official shall determine the relative values and
27 effectiveness of innovative materials, methods and/or equipment in satisfying
28 the intent and purpose of this code.
29 b. A one-time delay of a rental license cycle, related to the installation of energy
30 efficiency upgrades required by this appendix. The owner has the burden of
31 proof to show the code official, by clear and convincing evidence, a financial
32 hardship arising from exceptional or extraordinary circumstances. The owner
33 shall apply on a form provided by the code official and shall:
34 i. Demonstrate a financial hardship;
35 ii. Be a natural person owning five or fewer rental dwelling units operated as
36 rental dwelling units. Relief is not available for owners that are business
37 entities such as corporations or limited liability companies.

2 iii. 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).

4 iv. 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.

6
8 v. The code official will consider the following factors, together with any
additional reasons provided by the owner or agent as part of the
10 application process, when considering whether to grant relief under this
section:

12 A. Whether the owner pays the utility bills for the rental dwelling unit;

14 B. Whether the rental license renewal is due between January, 2011 and
January, 2012;

16 C. 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;

18 D. Whether the extension is reasonable given the energy efficiency
measures required.

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

22 a. Strict application of the requirements requires an alteration to an individual
landmark or a contributing building within a historic district established under
24 chapter 9-11, BRC 1981, that would not be eligible for approval as part of a
landmark certificate; or

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

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

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

32 a. Units weatherized through a federally subsidized program after September 1994;

34 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.

36 c. Units ineligible for federally subsidized weatherization services at the first rental
license period;

2 i. If federally subsidized weatherization is not complete by the end of the first
4 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;

6 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.

8 6. Technical Infeasibility. Buildings that demonstrate that energy efficiency upgrades
10 are technically infeasible in accordance with IPMC sec. 105.1. Owners shall
demonstrate equivalent code compliance as follows:

12 a. Except as provided below, owners shall make the energy efficiency improvements
which are feasible and shall purchase, for each rental license cycle, qualifying
carbon offsets prorated for the improvements which are infeasible.

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

Draft

CITY OF BOULDER
PLANNING BOARD ACTION MINUTES
April 22, 2010
1777 Broadway, Council Chambers

A permanent set of these minutes and a tape recording (maintained for a period of seven years) are retained in Central Records (telephone: 303-441-3043). Minutes and streaming audio are also available on the web at: <http://www.bouldercolorado.gov/>

PLANNING BOARD MEMBERS PRESENT:

Bill Holicky
Willa Johnson, Chair
Elise Jones
Tim Plass
Danica Powell
Andrew Shoemaker
Mary Young

STAFF PRESENT:

David Driskell, Executive Director of Community Planning and Sustainability
Mary Ann Weideman, Acting Director of Operations
Clay Douglas, Assistant City Attorney
Jessica Vaughn, Planner I
Heidi Joyce, Administrative Supervisor
Debbie Fox, Administrative Specialist
Kara Mertz, LEAD Manager
Neil Poulsen, Chief Building Official
Kirk Moors, Senior Plans Examiner
Yael Gichon, Residential Sustainability Coordinator
Sam Assefa, Senior Urban Designer
Jeff Yegian, HHS Program Manager

1. CALL TO ORDER

Chair, **W. Johnson**, declared a quorum at 5:12 p.m. and the following business was conducted.

The board discussed the April 27 Joint Study Session with City Council on the Update to the BVCP and the Uni-Hill Revitalization. **B. Holicky** presented his summary of the comments he received from board members for the Joint Study Session.

2. APPROVAL OF MINUTES

No minutes were scheduled for approval.

3. PUBLIC PARTICIPATION

No one from the public addressed the board.

Draft

4. DISCUSSION OF DISPOSITIONS, PLANNING BOARD CALL-UPS/ CONTINUATIONS

2590 31st Street, Minor Site Review Amendment, #LUR2010-00013

B. Holicky recused from the discussion of 2590 31st Street discussion.

The board did not call up this item.

B. Holicky returned to the meeting at 6:06 p.m.

2344 Pearl Street, Non-conforming Use Review, #LUR2010-00012122

The board did not call-up this item.

5. PUBLIC HEARING ITEMS

A. Public hearing and consideration of Site Review #LUR2009-00012 to allow the construction (after the fact) of third bedrooms in the existing 48 unit, two bedroom, multi-family residential building located at 1065 University Ave. The property is zoned Residential High Density Two (RH-2) and the applicant has requested vested rights under subsection 9-2-19, B.R.C. 1981.

Applicant / Owner: Home Owners Association Board for the University Townhouse Condominiums

Staff Presentation

J. Vaughn presented the item to the board.

Applicant/Owner Presentation

Ed Byrne presented the item to the board.

Rich Lopez presented additional information on the topic.

Public Hearing

- 1 **Mary Ellen Speights, 2901 Prince Circle, Erie, 80516**, spoke in favor of the project.
- 2 **Ronald Mitchell, PO Box 1705**, spoke in favor of the project.
- 3 **Georgia Briscoe, 2264 Waneka Lake Trail, Lafayette, 80026**, spoke in favor of the project.
- 4 **David Schiller, 1065 University Avenue**, spoke in favor of the project.
- 5 **John (Brady) Bryon, 1065 University Avenue, #219**, spoke in favor of the project.
- 6 **Kary Ohan, 2335 Balsam Drive**, spoke in favor of the project.
- 7 **Tanner Hambling, 1065 University Avenue #224**, spoke in favor of the project.
- 8 **Teri Ohan, 2335 Balsam Drive**, spoke in favor of the project.
- 9 **James Speights, 2901 Prince Circle, Erie 80516**, spoke in favor of the project.

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- 10 **Trevor Peltennude, 725 Williams St., Denver 80218**, spoke in favor of the project.
- 11 **Jessica Mooney**, spoke in favor of the project.
- 12 **Melissa Mooney**, spoke in favor of the project.
- 13 **David Mooney**, spoke in favor of the project.
- 14 **Sheila Horton, PO Box 17606**, spoke in favor of the project.

Motion

On a motion **T. Plass** , seconded by **M. Young**, the Planning Board moved to deny Site Review #LUR2009-00012 to allow the construction (after the fact) of third bedrooms in the existing 48 unit, two bedroom, multi-family residential building located at 1065 University Ave. The motion failed (3-4, **B. Holicky, E. Jones, D. Powell and W. Johnson** opposed.)

On an alternative motion presented by **E. Jones**, seconded by **D. Powell**, the Planning Board moved to approve Site Review #LUR2009-00012 to allow the construction (after the fact) of third bedrooms in the existing 48 unit, two bedroom, multi-family residential building located at 1065 University Ave., subject to the following conditions of approval: 1) the three bedroom configurations will be limited to three occupants and 2) proof of car storage is required for the other two occupants of the unit, regardless if the units were previously converted.

The board took a straw poll on the alternative motion. The straw poll passed 4-3, **T. Plass, M. Young** and **A. Shoemaker** opposed.

Discussion on the motion

B. Holicky spoke in favor of this project. He said the board should not be punitive and that the only issue is parking.

A. Shoemaker voted in favor of denying the Site Review because he questioned the parking, living space issues and the legalities of mandatory occupancy for the two bedroom units. **A. Shoemaker** spoke to the occupancy going down versus the parking issue. He said by denying the permit, the process will deter people from using the licensing and permitting process and will also reward people for making illegal changes.

Various board members questioned the process for the owners to retroactively pay for the building permit and whether that will cause non-conforming units to not apply for future licenses or permits. Staff suggested sanctioning the unit owners to levy a fine for illegally built rooms. **B. Holicky** expressed concern with the board considering sanctions to the unit owners. **A. Shoemaker** disagreed because it is a policy issue and needs ramifications for the violations. **B. Holicky** said the response should be to deny the application.

The board discussed the question of how to write a condition for the three bedroom conversions. **C. Douglas** suggested that the motion should be brought back for review and also suggested wording for the motion: Any unit converted to three bedrooms cannot have more than three people or one family (per Boulder Revised Code) that shall occupy any unit; and each lease of any part of a unit shall include the forgoing condition: each

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lease shall require proof of legal off-site private auto storage for each occupant over one, each owner shall sign a declaration of use of the forgoing conditions, and every unit previously converted, shall obtain a building permit in x number of days or restore it to the pre-construction condition.

E. Jones amended **C. Douglas'** suggested motion language to “require proof of car storage only if they own cars, as determined by the City Manager.”

On a motion by **W. Johnson**, seconded by **E. Jones**, the Planning Board continued (4-3, **T. Plass**, **A. Shoemaker**, and **M. Young** opposed) this topic to 5:55 p.m. Tuesday, April 27 to review the refined conditions.

B. Public hearing, discussion and recommendation to the City Council on the proposed updates to the housing code and rental license code including new energy efficiency requirements for existing rental housing.

W. Johnson and **D. Powell** recused from the topic to avoid any appearance of impropriety.

Staff Presentation

D. Driskell introduced the context for this topic. He also advised the board that the SmartRegs project is scheduled to go before the City Council on May 18th for the 1st reading and July 6th for the second reading. **D. Driskell** also mentioned that Boulder County and the partnering municipalities won a Department of Energy competitive grant. The city will receive approximately 7.5 million of that money for energy efficiency retrofits.

Y. Gichon and **K. Moors** presented the item to the board.

Landmarks Board and Environmental Advisory Board Presentation

Lisa Podmajerski, Landmarks Board Chair, gave a presentation on behalf of the Landmarks Board in support of SmartRegs.

Brian Vickers, Environmental Advisory Board Chair, gave a presentation on behalf of the Environmental Advisory Board in support of SmartRegs.

Public Hearing

- 1 Tom Harrington 3823 Birchwood Drive**, spoke in opposition.
- 2 Sue Carter, 6310 Simmons Drive**, spoke in opposition.
- 3 Ronald A Mitchell, PO Box 1705, Boulder**, pooled time, representing the University Hill Area Commission. (UHAM), spoke in support.
- 4 Thomas Volchhausen, 2636 5th Street**, pooled with **David Eusign, 4020 Evasins** and **Shad Murib, 2036 Canyon Boulevard**, spoke in support.
- 5 Jonathan Hondorf, 2720 4th Street**, spoke in support of Option 2B.
- 6 Chris Kritterhagen**, spoke in support.
- 7 Françoise Pointsatte, 2636 5th Street**, spoke in support.
- 8 Paul Sheldon, PO Box 131, Hygiene**, spoke in support.

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- 9 Alex Dawson, 9342 Bear Creek, pooled with Carrie Jackson, 2755 14th Street and Tere Villavencio, 895 Morgan Drive, spoke in support.
- 10 Val Mitchell, 2457 Pine Street, requested that the baseline inspections be rechecked.
- 11 Christopher Smith, 2308 South Street, #19, spoke in support.
- 12 Eric Doub, 1887 Orchard Avenue, spoke in support.
- 13 Lynn Segal, 538 Dewey Avenue, spoke in support.
- 14 Gwen Dooley, 730 Spruce Street, spoke in support.
- 15 Tim Hillman, 2958 7th Street, spoke in support.
- 16 Ken Regleson, 1450 Riverside Avenue, pooled with Steve Fenberg, 1910 Grove Street #1, and Matthew Kenney, 827 Maxwell Avenue, spoke in support.
- 17 Sheila Horton, Boulder Area Rental Housing Association, pooled with Greg Mollenkopf, 1360 Walnut, #404 and Estes, spoke in support of the rental licensing portion, but in opposition to the energy efficiency proposal.
- 18 John Pavelich, 540 Manorwood Lane, Louisville, spoke in opposition.
- 19 John Pugh, 3927 Pyramid Court, Superior, spoke in opposition to Option 2B and in support of Option 3 (offsets) as a permanent solution.
- 20 Jessica Ramer, 3927 Pyramid, Superior, spoke in opposition.
- 21 James Darden, 827 Maxwell Avenue, spoke in support
- 22 Arlene Miller, 173 Wild Tiger Road, spoke in support.
- 23 Jim Healey, 887 Cherryvale Road, spoke in opposition.
- 24 Tom Krueger, 655 Pleasant Street, spoke to the issue of costs for senior property owners and special properties.

Motion

On a motion B. Holicky, seconded by E. Jones, the Planning Board unanimously recommended (5-0, W. Johnson and D. Powell recused) that City Council 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) of the International Code Council with certain amendments and deletions.

On a motion M. Young, seconded by E. Jones, the Planning Board unanimously recommended (5-0, W. Johnson and D. Powell recused) that City Council amend Sections 4-4-4, Classification of Licenses, 4-4-5, License Applications and Qualifications, 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. E. Jones offered a friendly amendment to the motion for the city to further explore creating a system for the tenants to contact the city and log issues with the property so that inspectors will be aware of the issues in advance. M. Young accepted the friendly amendment.

Board Discussion

E. Jones acknowledged Boulder's leadership role in addressing issues related to climate change. She also noted that the hardships and costs will need to be addressed.

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Energy Efficiency Compliance

T. Plass supported the prescriptive and performance paths. He further recommended that staff explore the following suggestions offered by Ken Regleson:

- Two points should be awarded for air infiltration
- Five or six points should be awarded for high efficiency fans with a furnace
- Points be awarded for solar thermal single panel systems
- Use of encapsulated CFLS is recommended
- Create an incentive program for people that are early adopters
- Rating system is highly recommended
- Build in a “safety valve” to the program (i.e. asbestos too expensive to mitigate, house should not be retrofitted)
- Consider how solar gardens would work with the program

B. Holicky offered the following comments:

- Slab/foundation should be reevaluated
- The point differential is too high for duct leakage
- High efficiency fans and modulating furnaces should be considered
- No A/C vs. low efficiency A/C is not distinguishable
- CFL/LED: address the mercury issue by rating LED higher
- Two panels will not work for solar thermal gradient
- Questioned the disposal problem related to PV systems
- Suggested mandating that the tenant pay the utility bill

M. Young added:

- Lights for natural lights and light tubes
- Hot water baseboard heating should be considered

A. Shoemaker expressed concern that window unit A/C's could be pulled out for the inspections. **M. Young** was concerned that eliminating window unit A/C's entirely would be wrong.

E. Jones expressed the need for incentives for early adopters. **T. Plass** said awarding points for early adopters, could result in less efficiency. **E. Jones** agreed that points should not be awarded for early adopters.

M. Young addressed the split incentive to have the landlord pay the energy bill to help reap the benefits of the upgrades, then offer rent reductions if tenants' energy bills dropped. This would address the issue of tenant behavior. **T. Plass**, **A. Shoemaker** and **B. Holicky** did not agree, as it adds a level of complexity.

B. Holicky spoke to the performance path and shared walls. He said it would be better for an attached vs. detached unit in terms of equity. **Y. Gichon** responded that the checklist is designed to address the housing stock in general terms. **D. Nieger**, consultant, said ResCheck could have worked, but HERS rating is based upon relative energy use to house size.

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The board took a straw poll in support of the staff recommendation for energy efficiency compliance. The straw poll passed 5-0, **W. Johnson** and **D. Powell** recused.

Key points for staff to consider:

- Consider input on checklist from public and board
- Consider different HERS rating for single family and MFU

EE Phase In-options

T. Plass supported Option 2B and expressed concerns about the elderly and special property issues.

E. Jones supported Option 2B, particularly if there is an early adopter incentive.

The board took a straw poll in support of Option 2B. The straw poll passed 5-0, **W. Johnson** and **D. Powell** recused.

Key points for staff to consider:

- Provide incentive for early compliance

Hardship Provision

E. Jones questioned the fact that a fixed income or job loss doesn't count as financial hardship.

M. Young questioned if the ClimateSmart loan would eliminate the potential upfront costs.

B. Holicky and **T. Plass** expressed the need for financial hardship provision.

The board took a straw poll in support of the hardship provision. The straw poll passed 5-0, **W. Johnson** and **D. Powell** recused.

Key points for staff to consider:

- Consider a threshold that relates retrofit costs to assessed value
- Fixed income/financial hardship provision
- Establish high bar for financial hardship
- Link to affordable housing task force

Special Considerations for Historic Buildings

The board took a straw poll in support of special considerations for historic buildings. The straw poll passed 5-0, **W. Johnson** and **D. Powell** recused.

Special Consideration for Affordable Housing Units

M. Young would like to see a true community investment fund, not the CCF.

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B. Holicky would like to see information on the AMI levels and suggested sending this forward to the affordable housing task force to address.

The board took a straw poll in support of special consideration for affordable housing units. The straw poll passed 5-0, **W. Johnson** and **D. Powell** recused.

Contractor Licensing

The board took a straw poll in support of the proposed changes to contractor licensing. The straw poll passed 5-0, **W. Johnson** and **D. Powell** recused.

Terms of Rental Licenses

The board took a straw poll in support of the proposed changes to terms of rental licenses. The straw poll passed 5-0, **W. Johnson** and **D. Powell** recused.

Overall Comments

T. Plass said there needs to be a review going forward to address the unintended consequences or inequities.

The board took a straw poll in support of establishing a review process to address the unintended consequences or inequities. The straw poll passed 5-0, **W. Johnson** and **D. Powell** recused.

Motion

On a motion **E. Jones**, seconded by **M. Young**, the Planning Board recommended (5-0, **W. Johnson** and **D. Powell** recused) that City Council amend Sections 4-20-2, Building Contractor License and Building Permit Fees, 10-1-1 Definitions, Chapter 10-2, “Property Maintenance Code”, and Sections 10-3-3, Terms of Licenses, 10-3-6, License Application Procedure for Buildings Converted to Rental Property, 10-3-7, License Renewal Procedure for Buildings Occupied as Rental Property, 10-3-11, Change of Rental Property Ownership or Agent, B.R.C. 1981, regarding energy conservation for existing residential rental structures

6. **MATTERS FROM THE PLANNING BOARD, PLANNING DIRECTOR, AND CITY ATTORNEY**

The board discussed the 2344 Pearl Street, Non-conforming Use Review, #LUR2010-12.

7. **DEBRIEF/AGENDA CHECK**

The board discussed the public hearing process for the Site Review for 1065 University Avenue. Concern was expressed about the discrepancies between the staff recommendation and the presenters/public explanations, that the memo wasn't clear on the major or minor amendment and the timing of the vote versus the discussion.

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8. ADJOURNMENT

The Planning Board adjourned the meeting at 11:52 p.m.

APPROVED BY

Board Chair

DATE

Planning Board Follow-up Items

1. Technical modifications to the prescriptive list. Research results with technical explanations by the consultants can be found at [Consultant Report - Planning Board Comments](#).
 - The prescriptive list has been adjusted to award points as follows:
 - Two points are awarded for 1 nACH of air infiltration.
 - Three points are awarded for Electrically Commutated Motors (ECM).
 - The lighting category is now based on a lighting efficacy standard (40 lumens/watt) rather than a specific technology.
 - Solar tubes and light tunnels are included in the definition of high efficacy lighting.
 - The solar thermal category has been adjusted for standardization and flexibility.
 - A minimum of 70 points through energy efficiency measures are required in order to receive credit for solar electricity (PV).
 - Power Purchase Agreements (PPAs) or solar leases are considered under the PV category, with the same energy efficiency requirements (70 points).
 - The slab, foundation, and floor categories are revised to create more equity in the prescriptive pathway between slab-on-grade construction and homes with crawlspaces. As a result wall insulation points were adjusted
 - A note has been added to the prescriptive pathway “Duct Leakage” category for clarification on baseboard/radiant heating.
 - The following items were researched and not adjusted in the prescriptive list:
 - Modulating furnaces are not included in the list.
 - The point-value for not having air conditioning remained the same.
 - Additional considerations:
 - Windsorce purchases would be difficult to verify if the tenant pays the utility bill. If proper documentation is produced, it could be considered under the innovation category.
 - Verified subscription in a Community Solar Garden would be included in the PV category if the property owner pays the utility bill. It would be difficult to verify if the tenant pays the utility bill since solar gardens are not tied to the property.
2. Clarify the energy efficiency reinspection process for license renewals
 - Once a property has complied with the proposed energy efficiency requirements, the following items will be reinspected at subsequent renewals as part of the safety check-list:
 - Cooling (if compliance was met through not having air-conditioning)
 - Lighting
 - Refrigeration
 - Water conservation measures
 - Hot water heating
 - Solar thermal
 - Operator/Training manual
3. Explore incentives for early compliance with the energy efficiency requirements.
 - Current rebates, incentives, and technical assistance are incentives for early compliance since they exist for a limited time. More information can be found on pg. 31 of the memo.
4. Clarify available loans for energy efficiency improvements
 - Financing is detailed on pg. 41 of the memo.
5. Research the impact of the new lead paint requirements in the case study properties

- The Environmental Protection Agency (EPA) new lead paint requirements which went into effect on April 22, 2010, would only have impacted one case study property through a window replacement. The estimated increase in costs for this window replacement is 35-50%. For more details on the lead paint requirement and the estimated impacts to this program see pg. 43 of the memo.
6. Explain why the home size adjustment recommended by the consultants was not included
 - The consultants included a recommendation for adjusting the requirements so larger homes would be required to achieve more points on the prescriptive list in order to normalize carbon reductions between properties of different sizes. To truly normalize the point scale an additional 50-250 points would be required, depending on the size of the property and number of bedrooms. The recommendation included a 10% normalization to add 0-25 points, depending on the size of the property and number of bedrooms. Staff considered the recommendation and decided not to include it in the proposal at this time for the following reasons:
 - The studies completed to date have not researched the feasibility of achieving an additional 25 points.
 - The current rental license database employed by the city to administer this program does not include data on property size and number of bedrooms.
 - This approach adds complexity to the program.
 - Preliminary research shows that approximately 20% of licensed rental units are larger than 2,000 ft². Since the majority of dwelling units are smaller than 2,000 ft², this approach might not have a large impact.

This approach could be included in a future implementation phase if Council desires.
 7. Consider different Home Energy Rating System (HERS) scores for different housing types
 - The research on this approach does not justify adjusting the HERS score for different housing types.
 8. Consider a one-year evaluation of the program implementation
 - Staff is proposing to submit a Weekly Information Packet in July, 2011 to review the status, potential inequities, and unintended consequences of the program. Metrics to be reported include:
 - Number of properties complying early
 - Baseline points of existing properties
 - Points achieved at each rental cycle
 - Cost to comply
 - Hardships - Number of properties and explanation
 - Innovation – types of project submitted to inform future code revisions
 - Affordable housing weatherization status

Summary of Energy Efficiency Survey Results

There were two versions of the survey, one for property owners and one for renters. The results are summarized below. The complete results can be found at:

- [Property owner survey results](#)
- [Renters survey results](#)

The University of Colorado's Off Campus Student Services office also administered a survey that replicated the city's survey. The survey had 920 respondents. The results are not included in the attachment and can be found at [CU sponsored student renter survey results](#).

Property Owner Survey Results – Main Themes

A common theme in the property owners' survey results is the desire for a voluntary program that lets the market decide what is valued. If a mandatory program is in place, it should apply to all properties (commercial, owner-occupied, and city owned) with incentives, financial assistance, time to comply, and credit for measures already done.

Respondents suggest applying regulations only to new rental property or just the most inefficient properties as opposed to regulating everyone through the rental licensing program which may encourage noncompliance and cause other problems. Respondents say they cannot afford to make the improvements and will not receive the benefit since they cannot control tenant behavior.

Another common theme from the respondents was that the cost of upgrades and energy savings should be shared by both owner and tenant in a way that rewards conservation behavior. Respondents suggest that regulations should be flexible enough to address special circumstances such as financial hardship, affordable housing, historic preservation, and HOA or multi-family housing restrictions.

Support of Energy Efficiency Requirements

- 25% of respondents support energy efficiency requirements
- 73% of respondents do not support energy efficiency requirements

Summary of comments

- Voluntary program, not mandatory
- Apply to all property owners
- Incentives, loans, and phasing options would be less costly in long run and allow for special situations like historic homes and affordable housing
- More fair to focus on inefficient properties or those with high energy usage per square foot of property or use a carbon tax to promote lower energy use with all housing.
- Market should determine when efficiency improvements can be made
- Energy usage is primarily a function of tenant behavior – educate or require them to conserve, unfair to burden landlords when they can't control tenant behavior

- Will result in non-compliance with rental licensing which is intended for health and safety issues
- Bad timing to impose regulations with state of the economy, soft rental market and increased expenses such as backflow requirements, lead paint, carbon monoxide detectors, etc.
- Cannot afford to make improvements, rent doesn't cover everything now, and will be forced to sell property
- Increase housing density requirements

Phasing regulations over 8 years

- 66% of respondents believe that more time should be allowed
- 28% of respondents believe the time frame is reasonable

Summary of comments

- Need a longer time and match it to the lifespan of appliances, when other work is being done, or the normal upgrade process of 10-20 years instead of an arbitrary timeline
- Okay with less time, but realize others may need more time
- Don't trust cost estimates, believe it will be much higher
- City should pay the difference if retrofits cost more than \$3000 per unit or subsidize retrofits anyway
- There is no payback for the owner, would support cost-sharing with tenants
- Provide rental license fee discounts to those that voluntarily comply

Carbon Offsets

As a bridge to compliance:

- 25% of respondents are in favor of offsets
- 75% of respondents are not in favor

Summary of comments

- Does not address problem and money should be spent on actual efficiency (and will have to in addition later)
- Gives wealthier owners with more ability to pay an unfair advantage over small-time owners and if owners can't pay for upgrades, this will not help
- Okay with them if regulations become mandatory to allow for more time
- Create reasonable program so offsets are not needed

Impact of Tenant Behavior on Retrofits

- 36% of respondents are likely to make energy efficiency retrofits if they knew tenants were making an effort to save energy.
- 38% of respondents are not likely to make energy efficiency retrofits if they knew tenants were making an effort to save energy.

Summary of comments

- Tenant turnover is too high to make lasting impacts
- Issue with tenant privacy, too hard to monitor, and owners do not see tenant utility bills

- Tenants that do not pay the utility bill do not have conservation behavior, even those that do pay the utility bill often do not value energy conservation
- More tenant education is needed on conservation

Likeliness to make voluntary upgrades

- 54% of respondents are likely to voluntarily make energy upgrades if the city did not regulate.
- 21.2% of respondents are not likely to voluntarily make energy upgrades if the city did not regulate.

Summary of comments

- Would make upgrades as appliances wear out and things break, but different for things that don't wear out (like adding insulation)
- Not city's role to regulate energy efficiency and not enforceable
- Agree with doing it, but not being told what to do and want to do it on my own timeline when economics supports choices
- Have already made many energy efficient upgrades, but more likely to do more when economy and rental market rebounds and with financial incentives
- Give each property a rating at time of licensing and let renters affect the efficiency of available properties

Likeliness to use rental rating listing

- 51% of respondents do not believe the city should support a rental rating system
- 29% of respondents would list their property if it was free

Summary of comments

- City should not get involved in property rating/management, may be illegal to seek entry into private property for the purpose of affecting its market value
- Free market would already support this if it was valuable to renters- need to educate renters to ask for utility bills which provides the best rating system, but like free market approach better than regulations
- Older properties will not be able to compete with newer ones and may have inefficient features too expensive or difficult to fix
- Rating would be too subjective, focused on one aspect of rental properties, and potentially inaccurate if based on past tenant's energy usage, and will affect property values of those that don't participate
- Cannot see this having an impact on properties being rented since renters mostly care about price and location and most properties have no problem finding renters
- Rate tenants on conservation behavior also

Renter Survey Main Themes

Respondents suggest that rental properties are in dire need of improvements and would like rental properties to be more energy efficient. Respondents are worried about rent increases. They also admit that location, price, and safety may take precedence over energy efficiency because they usually are living in the property short term.

Respondents suggest that if they could see the actual reductions in utility costs, they would be more likely to support requiring landlords to comply. Many respondents' comments acknowledge that the main obstacle is the split incentive where tenants pay the utility bills, but landlords must pay for retrofits. Respondents that recognize that their behavior matters commented that they often feel helpless to reduce their utility bills if the property is inefficient.

Support for Energy Efficiency Requirements

- 82% of respondents support energy efficiency requirements
- 15% of respondents do not support energy efficiency requirements

Summary of comments

- Rental properties are often so inefficient they are not comfortable to live in
- Feel helpless as a renter to not be able to make improvements and bills are high
- Government intervention is acceptable when requirements are reasonable and there is little incentive for landlords to make these changes
- Worried that rent will increase and cause longer commute from farther place and less affordable housing
- Benefits renter with utility bills and increases property value for landlord

Efforts to Save Energy

- 84% of respondents make an effort to save energy

Summary of comments

- Use devices such as CFLs, low-flow showerheads, weather-stripping, plastic window film, and programmable thermostats
- Hard to be efficient in house not properly insulated or maintained by landlord
- Turn off lights and computers
- Keep heat low, wear sweaters, only heat rooms in use and no air conditioning
- Hang clothes to dry, wash in cold water, take shorter showers
- Have invested in small measures but hard to do larger ones when not the owner

Importance of Having Energy Efficient Rental

- 73% of respondents place importance on having an energy efficient rental

Summary of comments

- Less important because it is short term living situation
- Location is more important for bus/bike
- Important, but affordability is deciding factor
- Ineffective at reducing carbon footprint
- Depends if utilities are included in rent

Potential to Increase Rent and Decrease Utility Bill

- 42% of respondents would support the requirements if they had the potential to increase rent and decrease utility bills

Summary of comments

- May be a downside for ones that include utilities and the renter pays based on previous renter's averages

- Important to reduce emissions, improve housing and make them more comfortable and landlords can take advantage of incentives right now to do the right thing
- Must be clearly explained so rents not increased without reason and renters understand other savings
- Cannot afford any increases and will have to move and commute farther
- Don't trust that owners will only increase rent minimally and can't control increased of other expenses like water and utility rates – too punitive for least represented population, landlords will reap benefits after initial renters move out

Timing of Regulations

- 49% of respondents would prefer these regulations be implemented in next two years
- 30% of respondents would prefer these regulations be implemented in next four years

Summary of comments

- Implement low cost/high impact retrofits sooner and allow phasing for more expensive retrofits
- No faster than 4 years, but sooner than 10 years, reasonable amount of time
- Within 1 year or ASAP since rental units are in great need, environment can't wait, and incentives are happening now
- Implement once life for renters stabilizes and economy improves
- No regulations – encourage and reward instead

Voluntary Rental Rating System

- 51% of respondents would potentially rent a property based on energy efficiency, depending on the information provided.

Summary of comments

- Energy efficiency will still not trump location, amenities, and cost, but would pay more for efficiency or choose efficiency if everything else was equal
- Would be good way to educate renters about properties
- May not matter if price is only consideration I can make
- Wants guarantee that rating is correct and transparent so not stuck with higher rent for the year

Housing Code and IPMC Cross Reference Document

| <u>Housing Code Section</u> | <u>IPMC Section</u> |
|--|----------------------------|
| 10-2-1 Legislative Intent | 101.2 |
| 10-2-2 Inspections | 104.3 |
| 10-2-3 Unfit Dwellings | 108/109 |
| 10-2-4 Enforcement and Housing Code | 107 |
| 10-2-5 Appeals and Variances | 111 |
| 10-2-6 Min. Standards for Basic Equipment & Facilities (General Requirements) | Chap. 3-6 |
| 10-2-7 Plumbing Standards | Chap. 5 |
| 10-2-8 Water Supply & Distribution Standards | Chap. 5 |
| 10-2-9 Electrical Service Standards | Chap. 6 |
| 10-2-10 Mechanical and Heating Standards (Housing Inspection Checklists) | Chap. 6 |
| 10-2-11 Cooking Devices | 403.3 |
| 10-2-12 Light, Ventilation, Window and Doors | Chap. 4 |
| 10-2-13 Egress Standards (Basement Egress) | Chap. 7 |
| 10-2-14 Minimum Space, Use and Location Requirements | Chap. 4 |
| 10-2-15 Floors, Foundations, Walls and Ceilings | Chap. 3 |
| 10-2-16 Food Preparation and Food Storage Areas | Chap. 3 |
| 10-2-17 Safe Maintenance of Utilities and Equipment (Deadbolts, Night Latches & Fireplaces) | Chap. 6 |
| 10-2-18 Stairways and Guardrails | Chap. 3 |
| 10-2-19 Occupant's Responsibility | 301.2 |
| 10-2-20 Operator's Responsibility | 301.2 |
| 10-2-21 Rooming Houses | - |
| 10-2-22 Smoke Detectors Required in Dwelling Units (Different than code) | Chap. 7 |
| 10-2-23 Buildings Containing Multiple Units | Chap. 7 |
| 10-2-24 City Manager May Record Messages with Clerk & Recorder* | - |
| 10-2-25 Authority to Issue Rules* | - |
| 10.2.26 Penalty* | - |
| Footnotes: | |
| 2-3-4 – Appeals* | - |
| 10-10 – IPC* | - |
| 10-9 - IMC* | - |
| 6-5 –Rodent Control* | - |

* Items added to Property Maintenance Code

Cross Reference Document

| <u>IPMC</u> | <u>Housing Code</u> |
|--|---|
| Chapter 1 - Scope and Administration | 10-2-1, 2, 4, 5, 24, 25, 26 & Footnotes |
| Chapter 2 – Definitions | - |
| Chapter 3 – General Requirements | |
| 301 General | - |
| 302 Exterior Property Areas | - |
| 303 Swimming Pools, Spas & Hot Tubs | - |
| 304 Exterior Structure | - |
| 305 Interior Structure | - |
| 306 Component Serviceability | - |
| 307 Handrails and Guardrails | 10-2-18 |
| 308 Rubbish and Garbage | 10-2-19, 20 |
| 309 Pest Elimination | 10-2-19, 20 |
| Chapter 4 – Light, Ventilation and Occupancy Limitations | 10-2-12 |
| Chapter 5 - Plumbing Facilities and Fixture Requirements | 10-2-7, 8, 19, 20 |
| Chapter 6 – Mechanical and Electrical Requirements | 10-2-9, 10, 11, 16, 17, 19, 20 |
| Chapter 7 – Fire Safety Requirements | 10-2-22, 23 |
| Chapter 8 – Referenced Standards | - |

**Integration of Housing Code and
2009 International Property Maintenance Code Highlights**

- IPMC 101.2 – Scope modified to make code a residential and multi-residential code only, deleted non-residential reference.
- IPMC 102.3 - The International Property Maintenance Code (IPMC) interfaces with other city adopted ICC codes. The Housing Code does not interface with ICC codes.
- IPC 103.2 – City liability waiver notice included similar to other adopted city codes.
- IPMC 104.1 - The authority and duties of the code official are included in the IPMC but not in Housing Code.
- IPMC 104.1 & Appendix B – The Rental Licenses Code is referenced as applicable to existing residential buildings.
- IPMC 104.7 – Clerk and recorder notices and methods of service added from Housing Code.
- IPMC 104.9 – Authority to issue additional rules added from Housing Code.
- IPMC 106.2 – Penalties added to IPMC as found 5-2-4 and 9-15-2 through 9-15-5, B.R.C. 1981.
- IPMC 202 – Definitions added similar to other adopted city codes: Code Official is the “City Manager”; Approval is by the “City Manager.”
- IPMC 202 and Appendix C, 101.2 - “Contributing Building” and “Local Landmark Buildings” definitions added to IPMC to provide reference for historic buildings that require energy efficiency upgrades to maintain historic character.
- IPMC 303 - Contains swimming pool safety requirements not found in the Housing Code.
- IPMC 304.7 - Maintenance of gutters and downspouts removed from the IPMC.
- IPMC 304.2, 304.9, 304.11, 304.13, 104.14, 304.17, 304.18, 305.3 – Sections removed from IPMC relating to cosmetic finish maintenance.
- IPMC307.1 – Stair, handrail and guardrail requirements from the IPMC replace Housing Code requirements to be consistent with the current building codes.
- IPMC 402.2, 402.3, 402.3.1 - Lighting requirements of the IPMC and Housing Code are amended to be consistent with the current building codes.
- Housing Code 10-2-7 through 10-2-10, 10-2-23 and plumbing, heating and ventilation requirements of the IPMC are amended to be consistent with the current building codes.
- IPMC 605.2.1 - The requirements for existing non-grounding receptacles from the National Electrical Code are added to the IPMC for convenience and safety.
- IPMC 608 - The State of Colorado requirements for carbon monoxide alarms are included in the IPMC to allow for inspections by city and rental license inspectors.
- IPMC 702 - Conflicting Housing Code second egress requirements are removed to be consistent with current building codes.
- IPMC 703 - Conflicting Housing Code boiler room fire separation requirements are removed to be consistent with current building codes.
- IPMC 705 – Portable fire extinguisher requirement for corridors and common areas of apartment and condominium projects are added to the IPMC from the Fire Code for convenience and safety.
- IPMC Appendix B: Housing Code Baseline and Safety Inspection Checklists for rental housing will be referenced in appendix B to the IPMC and contained in the Handbook.
- IPMC Appendix C -The new energy efficiency requirements for existing rental housing will be contained in Appendix B to the IPMC.
- Housing Code Occupant’s and Operator’s Responsibility lists are moved to the Handbook.

Program Cost Detail

Rental License Program: Current Costs

The full cost of the Rental Licensing program in 2010 is approximately \$157,000 and includes:

| | |
|---------------------------------|---------------|
| Administrative Staff (0.60 FTE) | \$ 44,764 |
| Compliance Officers (0.30 FTE) | 30,484 |
| Code Administration (0.12 FTE) | 14,902 |
| Systems Maintenance (0.17 FTE) | 17,297 |
| Direct Distributed | 19,832 |
| Overhead | <u>29,902</u> |
| TOTAL | \$157,181 |

Definitions:

- Administrative staff includes:
 - Administrative support to answer questions, intake applications, and collect fees;
 - database maintenance and queries for both rental properties and for housing inspectors, license renewal processes, and recordkeeping; and
 - the equipment and supplies related to providing these services.

- Compliance Officers provide response to housing code complaints and during the course of a compliance action, it's determined a property doesn't have a rental license. These costs include both personnel and non-personnel expenditures.

- Code Administration includes:
 - revisions to the rental housing ordinance and related sections of the housing code;
 - code interpretation;
 - coordination of public outreach and public processes;
 - resources to private contractors applying the rental housing inspection checklist;
 - the equipment and supplies related to providing these services;
 - rental housing licensing program management; and
 - liaison with other departments and agencies regarding rental housing issues.

- Systems Maintenance includes:
 - technology support and website maintenance; and
 - the equipment and supplies related to providing these services.

- Direct Distributed includes:
 - GIS technology support and maintenance

- rental licensing database maintenance
 - imaging and records management
 - service center which includes front-line service to answer questions
 - the equipment and supplies related to providing these services.
- Overhead includes:
- program oversight;
 - expenses related to office space;
 - citywide costs such as Finance, Human Resources, City Council, etc. that are identified annual through the city's cost allocation* process; and
 - the equipment and supplies related to providing these services.

* An actual transfer is paid from the P&DS Fund to the General Fund for the calculated P&DS share of these costs. To arrive at the full cost of each P&DS service, this overhead is then allocated to each of the services provided by P&DS.

Funding Options for Rental Licensing Program

| | Current | Proposed 2010 Fee | On-going Funding Options | | | |
|------------------------------|---|---|--|---|---|--|
| | | | Option I | Option II | Option III | |
| Description | Current Program Information (2010) | Proposed fee change to meet current cost recovery policy | Part A: Current costs plus housing code and administrative support | Part B: Part A plus increased enforcement (one year pilot) | Increase cost recovery from 60% to 75% | Option I - Part A plus 60% of general fund enforcement costs |
| Costs | \$157,000 | \$157,000 | \$185,540 | \$228,540 | \$157,000 | \$502,940 |
| Number of licenses | 6,393 | 6,393 | 6,393 | 6,393 | 6,393 | 6,393 |
| Cost recovery policy | 60% | 60% | 60% | 60% | 75% | 60% |
| Costs to be recovered (fees) | \$94,200 | \$94,200 | \$111,324 | \$111,324 | \$117,750 | \$301,764 |
| Rental License fee | \$46 | \$60 | \$70 | \$70 | \$75 | \$190 |
| Total FTE | 1.19 | 1.19 | 1.44 | 1.94 | 1.19 | 3.61 |
| Notes | Current licensing fee does not recover full cost of the program | Based on current costs and the number of rental licenses in the system, the fee should be increased from \$46 to \$60 to meet the current cost recovery policy. | Reallocate .20 FTE from the General Fund (GF) for the enforcement of the housing code. Allocate additional .05 for enforcement administrative support. Shift cost from GF to this program. | Fund additional enforcement costs (\$43,000) from an investigative fee (\$250). | Current cost recovery: Community = 40% Tenants = 40% Landlords = 20% | Shift 60% of general fund enforcement costs. 60% of compliance cases are related to rental properties. |

Draft Rental Housing Program Handbook


CITY OF BOULDER
Planning and Development Services

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Rental Housing Program Handbook

Rental Housing Codes Introduction: The Rental Housing Handbook is provided as a resource guide for rental housing owners, operators, agents, occupants and rental license inspection contractors to obtain information related to the administration, licensing, monitoring, and occupancy for the rental housing units as governed by the adopted City of Boulder, B.R.C. 1981, 10-2, International Property Maintenance Code and B.R.C. 1981, 10-3, Rental Licenses.

Table of Contents

1. Licensing, Monitoring and Measurement
2. Applying for a Rental License
 - How to Get a Rental License
 - Rental Housing License Inspections
 - Rental Housing License Application
 - Rental Licensing Baseline Inspection Checklist and Compliance Form
 - Rental Licensing Safety Inspection Checklist and Compliance Form
 - Safety Inspections For Condominiums With Common Fuel Fired Appliances
3. General Rental Housing Information Documents
 - Rental Housing Operator's Responsibility
 - Rental Housing Occupant's Responsibility
 - Immigration Status Affidavit
 - Smoke and Carbon Monoxide Alarm Requirements
 - Rental Unit Sample Lease Disclosure Letter

1. Contractor Licensing Requirements

Rental Housing Inspector Qualifications

- **Baseline Inspection “A” Certification (General)**
 - Qualified Colorado Licensed Design Professional
 - ASHI/NAHI Certified Home Inspector
 - ICC General Contractor A, B or C
 - ICC Combination Inspector

- **Baseline Inspection “B” Certification (Electrical, Smoke & Carbon Monoxide Alarms)**
 - Qualified Colorado Licensed Design Professional
 - ASHI/NAHI Certified Home Inspector
 - ICC General Contractor A, B or C
 - ICC Combination Inspector
 - Colorado State Licensed Master Electrician

- **Baseline Inspection “C” Certification (Fire Safety)**
 - Qualified Colorado Licensed Design Professional
 - ASHI/NAHI Certified Home Inspector
 - ICC General Contractor A, B or C
 - ICC Combination Inspector

- **Safety Inspection “A” Certification (Furnaces, Water Heaters & Fuel Burning Appliances)**
 - Qualified Colorado Licensed Design Professional
 - ASHI/NAHI Certified Home Inspector
 - ICC Combination Inspector
 - ICC Mechanical Contractor A, B or C

- **Safety Inspection “B” Certification (Life Safety Features)**
 - Qualified Colorado Licensed Design Professional
 - ASHI/NAHI Certified Home Inspector
 - ICC General Contractor A, B or C
 - ICC Combination Inspector

Energy Efficiency Inspector Qualifications

- **Home Energy Rating Certification Inspection (HERS)**
 - Senior Certified Rater
 - Certified Home Energy Rater
 - Rating Field Inspector (working under a Senior Certified Rater or Certified Home Energy Rater)

- **Prescriptive Measures Certification Inspection**
 - Qualified Colorado Licensed Design Professional*
 - ASHI/NAHI Certified Home Inspector*
 - ICC General Contractor A, B or C*
 - ICC Combination Inspector*
 - ICC Commercial or Residential Energy Inspector*

* In addition to the base detailed professional certification inspectors must be certified through a City of Boulder sponsored training program to inspect prescriptive energy efficiency measures.

Rental Licensing Program Monitoring and Measurement

General: To maintain program consistency and effectiveness, the rental licensing program benefits from monitoring and measurement methods implemented as part of the International Property Maintenance Code (IPMC) and Rental License Code enforcement process with his information included in the Rental Housing Program Booklet.

Monitoring:

- **Baseline and Safety Inspection Checklists:** Completed Baseline and Safety Inspection Checklists are to be made available, upon written request, by tenant(s) and city staff.

Measurement:

- **Surveys:** Annually survey residential rental tenants, landlords, property owners, agents and inspectors in January on IPMC, Rental License Code and Residential Rental Energy Efficiency Requirements.
- **Annual Statistics:**
 - Rental License Program: Track number of licenses, renewals, standard performance measure (percent of rental licenses processed within 3 business days of receipt) and investigative measures.
 - Residential Rental Energy Efficiency: Track prescriptive measures, Rental Energy Rating Scores (HERS) and investigative measures.
- **Annual Training Workshops:** Conduct annual training workshops for licensed rental housing and energy inspectors utilizing audit and survey information obtained.



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3. Applying for a Rental License

RENTAL LICENSING SAFETY INSPECTION CHECKLIST
Includes All Residential Rental Units and Complexes

Building Address

Unit #

This Safety Inspection is to be performed and certified by an appropriately licensed contractor on all residential rental units in preparation for issuing or renewing a rental unit license. The City of Boulder requires that the inspection on the items contained in section “A. Furnace/Water Heaters and other Fuel Burning Appliances,” be completed and certified by a City of Boulder Licensed Mechanical Contractor, a Colorado Licensed Professional Engineer or an employee of a regulated public utility whose duties include such inspections. This completed form must be signed by the licensed inspection person and submitted by the applicant to the rental housing inspection office before a rental license will be issued or renewed.

Note: common areas of condominium complexes providing access to licensed rental units subject to homeowner association control may be required to address life safety issues in order for individual units to have a rental license issued or renewed.

A. FURNACES/WATER HEATERS AND OTHER FUEL BURNING APPLIANCES

All fuel burning appliances must be inspected, inspector must inspect for each item below or indicate not applicable (N/A) where such requirement does not apply.

Note: All fuel burning appliances must be inspected. The inspector must verify each item below or indicate not applicable (N/A) where such requirement does not apply. All outstanding safety issues must be corrected or correction verified by the inspector.

Note: Electric baseboard heating systems are exempt from heating system tune-up requirements. If applicable, submit this form, clearly stating “All Electric Heating”.

1. **Heating Facilities:** Every dwelling unit has heating facilities capable of safely and adequately heating all habitable rooms, bathrooms and water closets. Every dwelling unit must be equipped with heating facilities capable of safely and adequately heating all habitable rooms and bathrooms to 68° (measured at a location two feet away from walls and three feet above the floor). (IMC 309)
2. **Gas Piping Materials:** No gas leaks at furnace shutoff valve, in furnace or any joints in-between. Proper drafting of appliance. Verify use of approved materials for gas piping. Non-complying gas pipe must be replaced with approved materials. (IFGC 403 & 406.1) Correct as necessary.

Gas Leaks - Where any gas leak is detected the inspector may shut off the gas at the appropriate location. The owner or operator of the facility must be contacted immediately. (IFGC 108.7)

3. **Shutoff valves:** Identify gas material. Replace copper or non-complying pipe with approved pipe. The appliance gas shutoff valve must be accessible, in the same room and not further than six feet from the appliance. (IFGC 409.5)
4. **Furnace Location:** Readily accessible gas line shutoff valve within 3'0" of the furnace. Gas fired heating units accessible from bedrooms or bathrooms and not otherwise approved to be in those locations shall have tight fitting doors to separate the mechanical room from bedrooms or bathrooms. Gas fired furnaces accessed through bedrooms and bathrooms and not otherwise approved for those locations shall be provided with a solid weather-stripped door equipped with a self-closing device. All combustion air shall be taken from outside the building, and ducted to the room containing the furnace. (IFGC 303.3 & 304.6)
5. **Venting:** Vents and draft diverters in sound condition, securely fastened in place and of approved material. Appliance vents, connectors and draft diverters must be in sound condition, be of approved material, securely in place and free of obstructions and combustible deposits. The appliance venting system shall meet the draft requirements for the appliance in accordance with the manufacturer's instructions. (IFGC 501.15.2, 503.3.1, 503.12 & 801.2) **Secure and replace as necessary.**
6. **Combustion Air:** Adequate combustion air available for furnace and other combustion appliances located in mechanical room. Verify adequate combustion air is provided for fuel burning appliances in mechanical rooms and enclosures. (IFGC 304.5-304.9) **Correct combustion air supply as necessary.**
7. **Clearances:** All single wall vents minimum of 6" from combustibles and all B-type vents a minimum of 1" from combustibles. All single wall vent connectors for appliances shall maintain a minimum of six inches of clearance from combustibles. All B-vents serving appliances shall maintain a minimum of one inch of clearance from combustibles. Sufficient clearance must be maintained for cleaning and replacement of appliances (IFGC 306, 503.10.1-503.10.16) **Correct clearance deficiencies.**
8. **Piping identification:** Sufficient clearance maintained for cleaning and repair. **Correct clearance deficiencies.** Gas piping from multiple gas meter installations shall be marked with permanent identification so that the piping system supplied by each meter is readily identifiable. Each meter shall have a separate shut-off valve. (IFGC 401.7).
9. **Service requirement.** Conduct or verify service of all fuel burning appliances at time of inspection to include: **Correct clearance deficiencies.**
10. ~~Remove all loose combustible materials from furnace compartment.~~
11. ~~Clean dust and dirt within and around furnace, blower, motor, burners and controls.~~
12. ~~Lubricate and adjust all moving parts as needed.~~
13. ~~Adjust and clean all pilots as needed.~~
14. ~~Clean or replace all filters.~~
15. ~~Limit switches on furnaces are in sound condition. **Replace as necessary.**~~
 - Clean combustible materials, dust and dirt within and around appliance, blower, motor, burners and controls.
 - Lubricate and adjustment of all moving parts as needed.
 - Cleaning or replacement of all filters.
 - Check all limit switches and replace if necessary.
 - Perform carbon monoxide testing of fuel-burning appliances with commercial testing instrument in accordance with testing instrument manufacturer's operating instructions and correct safety issues revealed by testing.
 - Check to assure heat exchangers are sound.

GENERAL

16. ~~Gas meter located on exterior of the building with exterior shutoff valve.~~
17. ~~Carbon monoxide testing has been performed using professional carbon monoxide measuring instrument according to the testing equipments manufacturer's instructions for all fuel burning appliances, gas fireplaces and gas fire water heaters. **All deficiencies have been corrected.**~~

HEAT EXCHANGER

18. No visible signs of a cracked heat exchanger in so far as may be determined through existing access and inspection ports in the furnace. **Replace as necessary.**

BOILERS

BOILERS SERVING SIX OR MORE DWELLING UNITS MUST MAINTAIN A VALID CERTIFICATE OF INSPECTION FROM THE STATE OF COLORADO.

Exception: Hot water supply storage tanks including those designed for space heating, domestic or sanitary purposes that are not recirculating and not exceeding a heat input of 200,000 Btu/hour, a water temperature of 210°F and a capacity of 120 gallons or less.

Note: the certification may be an annual or biennial certificate depending on the type of boiler (CRS 9-4-101-18 and ANSI/NB-23).

19. Safety valves in sound condition. **Replace as necessary.**
20. As applicable under city mechanical code, boiler equipped with low water cutoff. **Install if necessary.**
21. ~~boilers located in buildings with 6 or more dwelling units must maintain a valid certificate of inspection from the State of Colorado (Hot water supply storage tanks, including those designed for space heating and domestic sanitary purposes and are not recirculating, not exceeding heat input of 200,000 btu/hour, water temperatures of 210 degrees Farenheit and a capacity of 120 gallons or less are exempt from a certificate of inspection). Certificate may be annual or biennial depending on the type of boiler (see CRS 9-4-101-118 and ANSI/NB-23).~~

WATER HEATERS

22. Water heater installed in approved location. Not in sleeping rooms or bathrooms unless listed for such locations.
23. Water heater has drain extension, O&T valve, draft diverters, accessible shutoff valve, safety pilot assembly.
24. Water heater has code conforming venting, proper combustion air and connections to appliances. **Where any gas leak is detected, the mechanical or plumbing contracto may shut off the gas at its location. The owner or property manager must be contacted immediately. The Rental Housing Office must be notified. If necessary, an "Order to Vacate" may be posted on the property by the city until proof has been submitted that the leak has been repaired.**
1. **Access through bathrooms and bedrooms:** Water heaters accessed through bathrooms and bedrooms and not otherwise approved for those locations shall be provided with a solid weather-stripped door equipped with a self-closing device. All combustion air shall be taken from outside the building, and ducted to the room.
 2. **Required features:** Water heaters must have a temperature and pressure relief valve, an accessible shut-off valve and safety pilot assembly. (IFGC 624)

B. MAINTENANCE OF LIFE SAFETY FEATURES

Note: All items below must be inspected. Inspector must inspect for each item below or indicate not applicable (N/A) where such requirement does not apply. All outstanding safety issues must be corrected or correction verified by the inspector.

1. **Maintenance:** Equipment, systems, devices and safeguards required by the code in effect when the structure or premises was constructed, altered or repaired shall be maintained in good working order.
2. **Barbeque safety:** Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction.

Exception 1. One-and two-family dwellings.

Exception 2. Where buildings, balconies and decks are protected by an automatic sprinkler system.

Exception 3. LP-gas cooking devices having an LP-gas container with a water capacity not greater than 2½ pounds (nominal 1 pound LP-gas capacity). (IPMC C101.8 #14).

3. Smoke and carbon monoxide alarms: installed and functioning properly tested. (IPMC 608, 704)
4. Fireplaces and kitchen appliances: checked for safe installation. (IFGC 503, 504, 602.2, 604, 605, 623; IMC Chapter 8, 902-905, 917)
5. Common area: corridor walls, door ratings and clear egress path maintained to exterior exits. (IPMC 702)
6. Interior and exterior handrails and guards: safely maintained. (IPMC 304.12, 305.5)
7. Stairs, decks, porches and balconies: safely maintained. (IPMC 304.10, 305.4)
8. Electrical faceplates: sound and maintained in place. (IPMC 604.3)
9. Extension cords: not to be used for permanent wiring where run through holes in walls, structural ceilings, suspended ceilings, dropped ceilings, floors, through doorways, windows, or similar openings. (IPMC 605.5)
10. Electrical circuits: Each occupant shall have ready access to all circuit breakers protecting the conductors supplying that occupancy. [NEC sec.240.24 (B)]
11. Address numbers: are plainly visible from street. (IPMC 304.3)
12. Clothes dryer exhaust systems: shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions. (IPMC 403.5)
Exception 1. Approved condensing (ductless) clothes dryers.
Exception 2. For electric clothes dryers, an approved lint containment system within the appliance space and accessible for maintenance.
13. Floodplain safety signage . Structures located in a floodplain shall be posted with a warning sign that states: "This property is located in an area that is subject to sudden and severe flooding. In case of flood emergency be prepared to seek high ground immediately. For information see www.boulderfloodinfo.net." The sign shall be a metal plaque with minimum ¼ inch letters in a contrasting color attached to the structure with non-removable fasteners posted on the exterior of the building at the entrance. (IPMC 310; 9-3-3 (a) (10), B.R.C. 1981)
Note: The owner or operator is responsible for informing the rental license inspector if their unit is located in a designated floodplain requiring the safety signage.
14. Portable fire extinguishers. Portable fire extinguishers shall be installed in structures containing three or more rental units with interior corridors and common areas as detailed below. (IPMC 705.1)
 - Install fire extinguisher where access is not obstructed or obscured from view.
 - Install fire extinguisher with mounting bracket provided by manufacturer.
 - Fire extinguisher installed in a cabinet shall not be locked unless subject to malicious use or damage.
 - Provide means for ready access for fire extinguisher locked in a cabinet.
 - The minimum rating for a fire extinguisher is 2-A.
 - A fire extinguisher is required on each floor level.
 - The maximum travel distance to a fire extinguisher is 75 feet.
 - The maximum height of a fire extinguisher is 5 feet above the floor.

General Contractor Name: _____ License #: _____
(Please Print)

Signature: _____ Date: _____

Mechanical Contractor Name: _____ License #: _____
(Please Print)

Signature: _____ Date: _____

Engineers Name: _____ Certification #: _____
(Please Print)

Signature: _____ Date: _____

Note: Signature certifies and/or verifies that the inspection items checked meet the criteria as detailed in Safety Inspection Checklist and referenced code sections.

DRAFT



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RENTAL LICENSING BASELINE INSPECTION CHECKLIST

Includes All Residential Rental Units and Complexes

Building Address

Unit #

A. GENERAL INSPECTION

This Baseline Inspection is to be performed and certified by an appropriately licensed contractor on all residential rental units in preparation for issuing or transferring a rental unit license. The owner/operator is also responsible for obtaining a separate Safety Inspection before the property can be licensed. The City of Boulder requires that the inspection on the items contained in section “B. Electrical Equipment, Smoke and Carbon Monoxide Alarms,” be completed and certified by a Licensed Master Electrician or Rental Housing Inspector approved to perform such inspections. This completed form must be signed by the licensed inspection person and submitted by the applicant to the rental housing inspection office before a rental license will be issued or transferred.

EXTERIOR

Note: Common areas of condominium complexes providing access to individual units subject to homeowner association control may require life safety issues to be addressed for individual units to obtain a rental license.

~~15. R Foundation, Roof, Cladding and Exterior structure as observed from grade appear to be in sound functional condition.~~

~~16. R Crawl Space Cover and Hatchways are provided.~~

1. **General.** The exterior of a structure shall be maintained so as not to pose a threat to public health, safety or welfare. (IPMC 304.1.1, 1-13)
2. **Structural members.** All visible structural members appear to be properly installed and functioning as intended. (IPMC 304.4)
3. **Foundation walls.** All foundation walls shall be free from open cracks and breaks which compromise wall integrity and shall be maintained so as to prevent the entry of rodents and other pests. (IPMC 304.5)
4. **Roofs.** The roof shall be sound, tight and not have defects that admit rain in order to prevent dampness or deterioration in the walls or interior portion of the structure. (IPMC 304.7)

INTERIOR STRUCTURE

5. **General.** The interior and equipment therein shall be maintained in good repair, and in sanitary condition. (IPMC 305.1)
6. **Structural members.** All visible structural members appear to be properly installed and functioning as intended. (IPMC 305.2).

LIGHT

7. **Habitable spaces.** Every habitable space shall have at least one window of approved size (as required by the code in effect when the structure was built) facing directly to the outdoors or to a court, or shall be provided with artificial light in accordance with IBC 1205.3. (IPMC 402.1)
8. **Common halls and stairways.** Every common hall and stairway in residential occupancies, other than one-and two-family dwellings, shall be illuminated at all times with at least 765 lumens (60 watt incandescent or 14 watt cfl) for each 200 square feet of floor area, provided spacing between lights does not exceed 30 feet. (IPMC 402.2)

VENTILATION

9. **Habitable spaces.** Every habitable space shall have at least one openable window or mechanical ventilation. (IPMC 403.1)
10. **Bathrooms and toilet rooms.** An openable window or mechanical ventilation must be provided. (IPMC 403.2).

OCCUPANCY LIMITATIONS

11. **Water closet accessibility.** Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story. (IPMC 404.4.3)
12. **Prohibited occupancy.** Kitchens and non-habitable spaces shall not be used for sleeping rooms. (IPMC 404.4.4)
13. **Food preparation.** All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage. (IPMC 404.7)

REQUIRED FACILITIES

14. **Dwelling units.** Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory. (IPMC 502.1)
15. **Rooming houses.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units. (IPMC 502.2)

TOILET ROOMS

16. **Privacy.** Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling. (IPMC 503.1)
17. **Location.** Toilet rooms and bathrooms serving rooming units or housekeeping units shall have access from a common hall or passageway. (IPMC 503.2)

PLUMBING SYSTEMS AND FIXTURES

18. **General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition. (IPMC 504.1)
19. **Fixture clearance.** Plumbing fixtures shall have adequate clearances for usage and cleaning. (IPMC 504.2)

WATER SYSTEMS

20. **General.** All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code. (IPMC 505.1)

MECHANICAL EQUIPMENT

21. **Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heaters shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function. (IPMC 603.1)

B. ELECTRICAL EQUIPMENT, SMOKE AND CARBON MONOXIDE ALARMS

Note: Items listed in this section must be inspected by American Society of Home Inspectors or National Association of Home Inspectors certified inspector, ICC Certified Combination Inspector or State Licensed Master Electrician only. The inspection shall include removal of panelboard covers to verify safety of all wiring, grounding, breakers and fuses.

ELECTRICAL EQUIPMENT

22. **Installation.** All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner. (IPMC 605.1)
23. **Receptacles.** Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. (IPMC 605.2)
24. **605.2.1 Non-grounding-type electrical receptacles (two-prong receptacles).** Where attachment to an equipment grounding conductor (two-wire circuits) does not exist in the receptacle enclosure, the installation shall comply with a, b or c below.
 - a. Two-prong receptacle shall be permitted to be replaced with another two-prong receptacle.
 - b. A two-prong receptacle shall be permitted to be replaced with a ground-fault circuit interrupter-type (GFCI) three-prong receptacle. These receptacles shall be marked "No Equipment Ground". An equipment grounding conductor shall not be connected from the GFCI-type receptacle to any outlet supplied from the GFCI-type receptacle.
 - c. A two-prong receptacle shall be permitted to be replaced with a three-prong, grounding-type receptacle where supplied through a GFCI device. Three-prong, grounding-type receptacles, supplied through the GFCI shall be marked "GFCI Protected" and "No Equipment Ground." An equipment grounding conductor shall not be connected between the grounding-type receptacles.
25. **Luminaires.** Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain at least one electric luminaire. (IPMC 605.3)

CARBON MONOXIDE ALARM REQUIREMENTS

26. **General.** Carbon monoxide alarms are to be installed in existing residential structures in accordance with Colorado state law effective on July 1, 2009 (IPMC 608.1) Carbon Monoxide Alarms.
- a. Carbon monoxide alarms are required to 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 guidelines:
 - Installed in existing dwellings that require a permit of any variety.
 - 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 NFPA 70.
 - Installed in existing rental dwellings upon change of tenant occupancy after July 1, 2009.
 - Installed in all newly constructed or renovated single family and multi-family rental units.
 - 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).
 - Rental owners are responsible to replace non-functioning carbon monoxide alarms upon written request of the tenant or when the unit is being vacated and re-rented.
 - Carbon monoxide detectors are not to be disarmed, removed or have the batteries removed to make them inoperable.
 - b. Power for carbon monoxide alarms in condominium structures. Carbon monoxide alarms which receive their primary power from the building wiring shall be installed within each condominium dwelling unit in the building.
 - c. Carbon monoxide alarm inspections. Carbon monoxide alarm inspections for non-condominium buildings are required to be conducted by the property owner or agent rental license inspector as detailed below.
 - Carbon monoxide alarms. Carbon monoxide alarms which receive their primary power from the building wiring shall be checked for good operating condition once each year and supplied with battery back-up, the battery shall be replaced as necessary for proper function of the carbon monoxide alarm.
 - Battery-powered carbon monoxide alarms. Battery-powered carbon monoxide alarms shall be tested for proper function on an annual basis. Batteries shall be replaced as necessary for proper function of the carbon monoxide alarm.

C. FIRE AND LIFE SAFETY REQUIREMENTS

MEANS OF EGRESS

27. **General.** A safe continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code. (IPMC 702.1)
28. **Locked doors.** All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code. (IPMC 703.1)
29. **Emergency escape openings.** Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of

construction and such devices shall be removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. (IPMC 702.4)

FIRE RESISTANCE RATING

30. **Fire Resistance-rated assemblies.** The required fire-resistance rating of fire-resistance rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

FIRE PROTECTION SYSTEMS

31. **Smoke alarms.** Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings regulated in Group R occupancies, regardless of occupant load at all of the following locations. (IPMC 704.2):
- a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
 - b. In each room used for sleeping purposes.
 - c. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
32. **Residential rental smoke alarms.** In R-occupancies governed by chapter 10-3, "Rental Licenses," B.R.C. 1981, smoke alarms shall be installed and inspected as required in this section. (IPMC 704.5)
33. **Power for smoke alarms in condominium structures.** Smoke alarms which receive their primary power from the building wiring shall be installed within each condominium dwelling unit in the building. (IPMC 704.6)
34. **Smoke alarm inspections.** Smoke alarm inspections for non-condominium buildings are required to be conducted by the property owner or agent as detailed below.
- a. **Smoke alarms.** Smoke alarms which receive their primary power from the building wiring shall be checked for good operating condition once each year and if supplied with battery backup, the battery shall be replaced as necessary for proper function of the smoke alarm.
 - b. **Battery-powered smoke alarms.** 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.
35. **Dwelling, rooming and sleeping unit smoke alarms.** Smoke alarms required by this section shall be installed within each dwelling, rooming or sleeping unit prior to issuance of a rental license pursuant to chapter 10-3, "Rental Licenses," B.R.C. 1981 (704.8).

EXITING — EGRESS

1. ~~R Exits used for emergency egress must be accessible and unobstructed (free of stored or discarded materials).~~
2. ~~R Exit Door(s) that have a latch, deadbolt, or security chain, are operable from the inside without key or tool.~~
3. ~~R All exterior door locks must function properly.~~
4. ~~R Doors and windows are properly sealed to prevent significant air infiltration.~~
5. ~~G Exterior windows should be latchable without the use of a lock, key or special knowledge for operation.~~

Means of egress is an exit system that provides a continuous, unobstructed and undiminished path of travel to a public way, including an exit door and an egress window.

6. ~~R Two Means of Egress exist from each inhabited floor above the 2nd story if rented separately from lower levels.~~

7. ~~R Two means of egress are usable from basement living unit: one egress may be for emergency use only such as an egress window, with a minimum of 10 feet distance between such egresses. Egress window(s) used for emergency use must have a minimum unobstructed clear opening of 5.7 sq.ft. and not more than 44" above the floor.~~
8. ~~G Halls and stairways have illumination at all times the building is occupied.~~
9. ~~G Corridor walls are free of holes, tear and makeshift repairs.~~

STAIRWAYS AND GUARDRAILS

10. ~~R Stairs must be safe for use, in good condition and have handrails on if four or more steps or risers exist.~~
11. ~~R There is a guardrail for porches, balconies, landings, floor and roof openings, ramps, and decks with a drop off to the ground over 7 feet.~~
12. ~~R Stairways leading to habitable spaces have 6'4" minimum headroom and are maintained in sound condition.~~
13. ~~R Risers and treads have uniform height and width with rise 8" maximum and minimum tread width of 9". A 1/2" variance (excluding unused space) is allowed.~~

FIRE PROTECTION AND FUEL BURNING APPLIANCES

14. ~~R Fireplace/Wood Stove and Chimney are in working order, free of significant defects or blockage.~~
15. ~~R Electric (hard wired) or battery operated Smoke Detector(s) are installed in each dwelling unit. Smoke detectors are installed in each bedroom and at least one or more on each floor. Smoke Detectors are installed per manufacturer instructions.~~
16. ~~R Gas fireplaces have safety pilot assemblies, are properly vented and have accessible shut-offs. Masonry chimneys are properly vented with appropriate clean-outs.~~
17. ~~R Every dwelling unit shall have a cooking device installed in an approved manner.~~
18. ~~G Smoke detectors equipped with a temporary delay switch (Hush Button) are preferred because they may prevent unwanted disconnection by the tenants.~~
19. ~~G Unlined fireplaces are a potential fire hazard and should be inspected by a qualified professional.~~
20. ~~G Barbeques, hibachis and other outdoor cooking on wood decks or in close proximity to wood siding can be a serious fire hazard. Candles and halogen lights are also potential fire hazards.~~
21. ~~G For units with fuel burning appliance installed inside the dwelling unit such as a furnace or water heater, or gas fireplace.~~
22. ~~R Kitchen sink countertops, food preparation surfaces, cooking devices, and food storage areas shall be easily cleanable and shall be free from holes, breaks and cracks that leak or could cut or injure a person, and dampness that would permit the harborage of insects or promote the growth of bacteria.~~
23. ~~R Sleeping rooms have Natural Light from one window or skylight facing directly to the outside.~~
24. ~~R Sleeping rooms have natural or mechanical means of ventilation directly to the outside.~~

~~Natural Ventilation is minimum of 1 window or skylight, openable to and contiguous with the outside not less than 1 sq.in. of outside air for each sq.ft. of floor area.~~

WINDOWS, FLOORS, WALLS, CEILINGS AND DOORS

25. ~~R Are intact and capable of affording privacy for occupants.~~
26. ~~R Window(s) required for egress shall be openable without the use of tools or excess effort.~~
27. ~~R Window(s) are free of loose and broken glass.~~
28. ~~R Floor(s) are safe for use, and capable of supporting intended use.~~
29. ~~R Floor Covering(s) are free of tripping hazards.~~

PLUMBING FIXTURES

Includes: Lavatories, Basins, Kitchen Sink, Toilets, Tubs, Water heaters, Showers and Sinks

- 30. R Fixtures, hardware and fittings are in proper working order, free from breaks and leaks.
- 31. R Walls surrounding tubs and showers are structurally sound and impervious to water.
- 32. R Plumbing within each unit includes hot and cold water, partitioned toilet, lavatory sink, and kitchen sink except rooming houses, which may have shared facilities.

D. ELECTRICAL EQUIPMENT

PLEASE NOTE: Must be inspected by ASHI inspector, an ICBO/ICC certified combination inspector or licensed electrical contractor only. The cover of circuits/fuse box must be removed by the inspector in order to complete the electrical inspection.

- 1. R Electrical Service Entrance has a minimum capacity of 30 amperes, 40 A for 220 use, 70A for two 220 appliances, with components all in working order and adequate circuitry for use.
- 2. R No visible signs of frayed, exposed, burnt insulation and/or unprotected electrical wiring.
- 3. R Accessible Fixtures and Electrical Outlet(s) are properly installed, covered and in good working condition.
- 4. R No dangerous conditions exist inside any panel box.

The inspector will not certify a completed housing inspection until outstanding issues have been addressed and all items completed at re-inspection. Scheduling a re-inspection is the responsibility of the owner/agent and is performed by a licensed rental housing inspector.

Any other imminent health and safety issues noticed during inspection:

General Contractor Name: _____ License #: _____
(Please Print)

Signature: _____ Date: _____

D-9 Contractor Name: _____ License #: _____
(Please Print)

Signature: _____ Date: _____

Electrical Contractor Name: _____ License #: _____
(Please Print)

Signature: _____ Date: _____

Engineers Name: _____ Certification #: _____
(Please Print)

Signature: _____ Date: _____

Note: Signature certifies and/or verifies that the inspection items checked met the criteria detailed in the Baseline Inspection Checklist and referenced code sections.



CITY OF BOULDER
Planning and Development Services

1739 Broadway, Third Floor • P.O. Box 791, Boulder, Colorado 80306-0791
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4. General Rental Housing Information

Rental Housing Operator's Responsibility

Operator's Responsibility. Operators of rental housing structures have the responsibility to assure that the following items are complied with:

1. Every operator of a dwelling unit containing two or more dwelling units is responsible for maintaining the shared or public areas of the dwelling and premises thereof in a clean and sanitary condition and no such person shall fail to maintain such areas.
2. The owner of a structure containing two or more dwelling units, a multiple occupancy, or a rooming house shall be responsible for extermination in the public or shared areas of the structure and exterior property. Whenever infestation exists in two or more of the dwelling units in any dwelling operators are responsible to exterminate the infestation as required by IPMC section 309 and chapter 6-5 "Rodent Control", B.R.C. 1981.
3. The owner of a structure shall be responsible for extermination within a structure prior to renting or leasing the structure. The owner of a structure shall be responsible for extermination in the public or shared areas of the structure and exterior property.
4. No operator shall fail to prevent the use of hotplates or other cooking devices in any rooming or sleeping unit.
5. No operator shall fail to provide trash receptacles and trash service as required by chapter 6-3 "Trash, Recyclables and Compostables," B.R.C. 1981.
6. No operator shall fail to comply with pre-application pesticide notification provisions of IPMC section 309.6 and chapter 6-10-7, "Notification to Tenants and Employees of Indoor Application", B.R.C. 1981.
7. No operator of any rooming or sleeping unit shall provide, install or permit the presence of any refrigerator, freezer or microwave or combination appliance in excess of three cubic feet of cooling or heating space.
8. The operator shall assure that the electrical system must be of adequate capacity to safely provide power for all required electrical loads.
9. No operator shall provide, install or permit the presence of any unvented fuel burning room heater in a dwelling, rooming or sleeping unit.
10. No operator of a property located in a floodplain area shall fail to post on the exterior of the premises at the entrance a permanent plaque approved by the code official stating that: "This property is located in an area that is subject to sudden and severe flooding, in case of flood emergency be prepared to seek high ground immediately. For information see www.boulderfloodinfo.net" Said sign shall be a metal plaque with minimum ¼ inch letters in a contrasting color attached to the structure with non-removable fasteners.
11. The operator shall provide a fire extinguisher in common areas of structures with three or more units.



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Rental Housing Occupant's Responsibility

Occupant's Responsibility. Occupants of rental housing structures have the responsibility to assure that the following items are complied with:

1. No occupant of a dwelling, rooming or sleeping unit shall fail to maintain, and, upon departure, to leave that part of the dwelling and premises thereof, including basement facilities, that the occupant resides in and controls and that is provided for the occupant's use, in a clean and sanitary condition, free of litter, debris and vermin. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination as required by IPMC section 309 and chapter 6-5 "Rodent Control", B.R.C. 1981.
2. The occupant of any structure is responsible for the continued rodent and pest-free condition of the structure. If infestation is caused by a failure of an occupant to prevent such infestation in the area occupied, the occupant shall be responsible for extermination.
3. No occupant shall fail to comply with pre-application pesticide notification provisions of IPMC section 309.6 and chapter 6-10-7, "Notification to Tenants and Employees of Indoor Application", B.R.C. 1981.
4. No occupant shall keep any animal or pets in a dwelling, rooming or sleeping unit or on any premises in such a manner as to create unsanitary conditions, including, without limitation, accumulation of excrement.
5. No occupant of a dwelling, rooming or sleeping unit shall fail to dispose of all refuse, garbage, rubbish and rubble that such occupant generates as required by IPMC section 308.2 and chapter 6-3, "Trash, Recyclables and Compostables," B.R.C. 1981.
6. Subject to the limitation set forth in IPMC section 311.1, no occupant of any dwelling, rooming or sleeping unit shall fail to exterminate any insects, rodents or other pests in the premises over which the occupant has control whenever such occupant's dwelling, rooming or sleeping unit is the unit primarily infested.
7. No occupant of any rooming or sleeping unit shall use or store in the unit any electrical hot plate or cooking device.
8. No occupant shall store combustibles in a furnace, boiler or water heater room or compartment.
9. No occupant of a dwelling, rooming or sleeping unit shall fail to keep all plumbing fixtures within their unit free from filth, debris, garbage, litter, decayed organic matter, soil, grease, obstruction to proper flow or anything that may attract or harbor vermin.
10. Extension cords and flexible cords shall not be a substitute for permanent wiring. Extension cords and flexible wiring shall not be affixed to structures, extended through walls, ceilings or floor, or under doors or floor coverings, nor shall the cords be subject to environmental damage or physical impact. Extension cords shall be used only with portable appliances.

11. No occupant shall install, use or fail to remove any portable unvented fuel burning room heater from a dwelling, sleeping or rooming unit.
12. No occupant shall use as habitable space any area not approved for such use.
13. No occupant of any rooming or sleeping unit shall use or store any refrigerator, freezer, microwave or combination appliance in excess of three cubic feet of cooling or heating space.
14. No occupant of any dwelling, rooming or sleeping unit shall disable or disconnect a smoke alarm or carbon monoxide alarm required by this code. Non-functioning smoke and carbon monoxide devices shall be brought to the operator's attention.
15. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
3. LP-gas cooking devices having an LP-gas container with a water capacity not greater than 2½ pounds (nominal 1 pound LP-gas capacity).

DRAFT

Smoke and Carbon Monoxide Alarm Requirements

IPMC SECTION 704 FIRE PROTECTION SYSTEMS (Smoke Alarms)

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all time in accordance with the International Fire Code.

704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in all dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

704.3 Power Source. In Group R occupancies and in dwelling units not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with battery back-up. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawlspace or basement available which could provide access for building wiring without the removal of interior finishes.

704.4. Interconnections. Where more than one smoke alarm is required to be installed within an individual dwelling unit in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with intervening doors.

Exceptions:

1. Interconnection is not required in buildings which are not undergoing alteration, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available which could provide access for interconnection without the removal of interior finishes.

704.5 Residential rental smoke alarms. In R-occupancies governed by chapter 10-3, "Rental Licenses," B.R.C. 1981, smoke alarms shall be installed and inspected as required in this section.

704.6 Power for smoke alarms in condominium structures. Smoke alarms which receive their primary power from the building wiring shall be installed within each condominium dwelling unit in the building. Apartment buildings converting to condominium ownership shall have smoke alarms which receive their primary power from the building wiring within thirty days of conversion.

704.7 Smoke alarm inspections. Smoke alarm inspections for non-condominium buildings are required to be conducted by the property owner or agent as detailed below.

1. Smoke alarms which receive their primary power from the building wiring shall be checked for good operating condition once each year and if supplied with battery 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.

704.8 Dwelling, rooming and sleeping unit smoke alarms. Smoke alarms required by this section shall be installed within each dwelling, rooming or sleeping unit prior to issuance of a rental license pursuant to chapter 10-3, "Rental Licenses," B.R.C. 1981.

704.9 Multiple dwelling, rooming and sleeping unit smoke alarms. Smoke alarms required by this section shall be installed pursuant to section 10-2-23 "Buildings Containing Multiple Units," B.R.C. 1981 no later than January 1, 1993.

704.10 Fire Alarms. Fire alarms in existing residential structures shall be installed in accordance with chapter 10-8, section 903.7, "Fire Prevention Code," B.R.C. 1981.

SECTION 608 CARBON MONOXIDE ALARMS

608.1 General. Carbon monoxide alarms are to be installed in existing residential structures in accordance with Colorado state law effective on July 1, 2009.

608.2 Carbon Monoxide Alarms. Carbon monoxide alarms are required to 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 guidelines:

1. Installed in existing dwellings that require a permit of any variety.
2. 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 NFPA 70.
3. Installed in existing rental dwellings upon change of tenant occupancy after July 1, 2009.
4. Installed in all newly constructed or renovated single family and multi-family rental units.
5. 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).
6. Rental owners are responsible to replace non-functioning carbon monoxide alarms upon written request of the tenant or when the unit is being vacated and re-rented.
7. Sellers of existing single and multi-family dwellings for sale or transfer with fuel fired appliances, fireplaces or attached garages are to assure that an operational carbon monoxide alarm is installed within 15' of the entrance to each sleeping room.
8. Carbon monoxide detectors are not to be disarmed, removed or have the batteries removed to make them inoperable.

608.3 Power for carbon monoxide alarms in condominium structures. Carbon monoxide alarms which receive their primary power from the building wiring shall be installed within each condominium dwelling unit in the building. Apartment buildings converting to condominium ownership shall have carbon monoxide alarms which receive their primary power from the building wiring within thirty days of conversion.

608.4 Carbon monoxide alarm inspections. Carbon monoxide alarm inspections for non-condominium buildings are required to be conducted by the property owner or agent as detailed below.

1. Carbon monoxide alarms which receive their primary power from the building wiring shall be checked for good operating condition once each year and supplied with battery backup. The battery shall be replaced as necessary for proper function of the carbon monoxide alarm.
2. Battery-powered carbon monoxide alarms shall be tested for proper function on an annual basis. Batteries shall be replaced as necessary for proper function of the carbon monoxide alarm.

DRAFT

Proposed Prescriptive Pathway

Table C101.2 SmartPoints

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 |
|---|--------|
| 1.00 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: _____

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 |
|---------------|---|---|---|---|

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 |

Table C101.2 SmartPoints

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 Prescriptive Pathway – Introduction to Determining Baseline Points and Improvement Options

The City of Boulder’s proposed SmartRegs Prescriptive Pathway is technical in nature and is designed for use by a City of Boulder certified third-party inspector who will receive training from the City on the proper application of the checklist. The City of Boulder intends to create a technical user’s guide to assist in the implementation of the prescriptive pathway. The technical user’s guide will provide detailed guidance that will assist inspectors in applying the prescriptive pathway criteria to various housing types and specific housing configurations.

In general, for each building component on the prescriptive pathway points are determined by rounding up or down to the nearest available increment.

For illustration purposes, this document provides an overview of the application of the prescriptive pathway to a single-family and multi-family unit.

Single-Family Residence Example

This is a single-story, ranch-style, Martin Acres home (about 1,200 square feet). The home has uninsulated 2x4 walls, single-pane aluminum framed windows (with no storm windows) and R-19 attic insulation (6-inch fiberglass batts). All of the ducts and HVAC equipment are located in the uninsulated crawlspace. Air leakage testing (with a blower door) showed that the home was very leaky (greater than 1 natural air change per hour) and duct leakage testing showed that the ducts were also very leaky (greater than 80 cubic feet per minute). The home is heated with an 80% efficient natural gas furnace and has a standard efficiency 40-gallon hot water heater (.59 EF). Cooling is provided by a direct evaporative cooler (or “swamp cooler”) and a whole house fan. 60% of the lighting in the home is compact fluorescent (CFL). The home has a medium-sized non-ENERGY STAR refrigerator that was replaced in the last 10 years (appx. 600 kWh/yr). In addition, the home has a programmable thermostat. The home has no solar features (solar thermal or PV).

Addressing each of the prescriptive pathway categories in order:

WALLS: 100% of the walls have no insulation, so the home has a baseline of 0 points.

Improvement Option: Filling all of the wall cavities with blown cellulose insulation would earn this home 20 points (R-13).

Base: 0 Improvement Option: +20

WINDOWS: 100% of the home’s windows are single-pane metal units, earning 0 points.

Improvement Option: Adding metal storm windows to all of the existing windows would earn this home 4 points, replacing the windows with ENERGY STAR windows would earn 14 points.

Base: 0 Improvement Option: +14

ATTIC: The attic is insulated to R-19 with 6-inch fiberglass batts, earning 24 points.

Improvement Option: Insulating the attic to R-41 by adding 6 inches of blown cellulose insulation.

Base: 24 Improvement Option: +2

INFILTRATION: The home earned 0 points due to high air leakage.

Improvement Option: Performing air sealing and caulking of the home to reduce air infiltration to .75 natural air changes per hour would earn 4 points, if .50 natural air changes were achieved, the home would earn 6 points. Reduced air leakage would likely occur simply by adding wall insulation.

Base: 0 Improvement Option: +4

FOUNDATION: For a crawlspace with mechanical equipment, the "Foundation Wall" category (rather than the "slab" or "floor" category) applies. The crawlspace/foundation walls have no insulation, so the home earns 0 points for R-0.

Improvement Option: Insulating the crawlspace/foundation walls to R-19 with draped fiberglass batts would earn this home 9 points in the "Foundation" category. Making this improvement would also bring the ducts within the conditioned space of the home, earning 7 points in the "Ducts" category in the next section of the checklist.

Base: 0 Improvement Option: +9 (earns an additional +7 in "Ducts" category)

DUCT LEAKAGE: The home's duct system was very leaky, earning 0 points.

Improvement Option: Reducing duct leakage by sealing the ducts with water-based mastic and/or foil tape would reduce duct leakage, earning between 4-17 points. The results will depend largely on the accessibility of the ducts and the thoroughness of the duct sealing performed.

Base: 0 Improvement Option: +9 (could be up to +17)

DUCTS: Currently the ducts are uninsulated, earning 0 points.

Improvement Option: If the home does not add crawlspace/foundation wall insulation, the home could earn 6 points by insulating the ducts to R-4. Alternatively, if the home adds

crawlspace/foundation wall insulation, the home automatically earns 7 points in this category by bringing the ducts into conditioned space.

Base: 0 Improvement Option: +7

HEATING: The home's 80% efficient furnace earns it 13 points.

Improvement Option: Switching to a high-efficiency 90% efficient furnace would earn 4 points.

Base: 13 Improvement Option: +4

COOLING: The home earns 6 points for having a direct evaporative cooler.

Improvement Option: Switching to 19 SEER air conditioning or an indirect evaporative cooler would earn 2 points.

Base: 6 Improvement Option: +2

FANS: The home earns 2 points for having a whole house fan.

Base: 2

LIGHTING: 60% of the lighting is CFL, which rounds down to 50%, earning 4 points.

Improvement Option: Upgrading to 100% CFL lighting would earn 3 points.

Base: 4 Improvement Option: +3

HOT WATER: The home earns 1 point for a 60 EF water heater.

Improvement Option: Switching to a tankless hot water heater or direct-vented tank water heater (appx. 78 EF) would earn this home 5 points.

Base: 1 Improvement Option: +5

REFRIGERATION: The refrigerator uses 600 kWh/yr of electricity, which rounds to 650 kWh/yr, earning 2 points.

Improvement Option: Switching to a new medium-sized ENERGY STAR refrigerator (350 kWh/yr) would earn this home 2 points.

Base: 2 Improvement Option: +2

SOLAR THERMAL / PV: The home has no solar thermal or PV.

OCCUPANT: The home earns 1 point for a programmable thermostat.

Improvement Options: Providing tenants with a real time energy monitoring device or an operation/training manual would each earn 1 point. If the tenant attended an energy conservation class, an additional 1 point could be earned.

Base: 1 Improvement Option: +3

- **TOTAL BASELINE POINTS = 53**
- **ADDITIONAL POINTS NEEDED = 47**
- **TOTAL IMPROVEMENT POINTS AVAILABLE TO CHOOSE FROM = 84**

AN EXAMPLE OF A COMPLIANCE PATHWAY FOR THIS HOME:

- 20 Points: Insulate 2x4 walls with blown cellulose insulation (\$840)
- 9 Points: Insulate crawlspace/foundation walls to R-19 with draped fiberglass batts (\$500)
- 7 Points: Adding crawlspace wall insulation puts ducts in conditioned space (no additional \$)
- 9 Points: Seal ducts with water-based mastic and/or foil tape to reduce leakage (could be as high as 17 points) (\$230)
- 4 Points: Insulating above grade walls and sealing ducts is likely to reduce air infiltration to 0.75 natural air changes per hour (no additional \$)

Estimated Cost \$1,570 (assuming no rebates or subsidies)

Multi-Family Residence Example

This is a second story unit in a large 3-story multi-family apartment building. Half of the unit's walls are shared with other units, the rest of the walls are exposed to the outside and are insulated with fiberglass in a 2x4 cavity. The unit has cathedral ceilings, which are insulated to R-26 with fiberglass insulation (compressed R-30 batt) in a 2x8 cavity. Most of the unit (90%) is located above another unit in the building and the remaining 10% of the unit is over the shared community garage and insulated to R-30 with fiberglass batts. All of the windows are double-pane, wood-framed units.

The unit has a programmable thermostat. The refrigerator is 24 years old and consumes approximately 650 kWh per year. None of the lighting in the unit is high-efficacy CFL or LED.

The home has radiant baseboard heating, served by a 25-year old, 80% efficient boiler that supplies heat to the entire complex. Domestic hot water is also provided to the entire complex by the 80% efficient boiler with a sidarm tank. Cooling for the unit is provided by a 10 SEER window unit air-conditioner that is permanently installed through the wall.

A blower door test of the home indicated that the unit was moderately tight, with 0.5 natural air changes per hour.

The home has no solar features.

Addressing each of the prescriptive pathway categories in order:

WALLS: The unit earns 13 points for 50% shared walls and 10 points for 50% insulated 2x4 walls (equivalent to R-13).

Improvement Option: The exterior walls already have fiberglass insulation, so the improvement options are limited. Exterior foam insulation is not practical since this is a multi-family building and there are no plans to replace the wood siding.

Base: 23 Improvement Option: 0

WINDOWS: The unit earns 6 points for 100% double-paned non-metal (wood) windows.

Improvement Option: Replacing all of the windows with ENERGY STAR .30 U-value windows would earn 4 points.

Base: 6 Improvement Option: +8

ATTIC: The cathedral ceiling is insulated to R-26, which rounds up to R-30, earning 26 points.

Improvement Option: The cathedral ceiling already has fiberglass insulation, so the improvement options are limited.

Base: 26 Improvement Option: 0

INFILTRATION: The home earns 6 points for its baseline air leakage (0.50 nACH).

Improvement Option: Performing air sealing and caulking of the home to reduce air infiltration to .35 natural air changes per hour would earn 2 points.

Base: 6 Improvement Option: +1

FOUNDATION / SLAB / FLOOR: Since 90% of the unit is over another unit, this would round up to 100% and the unit earns 15 points for a "shared floor."

Improvement Option: No options available.

Base: 15 Improvement Option: 0

DUCT LEAKAGE: The home has baseboard heating and has no ducts, thus the home earns the highest points in the category, 17 points.

Improvement Option: No options available.

Base: 17 Improvement Option: 0

DUCTS: The home earns an additional 7 points for having no ducts.

Improvement Option: no options available.

Base: 7 Improvement Option: 0

HEATING: The unit's 80% efficient boiler earns it 13 points.

Improvement Option: Replacing the 25-year old boiler for the entire complex to a 90% efficient boiler would earn each unit in the complex 4 points, plus an additional 2 points in the "Hot Water" category.

Base: 13 Improvement Option: +4

COOLING: The home earns 0 points for a SEER 10 window unit.

Improvement Option: Removing the air conditioner or replacing with a direct evaporative cooler would earn this unit 6 points.

Base: 0 Improvement Option: +6

FANS: The home does not have a whole house fan so it earns 0 points.

Improvement Option: Adding a whole house fan would earn 2 points.

Base: 0 Improvement Option: +2

LIGHTING: 0% of the lighting is CFL or LED, earning 0 points.

Improvement Option: Replacing all of the lighting with CFL or LED bulbs would earn 7 points.

Base: 0 Improvement Option: +7

HOT WATER: The home earns 3 points for an 80% efficient gas boiler side arm.

Improvement Option: Replacing the 25-year old boiler for the entire complex to a 90% efficient boiler would earn each unit in the complex 2 points, plus an additional 4 points in the "Heating" category

Base: 3 Improvement Option: +2

REFRIGERATION: The refrigerator uses 650 kWh/yr of electricity, earning 2 points.

Improvement Option: Switching to a more efficient ENERGY STAR refrigerator that uses 350 kWh/yr or less would earn this unit 2 points.

Base: 2 Improvement Option: +2

SOLAR THERMAL / PV: The home has no solar thermal or PV.

OCCUPANT: The home earns 1 point for a programmable thermostat.

Improvement Options: Providing tenants with a real time energy monitoring device or an operation/training manual would each earn 1 point. If the tenant attended an energy conservation class, an additional 1 point could be earned.

Base: 1 Improvement Option: +3

TOTAL BASELINE POINTS = 118

COMPLIANT – NO ADDITIONAL POINTS NEEDED

Consultant Executive Summary



City of Boulder SmartRegs Case Study: Executive Summary and Policy Recommendations.

March 26, 2010

Submitted to

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City of Boulder

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EXECUTIVE SUMMARY

Based upon this SmartRegs case study and the cost data provided in this report, achieving a Home Energy Rating System (“HERS”) Index Score of 120, (or the equivalent of 20% less efficient than the 2004 International Energy Conservation Code (“IECC”)), is both realistic and obtainable for most properties in the City of Boulder.

In order to provide both a performance (HERS rating) and prescriptive pathway to SmartRegs compliance, Populus developed a prescriptive points pathway that is weighted such that achieving 100 points is roughly equivalent to achieving a HERS Index Score of 120 or 20% *less efficient* than the 2004 IECC (with some variations because the prescriptive pathway is more carbon-focused than HERS rating). A proposed home size adjustment has also been included in this report, which helps normalize the prescriptive pathway based upon overall carbon emissions. If a home size adjustment is adopted, the performance pathway should be adjusted as well (since small and large homes can achieve HERS 120 while having radically disparate carbon emissions).

SUMMARY OF POLICY RECOMMENDATIONS

- While a prescriptive pathway is recommended due to cost considerations, an energy audit (including at least a blower door test and a duct blaster test) should be mandatory under the SmartRegs program. Requiring energy audits not only provides a benefit to the homeowner, but also provides data to the City of Boulder for measuring energy savings attributable to the program.
- Our recommendation is to phase-in the implementation of the SmartRegs program prescriptive pathway by capping the total number of improvement points that would be required during any given rental cycle (the performance pathway could likewise cap the maximum HERS score improvement in any rental cycle).
- While carbon offsets are generally disfavored as a policy approach, they may be useful as a “bridge” to phase-in program implementation. For example, the City of Boulder could require that any initial rental cycle prescriptive point's deficit (below 100) be “made up” with the purchase of carbon offsets. The Colorado Carbon Fund provides high quality carbon offsets to consumers as a way to support new energy efficiency and renewable energy projects.
- In regards to financing, many programs such as Boulder County's ClimateSmart Loan Program, the proposed Home Star program and private loans may be available to help property owners pay for upgrades. There are currently utility and governmental rebates for efficiency upgrades available as well. In addition, renters may be eligible for low-income weatherization funding, which would defray landlord costs. Even with these programs available, there needs to be a financial hardship waiver that landlords can use to request a reduction or a “pass” for the first rental cycle (or at least allow the landlord to purchase offsets instead of upgrades).
- To address concerns regarding occupant behavior, landlords could be given one prescriptive point towards SmartRegs energy efficiency compliance if their tenants attend an energy conservation workshop. In addition, an energy conscious lifestyle handbook should be developed in conjunction with the University of Colorado that will help tenants understand the importance of energy conservation.
- To encourage market-based incentives to energy efficiency, the City of Boulder's rental policy should require landlords to disclose average utility bills when renting a property. Landlords should be encouraged to insert a standard clause into all future rental leases that permits the City of Boulder or some other entity access to utility data in order to compare past energy consumption with that of post-improvement to allow tracking of SmartRegs program effectiveness.

The complete report can be found at www.bouldercolorado.gov/smartregs

Phasing Options, GHG and Cost Analysis, and Decision Matrix

PHASING IN COMPLIANCE

All of the phasing options assume an effective date of January 3, 2011.

Phasing option 1: First Rental Cycle

Compliance at 1st rental license renewal

- At the time of the initial rental license application or first renewal, property owners must demonstrate compliance with the energy efficiency requirements
 1. 100 points on the prescriptive list OR
 2. HERS 120 on the performance path

Pros

- All current licensed rental units will be upgraded to code by 2014.

Cons

- Investment is over a shorter time frame than other options.
- Contractor workforce may not be developed enough to handle capacity.

Phasing option 2a: Two rental license cycles – larger investment in first phasing period

- At the time of the initial rental license application or first renewal, property owners must either:
 1. Demonstrate an increase of 50 points through building upgrades or offsets¹ on the prescriptive list from the baseline that is determined by crediting the property with prescriptive measures that already exist. In cases where the property's baseline is greater than 50 points, the property would need to get the amount of points (less than 50) to reach 100 OR
 2. Comply with HERS 120 on the performance path²
- At the time of the subsequent rental license renewal, property owners must:
 1. Achieve the remaining points on the prescriptive list to reach 100.

Pros

- Phases in compliance for properties that have to get more than 50 points from their property's baseline on the prescriptive list.
- Allows contractor workforce time to develop capacity

Cons

- Small amount of GHG reductions by 2012.
- Likely to require most of investment in first rental cycle, since 50 points from baseline are required.
- All current licensed rental units will be upgraded by 2018.

¹ Property owners could purchase offsets in the first cycle towards the 50 point requirement at the rate of eight points per ton outlined in Attachment I, but would need to achieve the points through building upgrades at the second rental cycle.

² It is not recommended to phase-in the performance path since the cost of HERS ratings range from \$600-\$1,000/each. If the performance path is phased, this cost would be incurred at each phase.

Phasing option 2b: Two rental license cycles – larger investment at the end of phasing period

- At the time of the initial rental license application or first renewal, property owners must either:
 1. Demonstrate a baseline of 50³ points on the prescriptive list. In the case that the property’s baseline is less than 50 points, the property would need to get the amount of points to reach 50. OR
 2. Comply with HERS 120 on the performance path
- At the time of the subsequent rental license renewal, property owners must:
 1. Achieve the remaining points on the prescriptive list to reach 100.

Pros

- Spreads the cost out over a longer time frame for property owners.
- Allows contractor workforce time to develop capacity.
- The longer time-frame for upgrades (most of the work will be completed in the second cycle since many properties will likely be close to or at 50 point requirement for 1st cycle) allows property owners to take advantage of tenant turn-over as a time to complete the upgrades.

Cons

- Smaller amount of GHG reductions by 2012.
- All current licensed rental units will be upgraded by 2018.

Phasing option 3: Compliance over 2 rental license cycles with offsets

- At the time of the initial rental license application or first renewal, property owners must either:
 1. Purchase four years worth of carbon offsets equivalent to the 100-point requirement (8 points/ton) or contribute to a local investment fund OR
 2. Demonstrate compliance through either:
 - 100 points on the prescriptive list OR
 - HERS 120 on the performance path
- At the time of the subsequent rental license renewal, properties must demonstrate compliance through either:
 - 100 points on the prescriptive list OR
 - HERS 120 on the performance path

Pros

- Allows property owners to make a smaller investment initially in offsets while they accrue capital for investment.
- A percentage of the offsets revenue or local investment could be used to fund other energy efficiency or greenhouse gas related initiatives.

³ Most of the case study properties’ baseline points were close to or over 50.

Cons

- Funds spent on offsets do not provide lasting GHG emissions reductions and could be spent on upgrades.
- If local investment option is chosen, the greenhouse gas emissions reductions will not reach the levels outlined in Table X.
- All current licensed rental units will be upgraded by 2018.

Phasing option 4: Voluntary compliance, rental rating system

This option would lay the framework of the program through the voluntary rental rating system and encourage voluntary reporting and compliance. Progress towards compliance can be measured through the market-based rating system. This can be evaluated mid-way to determine the effectiveness by 2018.

Pros

- Allows time for the workforce to develop as well as any other incentives for improvements.
- Tests the “market-based” approach with the rental rating system.

Cons

- Unable to estimate impact and effectiveness
- Market transformation (renters drive the demand for more efficient rental units) could take a long time and variables such as location of the property (ex: the Hill) might outweigh the demand for efficiency.

A summary of the phasing options and their ability to meet the objectives of the SmartRegs program by 2012, 2015, and 2018 are as follows:

Summary of phasing options and impacts by 2012, 2015, and 2018

| 2012 | | | | | | |
|-----------|---|--------------------------------|---------------------------|-----------------------------------|--|--|
| | Cumulative GHG reduction (% of sector contribution) | Cumulative % of units upgraded | Cumulative Estimated Cost | Cumulative Estimated Offsets Cost | Cumulative Estimated City, Utility, Federal Investment | Cumulative Estimated Private Investment: Building Upgrades |
| Option 1 | 53% | 58% | \$ 14.2M | na | \$ 3.9M | \$ 10.4M |
| Option 2a | 39% | 43% | \$ 10.7M | na | \$ 3.0M | \$ 7.8M |
| Option 2b | 13% | 14% | \$ 3.6M | na | \$ 1.0M | \$ 2.6M |
| Option 3 | 95% | 12% | \$ 4.7M | \$ 1.9M | \$ 8.0M | \$ 2.1M |
| Option 4 | unknown | unknown | unknown | unknown | unknown | unknown |

| 2015 | | | | | | |
|-----------|---|--------------------------------|---------------------------|-----------------------------------|--|--|
| | Cumulative GHG reduction (% of sector contribution) | Cumulative % of units upgraded | Cumulative Estimated Cost | Cumulative Estimated Offsets Cost | Cumulative Estimated City, Utility, Federal Investment | Cumulative Estimated Private Investment: Building Upgrades |
| Option 1 | 91% | 100% | \$ 24.5M | na | \$ 6.9M | \$ 17.7M |
| Option 2a | 77% | 85% | \$ 20.9M | na | \$ 5.8M | \$ 15.1M |
| Option 2b | 50% | 55% | \$ 13.6M | na | \$ 3.6M | \$ 10.0M |
| Option 3 | 134% | 52% | \$ 16.0M | \$ 3.2M | \$ 3.4M | \$ 9.5M |
| Option 4 | unknown | unknown | unknown | unknown | unknown | unknown |

| | 2018 | | | | | |
|-----------|---|--------------------------------|---------------------------|-----------------------------------|--|--|
| | Cumulative GHG reduction (% of sector contribution) | Cumulative % of units upgraded | Cumulative Estimated Cost | Cumulative Estimated Offsets Cost | Cumulative Estimated City, Utility, Federal Investment | Cumulative Estimated Private Investment: Building Upgrades |
| Option 1 | 91% | 100% | \$ 24.5M | na | \$ 6.9M | \$ 17.7M |
| Option 2a | 91% | 100% | \$ 24.5M | na | \$ 6.9M | \$ 17.7M |
| Option 2b | 91% | 100% | \$ 24.5M | na | \$ 6.9M | \$ 17.7M |
| Option 3 | 91% | 100% | \$ 27.7M | \$ 3.2M | \$ 6.9M | \$ 17.7M |
| Option 4 | unknown | unknown | unknown | unknown | unknown | unknown |

Assumptions

- The percentage of dwelling units is adjusted for the estimate of units already in compliance (ex: built after 2001, units already upgraded)
- GHG reductions and cost are an average over all dwelling units, weighted by different housing types and the estimated reductions and costs
- City, Utility, and Federal Investments include Climate Action Plan tax through 2012, Xcel Energy Demand-Side Management (DSM) rebates, and federally funded income-qualified weatherization
- Carbon offsets in Option 3 are based on the current rate of \$20/ton through the Colorado Carbon Fund, the required purchase amount would be 3 tons/year for a four year period; \$60/year; \$240/4 years
- Option 3 calculations assumed that 80% of dwelling units purchase offsets in the first rental cycle
- Option 2a: assumed 75% of investment in first rental cycle, 25% in second
- Option 2b: assumed 25% of investment in first rental cycle, 75% in second

Decision Matrix with Primary and Secondary Criteria

| | Primary Criteria | | | | Total |
|-----------|-------------------------------------|--|--------------------------|-------------------|-------|
| | Compliance with CAP goals - by 2012 | Total investment funds building upgrades | Long term GHG reductions | Phased Investment | |
| Option 1 | 2 | 3 | 2 | 1 | 8 |
| Option 2a | 1 | 3 | 2 | 1 | 7 |
| Option 2b | 1 | 3 | 2 | 3 | 9 |
| Option 3 | 3 | 1 | 2 | 2 | 8 |
| Option 4 | unknown | unknown | unknown | unknown | NA |

| | Secondary Criteria | | | Total |
|-----------|--------------------|-------------------------------|-----------------------------------|-------|
| | Workforce Capacity | Ease of Implementation (City) | Ease of Implementation (Customer) | |
| Option 1 | 2 | 2 | 1 | 5 |
| Option 2a | 2 | 2 | 2 | 6 |
| Option 2b | 3 | 2 | 3 | 8 |
| Option 3 | 3 | 1 | 2 | 6 |
| Option 4 | unknown | 3 | unknown | 3 |

Key

- 1 = low performance
- 2 = medium performance
- 3 = high performance

Description of Criteria

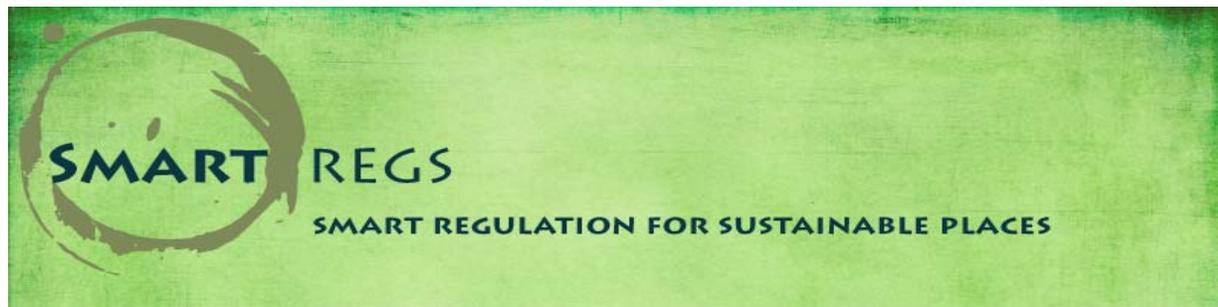
The primary criteria are weighted more heavily in staff's decision-making process due to the direct relationship to the goals of the program.

Primary Criteria

1. Compliance with CAP Goals by 2012 – Refers to the amount of GHG reductions, as a percentage of this sector's contribution towards the CAP goal, achieved by 2012 as a result of this program.
 - Low performance = less than 50%
 - Medium performance = 50%-75%
 - High performance = greater than 75%
2. Total investment funds building upgrades – Refers to financial investment funding building upgrades in energy efficiency as a result of this program.
 - Low performance = Investment includes the purchase of carbon offsets
 - High performance = All funding is invested in upgrading the building's energy efficiency
3. Long term GHG reductions – This program has an assumed capacity for achievable GHG reductions once all licensed rental units are upgraded. These options are designed that all buildings will be upgraded by 2018, so all options received a ranking of medium performance.
4. Phased Investment – This criteria refers to the amount of time property owners will have to make investments in their buildings as well as when the investment will be required (towards the beginning versus towards the end of the time period). It is assumed that all options would require at the total investment in building upgrades by 2018, Option 3 also includes an additional \$3.2M for offsets purchases.
 - Low performance = Most or all of the private sector investment by 2015 (\$20.9M to \$24.5M by 2015)
 - Medium performance = Approximately 60% of the total investment by 2015 (\$16.0M by 2015)
 - High performance = Less than 60% of the total investment by 2015 (\$13.6M by 2015)

Secondary Criteria

1. Workforce capacity – Refers to the time frame over which the upgrades will take place and the estimated ability of the workforce to handle to scale of work. The longer phasing options have a higher performance rating.
2. Ease of Implementation (city) – Refers to the city's administrative burden to implement the option. Higher performing options are ones that have less points of interaction with the city.
3. Ease of Implementation (customer) – Refers to the customer's impact financially over time. Options with higher performance have the investment weighted towards the end of the implementation phasing (2018).



Current Rebates as of 5-11-2010

This list includes all current rebates as they apply to SmartRegs. It does not include future rebates and incentive programs being developed through the Department of Energy's Ramp-up Retrofit grant, Two Techs and a Truck, and pending federal legislation (HomeStar).

| MEASURE | XCEL GAS CUSTOMERS | XCEL ELECTRIC CUSTOMERS | OTHER REBATES from City of Boulder and Governor's Energy Office (GEO) |
|--|--|--|---|
| Appliances | | | Clothes washers: \$75 City of Boulder; \$75 GEO** Dishwashers: GEO** = \$50 Refrigerators: GEO** = \$50 w/out recycling; \$100 w/ proof of recycling from appliance recycling company |
| Lighting | | CFLs cost approx. \$1/each at McGuckin and King Soopers | |
| Attic insulation, wall insulation and air sealing | 20%, up to \$300* | 20%, up to \$300* | GEO** and City of Boulder: 40% of cost up to \$400. Not to exceed \$600 when combined with another incentive |
| Crawlspace, Basement, Floor insulation | | | GEO** and City of Boulder: 40% of cost up to \$400. Not to exceed \$600 when combined with another incentive |
| Duct Sealing | | | GEO** and City of Boulder: 40% of cost up to \$75. Not to exceed \$150 when combined with an existing local rebate |
| Energy Audits (up to 4-plex and townhomes as long as meter is residential) | Cost of audit: \$90 = blower door \$120 = blower door + infrared | | GEO** and City of Boulder: Tiered rebate between \$25 to \$100 depending on cost of audit If cost is less than or equal to \$75, then rebate = \$0 \$76 to \$124: rebate = \$25 \$125 to \$184: rebate = \$50 \$185 to \$239: rebate = \$75 \$240 +: rebate = \$100 |
| High Efficiency Furnace | Annual Fuel Utilization Efficiency (AFUE) 92% = \$80 94% = \$120 | | GEO** = 40% of total job cost up to \$500, in addition to Xcel rebate |
| Boiler | \$120 for AFUE >= 84% | | GEO** = \$400, in addition to Xcel rebate |
| High Efficiency Evaporative cooler | | Up to \$200 for Air Flow Rating = 2,500 Cubic Feet per Minute (CFM) Up to \$500 for a media saturation effectiveness of 85% or higher | |
| Central Air Conditioner (AC) | | Up to \$500 | |
| Water Heater (On Demand/Tankless) | .82 Energy Factor (EF) = \$100 | | GEO** = \$300, in addition to Xcel rebate |
| Water Heater Gas | .62 EF = \$40 .65 EF = \$60 .67 EF = \$80 | | GEO** = \$200. in addition to Xcel rebate |

| | | | |
|---|--|--|---|
| Solar photovoltaic | | \$2.00/watt These rebates change frequently. Please visit http://www.xcelenergy.com/Colorado/Residential/RenewableEnergy | City of Boulder tax rebate is approximately 15% of the city sales tax paid. |
| Solar Hot Water | ---- | | GEO**: \$2,000 = \$45/kBTU over 23,000 BTU/day. Up to \$3,000. City of Boulder tax rebate is approximately 15% of the city sales tax paid. |
| Air Source Heat Pump | Up to \$500 | | |
| Low-Flow Showerhead | Available at no cost through Xcel Energy | | |
| Water rebates - Washing machines, low-flow toilets, irrigation | | | The City of Boulder offers \$75 for qualifying new washing machines, low-flow toilets, and irrigation systems. |

All rebates (unless noted) are available to single and multi-family properties with residential meters. If a multi-family property is metered commercially, commercial rebates will apply. Details at www.responsiblebynature.com.

***Rebates with this asterisk are capped at a combined \$300 per customer per natural gas meter.**

**** Governor's Energy Office (GEO) rebates are available through www.rechargecolorado.com**

These rebates are available on a first come first served basis, until funds are exhausted. Reservations can be made in advance. While most of the appliance rebates are on a waiting list, customers who do not purchase the appliance within 30 days will lose their reservation and the waiting list customers will be granted reservations. Other measures such as insulation and air sealing are allowed longer reservation periods.

Affordable Housing

Stakeholder groups

To discuss how to resolve the potential conflict between the city’s affordable housing goal and the Climate Action Plan goal to upgrade existing housing’s energy efficiency, city staff convened a group of affordable housing providers. Staff held two focus groups with rental affordable housing providers to discuss the proposed changes associated with SmartRegs, specifically the proposed energy efficiency requirements. The main outcome of these focus groups involved the pursuit of federally funded weatherization for the majority of this housing stock.

At the first focus group, staff received feedback on the proposal and brainstormed solutions, which staff then researched. The most attractive idea was to connect as many properties as possible with federal and state funded free weatherization services. New developments in the weatherization program through the American Recovery and Reinvestment Act (ARRA) have expanded the budget of these services and the property types that are eligible to receive these services.

At the second focus group, staff invited the Governor’s Energy Office Weatherization coordinator and the manager from Long’s Peak Energy Conservation (local weatherization office) to explain the potential and process for obtaining weatherization for these properties. While there currently are wait lists for these services, the increased funding levels will ensure service to a higher number of properties through 2012 when the ARRA funding sunsets. Weatherization measures provided through these programs are expected to meet the proposed requirements according to staff at Long’s Peak Energy Conservation.

Breakdown of affordable housing units

The city currently counts 2,061 affordable units that require rental licenses. They are owned and operated by 19 agencies.

| <u>Agency</u> | <u>Units</u> |
|---|--------------|
| Alvarado Village | 28 |
| Anam Chara | 8 |
| Boulder Housing Partners | 903 |
| Boulder Housing Coalition | 21 |
| Boulder Shelter for the Homeless | 166 |
| Carmel Community Living | 2 |
| Chinook Clubhouse/Sage | 8 |
| Dunn Memorial Senior Housing | 3 |
| Eaton House | 4 |
| Emergency Family Assistance Association | 17 |
| Golden West Manor | 214 |
| Imagine! | 34 |

| | |
|--|------------|
| Mary Sandoe House | 7 |
| Mental Health Center | 34 |
| Presbyterian Manor | 81 |
| Safehouse Progressive Alliance for Nonviolence | 27 |
| San Juan del Centro | 216 |
| The Hub | 17 |
| <u>Thistle</u> | <u>271</u> |
| Total | 2061 |

Options

Staff recommends that for the 28 percent (570) of affordable housing units that do not qualify for weatherization services in the first two rental license cycles, they be given an additional four-year cycle to comply. This is described in option 1, below.

Option 1: Allow some affordable housing properties to extend the compliance period

This option allows the 28 percent (570) of affordable housing units that do not qualify for weatherization services to have two rental license cycles to demonstrate compliance. All affordable housing properties that can demonstrate ineligibility for weatherization programs would be granted a rental license at the first renewal. At the second renewal, an affordable housing property would either demonstrate compliance or request an extension for the next four-year cycle from the City Manager (providing a total of 8-12 years for compliance). The extension would be based on a financial analysis of the property’s inability to fund necessary improvements without having a significant impact on housing affordability for the target population. This demonstration of hardship could qualify the property for local funding of improvements. At the third license renewal period, the property would need to demonstrate compliance or provide a compliance plan outlining how the property would be brought into compliance within a mutually agreed period of time.

Option 2: An affordable housing efficiency fund could be created

For approximately \$150,000/year¹, approximately 100 affordable units could be improved each year. In order to provide full funding for all 570 units, this level of funding would need to continue for five to six years. Possible sources include: Climate Action Plan Tax (through 2012 only), local investment fund, affordable housing funds or General Fund.

Other options considered

Option 3: Exempt these properties from these requirements

Although affordable housing providers are keenly interested in energy efficiency, exempting them would eliminate potential trade-offs between affordable housing and climate action goals. The number of properties exempt from the requirement would be approximately 570. The focus group providers did not support this option.

¹ Assuming the high end of the range of \$1,500/unit

Option 4: Allow properties to comply by demonstrating that the average energy performance across an agency’s total portfolio of properties complies.

This would allow some agencies to use “excess” improvements, especially photovoltaic systems if allowed, on some properties to reduce the cost of compliance of other properties. It would address the overall Kyoto goal, but might result in some individual properties not being improved to the SmartRegs standard.

Option 5: Provide funding from a grant program created by revenues from the purchase of offsets or local investment

Dedicating funds raised through other compliance options would address the agencies’ need for resources to bring properties in to compliance. However, this use of any revenue generated would reduce the ability to fund other climate action programs. In addition, it is not clear that enough funding would be generated in this way to substantively help the 570 properties that would need it.

Option 6: City funds a part-time grant-writer to assist these properties in seeking funding for improvements

Any grants awarded from outside sources would leverage the city’s own efforts. Funds expended in this manner would have uncertain results and reduce funding available for other efforts.

Option 7: Create a sliding scale for compliance based on level of affordability, less points required for properties that are more affordable

This would make compliance easier for many properties, but would not achieve the energy efficiency goal for them. The more affordable properties, and their residents, would benefit most from reduced energy costs.

Rental Licensing Enforcement

Residential rental properties in the city are required to obtain a rental license prior to occupancy and to maintain a rental license in compliance with the city's rental licensing code. If a dwelling unit meets the Title 10, Chapter 3, Rental Licenses, definition of a rental property and is occupied by tenants without a rental license the following enforcement action is undertaken by city staff.

Process Summary:

- Notification
- Complaint received
- Landlink case opened
- Investigation
- Compliance
- Close Case

Notification

Renewal notifications are sent by Planning and Development Services staff 30 days prior to the expiration of the license. If no response, an additional 30 day notice is sent. Failure to respond to a renewal notice will result in the filing of a compliance case for investigation.

Complaint Received

City staff receives a complaint of an unlicensed rental property from various sources. Neighbors, neighborhood associations, city rental licensing staff, tenants and former tenants will call in or forward complaints of an unlicensed rental property. Unlicensed rental complaints filed with the city are directed to City Environmental and Zoning Enforcement staff.

When an unlicensed rental property complaint is called into the Environmental and Zoning Enforcement Office (EZEEO), the critical elements of the complaint are ascertained by environmental and zoning administration staff. The environmental and zoning staff will obtain:

- The complainant name, phone number, and property address of the unlicensed property.
- A brief statement with pertinent information as why the property is unlicensed.

Landlink Case Opened

The Code compliance specialist checks the Planning and Development services computerized Landlink program for an existing open case that may be in progress.

If there is no existing case, the code compliance specialists opens a new Landlink case to begin recording information collected during the complaint received and investigation phase. When a case is opened the initial complainant information is recorded into the Landlink database. An initial inspection is recorded into Landlink and assigned to an inspection list for the investigation phase.

Investigation

The investigating officer will begin by checking records and visiting the property.

1. Records checked-

- a) LandLink parcel data is checked for owner information and location.
- b) Rental housing database is checked for current rental license, owner, and agent information.

2. On Site Inspection-

- a) An EZEO officer will go to the property suspected of being unlicensed.
- b) Officer will try to contact the tenants. The investigating officer will bring a business card as well as city identification when contacting tenants.
- c) If nobody answers the door, the officer may leave contact information. The attempt to contact is added into LandLink as a re-inspection and the officer will attempt to contact the residents at another time.
- d) If someone answers the door, the officer will identify himself or herself as an Environmental & Zoning Enforcement Officer with the City of Boulder and provide a business card to the person.
- e) The officer gives a brief explanation to the tenant that they are conducting a tenant status report for verification of an unlicensed rental property.

Compliance Remedies

- **Summons and complaint** - If the tenant status report verifies an unlicensed rental property, a municipal court summons may be issued. This can be done in person by the officer or by certified mail and will require the property owner to appear in Municipal Court.
- **Administrative remedy** After an opportunity for a hearing to contest rental licensing violations, an administrative remedy in the form of a civil penalty can be imposed to a property owner or manager to remedy a violation. This remedy is more commonly applied to housing code violations where multiple violations exist.
 - For the first violation \$150 dollars
 - Second violation of the same provision, \$300 dollars
 - For the third violation \$1000.00
 - Revoke the rental license
 - Issue any order reasonable calculated to ensure compliance with the rental licensing and Housing codes.

Municipal Court

The issuance of a summons requires the property owner to appear in Municipal Court. If a plea of guilty or no contest is entered, a fine is imposed for the violation.

(Proposed) If a plea of guilty or no contest is entered, the owner may be required to get a rental license within 60 days to meet the terms of a court ordered agreement. In addition, a fine may be imposed by the municipal court Judge. The fine for a violation of the rental licensing code is not more than two thousand dollars or incarceration for not more than 90 days in jail or both such fine and incarceration.

Vacate orders

If a summons and complaint cannot be served on upon the rental property operator despite reasonable efforts to do so, or having been served, the operator has failed to appear in municipal court, or the operator fails to satisfy the judgment of the court, a vacate order can be issued after 30 days notice to the tenants and operator for an appeal that a vacate order will be posted. The property cannot be reoccupied until all of the requirements of the rental licensing code and judgments have been satisfied.

Close Case

When the property is in compliance, all of the reports completed and attached to the LandLink case and the disposition is received from municipal court, if applicable, the case will be closed. The case remains an historical record that will be reviewed during future violations.

ATTACHMENT Q

May 18, 2010

TO: Boulder City Council

FROM: Environmental Advisory Board

SUBJECT: SmartRegs Proposal

EAB strongly endorses the adoption of the proposed SmartRegs to continue Boulder's progress in improving the energy efficiency of our rental housing and reducing our carbon footprint.

When Boulder voters approved the Climate Action Plan (CAP) tax in November 2007, they communicated their clear desire to pro-actively combat climate change. When reviewing our CAP progress last year, City Council decided that we needed to pursue more aggressive measures since voluntary action was not getting us to our goals quickly enough. In order to meet Boulder's CAP goals, we must make progress in each major category that contributes to greenhouse gas (GHG) emissions: energy supply, energy efficiency in residential and commercial buildings, waste reduction, and transportation. Energy consumption through housing is responsible for 17% of Boulder's GHG emissions. Since rental housing accounts for about 50% of Boulder's residential units, we must address rental housing energy efficiency if we are to meet our CAP goal.

The Environmental Advisory Board has been involved in planning Boulder's strategy for GHG reduction, and we strongly believe that everyone has a role to play: homeowners, tenants, landlords, students, business owners, commuters, and city government. We believe that the SmartRegs proposal is an appropriate and balanced method of attaining rental housing energy efficiency goals. We support the flexibility provided by the two compliance pathways (performance and prescriptive). Furthermore, we support the proposed Option 2B phase-in period over two rental license cycles (8 years), which allows landlords to properly plan for improvements while demonstrating early progress on energy efficiency upgrades. Finally, we support the additional flexibility provided by the hardship provision, historic building considerations, and affordable housing considerations.

There are significant resources available to landlords in order to help offset the cost of energy efficiency upgrades, including tax write-offs, Xcel rebates, federal and state grant and rebate programs, and Boulder programs such as Two Techs and a Truck and ClimateSmart loans. Efforts could be undertaken to make these resources more easily accessible by landlords.

EAB believes that tenant education is an important companion to the regulations, and there are exciting opportunities to work with the CU Environmental Center, Off-campus Student Services and other CU organizations to educate student renters and promote energy conservation. In addition, an energy efficiency rating system for rental units could be an important tenant education tool: tenants would have access to information about energy-efficient rental homes with lower utility bills.

EAB members did not reach a consensus on the use of carbon offsets. Some EAB members think such methods are an effective and equitable means of reducing carbon emissions and furthering our CAP goals. Other members believe that offsets do not provide a tangible carbon reduction and provide no benefits to tenants who would continue to pay the CAP tax and would not realize any reduction in utility bills if offsets were purchased and no efficiency upgrades were made to their rental homes. The EAB reached consensus on the use of carbon offsets in the hardship provision in the SmartRegs.

EAB strongly commends the excellent, productive work of City staff in developing the SmartRegs proposal.

Environmental Advisory Board

Suzanne Jones

Vicky Mandell

Bill Roettker

Brian Vickers

Scot Woolley

ATTACHMENT R

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Thursday, May 13, 2010 12:10 PM
Subject: SmartsRegs Web Comment Form Submission

name: Kevin Lee
category: Landlord
comments:

The largest landlord in Boulder is of course CU. Will you attempt to impose these regulations in like manner on CU as well?

Double standards are never a good thing. If this initiative is truly worthwhile (probably) and something in which city government should involve itself (it should not) it should be applied equally to all residences businesses historic buildings federal county and city buildings not just rental units. Please explain your rationale for targeting landlords. Thank you.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Thursday, May 13, 2010 10:35 AM
Subject: SmartsRegs Web Comment Form Submission

name: Linda Silverthorn
category: Landlord
comments:

First of all I don't disagree with moving towards better energy conservation. I think we all should be doing that as a country.

What I don't understand is why you've decided to penalize rental property owners. I'm sure that you realize that a lot of rental property was built in the 1950's or earlier and it may never be possible to bring these houses completely up to standards. I think I'm sitting better than a lot of property owners in that we've already upgraded our windows to vinyl double pane. However in reading the information I'm sure I'm going to be penalized somehow and in this economy I think it is unfair to impose rules that will cause additional expenditures and stress.

I'm guessing that the city decided to start with rental property owners because they felt they wouldn't be able to force homeowners to do this kind of thing but they've got the rental license carrot to hold over our heads.

I don't intend to be so cynical but it is hard to understand this direction the city is taking. Something that someone mentioned to me that I thought was valid was about having energy star appliances. That's all well and good but isn't it a bit wasteful to get rid of an appliance that works fine send it to the landfill and get a new one? How about when an appliance dies then require an energy star appliance purchase? Wouldn't that be more equitable?

Also since I do not live in the property and I am not going to to over every day to check on it I cannot control the actions of my tenants with regards to saving energy. So even if I do all of the things that will be required it still may not guarantee a smaller footprint. Tenants will not be concerned about these issues like owners would be.

I may not be able to attend the council meeting because my husband is having surgery so I wanted to make sure and comment.

Bottom line I don't disagree with your efforts. I just think more consideration needs to be given to rental property owners and the burden that you may be putting on us.

Sincerely

Linda Silverthorn
(owner of 2 martin acres and 1 baseline rental single family homes)

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Thursday, May 13, 2010 10:04 AM
Subject: SmartsRegs Web Comment Form Submission

name: Chris Riley
category: Interested Resident
comments:

I want to express my strong opposition and deep resentment to SmartRegs and its policies regulations and requirements. The underlying data and assumptions about the impacts and benefits of reducing carbon emissions are faulty and the cost to property owners to implement the resulting regulations is unfair. The real costs of compliance will far exceed the published estimates of the expense to bring a property into compliance with SmartRegs. An imposed retrofit of improvements that don't pertain to life safety issues is unreasonable and unjust. What concerns me the most about this ill-conceived imposition is the unintended consequences of forcing landlords to comply with an arbitrary goal. Stop the madness now.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Wednesday, May 12, 2010 6:42 PM
Subject: SmartsRegs Web Comment Form Submission

name: Kim Schuske
category: Landlord
comments:

While we agree with idea of trying to increase energy efficiency this policy places an undue burden on rental property owners. And it excludes personal residence owners from contributing to increased energy efficiency and decreased CO2 emissions for their community. A better policy would be to create tax rebates or other incentives to all homeowners that take measures to improve efficiency rather than a mandatory requirement for rental property owners. One concern is that increased costs to rental property owners will be passed onto tenants and if cost are too high may result in property owners pulling out of the market.

Sincerely
Kim Schuske and Mike Horner

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Wednesday, May 12, 2010 5:38 PM
Subject: SmartsRegs Web Comment Form Submission

name: Patricia Kupfner Trustee c/o Noreen Neeson Estate
category: Landlord
comments:

I feel that making the landlords of rentals absorb the cost of smartregs is discriminating. I have not heard of any Boulder residence having to comply to smartregs regulations and the burden shouldn't have to rest on the landlords. I also feel that this is not fair to ask landlords to come up with the extra cost to reduce the carbon footprint in Boulder when it isn't scientifically proven that global warming is man caused.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Wednesday, May 12, 2010 5:32 PM
Subject: SmartsRegs Web Comment Form Submission

name: Danielle D'ermo
category: Landlord
comments:

My comment is that this will cause an undue financial hardship on me and others during an already very difficult time. I do not support this .

Thanks
Danielle D'Ermo

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Wednesday, May 12, 2010 5:23 PM
Subject: SmartsRegs Web Comment Form Submission

name: Alvin C. Wilson
category: Landlord
comments:

I see the above comment deadline was May 10. However I did not receive your card about Smart Regs until May 11.

Please understand that we like many other landlords are retired and depend on the rental income as our livelihood. We are not a corporation or investment firm. It will be very difficult to make all of the improvements required in one year without being a burden on the landlords.

If the need for environmental improvements is as urgent as you imply then why single out rental units to carry the burden? The environmental improvements should be made first by all city owned buildings and then by private homes and business.

I cannot believe that the City Council should even be considering to pass Smart Regs when we are in the worst depression since the 1930s. Why are you discriminating against retired senior citizens?

Now that the global warming is considered a questionable hoax you should postpone Smart Regs until the economy is fully recovered.

Thank you
Alvin Wilson

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Wednesday, May 12, 2010 2:49 PM
Subject: SmartsRegs Web Comment Form Submission

name: Joe Renter
category: Renter
comments: Dear City Council Members:

Your Smartregs (StupidRegs) are unnecessary and are a waste of Boulder's citizens time and money.

- 1) Most people have already made their properties as energy efficient as possible. Your SmartRegs will only increase license fees significantly.
- 2) You elite city council members (none of whom are renters) should stop passing laws which will increase rents for the 40% of Boulder residents who do rent.
- 3) Current renters will not reap any savings from SmartRegs. The savings are longterm (10-20 years) and don't require new laws being passed. If your Smartreg ideas are good people will implement them without laws and the accompanying fees being passed by City Council.

The citizens of Boulder would like the City Council to stop meddling in their lives by passing laws which increase the cost of living here.

The city's composting charge is another example of the city council passing misdirected laws. Most people don't compost. Yet everyone must pay \$2 per month to Western Disposal regardless of use. I think composting was merely a way for the city to get out of doing Spring Cleanup.

In capitalism market forced dictate what people want to do not the City Council.

Yours

The Average Boulder Resident

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Wednesday, May 12, 2010 2:18 PM
Subject: SmartsRegs Web Comment Form Submission

name: Donna Schaefer
category: Landlord
comments:

At first I thought this would just be a minor irritation but I was happy to try and update my rental property. And for the record - I pay the water the gas and the trash bills for my tenants. It comes out of my pocket so it's not like I don't care what the utilities cost because I care very much especially mid-winter when the bills hit \$1200/mo - leaving me \$700 short. I changed my mind about this SmartReg business when I went to good ol' Home D and found that because I'm not living in the building (key word: Primary Residence) I do NOT qualify for any tax breaks on any upgrade I put into the rental property. How's that for NO incentive as an owner? I haven't owned my building for very long and as such I'm barely breaking even. I'll show you my tax return. The entire year shows a positive income of \$30. Thirty. I spend more filling my gas tank. I am extremely opposed to this over zealous SmartReg being forced down my throat. The City is picking my pocket and raping my bank account. I am doing my best to upgrade the things I can afford to upgrade. I can't meet the timeline the City is proposing - not even close. But that doesn't mean I'm not trying. It doesn't mean I don't care. And what does the City propose to do about tenants who in spite of being told asked and reminded leave their doors and windows WIDE OPEN when it's below FREEZING outside? Is the City going to police my tenants to make sure they're composting and recycling and turning down the heat at night and closing doors and windows in the winter and not wasting water ... ? Is the City going to ask me to parent my tenants? Do my tenants need or want a dictator or a landlord? Not all of us are Slum Lords. Some of us care. We care about our tenant's well being and comfort and peace of mind. We care about our properties and we try to make them a nice place to call home. Set aside the stereotyped slum lord images and talk to the real landlords. Don't label all of us as jerks based on one or two bad apples out there. I am opposed to this SmartReg bill. It's unfair and smacks of trying to force a square peg into a round hole. Once the City gets it's foot in the door of rental properties there's nothing to stop it from doing the same thing to home owners in their primary residence. Some older historic homes won't be able to meet the demands of this ridiculous one-size-choke-all-SmartReg. Kill the bill. Boulder is awash with eager-to-go-green residents and property owners. We'll get there without the City playing Big Brother.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Wednesday, May 12, 2010 1:42 PM
Subject: SmartsRegs Web Comment Form Submission

name: Charles Matzen
category: Landlord
comments:

As a landlord for 5 rentals in town my concern is the expense. I don't want to take out a loan to pay for improvements so will have to pay cash for any improvements. I recently spent over \$5000 on one unit alone for a new furnace air conditioner and windows. Although all of these improvements are significant upgrades over the 40 year old windows and furnace they are not energy star rated. My concern is that the City will require further upgrades to these appliances/windows for my rental license even though they have recently been upgraded and will provide significant energy savings over what was there. I simply can't afford this.

I recently replaced one of three windows in another unit at a cost of \$700 - I will have to slowly replace the other windows as my budget allows. I don't mind making upgrades to my units but should be allowed to do this over time rather than all at once - it's simply too expensive and I shouldn't be forced into borrowing money to pay for this.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Wednesday, May 12, 2010 10:31 AM
Subject: SmartsRegs Web Comment Form Submission

name: Heidi Lustig
category: Landlord
comments:

My mother is the owner of a 32 unit apartment complex in Boulder. She has worked very hard to maintain a wonderful and safe place to live for our tenants and in the process paid allot in taxes to your city. Do you mean to tell me that my mother who sacrificed over the years to buy such an investment that is finally supporting her in her golden years will have to sell her dream in a recession because the debt service on a loan for improvements due to SmartRegs will force her out of the rental business? Are you kidding me? Have you really looked at the financial impact of such a plan upon landlords that are already facing vacancies and large upkeep costs on older buildings? I happen to live in Oakland California (next door to Bazerkeley) and know that many investors refuse to purchase property there because of the excessive controls placed upon landlords by city government. What do you suppose are the implications of this for the city coffers when landlords can't make a profit? Your plan is too much too fast and at the wrong time in our economy. Please go back to the drawing board.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Wednesday, May 12, 2010 8:12 AM
Subject: SmartsRegs Web Comment Form Submission

name: Lauren Sompayrac
category: Landlord
comments:

I am certainly not against energy conservation but this is the wrong way to do it. Moreover in the current economic environment we do not need a measure which is CERTAIN TO RAISE RENTS FOR THE PEOPLE WHO CAN LEAST AFFORD IT -- the people who must rent.

The formula for computing the points in this system is unnecessarily complicated and the time allowed for compliance is unacceptably short. However the biggest issue is the cost -- and who will pay. The problem here is that most landlords ask their tenants to pay for their utilities. The reason for this is that when the landlord pays the tenants have no incentive to save energy. I began asking my tenants to pay for utilities after I observed them in shorts and T shirts in the middle of the winter -- with the thermostat turned up to 75 degrees! And because tenants pay for utilities the people who might benefit from this program will not be the people who pay for it. In fact the short-term savings to the tenants -- that's what tenants notice -- will likely be so small that they will not even be aware of the savings. Landlords on the other hand will pass the cost along to the tenants in the form of increased rents. After all someone has to pay. And raising rents right now is NOT a good thing.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Tuesday, May 11, 2010 6:45 PM
Subject: SmartsRegs Web Comment Form Submission

name: Robert Henry
category: Landlord
comments:

The condo we rent out is in a building that has owner- occupiers. We are surprised and annoyed that we as owners are being forced to comply with new regulations that are not being applied to owner-occupiers. Therefore if the new regulations are approved they should be applied to all housing.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Tuesday, May 11, 2010 2:36 PM
Subject: SmartsRegs Web Comment Form Submission

name: Cathleen Fox
category: Landlord
comments:

I own two rental homes in Boulder one in Newlands and one by the University. I am uneasy with the notion that the city is going to decide how I can and cannot take care of my property. I believe I am a conscious landlord who works to ensure that the overall maintenance of my properties convey the feeling of a home not a rental. The cost of these homes came at a premium causing rents to be high already. In reviewing the proposed points system I am concerned that the cost to implement such a plan will cause the rent to escalate past current market pricing. Will college students be able to afford their housing? Ultimately this decision could cause more rental properties to sell thus turning over to owner-occupied homes. Will the goals of this initiative be eluded if we do this? I can't help but think of how the city requested that I cut down my Walnut trees (\$5000 expense) at one of my rentals and no positive really came from that. In fact I believe there are still homeowners who haven't complied. If the city requires me to make more expensive changes then I will most likely be forced to sell the properties. I would encourage the City to take smaller steps toward this plan and consider incentives over mandates. Thank you.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Tuesday, May 11, 2010 1:08 PM
Subject: SmartsRegs Web Comment Form Submission

name: Margie Ripmaster
category: Landlord
comments:

Vehemently oppose more regulation from the City of Boulder without significant improvements to the process. Planning office must be staffed during the lunch hour and at least two evenings per week. There must be more available inspectors and only one inspection per rental. Now the licensing process requires two different kinds of inspections and there are only FOUR people in the area who can perform both functions. To avoid the extraordinary landlord expense (time and dollars) Boulder should first require all city employees to upgrade their homes accordingly so that the process will be free of frustrating problems. This requirement will provide a more accurate forecast of the costs involved for the various upgrades. With more accurate renovation costs city staff will be able to provide rental cost adjustment analysis and thus have a more accurate picture of the potential rental increases required. Additionally Boulder County must ensure that Property taxes are not raised because the City has required upgrades.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Tuesday, May 11, 2010 1:04 PM
Subject: SmartsRegs Web Comment Form Submission

name: Summer Youngs
category: Interested Resident
comments:

It seems that regulations should be proposed across the board and not just at landlords. Not only does it single them out but it would be more effective if applied to all homes.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Tuesday, May 11, 2010 11:09 AM
Subject: SmartsRegs Web Comment Form Submission

name: Mary Ham
category: Landlord
comments:

We own 2 rental properties a 3 bedroom house near Baseline and 38th and a small older duplex on Mapleton Hill. We have always made it our policy to keep our rents modest and under the market. We were renters ourselves for 12 years. Because the small duplex is located on Mapleton Hill the property taxes stay higher than they would be if located in another part of the city and despite the fact that one unit of the duplex is only the size of an efficiency apartment the other not a lot larger. We now pay for trash pickup and water property taxes and insurance repairs and upgrades. Our rentals always pass their rental inspections. If we were forced by the City to put in expensive new appliances and make changes on systems that now work fine we would need to raise the rents and possibly take out loans.

Until all Boulder residents are required by law to upgrade their homes to save energy we feel it is unfair to impose strict expensive requirements on rental property alone. Other residents would protest the intrusion.

We are registering our position that the present proposal goes too far and applies punitively to only a selected group of Boulder properties. Because rental licenses are required the government admittedly does have the power over this limited segment but is it fair to exercise it in this manner when the same rules will not apply to other properties? Individual rental inspections now identify needed modifications on a case by case basis. To make a law so widespread and obviously expensive to apply to only some of Boulder's homes regardless of the actual situation of the rental casts way too wide a net.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Tuesday, May 11, 2010 11:00 AM
Subject: SmartsRegs Web Comment Form Submission

name: Don James
category: Landlord
comments:

I am the owner of a 3 bedroom rental house located on the hill and am strongly opposed to the proposed mandatory energy upgrades being considered under SmartRegs. Due to each property's unique circumstances I believe the property owner is in the best position to make a decision about energy upgrades to their rental property not the City of Boulder.

Over the years our tenants have been students and a vast majority of them do not practice energy conservation even though many they say they do. It seems that everytime I visit the house I find windows and doors wide open with the furnace or A/C running. I also frequently find the recycle trash containers contaminated with non-recyclable trash resulting in a surcharge from Western Disposal.

My concern is we will spend a large sum of money to make the house more energy efficient but our tenants will continue to leave the doors and windows open resulting in a huge waste. In addition to the possibility of seeing no energy savings from our investment we have no chance to raise our rent to recoup the investment we made into the property.

Please do not burden landlords with required energy upgrades for their rental properties based on my experience as a small landlord the return on the investment is questionable at best. Thank you for the opportunity to voice my concern.

Don James
XYZ Corporation
1750 14th Street Boulder

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Tuesday, May 11, 2010 10:30 AM
Subject: SmartsRegs Web Comment Form Submission

name: Heidi Lustig
category: Landlord
comments:

My mother is the owner of a 32 unit apartment complex in Boulder. She has worked very hard to maintain a wonderful and safe place to live for our tenants and in the process paid allot in taxes to your city. Do you mean to tell me that my mother who sacrificed over the years to buy such an investment that is finally supporting her in her golden years will have to sell her dream in a recession because the debt service on a loan for improvements due to SmartRegs will force her out of the rental business? Are you kidding me? Have you really looked at the financial impact of such a plan upon landlords that are already facing vacancies and large upkeep costs on older buildings? I happen to live in Oakland California (next door to Bazerkeley) and know that many investors refuse to purchase property there because of the excessive controls placed upon landlords by city government. What do you suppose are the implications of this for the city coffers when landlords can't make a profit? Your plan is too much too fast and at the wrong time in our economy. Please go back to the drawing board.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Tuesday, May 11, 2010 10:28 AM
Subject: SmartsRegs Web Comment Form Submission

name: Andrea Craig Roth
category: Landlord
comments:

This is incredibly difficult to understand what the actual proposals are and how it will affect my property both in terms of what would need to be done and financially. Can you please make a summary statement that actually says what one would have to do. I am unable to attend any meetings.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Tuesday, May 11, 2010 9:16 AM
Subject: SmartsRegs Web Comment Card Submission

address_efficiency: no

address_efficiency_ideas: I don't know, but why pick on residential landlords? I'd rather not have regulations, but why not extend them to commercial landlords and all homeowners and not just residential landlords?

date_certain: 1

two_rental_license: 1

phased_in: 1

carbon_purchases: 1

name: Jane Lillydahl

comments:

A couple of comments:

- 1) The economy is in bad shape -- taxes will be going up soon; expenses are up. This is not the time to add fees. It is a hardship to middle class landlords.
- 2) One of my tenants and I split the cost of insulation one year ago (over \$1000 cost). Does this mean I shouldn't have done that since it won't count now toward making the unit more energy efficient as of some particular date?
- 3) I have 5 units. Two of the units have turned over in the last year and the tenants trashed the places somewhat causing me to spend \$10000 per unit to fix them up (well beyond the \$800 or so security deposits). Now I'm going to have to spend even more to make them energy efficient???

Maybe I should get out of the landlord business. The government's micromanaging my units is the last straw!!!

I know these comments will not be taken into consideration because the liberal city officers see the landlords as the wealthy villains and the tenants as the victims. I wish you could see how nicely I fix up my units and how poorly my tenants take care of them. I do not usually rent to undergraduates but that doesn't seem to matter in how the units get treated. One tenant took the baseboard off the living room wall and burned it in the fireplace -- and my units are not low rent units! It is becoming too expensive to be a landlord. Maybe someone else would like to provide the service???

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Monday, May 10, 2010 8:49 PM
Subject: SmartsRegs Web Comment Form Submission

name: Sandra Godden
category: Landlord
comments:

I don't care for this at all. I do not like government intervention. If tenants don't like where they live they can move. But on the otherside I feel I have been a good landlord I have replaced the windows the furnace and the hot water heater. I have smoke detectors carbon monoxide detectors and curlyque light bulbs. I haven't been able to figure out how many points this would be. What if I can't afford to do more?

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Monday, May 10, 2010 7:53 PM
Subject: SmartsRegs Web Comment Form Submission

name: Marilyn Coonelly Ph.D.
category: Landlord
comments:

Reference: Updates to Boulders Housing code and rental license code including energy efficiency.

With the current economic downturn your timing is incredibly poor. Secondly by limiting the scope of your demand to only residential rental buildings you are blatantly discriminating against those owners. Why have you not included the primary homeowners residing in the same buildings? After all it is the building you are seeking to change the energy usage not the owner of the unit. Why have you not included commercial and municipal as well if you are intending to make the City of Boulder meet the Climate Action Plan and Kyoto?

This proposed change in rental license code and new energy efficiency is a poor attempt to comply with energy efficiency by only mandating a single ownership group.

From a historic perspective you can throw out any historic building renovation limitations concerning windows since they will need to be replaced with new energy efficient windows.

Lastly you cannot require an owner to make additional substantive changes that will cause the property to now necessitate construction modifications to meet current IBC or UBC codes as required by new construction regardless of the narrow focus on your energy objectives. This is a factor with windows facing the rail line and combustibles moving along the track.

Basically you are discriminating against a specific ownership class for the benefit of those rental properties most recently constructed under the latest IBC or UBC codes. Those properties would most likely have a higher cost basis and therefore demand higher rentals. I should hope you are not implementing this program so as to cause older properties to incur the capital expenditures which would equate them to newer properties and therefore equate rents.

Marilyn Coonelly

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Monday, May 10, 2010 7:28 PM
Subject: SmartsRegs Web Comment Form Submission

name: Betina Mattesen
category: Interested Resident
comments:

I am concerned that the costs of Smart Regs will be passed on and hurt already struggling low income renters. The federal program LEAP helps many with fuel bills; who will help with rent?

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Monday, May 10, 2010 7:21 PM
Subject: SmartsRegs Web Comment Form Submission

name: Bernie Niznik
category: Landlord
comments:

Ref: Updates to Boulder Housing Code and Rental License Code including new energy efficiency requirements for existing rental housing.

To get to the point immediately this proposed requirement is discriminatory against residential rental properties.

- 1) Mandating City of Boulder interpretation of energy efficiency in a multi family buildings inhabited by both home owners and renters discriminates against the landlords in that home owners of the same building are not required to meet the same requirements.
- 2) Using the goals of Climate Action Plan (CAP) or Kyoto is discriminatory by virtue of not including all residential and for that matter all commercial i.e. office retailor any other business and all municipal in the demand to meet the City of Boulder unique list of prescriptive energy efficiency measures.
- 3) The City of Boulder in selectively using either UBC or IBC code requirements for achieving energy efficiency is thereby avoiding any other current code requirements which will be required by the property owner should any or all of the City of Boulder prescriptive energy efficiency measures be implemented. Basically the property owner may be required to implement additional construction not directly a function of the prescriptive energy efficiency in order to meet current code requirements which were not required at the time the property was constructed.
- 4) Replacement of energy efficient windows will void all historic building limitations for replacement or windows. As such I would be very happy to rip out the circa 1900 windows with wavy glass and replace with double pane wood windows.
- 5) If the City of Boulder is intending to make this community meet either CAP or Kyoto then they should make this statement to ALL property owners (commercial residential and municipal alike). This will mean that the historic building limitations will need to be amended to permit replacement of energy efficient windows in any building.

In conclusion this noble idea of making the City of Boulder meet CAP or Kyoto but not realistic at best and discriminatory at worst. To attempt implementation of this issue is to totally disregard the property rights of a single ownership group.

Bernie Niznik

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Monday, May 10, 2010 3:17 PM
Subject: SmartsRegs Web Comment Form Submission

name: Susan Chrisman
category: Landlord
comments:

As you can see by the polling of current owners there is not support for this to pass. The burden is on the Landlords and in this current economic environment I believe it is ridiculous to pass such a requirement.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Monday, May 10, 2010 1:10 PM
Subject: SmartsRegs Web Comment Form Submission

name: Robert Dugan
category: Landlord
comments:

I think this proposal is ill conceived. It will not significantly reduce the city's carbon footprint and it will raise rents. Costs will be passed along to the renter. Landlords are an easy target for the city. If this proposal is such a good idea why are not all residences and businesses included in the proposal instead of just rental properties?

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Monday, May 10, 2010 11:08 AM
Subject: SmartsRegs Web Comment Form Submission

name: Leah Haenselman
category: Landlord
comments:

Hello

SmartRegs is inappropriate and dangerous in it's current state.

PUT A SPENDING CAP ON EACH PROPERTY AND EACH RENTAL CYCLE! Where are your protective caps? What about homes so obsolete they will NEVER meet the 120 HERS rating? Or so junky they should eventually be re-built? Historic Boulder needs to get involved in this one for sure...

Get a third party to test the data and consequent solutions your 2 consulting firms came up with. Ask that third party to use more realistic case studies. Again it seems a conflict of interest when the person diagnosing the problem also creates the solution and gets the job... We need triple checking here.

The concept of throwing usable appliances in the landfill is an example of how ill-thought this program is. THE LOSS OF THE EMBEDDED ENERGY INTO THE LANDFILL NEGATES THE ENERGY STAR GAINS. Think first please. Think this through from beginning to end.

Occupant behavior determines the usage of energy far more that the energy design of the building. This is energy use 101 for most people. You can place 2 identical homes side by side and see a vast difference in energy usage between each home just by putting different occupants in each home. C'mon you ALL know that...

As they are SmartRegs sound dangerously unfair and supremely unrealistic. But mostly ineffective.

Leah Haenselman

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Monday, May 10, 2010 9:54 AM

Subject: SmartsRegs Web Comment Form Submission

name: Dan Guesman
category: Landlord
comments:

I think this is a very bad plan. I spent a great deal of money to make my rental unit very energy efficient. Under this plan I will be forced to prove it again at my expense. I will have to pass the cost on to my tenants in the form of increased rent. Every few years council comes up with a new plan for rental housing. Please stick with agreements you made in the past. Your over regulation of housing and construction is killing the economy in Boulder. This does not promote affordable housing.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Monday, May 10, 2010 9:33 AM
Subject: SmartsRegs Web Comment Form Submission

name: Joy Jensen
category: Landlord
comments:

I cannot believe that the city of Boulder would require the landlords to do all this and not homeowners also which I still think is extremely offensive to mandate such a thing however why are landlords chosen to cure the problem in this city...why not everyone. Who chose landlords....why not only certain colors or ethnic groups of people????Makes no sense at all. I definitely am not in favor of the city dictating everything we do and at our expense. In our case we have insulated storm windowed and have done all the things that we would do for our own home years ago but at our pace and available money just like any homeowner would do.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Monday, May 10, 2010 9:09 AM
Subject: SmartsRegs Web Comment Form Submission

name: Valerie Johnson
category: Landlord
comments:

I think it is absolutely absurd to put this energy code into effect especially in such a down-turn of our economy. You are going to force landlords to come up with money that is impossible to come by in this economy therefore making it impossible for landlords to abide by this new energy code. This will be very detrimental to landlords in Boulder. PLEASE THINK TWICE AND DO NOT PASS THIS ENERGY CODE.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Monday, May 10, 2010 8:17 AM
Subject: SmartsRegs Web Comment Form Submission

name: Kelly Trowbridge

category: Renter

comments:

I would greatly support regulations designed to increase the energy efficiency of rental units. Having seen lived in rentals in other college towns I know that properties intended for college students are regularly neglected and viewed solely as an additional source of income. Any regulations to improve energy efficiency along with other general living conditions would be beneficial for renters. Perhaps with the SmartRegs the city could develop a way to rate properties/landlords based on how they maintain their properties (attempt to control/reduce rodents respond to resident requests etc..)

However I do think it's important that the City of Boulder consider cost and where the costs will be absorbed. Perhaps instead of required properties to reach a total number of points require an increase of x number of points. In addition certain cheaper changes should be emphasized as options such as programmable thermostats changing light bulbs changing heater filters on a regular basis installing ceiling fans providing window plastic etc. which can increase energy efficiency without the cost of installing new insulation or windows. If a landlord own multiple properties maybe they should be given more time to upgrade their properties as opposed to someone who owns only one.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Monday, May 10, 2010 7:15 AM
Subject: SmartsRegs Web Comment Form Submission

name: Joe Shekiri
category: Renter
comments:

I think this is a phenomenal idea. Too often landlords make poor choices when it comes to energy efficiency because they simply have NO incentive to improve.

An example: one apartment I lived in was furnished with a gas oven and range. Rather than spend \$50 to get a stove with electric ignition he opted for a slightly cheaper model that used a pilot light instead which used \$15 a month in natural gas for the pilot alone.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Sunday, May 09, 2010 11:32 PM
Subject: SmartsRegs Web Comment Form Submission

name: Karen Hollweg
category: Landlord
comments:

I rented my townhouse for about 15 years (during the time that my career took me to the East and Midwest). As an absentee landlord who cared about both the tenants I chose and the condition of my property during their tenancy and when they checked out I always kept my property in top condition. That enabled me to attract tenants who sought a nice place to live who were willing to keep it in good condition and who paid their rent on time. I found that I was able to always lease my place using these guidelines -- i.e. my property was never vacant.

From my experiences as a landlord I believe that keeping my or any other rental property up to current standards with regard to energy conservation is another thing that will attract responsible tenants and keep the property fully occupied and appreciated/well taken care of. I welcome the Smart Regs as a way of clearly notifying landlords re what's expected and enforcing those expectations city-wide.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Sunday, May 09, 2010 7:11 PM
Subject: SmartsRegs Web Comment Form Submission

name: WILLARD F BRITT
category: Landlord
comments:

AS A LANDLORD IN BOULDER-I AM HIGHLY INTERESTED IN THE SMART REGS PROGRAM-MY SMALL 6 UNIT APARTMENT HOUSE-WHERE I ALSO RESIDE-HAS BEEN IN MY FAMILY SINCE 1960-I TRY VERY HARD TO MAKE MY RENTS REASONABLE AND FAIR AS I LOVE MY TENANTS LIKE FAMILY AND TRY TO MAKE IT AFFORDABLE SO THEY CAN WORK AND LIVE IN BOULDER-I FEEL IT WILL ONEROUS FOR ME TO AFFORD EXPENSIVE ENERGY UPDATES TO MY 1950 ERE BLDG-AND IF I HAVE TO PAS THESE PAYENTS ALONG TO MY HARDWORKING TENANTS-THEY WOULD ALL HAVE TO MOVE-INCLUDING ME-- AS IT WOULD BE UN AFFORDABLE FOR ME TO MAKE THESE PAYMENTS--IS THIS ANOTHER CITY PROJECT TRYING TO SQUEEZE MORE REVENUE FROM THE RESIDENTS TO ADVANCE THE GREEN AGENDA AND DRIVE MORE LONGTIME RESIDENTS FROM THEIR DWELLINGS? OR IS IT JOB PRESERVATION FOR MORE CITY WORKERS TO FEED OFF THE HARD WORKING PERSONS WHO PAY YOUR SALARIES? I FEEL IT IS BOTH-AND I RESIST ANY PLAN TO INCREASE MY ALREADY EXORBITANT TAXES FOR YET ANOTHER CHANGE WHICH WILL BENEFIT ONLY THE CITY OF BOULDER-LEAVE US ALONE!! PLEASE-- WILLARD BRITT

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Sunday, May 09, 2010 4:10 PM
Subject: SmartsRegs Web Comment Form Submission

name: David Sundvall
category: Renter
comments:

Such an initiative would be good for all homes not just rentals. This puts an unfair burden on owners of rental properties.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Sunday, May 09, 2010 10:14 AM
Subject: SmartsRegs Web Comment Card Submission

address_efficiency: no
address_efficiency_ideas: Control the growth. All this is to make it so we can have many more residents in this city. Less people produce pollution.

I wrote a lot more but it got erased when I tried to print my comments. I will try to find them and send them in another email.

date_certain: 1
two_rental_license: 1
phased_in: 3
carbon_purchases: 4

name: A. Nilsson
comments:

I could go on with this but for hours but I have to get somethings done that put bread on the table.

The next thing you will require is solar panels on all homes.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Sunday, May 09, 2010 7:44 AM
Subject: SmartsRegs Web Comment Form Submission

name: Mary Jeffers, Esq.
category: Landlord
comments:

I have no problem with the energy efficiency upgrades that the City of Boulder is proposing provided that they are extended to the owner-occupied properties in the city as well. If these upgrades only single out rental properties the regulations are unfair outrageous and probably unconstitutional. I have already informed my property manager that I will join with other non-owner occupied property owners to challenge any Smartregs which discriminate against owners who rent their properties in Boulder.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Saturday, May 08, 2010 7:58 PM
Subject: SmartsRegs Web Comment Form Submission

name: CHUCK SHIRLEY
category: Landlord
comments:

I DON'T KNOW WHAT YOU ARE SMOKING. IF YOU THINK PASSING THESE REGS. WONT RAISE RENTS YOU ARE BADLY MISTAKEN. WHY DON'T YOU DO THE JOB YOU WERE ELECTED TO DO FIX THE POT HOLESFIX THE STUPID FLASHING LIGHTS AT CROSSWALKES YOU HAD PUT UP. YOU SHOULD BE HELD RESPONSABLE FOR THE DAMAGES THAT YOU HAVE CAUSED TO PEDESTRIANS AND CARS IF YOU WERE YOU WOULD HAVE A DIFFERNT ATTITUDE. LEAVE AZ. ALONE THEY ARE ONLY DOING WHAT THE FED. GOV. WONT OR CAN'T D0.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Saturday, May 08, 2010 5:52 PM
Subject: SmartsRegs Web Comment Form Submission

name: Denny McCloskey
category: Landlord
comments:

I am an owner landlord Realtor and Broomfield Council Member and Commissioner. The smart regs goals are laudable and should be applied to all of your housing stock. To do otherwise is not ethical. If the residents and owners of the City of Boulder vote to have this new level applied to all...then and only then will it make sense.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Saturday, May 08, 2010 3:42 PM
Subject: SmartsRegs Web Comment Form Submission

name: Craig Colley
category: Landlord
comments:

I would expect rental rates to increase as landlords are forced pay for the proposed improvements. As a landlord I fully intend to pass on the cost to my future tenants. How about spending your time cutting your budget and take care of the essential infrastructure and pave the subdivisions.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Saturday, May 08, 2010 3:14 PM
Subject: SmartsRegs Web Comment Form Submission

name: Tom Corson
category: Landlord
comments:

Many of my buildings already meet existing standards and we should not be forced to upgrade our apartment houses to meet the new energy efficient requirements. There should be some guidelines established as to what level of efficiency each apartment must meet rather than an across the board update requirement for existing rental housing.

Also the costs related to greening of all apartments in Boulder is going to be a tremendous expense and the costs will be passed onto the tenants through increased rents.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Wednesday, April 28, 2010 10:58 AM
Subject: SmartsRegs Web Comment Form Submission

name: Warren P. Heim, P.E.
category: Landlord
comments:

Hello:

I have a suggestion that may simplify the SmartRegs and help you meet your goals. As much as I like the points system of Attachment G there are times when it has problems. I propose the points of Attachment G be kept and that an alternative calculation based on historic energy use also be allowed. The alternative calculation described below is a simple one that gets directly at the goal of promoting energy efficiency.

If you wish to call me I can be reached at 303-XXX-XXXX.

Years ago I did a thesis on the energy efficiency of residential buildings and at one time I was a consultant on energy policy for the U.S. Department of Energy and the White House. I also happen to own the home that I grew up in Boulder and have been renting it to a friend of mine for many years so I also qualify as a landlord. Eventually one of my sons and his wife will be moving into that house so I remain very interested in its quality and efficiency. I am also a Registered Professional Engineer in Colorado.

I encountered problems when I attempted to apply the energy points in Attachment G http://www.bouldercolorado.gov/files/PDS/rentalhousing/Energy_Efficiency_Project/Att_G.pdf. Attachment G while thoughtfully done is not easily applied to some older homes. These homes often have more complicated construction and styles than homes built since about 1950. For example houses with large gables have upstairs rooms where the heat transfer through the walls does not neatly fit into R-value calculations for walls or ceilings. These complexities make applying Attachment G difficult.

I propose that points also be calculated based on historic energy use as well as keeping Attachment G as an option. What we really care about is the actual energy use efficiency. The R-values duct losses appliance efficiencies and so on of Attachment G all focus on energy use efficiency. When combined for any particular structure they lead to an energy use per square foot of outside surface area of living space. I propose that utility bills be used to calculate the annual energy efficiency factor (AEEF) for dwellings.

The calculation consists of four steps that all use easily obtained data:

- 1) Measure the inside length of all outside walls and multiply by the floor to ceiling the height. This calculation gives the outside surface area of the walls.
- 2) Calculate the floor area of the rooms directly under roofs by measuring the length and width of the floors in the rooms directly under the roof. This calculation gives the outside surface area of the living area's ceilings.
- 3) Using utility bills add up the energy use for the most recent year.
- 4) Divide (the total energy use during year) by (the total outside surface area) and multiply by a factor that corrects for the severity of the weather compared to a typical year.

Let's use KWH for energy units. Converting natural gas consumption into KWH is not difficult. The calculation would start with adding up the energy use from the utility bills and then dividing that number by the surface area of the habitable space. That surface area is readily determined by measuring the outer wall areas and the outer ceiling areas. Excluded would be for example the ceilings of first floor rooms that have rooms above them.

The calculation is:

$$\text{AEEF} = (\text{Total KWH during most recent year}) / (\text{outer surface area of habitable space}) * (\text{Heating degree days for typical year} + \text{Cooling degree days for typical year}) / (\text{Heating degree days for most recent year} + \text{Cooling degree days for typical year})$$

I can see the City of Boulder having on its web site a web-enabled application or a simple downloadable spreadsheet where people enter the monthly gas use and the monthly KWH use and the numbers for the outer wall dimensions and upper room floor dimensions. The calculations are then done automatically.

If desired the AEEF could be converted into Attachment G points by multiplying AEEF by a scale factor derived by applying Attachment G points to some example structures and doing simple degree days calculations.

Degree days is a simple way to account for year to year variations and using it is going to be well within the precision of using the points listed in Attachment G. For example Attachment G points do not account for the wide variations that exist in the ratio of windows/solid walls in houses or the side of the houses on which windows are located. The City of Boulder could post on its web site the official degree days to be used for the calculations.

Using AEEF to calculate points has another advantage besides being easier to implement than Attachment G points. The results are readily converted into estimated annual energy savings. Improve AEEF by 10% and the energy use drops by the corresponding amount.

We all realize that every approach to implementing public policy has strengths and weaknesses. AEEF has the advantage of being a direct measure of efficiency for existing structures that is easy to use.

Warren P. Heim P.E.

From: SmartRegs@bouldercolorado.gov [mailto:SmartRegs@bouldercolorado.gov]
Sent: Tuesday, April 27, 2010 7:58 PM
Subject: SmartsRegs Web Comment Form Submission

name: Carolyn
category: Landlord
comments:

attention: City Manager Jane Brautigam

With regard to the remark Those that do live in the units do not own said units and have no incentive to improve the energy efficiency. I would like to say there's way more to our story as owners than that.

My husband is a self employed finish carpenter whose income we rely solely upon. We own two rental houses built in the 50's one of which was unliveable. We had to gut it and were consequently able to insulate. Both houses are well maintained in fact the insulated one is in far better shape now than our own 50's home which has NO insulation.

We've just come off a 5 month period of unemployment with no income save for the rentals which we look to to support us in our retirement (which we are just a few years away from). We were barely able to support ourselves let alone put money into improvements in the rentals. If we were forced to bear the burden of making those improvements we would be forced to raise the rent as we have no means to cover the expense. I pride myself on offering the rentals below market value and have very happy renters.

Please consider limiting this proposal to large scale property owners. To enforce this proposal would be a hardship on us.

Mary Ann
JWZ
Mo

OFFICE OF THE
CITY ATTORNEY

APR 27 2010

Alvin and Helen Wilson
6862 Frying Pan Road
Boulder, CO 80301-3605

D16
cc: ~~Mo Rader~~
N. Poulson

April 26, 2010

Dear Boulder City Attorney
Ref: Smart Regs

Now is not the time to be pushing the Smart Regs Program. It would be wiser to wait until the economy improves. Right now the renters (mostly university students) are having a difficult time financially because of the new tuition increases and book costs. If you approve the Smart Regs Program the rents will have to increase. Landlords will have to take out personal loans to cover the new added expenses. Any savings of reduced utilities will be minor compared to the amount of rent necessary to pay increased costs by Smart Regs.

In contrast to Chris Ketterhagen, a business partner and an investor in a large number of rentals in Boulder, he is not retired and living off of the rental income as those of us who are senior citizens living on rental income for retirement income.

Concerning the newspaper writer complaining about bad rental apartment conditions, the rental license inspections and rules should be taking care of the problems now. There is no need to punish other landlords who do take care of their property.

Since the global warming scare is uncertain, it would be wise to wait (because of the economy) until more facts are known. Also, the Cap and Trade being considered by the Federal Government will cause extreme hardship on ALL property owners. This will duplicate what the City is planning,

The newspaper article states that points will be given for mandatory water conservation based on a length of possible improvements. How do you expect to accomplish this? You have no control over the renters water usage. The number and length of showers and the resultant increase in gas and electric use cannot be controlled. All of the improvements in insulation will not control utility prices because of water heating costs for many and long showers.

The most efficient furnace cannot save utility expenses if the renters leave the windows open when gone on Christmas vacation or gone to class at school.

We have tried to make sure that the water heaters, toilets, sinks, etc. in our apartments are kept in excellent condition. Enclosed is a copy of a recent bill received for maintaining our property. Please note that water heaters have one year warranties in rental units. (not the ten to fifteen year warranties when installed in private homes). Similar warranties are also applied to other items.

Please remember that the landlords usually have a one month vacancy with every change of tenants particularly with students who do not stay more than one year. Also, three fourth of a the first months rent is paid to a housing agency. The property taxes in Boulder are high; and because of high property values, the property insurance is high.

Please consider all people when you make your decision. If you want to reduce carbon footprints, you should include all buildings in Boulder including business, private homes, rentals, and City of Boulder property to be fair and honest.

Sincerely,

Alvon C. Wilson
Ahelen K. Wilson

STATEMENT OF ACCOUNT

April 16, 2010

Alvin C. and Helen K. Wilson
6862 Frying Pan Road
Boulder, Colorado, 80301

| Date | | Charges | Balance |
|------|-----------|-------------------------------------|-----------|
| 2010 | | | |
| Jan. | 28 and 29 | | |
| | | Job site: 530 and 534 Pleasant | |
| | | Locate source of high water use. | |
| | | Replace water heater installed on | |
| | | July 3, 2002. Install water heater | |
| | | element. Install lavatory faucet. | |
| | | Materials: | |
| | 2 | 3/8" x 20" braided steel supplies | 11.36 |
| | 2 | 3/8" fip x 3/8" compression angle | |
| | | stops | 8.50 |
| | 1 | Ruud PE2-40-2 electric water heater | 516.81 |
| | | serial number - 0207R01749 | |
| | 1 | Delta 2520mpu lavatory faucet | 97.10 |
| | 1 | 1 1/4" x 12" threaded tailpiece | 10.39 |
| | 1 | water heater element 240 volt | 22.97 |
| | 2 | 1/4" copper 90 ells | 1.52 |
| | 2 | 1/2" copper 45 ells | 2.80 |
| | 1 | 1/2" copper pipe type M | 1.15 |
| | 2 | 1/2" x 3/4" copper fip adapters | 11.22 |
| | | solder, flux and gas | 3.00 |
| | | Tax: | 56.05 |
| | | Labor: 6 hrs. @ 102.00 | 612.00 |
| | | 1 hr. @ 50.00 (assistant) | 50.00 |
| | | | \$1404.87 |

To avoid warranty problems, we only install material purchased through us.
1 1/2% Per Month Charged on Past Due Accounts

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- Pg. 7 April 5, 2010 Community Working Group Meeting Notes**
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- Pg. 8 Open House Comment Card Feedback**
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- Pg. 9 Informational Video**
Go to: Youtube.com > bouldercolorado.gov > SmartRegs Introductions
- Pg. 9 CU-Sponsored Student Renter Survey**
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Pg. 22 SmartRegs Case Study Final Report by City Consultant Populus and What's Working

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Pg. 26 Historic Building Energy Efficiency Guide

Go to: boulderplandevlop.net > Historic Preservation > Historic Building Energy Efficiency Guide

Pg. 26 General Design Guidelines

Go to: boulderplandevlop.net > Historic Preservation > Applications & Guidelines > General Design Guidelines

Pg. 29 What Are We Proposing – November 2009

Go to: boulderplandevlop.net > Hot Topics and Current Projects > SmartRegs Update > What are we proposing

Pg. 32 Xcel Energy

Go to: responsiblebynature.com > Save Energy and Money > Colorado

Pg. 32 Governor's Energy Office

Go to: rechargecolorado.com

Pg. 32 Residential Energy Action Program (REAP)

Go to: conservationcenter.org > Energy > Homeowners > Residential Energy Action Program (REAP)

Pg. 32 Xcel Energy

Go to: responsiblebynature.com > Save Energy and Money > Colorado

Pg. 32 SmartRegs Economic Analysis

Go to: boulderplandevlop.net > Hot Topics and Current Projects > SmartRegs Update > SmartRegs Economic Analysis

Pg. 34 SmartRegs Case Study Final Report by City Consultants Populus and What's Working

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Pg. 42 Rechargecolorado.com

Go to: rechargecolorado.com

Pg. 44 EPA Lead-paint Small Entity Compliance Guide

Go to: boulderplandevlop.net > Hot Topics and Current Projects > SmartRegs Update > EPA Lead-paint small entity compliance guide