

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 25-1273

BY REPRESENTATIVE(S) Boesenecker and Woodrow, Lindsay,
McCormick, Smith, Paschal, Valdez;
also SENATOR(S) Ball and Hinrichsen, Bridges, Kipp, Winter F.

CONCERNING REQUIRING CERTAIN MUNICIPALITIES TO MODIFY BUILDING
CODES TO ALLOW FIVE STORIES OF A MULTIFAMILY RESIDENTIAL
BUILDING TO BE SERVED BY A SINGLE EXIT.

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

SECTION 1. Legislative declaration. (1) The general assembly
finds and declares that:

(a) During the mid-twentieth century, the International Building Code, which many state and local governments in the United States use as the model for their building codes, began requiring buildings over 3 stories to have at least 2 separate stairway exits accessible from all points on each floor;

(b) Multifamily buildings constructed under the current International Building Code must have 2 stairways, leading to most new multifamily buildings in the United States being constructed with housing units off a

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

single corridor with a stairway at each end. This limits the feasibility of 2- and 3-bedroom units since all units except corner units only have windows on one side, according to "Exit Strategy: The Case for Single-Stair Egress" in the Architectural Record;

(c) Multifamily buildings with single stairway exits can dedicate more interior space to create larger family-sized units, with multiple bedrooms and improved ventilation due to enabling most housing units to have windows on multiple sides, according to "The Seattle Special: A US City's Unique Approach to Small Infill Lots" Mercatus Center Policy Brief;

(d) Multifamily buildings with 2 stairways typically need more than a quarter of an acre per floor to meet underwriting requirements in North American markets, which is far bigger than many small infill lots in Colorado cities, even before accounting for setbacks, landscaping, and other design criteria that limit the buildable area of a lot;

(e) Single stairway designs enable economically feasible construction on small infill sites, whereas buildings constructed under the International Building Code with 2 interior stairways and a corridor take up such a significant portion of the allowable floor space that they are typically not physically or economically viable;

(f) On a typical infill lot of 5,000 square feet, a second stairway and the hallway to connect it to the first stairway are estimated to take up about 10% of the potentially rentable or sellable floor space, resulting in an additional 10% of housing cost;

(g) The city of Seattle, Washington, allowed up to 6 story residential buildings to be constructed with a single stairway in 1977, following the recommendations of a building code advisory board to encourage infill redevelopment;

(h) New York City began allowing single stairway buildings up to 6 stories several decades ago, and in 2012, the city of Honolulu adopted nearly identical amendments to its building code with regard to egress as Seattle;

(i) Small multifamily buildings enabled by eliminating the requirement for 2 stairways would shorten the distance to an egress

compared to large multifamily buildings with housing units on both sides of a long corridor;

(j) In Colorado, there are 18 Commission on Fire Accreditation International Accredited agencies that serve 48 local governments. Accredited agencies are community-oriented, data-driven, and outcome-focused and exemplify organizations that are strategic-minded, well-organized, and properly equipped, staffed, and trained.

(k) The International Code Council, which crafts the International Building Code relied upon by states and cities in the United States, is in the process of drafting a code to enable more housing options served by a single stairway;

(l) Single stair buildings also support quality of life, health, and energy efficiency by enabling cross ventilation in most units, which enables residents to use operable windows to bring in fresh air to improve indoor air quality and draw in cool air in the summer in an energy-efficient way;

(m) Larger jurisdictions in Colorado with a population over 100,000 are all considered urban by the federal census and have significant opportunities to develop smart stair buildings on smaller lots in infill areas; and

(n) Therefore, the general assembly declares that increasing the housing supply through more flexible construction design for small multifamily buildings is a matter of mixed statewide and local concern.

SECTION 2. In Colorado Revised Statutes, **add** 31-15-605 as follows:

31-15-605. Single exit in multifamily residential structure - report - definition - repeal. (1) SUBJECT TO THE CONDITIONS SET FORTH IN SUBSECTIONS (2), (3), AND (5) OF THIS SECTION AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON OR BEFORE DECEMBER 1, 2027, THE GOVERNING BODY OF A SUBJECT JURISDICTION SHALL ADOPT A BUILDING CODE, OR AMEND THE SUBJECT JURISDICTION'S EXISTING BUILDING CODE, TO ALLOW A SINGLE EXIT TO SERVE NO MORE THAN FIVE STORIES INCLUDING ANY OCCUPIABLE ROOF OF A GROUP R-2 OCCUPANCY IN THE SAME BUILDING, SO LONG AS THAT BUILDING:

(a) IS CONSTRUCTED OF MATERIALS THAT SATISFY INTERNATIONAL BUILDING CODE TYPE I, TYPE II, OR TYPE IV CONSTRUCTION STANDARDS;

(b) IS PROTECTED THROUGHOUT, INCLUDING AT EACH LANDING OF THE EXIT STAIRWAY, WITH AN AUTOMATIC SPRINKLER SYSTEM THAT IS DESIGNED AND INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE;

(c) HAS NO MORE THAN TWENTY FEET OF TRAVEL TO THE EXIT STAIRWAY FROM THE EXIT OR ENTRY DOOR OF ANY DWELLING UNIT;

(d) HAS NO MORE THAN ONE HUNDRED TWENTY-FIVE FEET OF TRAVEL TO THE EXIT STAIRWAY FROM ANY POINT IN A DWELLING UNIT;

(e) EXCEPT AS PROVIDED IN SUBSECTION (1)(f) OF THIS SECTION, DOES NOT HAVE A FLOOR WITH A SQUARE FOOTAGE GREATER THAN FOUR THOUSAND FEET AND HAS AN EXIT STAIRWAY THAT IS AT LEAST FORTY-EIGHT INCHES WIDE;

(f) DOES NOT HAVE A FLOOR WITH A SQUARE FOOTAGE GREATER THAN SIX THOUSAND FEET AND HAS AN EXIT STAIRWAY WHOSE WIDTH IS EQUAL TO OR GREATER THAN A NUMBER OF INCHES THAT IS IN THE SAME RATIO TO FORTY-EIGHT AS THE SQUARE FOOTAGE OF THE FLOOR IS TO FOUR THOUSAND BUT THAT IS LESS THAN FIFTY-FOUR INCHES;

(g) HAS NO MORE THAN FOUR DWELLING UNITS PER STORY;

(h) ONLY HAS OPENINGS TO THE EXIT STAIRWAY ENCLOSURE THAT ALLOW EXIT ACCESS FROM NORMALLY OCCUPIED SPACES, EXIT ACCESS FROM THE EXIT STAIRWAY ENCLOSURE TO ANOTHER PROTECTED EXIT COMPONENT, AND ACCESS TO THE EXTERIOR FROM THE EXIT STAIRWAY ENCLOSURE;

(i) IS FULLY PROTECTED THROUGHOUT ALL COMMON AREAS WITH SMOKE DETECTION IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION'S STANDARD 72, KNOWN AS THE "NATIONAL FIRE ALARM AND SIGNALING CODE", AND THE INTERNATIONAL FIRE CODE;

(j) DOES NOT HAVE ELECTRICAL RECEPTACLES IN AN EXIT STAIRWAY ENCLOSURE;

(k) DOES NOT HAVE PUBLICLY ACCESSIBLE ELECTRICAL RECEPTACLES IN CORRIDORS BETWEEN DWELLING UNITS AND THE EXIT STAIRWAY;

(l) HAS, IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE, AN EMERGENCY ESCAPE AND RESCUE OPENING ON EVERY FLOOR;

(m) HAS AN EXIT STAIRWAY THAT IS CONSTRUCTED IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE;

(n) HAS A FIRE-RESISTANT BOX THAT CONTAINS KEYS TO ACCESS THE BUILDING AND THE DWELLING UNITS IN THE BUILDING, IS ACCESSIBLE TO RELEVANT FIREFIGHTERS, AND IS ACCOMPANIED BY A SIGN INDICATING THAT THE BUILDING IS ONLY SERVED BY A SINGLE EXIT STAIRWAY;

(o) HAS AN EXIT STAIRWAY THAT IS PROTECTED WITH TWO-HOUR FIRE-RATED STAIR CONSTRUCTION REGARDLESS OF CONSTRUCTION TYPE;

(p) HAS AN EXIT STAIRWAY THAT IS WIDE ENOUGH TO ALLOW SIMULTANEOUS INGRESS AND EGRESS;

(q) HAS PASSIVE AND ACTIVE FIRE PROTECTION FEATURES IN OCCUPIABLE SPACES THROUGHOUT THE BUILDING, INCLUDING INDIVIDUAL DWELLING UNITS, THAT ARE PERIODICALLY INSPECTED AND MAINTAINED BY A THIRD PARTY APPROVED BY THE SUBJECT JURISDICTION;

(r) HAS CORRIDORS THAT ALL HAVE A MINIMUM OF ONE HOUR OF FIRE RESISTANCE, IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE;

(s) HAS ELEVATOR AND EXIT STAIRWAY ENCLOSURES THAT ALL HAVE SMOKE CONTROL SYSTEMS, IN ACCORDANCE WITH THE INTERNATIONAL FIRE CODE;

(t) HAS ELEVATORS THAT ARE ALL WITHIN TWO-HOUR SHAFT ENCLOSURES, IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE;

(u) DOES NOT ALLOW STORAGE, INCLUDING THE STORAGE OF DELIVERIES, TRASH, AND RECYCLING, WITHIN THE SPACE BETWEEN DWELLING UNIT DOORS AND THE EXIT STAIRWAY; AND

(v) DOES NOT HAVE MORE THAN ONE STORY BELOW GRADE PLANE.

(2) TO SATISFY THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE GOVERNING BOARD OF A SUBJECT JURISDICTION MAY INCORPORATE BY REFERENCE, OR ADAPT AND ADOPT INTO THE SUBJECT JURISDICTION'S BUILDING CODE, LANGUAGE FROM A PORTION OF AN EXISTING BUILDING CODE OF ANY OTHER AMERICAN JURISDICTION THAT ALLOWS A SINGLE EXIT TO SERVE NO MORE THAN FIVE STORIES INCLUDING ANY OCCUPIABLE ROOF OF A GROUP R-2 OCCUPANCY IN THE SAME BUILDING, SO LONG AS THE INCORPORATED, ADAPTED, OR ADOPTED LANGUAGE WOULD SATISFY THE REQUIREMENTS OF THIS SECTION.

(3) A SUBJECT JURISDICTION SHALL COORDINATE WITH THE APPLICABLE FIRE PROTECTION DISTRICT, FIRE DEPARTMENT, OR FIRE AUTHORITY TO ENSURE, IN ACCORDANCE WITH STANDARDS ESTABLISHED IN THE INTERNATIONAL BUILDING CODE AND INTERNATIONAL FIRE CODE, THAT, FOR A BUILDING THAT SERVES NO MORE THAN FIVE STORIES OF A GROUP R-2 OCCUPANCY AND SATISFIES THE REQUIREMENTS OF THIS SECTION:

(a) AERIAL APPARATUS OF THE APPLICABLE FIRE PROTECTION DISTRICT, FIRE DEPARTMENT, OR FIRE AUTHORITY CAN REACH THE HIGHEST POINT OF THE BUILDING;

(b) THE SITE DESIGN ALLOWS FOR DIRECT VERTICAL ACCESS TO THE ROOFLINE AND ALL UPPER FLOORS FROM AT LEAST ONE OF THE REQUIRED AERIAL ACCESS SIDES USING AN AERIAL APPARATUS DEPLOYED FROM GROUND LEVEL; AND

(c) THE SITE DESIGN PROVIDES UNOBSTRUCTED AERIAL APPARATUS ACCESS DEPLOYMENT OR POSITIONING.

(4) IN ADDITION TO THE REQUIREMENTS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, IF A BUILDING HAS BEEN CONSTRUCTED WITH A SINGLE EXIT, THE BUILDING'S LANDLORD, MANAGER, OR OWNER SHALL CONDUCT INSPECTIONS OF THE BUILDING'S DWELLING UNITS, IN ADDITION TO THIRD-PARTY INSPECTIONS, AND PERMISSION FOR THE INSPECTIONS SHALL BE INCLUDED IN THE LEASE AGREEMENTS FOR EACH DWELLING UNIT.

(5) IF A FIRE PROTECTION DISTRICT OR FIRE DEPARTMENT DOES NOT SERVE AN ENTIRE SUBJECT JURISDICTION, THE GOVERNING BOARD OF THAT

SUBJECT JURISDICTION MAY SATISFY THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BY ADOPTING OR AMENDING THE SUBJECT JURISDICTION'S EXISTING BUILDING CODE INsofar AS IT APPLIES ONLY TO THE PORTION OF THE SUBJECT JURISDICTION THAT IS SERVED BY A SINGLE FIRE PROTECTION DISTRICT OR FIRE DEPARTMENT.

(6) THE ADOPTION OF A BUILDING CODE, OR THE AMENDMENT OF A SUBJECT JURISDICTION'S EXISTING BUILDING CODE, BY THE GOVERNING BODY OF A SUBJECT JURISDICTION TO COMPLY WITH SUBSECTION (1) OF THIS SECTION, IS NOT ADOPTING OR ENFORCING A BUILDING CODE FOR PURPOSES OF DETERMINING WHETHER A GOVERNING BODY OF A MUNICIPALITY IS REQUIRED TO ADOPT AND ENFORCE AN ENERGY CODE PURSUANT TO SECTION 31-15-602.

(7) A SUBJECT JURISDICTION SHALL INCLUDE THE LOCAL INTERNATIONAL ASSOCIATION OF FIRE FIGHTER'S AFFILIATE, IF ONE EXISTS, WITHIN THE SUBJECT JURISDICTION'S JURISDICTION AND THE COLORADO PROFESSIONAL FIRE FIGHTERS ASSOCIATION ON THE LIST OF PERSONS TO PROVIDE NOTICE OF MEETINGS PURSUANT TO SECTION 24-6-402 (7) WITH RESPECT TO THE DISCUSSION OF ADOPTING OR AMENDING A BUILDING CODE PURSUANT TO SUBSECTION (1) OF THIS SECTION.

(8) NOTHING IN THIS SECTION REQUIRES THE GOVERNING BODY OF A SUBJECT JURISDICTION TO AMEND A SUBJECT JURISDICTION'S ZONING CODE WITH RESPECT TO MULTIFAMILY RESIDENTIAL HOUSING.

(9) NOTHING IN THIS SECTION PREVENTS A SUBJECT JURISDICTION, FIRE PROTECTION DISTRICT, FIRE DEPARTMENT, OR FIRE AUTHORITY FROM APPLYING AND ENFORCING A LOCALLY ADOPTED LIFE SAFETY CODE. A LOCALLY ADOPTED LIFE SAFETY CODE MAY INCLUDE, BUT IS NOT LIMITED TO, STANDARDS GOVERNING EMERGENCY VEHICLE SITE ACCESS, FIRE HYDRANT SPACING, AND LANDSCAPE CLEARANCE.

(10) A SUBJECT JURISDICTION SHALL ENSURE THAT A BUILDING THAT SERVES NO MORE THAN FIVE STORIES OF A GROUP R-2 OCCUPANCY AND SATISFIES THE REQUIREMENTS OF THIS SECTION:

(a) RETAINS ITS LEGAL OCCUPANCY STATUS, EVEN IF A FUTURE BUILDING CODE ADOPTED BY THE SUBJECT JURISDICTION WOULD DISALLOW THE CONSTRUCTION OF THAT BUILDING; AND

(b) IF THAT BUILDING IS DAMAGED OR DESTROYED, THE SUBJECT JURISDICTION SHALL ALLOW THE BUILDING TO BE REBUILT ACCORDING TO THE SAME STANDARDS THAT WERE IN PLACE WHEN THE SUBJECT JURISDICTION ISSUED THE ORIGINAL CONSTRUCTION PERMIT FOR THE BUILDING; EXCEPT THAT:

(I) THE BUILDING SHALL SATISFY STANDARDS ESTABLISHED BY THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ.;

(II) ANY ALTERATION TO THE BUILDING THAT CONSTITUTES A SUBSTANTIAL IMPROVEMENT UNDER THE NATIONAL FLOOD INSURANCE PROGRAM ESTABLISHED IN 42 U.S.C. SEC. 4001 ET SEQ., SHALL COMPLY WITH CURRENT REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM;

(III) ANY STRUCTURAL MODIFICATIONS TO THE BUILDING MUST COMPLY WITH STRUCTURAL DESIGN LOAD AND SAFETY REQUIREMENTS IN THE APPLICABLE BUILDING CODE; AND

(IV) THE RECONSTRUCTION OF THE BUILDING MUST COMPLY WITH STATE OR LOCAL BUILDING CODES THAT ENHANCE HEALTH, SAFETY, WELFARE, OR ENERGY EFFICIENCY.

(11) (a) ON OR BEFORE DECEMBER 1, 2028, AND EACH DECEMBER 1 THEREAFTER, A SUBJECT JURISDICTION SHALL REPORT TO THE STATE DEMOGRAPHY OFFICE IN THE DEPARTMENT OF LOCAL AFFAIRS, IN A FORM AND MANNER DETERMINED BY THE STATE DEMOGRAPHY OFFICE, CONCERNING THE PREVIOUS TWELVE MONTHS:

(I) THE NUMBER OF PERMITS THAT THE SUBJECT JURISDICTION ISSUED FOR THE CONSTRUCTION OF BUILDINGS WITH A SINGLE EXIT THAT SERVES NO MORE THAN FIVE STORIES OF A GROUP R-2 OCCUPANCY AND SATISFIES THE REQUIREMENTS OF THIS SECTION; AND

(II) FOR EACH BUILDING THAT THE SUBJECT JURISDICTION ISSUED A PERMIT AS DESCRIBED IN SUBSECTION (10)(a)(I) OF THIS SECTION:

(A) THE NUMBER OF DWELLING UNITS IN THE BUILDING;

(B) THE NUMBER OF STORIES THAT THE BUILDING HAS;

(C) THE GROSS BUILDING AREA; AND

(D) THE TOTAL NUMBER OF EMERGENCY INCIDENTS, INCLUDING FIRE AND MEDICAL CALLS, THAT OCCURRED, AS REPORTED BY THE RELEVANT EMERGENCY DISPATCH CENTER.

(b) (I) PRIOR TO JANUARY 2032, THE DEPARTMENT OF LOCAL AFFAIRS SHALL CONSULT WITH THE COLORADO PROFESSIONAL FIRE FIGHTERS ASSOCIATION CONCERNING THE IMPLEMENTATION OF THIS SECTION.

(II) IN JANUARY 2032, THE DEPARTMENT OF LOCAL AFFAIRS SHALL INCLUDE, AS PART OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY SECTION 2-7-203, INFORMATION CONCERNING THE IMPLEMENTATION OF THIS SECTION.

(12) NOTHING IN THIS SECTION PREVENTS A GOVERNING BODY OF A SUBJECT JURISDICTION FROM ALLOWING ANY TYPE OF BUILDING WITH GROUP R-2 OCCUPANCY TO BE SERVED BY A SINGLE EXIT IN ACCORDANCE WITH AN EDITION OF THE INTERNATIONAL BUILDING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL ON OR AFTER JANUARY 1, 2027.

(13) NOTHING IN THIS SECTION PREVENTS THE GOVERNING BODY OF A SUBJECT JURISDICTION FROM APPLYING SECTIONS OF THE INTERNATIONAL BUILDING CODE, THE INTERNATIONAL FIRE CODE, REFERENCED STANDARDS, AND OTHER ORDINANCES OR LAWS NOT SPECIFICALLY REFERENCED IN THIS SECTION TO A BUILDING SERVED BY SINGLE EXIT.

(14) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE, INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS, INCLUDING PERMANENT PROVISIONS FOR LIVING, SLEEPING, EATING, COOKING, AND SANITATION.

(b) "GROUP R-2 OCCUPANCY" MEANS A RESIDENTIAL OCCUPANCY CONTAINING SLEEPING UNITS OR MORE THAN TWO DWELLING UNITS WHERE

THE OCCUPANTS ARE PRIMARILY PERMANENT IN NATURE.

(c) "INTERNATIONAL BUILDING CODE" MEANS THE MOST CURRENT EDITION OF THE INTERNATIONAL BUILDING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

(d) "INTERNATIONAL FIRE CODE" MEANS THE MOST CURRENT EDITION OF THE INTERNATIONAL FIRE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL.

(e) "SUBJECT JURISDICTION" MEANS A MUNICIPALITY:

(I) WITH A POPULATION OF ONE HUNDRED THOUSAND OR GREATER;
AND

(II) THAT IS SERVED BY A FIRE PROTECTION DISTRICT, FIRE DEPARTMENT, OR FIRE AUTHORITY THAT HAS BEEN ACCREDITED BY THE COMMISSION ON FIRE ACCREDITATION INTERNATIONAL, EVEN IF THE FIRE PROTECTION DISTRICT, FIRE DEPARTMENT, OR FIRE AUTHORITY LATER LOSES THAT ACCREDITATION, AND THAT MEETS THE AERIAL APPARATUS REQUIREMENTS FOR THE FIRE PROTECTION DISTRICT'S, FIRE DEPARTMENT'S, OR FIRE AUTHORITY'S INSURANCE SERVICES OFFICE PUBLIC PROTECTION CLASSIFICATION RATING.

(f) "TWO-HOUR FIRE-RATED STAIR CONSTRUCTION" MEANS CONTINUOUS WALL, FLOOR, OR ROOF ASSEMBLIES ENCLOSING A STAIRWAY THAT ARE DESIGNED TO RESTRICT THE SPREAD OF FIRE, EXCESSIVE HEAT, OR HOT GASES, SUCH THAT THE CONSTRUCTION CONTINUES TO PERFORM ITS STRUCTURAL FUNCTION FOR AT LEAST TWO HOURS AS DETERMINED BY TEST PROCEDURES SET FORTH IN AMERICAN SOCIETY FOR TESTING AND MATERIALS STANDARD E-119, UNDERWRITERS LABORATORIES STANDARD 263, OR OTHER METHODS APPROVED BY THE RELEVANT SUBJECT JURISDICTION.

(15) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2037.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO