Code Amendment Proposal Form

For public amendments proposed to the 2018 editions of the International Codes

Instructions: Upload this form and all accompanying documentation at www.denvergov.org/BuildingCode. If you are submitting your proposal on a separate sheet, make sure it includes all information requested below.

All proposals must be received by April 26, 2019.

CONTACT INFORMATION

Name: Juan Pasillas
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Organization: Office of Disability Rights (DODR)
Date: 3-28-19
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By signing below, I hereby grant and assign to City and County of Denver all rights in copyright I may have in any authorship contributions I make to City and County of Denver in connection with this proposal. I understand that I will have no rights in any City and County of Denver publications that use such contributions in the form submitted by me or another similar form and certify that such contributions are not protected by the copyright of any other person or entity.

Signature:

AMENDMENT PROPOSAL

Please use a separate form for each proposal.

1) Code(s) associated with this proposal. Please use acronym: DBC-AP

If you submitted a separate coordination change to another code, please indicate which code: Colorado Title 9, Article 5

Acronym Code Name
DBC-xxxx Denver Building Code–xxxx (code) amendments (e.g., DBC-IBC, DBC-IEBC)
IBC International Building Code
IEBC International Existing Building Code
IECC International Energy Conservation Code

Acronym Code Name
IFC International Fire Code
IFGC International Fuel Gas Code
IGCC International Green Construction Code
IMC International Mechanical Code
IPC International Plumbing Code
IRC International Residential Code

2) Please check here if a separate graphic file is provided: ☒

Please see Revisions beginning on Page 4 of this document.

3) Use this template to submit your proposal or attach a separate file, but please include all items requested below in your proposal. The only formatting needed is BOLDING, STRIKEOUT AND UNDERLINING. Please do not provide additional formatting such as tabs, columns, etc., as this will be done by CPD.

Code Sections/Tables/ Figures Proposed for Revision:

Appendix R

Proposal:

Appendix R currently references the wrong version of the current version of ANSI ICC/A117-1 (ICC/ANSI A117.1-1998). Per the State of Colorado Revised Statue HB17-1067, effective 8-9-17, All Title 9, Article 5 projects are required to use the most current version of the ANSI ICC/A117.1, as issued by the International Code Council (ICC).

DODR proposes that we update the Appendix R to remove all references to the ICC/ANSI A117.1-1998 and match all current changes as per C.R.S HB17-1067. Also, because of the constant calls that we have receive from applicants trying to understand all the different versions of the ICC/ANSI A117.1 that apply to one project, DODR also proposes that a New reference be added to the end of Appendix R that explains that ONLY Title 9, Article 5 dwelling units are required to use the latest version of the ANSI ICC/A117.1. Please see Page 4.
Supporting Information:

Purpose:
Appendix R currently references the wrong version of the current version of ANSI ICC/A117-1 (ICC/ANSI A117.1-1998). Appendix R needs to reflect the correct version of ANSI ICC/A117-1 to be current with new revisions to Colorado Title 9, Article 5 (C.R.S. 9-5-101, 9-5-102, 9-5-103, SECTION 4 - 24-34-502.2., SECTION 5 - 42-4-1208, SECTION 6 - 42-4-1208)

Reasons:
Per the State of Colorado Revised Statue HB17-1067, effective 8-9-17, All Title 9, Article 5 projects are required to use the most current version of the ANSI ICC/A117.1, as issued by the International Code Council (ICC). Currently, project plans are being being designed and later rejected for showing Type A, Type B and Visitable units based on ICC/ANSI A117.1-1998 standards. Applicants have been stating to our office that Appendix R clearly states to use ICC/ANSI A117.1-1998. However, we always explain to applicants that Title 9, Article 5 is a State of Colorado Statue that now requires dwelling units designated for Accessibility Points per Title 9, Article 5 to use the most current version of the ANSI ICC/A117.1 (Currently A117.1-2017).

Substantiation:
Appendix R, as currently written, is outdated and longer aligned with the correct version of ANSI ICC/A117-1 (Currently A117.1-2017) as mandated per Colorado Revised Statue HB17-1067.

Bibliography:

Note: This section MUST include these items:
- **Purpose**: State the purpose of the proposed amendment to physical, environmental and customary characteristics that are specific to the City and County of Denver (e.g., clarify the code; revise outdated material; substitute new or revised material for physical, environmental and customary characteristics; add new requirements to the code; delete current requirements, etc. to reflect physical, environmental and customary characteristics that are specific to the City and County of Denver)
- **Reasons**: Clearly justify the change to current code provisions, stating why the proposal is necessary to reflect physical, environmental and customary characteristics that are specific to the City and County of Denver. Proposals that add or delete requirements shall be supported by a logical explanation that clearly shows why the current code does not reflect physical, environmental and customary characteristics that are specific to the City and County of Denver and explains how such proposal will improve the code.
- **Substantiation**: Substantiate the proposed amendment based on technical information and substantiation. Substantiation provided which is reviewed and determined as not germane to the technical issues addressed in the proposed amendment shall be identified as such.
- **Bibliography**: Include a bibliography when substantiating material is associated with the amendment proposal. The proponent shall make the substantiating materials available for review.

Referenced Standards:
Colorado Revised Statue HB17-1067 to Colorado Title 9, Article 5.

Note: List any new referenced standards that are proposed to be referenced in the code.

Impact:
Will remove some of the confusion about the different versions of ANSI ICC/A117.1 that apply to a Colorado Title 9, Article 5 building project. The Revised Appendix R would be in alignment and compliance with the current State of Colorado revised statute. (HB17-1067)

Note: Discuss the impact of this proposal in this section AND indicate the impact of this amendment proposal for each of the following:
- The effect of the proposal on the cost of construction:  
  - ☐ Increase  ☐ Reduce  ☒ No Effect
- The effect of the proposal on the cost of design:  
  - ☐ Increase  ☐ Reduce  ☒ No Effect
- Is the proposal more or less restrictive than the I-codes:  
  - ☐ More  ☐ Less  ☒ Same
Departmental Impact: (To be filled out by CPD staff)

Note: CITY STAFF ONLY. Discuss the impact of this proposal in this section AND indicate the impact of this amendment proposal for each of the following:

- The effect of the proposal on the cost of review:  □ Increase  □ Reduce  □ No Effect
- The effect of the proposal on the cost of enforcement/inspection:  □ Increase  □ Reduce  □ No Effect
Appendix R Colorado Title 9 Article 5 – standards for accessible housing is added:

APPENDIX R
COLORADO TITLE 9 ARTICLE 5 - STANDARDS FOR ACCESSIBLE HOUSING

Colorado Statute Title 9, Article 5 is reproduced in this appendix for reference.

ARTICLE 5
STANDARDS FOR ACCESSIBLE HOUSING

Colorado Statutes: TITLE 9 SAFETY - INDUSTRIAL AND COMMERCIAL: BUILDINGS AND EQUIPMENT: ARTICLE 5 STANDARDS FOR ACCESSIBLE HOUSING

As used in this article, unless the context otherwise requires:

1. "Accessibility point" means a unit of value exchanged for different levels of accessible dwelling types to satisfy the requirements for dwelling accessibility contained in Article 5.


4. "Detached residence" means a one- or two-family residence that is separated from adjacent dwellings by an unobstructed physical space. A one- or two-family residence that is separated from an adjacent dwelling by a physical space of less than three feet shall not be considered a detached residence.

5. "Ground story level" means the lowest story in a dwelling unit containing habitable rooms or areas with an accessible entrance located on an accessible route that contains living, sleeping, cooking, bathing, and toilet facilities. For the purposes of this article, a basement shall not be considered the ground story level if the finished basement floor is located more than four feet below the exterior finished grade determined at any point along the exposed periphery of the dwelling unit.

6. "Project" means the total number of parcels and buildings in a development planned or constructed by the same developer, builder, or entity on one site or contiguous sites, and also includes all parcels and structures that are parts of the same planned development application or agreement. The separation of contiguous individual buildings, units, lots, tracts, or parcels of land by a property line or by a public or private road shall not create a separate project.

7. "Property" means the site, parcels of land, plats, lots, tracts, individual dwelling units, existing and proposed structures, and the built environment.

8. "Residential dwelling unit" means any portion of a building that contains living facilities, including a room or rooms in a facility that have shared cooking, bathing, toilet, or laundry facilities such as dormitories, shelters, assisted living facilities, and boarding homes. "Residential dwelling unit" also means facilities that include provisions for sleeping, cooking, bathing, and toilet facilities for one or more persons and are used for extended stays, such as time-shares and extended-stay motels. "Residential dwelling unit" does not mean a guest room in a motel or hotel.
9. "Technically infeasible", in reference to a proposed alteration to a building or facility, means that the proposed alteration is not implemented because:
   a. An existing structural condition or conditions make such alteration labor- or cost-prohibitive;
   b. The building or facility is in strict compliance with minimum accessibility requirements for new construction and, due to existing physical or site constraints, such alteration would negatively impact such compliance.


11. "Type A multistory dwelling unit" means a multiple story dwelling unit with a ground story level designed in accordance with the provisions of ANSI A117.1-1998, section 1002 1103, and, if provided, accessible laundry facilities on the ground story level.

12. "Type B dwelling unit" means a dwelling unit with a ground floor level designed in accordance with the provisions of ANSI A117.1-1998, section 1003 1104.

13. "Type B multistory dwelling unit" means a multiple-story dwelling unit with a ground story level that is designed in accordance with the provisions of ANSI A117.1-1998, section 1003 1104, and, if provided, accessible laundry facilities on the ground story level.


15. "Undue hardship" means a substantial and unusual hardship that is the direct result of unique physical site conditions such as topography or geology, or that is the direct result of other unique or special conditions encountered on a property, but that are not typically encountered in the jurisdiction in which such property is located. Constraints, complications, or difficulties that may arise by complying with these statutory standards for accessibility but that do not constitute an undue hardship shall not serve to justify the granting of an exception or variance.


1. This article is intended to provide accessibility standards for residential projects designed to serve persons with nonambulatory disabilities, semiambulatory disabilities, sight disabilities, hearing disabilities, disabilities of incoordination, and aging.


9-5-103. Applicability of standards - enforcement.

1. The standards and specifications set forth in this article shall apply to all buildings and facilities used for housing that are constructed in whole or in part by the use of state, county, or municipal funds or the funds of any political subdivision of the state or that are constructed with private funds. All such buildings and facilities to be constructed from plans on which architectural drawings are started after July 1, 1975, from any one of these funds or any combination thereof shall conform to each of the standards and specifications prescribed in this article. The governmental unit responsible for the enforcement of this article shall grant exceptions to or modify any particular standard or specification when it is determined that it is impractical and would create an undue hardship. Any such exception or modification of the provisions of this article shall be made in writing as a matter of public record. These standards and specifications shall be adhered to in those buildings and facilities that are constructed or proposed on or after April 29, 2003. This article shall apply to permanent buildings.
2. The jurisdiction with responsibility for enforcement of this article pursuant to section 9-5-104 shall designate a board of appeals to hear and resolve appeals of orders, decisions, or determinations made by the enforcing agency regarding the application and interpretation of this article.

3. Any building or facility that would have been subject to the provisions of this article but was under construction prior to July 1, 1976, shall comply with the following:
   a. If the walls or defining boundaries of an element or space are altered, then the altered element or space shall comply with the applicable provisions of section 9-5-105, unless such alteration is technically infeasible. If full compliance with this article is technically infeasible, compliance shall be implemented up to the point of technical infeasibility. No alteration shall be undertaken that negatively impacts accessibility of a building or facility pursuant to ANSI A117.1-1998. This paragraph (a) shall not be construed to require the moving of any existing walls not otherwise planned to be moved.
   b. Any additions to a building or facility shall be treated as new construction for the purposes of enforcement of this article.

4. The general assembly finds and declares that the standards and specifications set forth in this article are of statewide concern. Nothing in this article shall prohibit any municipality or other governmental subdivision from making and enforcing standards and specifications that are more stringent, and thus provide greater accessibility, than those set forth in this article.

9-5-104. Responsibility for enforcing standards.

1. The responsibility for enforcement of this article is as follows:
   a. For factory-built residential structures as defined in section 24-32-3302 (10), C.R.S., the division of housing created in section 24-32-704, C.R.S.;
   b. In a political subdivision that does not have a local building code, the division of housing created in section 24-32-704, C.R.S.;
   c. For all other housing or in a political subdivision that has adopted a building code, by the building department, or its equivalent, of the political subdivision having jurisdiction.

9-5-105. Exemptions for certain privately funded projects.

1. Accessible dwelling units shall be provided as required in this article; except that this article does not apply to privately funded projects for the construction of a detached residence or residences or to other types of residential property containing less than seven residential units.

For the purpose of determining the number of accessibility points required pursuant to subsection (2) of this section, the accessible dwelling unit types shall have the following point values:

<table>
<thead>
<tr>
<th>Accessible dwelling unit type</th>
<th>Accessibility point value per dwelling unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A dwelling unit</td>
<td>6</td>
</tr>
<tr>
<td>Type A multistory dwelling unit</td>
<td>5</td>
</tr>
<tr>
<td>Type B dwelling unit</td>
<td>4</td>
</tr>
<tr>
<td>Type B multistory dwelling unit</td>
<td>3</td>
</tr>
<tr>
<td>Type B visitable ground floor</td>
<td>1</td>
</tr>
<tr>
<td>Type C visitable ground floor</td>
<td>1</td>
</tr>
</tbody>
</table>
2. Residential projects.

(a.) A project shall be assigned accessibility points based on the number of units contained within the project as follows:

<table>
<thead>
<tr>
<th>Number of units within the project</th>
<th>Require</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>7-14</td>
<td>6</td>
</tr>
<tr>
<td>15-28</td>
<td>12</td>
</tr>
<tr>
<td>29-42</td>
<td>18</td>
</tr>
<tr>
<td>43-57</td>
<td>24</td>
</tr>
<tr>
<td>58-71</td>
<td>30</td>
</tr>
<tr>
<td>72-85</td>
<td>36</td>
</tr>
<tr>
<td>86-99</td>
<td>42</td>
</tr>
<tr>
<td>100-114</td>
<td>48</td>
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<tr>
<td>115-128</td>
<td>54</td>
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<tr>
<td>129-142</td>
<td>60</td>
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<tr>
<td>143-157</td>
<td>66</td>
</tr>
<tr>
<td>158-171</td>
<td>72</td>
</tr>
<tr>
<td>172-185</td>
<td>78</td>
</tr>
<tr>
<td>186-199</td>
<td>84</td>
</tr>
</tbody>
</table>

+6 additional points every 14 units or fraction thereof.

(b.) A project shall include enough accessible dwelling units to achieve at least the specified number of accessibility points required pursuant to paragraph (a) of this subsection (2). A project may use any combination of accessible dwelling unit types to comply with this section.

9-5-106. Implementation plan.
The builder of any project regulated by this article shall create an implementation plan that guarantees the timely and evenly phased delivery of the required number of accessible units. Such plan shall clearly specify the number and type of units required and the order in which they are to be completed. Such implementation plan shall be subject to approval by the entity with enforcement authority in such project's jurisdiction. The implementation plan shall not be approved if more than thirty percent of the project is intended to be completed without providing a portion of accessible units required by section 9-5-105; except that, if an undue hardship can be demonstrated, or other guarantees provided are deemed sufficient, the jurisdiction having responsibility for enforcement may grant exceptions to this requirement. The implementation plan shall be approved by the governmental unit responsible for enforcement before a building permit is issued.

(NEW)
NOTE: ONLY TITLE 9, ARTICLE 5 DWELLING UNITS ARE REQUIRED TO USE THE LATEST VERSION OF THE ANSI ICC/A117.1.
ALL OTHER AREAS OF A PROJECT (INCLUDING ALL REMAINING RESIDENTIAL DWELLING UNITS NOT DESIGNATED FOR TITLE 9, ARTICLE 5, COMMERCIAL, RETAIL, OFFICE, BUSINESS, COMMON AREAS, ETC...) SHALL CONTINUE TO USE THE RESPECTIVE VERSION OF THE CURRENT ANSI A117.1 AS MANDATED PER THE CURRENT ADOPTED IBC.
HOUSE BILL 17-1067

BY REPRESENTATIVE(S) Thurlow, Arndt, Becker K., Benavidez, Exum, Hooton, Lebsock, Lontine, McKean, Mitsch Bush, Valdez, Duran; also SENATOR(S) Kerr, Moreno, Tate, Kefalas.

CONCERNING UPDATING REFERENCES TO A NATIONAL STANDARD SETTING FORTH TECHNICAL CRITERIA FOR ACCESSIBLE HOUSING.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 9-5-101, amend the introductory portion, (2), (10), (11), (12), (13), and (14); repeal (3); and add (5.5) as follows:

9-5-101. Definitions. As used in this article ARTICLE 5, unless the context otherwise requires:

(2) "Accessible route" means an interior or exterior circulation path that complies with the provisions contained in "ANSI A117.1-1998" WITH ICC/ANSI A117.1.


Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.
American national standards institute:

(5.5) "ICC/ANSI A117.1" MEANS THE "ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES" STANDARD, OR ANY SUCCESSOR STANDARD, PROMULGATED AND AMENDED FROM TIME TO TIME BY THE INTERNATIONAL CODE COUNCIL.

(10) "Type A dwelling unit" means a dwelling unit designed in accordance with the provisions of ANSI A117.1-1998 WITH ICC/ANSI A117.1, section 1002, OR ANY SUCCESSOR SECTION WITHIN ICC/ANSI A117.1.

(11) "Type A multistory dwelling unit" means a multiple story dwelling unit with a ground story level designed in accordance with the provisions of ANSI A117.1-1998 WITH ICC/ANSI A117.1, section 1002, OR ANY SUCCESSOR SECTION WITHIN ICC/ANSI A117.1, and, if provided, accessible laundry facilities on the ground story level.

(12) "Type B dwelling unit" means a dwelling unit with a ground floor level designed in accordance with the provisions of ANSI A117.1-1998 WITH ICC/ANSI A117.1, section 1003, OR ANY SUCCESSOR SECTION WITHIN ICC/ANSI A117.1.

(13) "Type B multistory dwelling unit" means a multiple-story dwelling unit with a ground story level that is designed in accordance with the provisions of ANSI A117.1-1998 WITH ICC/ANSI A117.1, section 1003, OR ANY SUCCESSOR SECTION WITHIN ICC/ANSI A117.1, and, if provided, accessible laundry facilities on the ground story level.

(14) "Type B visitable ground floor" means a multiple-story dwelling unit with an accessible entrance and toilet facility designed in accordance with the provisions of ANSI A117.1-1998 WITH ICC/ANSI A117.1, section 1003, OR ANY SUCCESSOR SECTION WITHIN ICC/ANSI A117.1.

SECTION 2. In Colorado Revised Statutes, 9-5-102, amend (2) as follows:

9-5-102. Disabilities covered - purpose. (2) Design criteria. Design criteria shall MUST comply with the 1998 version of the "American

SECTION 3. In Colorado Revised Statutes, 9-5-103, amend (3) introductory portion and (3)(a) as follows:

9-5-103. Applicability of standards - enforcement. (3) Any building or facility that would have been subject to the provisions of this article THIS ARTICLE 5 but was under construction prior to July 1, 1976, shall MUST comply with the following:

(a) If the walls or defining boundaries of an element or space are altered, then the altered element or space shall comply with the applicable provisions of section 9-5-105, unless such alteration is technically infeasible. If full compliance with this article is technically infeasible, compliance shall be implemented up to the point of technical infeasibility. No alteration shall be undertaken that negatively impacts accessibility of a building or facility pursuant to ANSI A117.1-1998 TO ICC/ANSI A117.1. This paragraph (a) SUBSECTION (3)(a) shall not be construed to require the moving of any existing walls not otherwise planned to be moved.

SECTION 4. In Colorado Revised Statutes, 24-34-502.2, amend (3) as follows:

24-34-502.2. Unfair or discriminatory housing practices against individuals with disabilities prohibited. (3) Compliance with the appropriate requirements of the American national standard for buildings and facilities providing accessibility and usability for individuals with physical disabilities "ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES" STANDARD, OR ANY SUCCESSOR STANDARD, PROMULGATED AND AMENDED FROM TIME TO TIME BY THE INTERNATIONAL CODE COUNCIL (commonly cited as ANSI A117.1 ICC/ANSI A117.1) suffices to satisfy the requirements of paragraph (c) of subsection (2) SUBSECTION (2)(c) of this section.

SECTION 5. In Colorado Revised Statutes, 42-4-1208, amend (2)(c)(II)(B) as follows:

PAGE 3-HOUSE BILL 17-1067
42-4-1208. Reserved parking for persons with disabilities - applicability - rules. (2) Use of plate or placard. (e) (II) (B) The technical standards for accessible parking spaces should meet or exceed section 502, or any successor section, of the 2009 version of ANSI A117.1 "ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES" STANDARD, or any succeeding standard, published PROMULGATED AND AMENDED FROM TIME TO TIME by the international code council (COMMONLY CITED AS ICC/ANSI A117.1).

SECTION 6. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.
(2) This act applies to buildings and facilities constructed or altered on or after the applicable effective date of this act.

Crisanta Duran
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Kevin J. Grantham
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED 12:15 PM 3/8/17

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO