DENVER AMENDMENT PROPOSAL FORM
FOR CPD INTERNAL PROPOSALS TO THE 2016 DENVER BUILDING CODE AMENDMENTS AND THE 2018 INTERNATIONAL CODES

2018 CODE DEVELOPMENT CYCLE

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2) Date: March 24, 2019

Proposals should be drafted in Word with the only formatting that is needed being **BOLDING, STRIKEOUT** AND **UNDERLINING**. Please do not provide additional formatting such as tabs, columns, etc.

Please use a separate form for each proposal submitted.

Is separate graphic file provided? ☐ Yes ☒ No

**Acronym** | **Code Name** | **Acronym** | **Code Name**
---|---|---|---
DBC-xxx | Denver Building Code–xxx code base | IMC | International Mechanical Code

AMENDMENT PROPOSAL

Please provide all of the following items in your amendment proposal.

**Code Sections/Tables/Figures Proposed for Revision:**
DBC Appendix R - C.R.S. Title 9 Article 5

*Note:* If the proposal is for a new section, indicate (new).

**Proposal:**

Delete and replace the Appendix in its entirety. See attached for edits and proposal.

R101

**REFERENCE DOCUMENTS**

R101.1 Accessibility Standard.

*Note:* Show the proposal using *strikeout*, *underline* format. At the beginning of each section, one of the following instruction lines are also needed:

- Revise as follows
- Add new text as follows
- Delete and substitute as follows
- Delete without substitution
**Supporting Information:**

**Purpose:** To adopt the most current language from the State of Colorado C.R.S. Title 9, Article 5 statute with amendments for clarification on local (City and County of Denver (CCD)) enforcement; and to edit inaccurate references within the C.R.S.

**Reasons:** Per C.R.S. 9-5, the local jurisdiction is responsible for enforcing the statute.

**Amendments to the Statute as follows within Denver Building Code Appendix R:**

1. Added Section R101 to clarify that the Accessibility Standard is the 2009 Edition of ICC A117.1 as referenced in the 2018 IBC and IRC. This clarification is critical as the state statute is vague on what edition of the standard is applicable. The CCD interprets Section 5.5 of C.R.S. T9 - A5, shown below, to mean that standard as referenced in the codes adopted by the jurisdiction. For the 2018 IBC and IRC, the 2009 edition of the standard is referenced, and therefore enforced to implement T9-A5.

   (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.

2. In the C.R.S. ‘Definitions’ for items 10-14, when the State updated T9-A5, they failed to accurately revise the cross referenced sections to the ICC/ANSI A117.1 standard. The sections references from the State were to the 1998 edition of the standard. This amendment correlates the State Statute to the Standard section references in the 2009 edition of ICC A117.1.

**Note:** The following items are required to be included:

**Purpose:** The proponent shall clearly 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.)

**Reasons:** The proponent shall justify changing the 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 which clearly shows why the current does not reflect physical, environmental and customary characteristics that are specific to the City and County of Denver and explains how such proposals will improve the Code.

**Substantiation:** The proponent shall 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** (as needed): The proponent shall submit 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 Statutes Title 9 Article 5; ICC A117.1-2009

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

**Impact:**

**Note:** The proponent shall discuss the impact of the proposed amendment and indicate one of the following for each point below regarding the amendment proposal:

- The effect of the amendment proposal on the cost of construction; ☒ Increase ☐ Reduce ☐ No Effect
- The effect of the amendment proposal on the cost of design; ☒ Increase ☐ Reduce ☐ No Effect
- Is the amendment proposal more- or less-restrictive than the I-Codes; ☒ More ☐ Less ☐ Same

**Departmental Impact:**

This reference will be very helpful to Plan reviewers by cross-referencing critical provisions of Chapter 14 of the IBC.

**Note:** The proponent shall discuss the impact of the proposed amendment and indicate one of the following for each point below regarding the amendment proposal:
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 this article.

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


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, 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.

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, 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, section 1003.

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.

promulgated by the American national standard institute, commonly cited as "ANSI A117.1-1998".

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, 1976, shall comply with the following: 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>
</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:

Number of units within the Accessibility points

<table>
<thead>
<tr>
<th>project</th>
<th>required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-6</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>
</tr>
<tr>
<td>115-128</td>
<td>54</td>
</tr>
<tr>
<td>129-142</td>
<td>60</td>
</tr>
<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>

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.