

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0438.01 Pierce Lively x2059

HOUSE BILL 25-1273

HOUSE SPONSORSHIP

Boesenecker and Woodrow,

SENATE SPONSORSHIP

Ball,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill defines a subject jurisdiction as a municipality with a population of 100,000 or more that is served by a fire protection district or fire department that is or was accredited by a specified organization. On or before December 1, 2027, the bill requires the governing body of a subject jurisdiction to adopt a building code, or amend an existing

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

building code, to allow up to 5 stories of a multifamily residential building that satisfies certain conditions to be served by a single exit. This requirement only applies to the area within a subject jurisdiction that is served by a single fire protection district or fire department.

The bill also clarifies that the adoption or amendment of a building code to satisfy the requirements of the bill does not qualify as adopting or enforcing a building code for the purpose of determining whether the governing body of a municipality is required to adopt an energy code.

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

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

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

9 (b) Multifamily buildings constructed under the current
10 International Building Code must have 2 stairways, leading to most new
11 multifamily buildings in the United States being constructed with housing
12 units off a single corridor with a stairway at each end. This limits the
13 feasibility of 2 and 3 bedroom units since all units except corner units
14 only have windows on one side, according to "Exit Strategy: The Case for
15 Single-Stair Egress" in the Architectural Record;

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

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

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

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

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

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

23 (i) Small multifamily buildings enabled by eliminating the
24 requirement for 2 stairways would shorten the distance to an egress
25 compared to large multifamily buildings with housing units on both sides
26 of a long corridor, improving resident safety in those cases;

27 (j) Between 2018 and 2022, the United States had a higher rate of

1 fire deaths per 100,000 inhabitants than most countries that allow single
2 stairway construction greater than 3 stories, including many countries in
3 Europe, according to the Center for Fire Statistics World Fire Statistics
4 Report, No. 29;

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

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

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

19 (n) Larger jurisdictions in Colorado with a population over
20 100,000 are all considered urban by the federal census and have
21 significant opportunities to develop smart stair buildings on smaller lots
22 in infill areas; and

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

26 **SECTION 2.** In Colorado Revised Statutes, **add** 31-15-604 as
27 follows:

1 CODE;

2 (h) DOES NOT HAVE ELECTRICAL RECEPTACLES IN AN EXIT
3 STAIRWAY ENCLOSURE;

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

6 (j) HAS AN EXIT STAIRWAY THAT IS CONSTRUCTED IN ACCORDANCE
7 WITH INTERNATIONAL BUILDING CODE STANDARDS;

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

10 (l) HAS AN EXIT STAIRWAY THAT IS WIDE ENOUGH TO ALLOW
11 SIMULTANEOUS INGRESS AND EGRESS SO LONG AS THE EXIT STAIRWAY IS
12 NOT REQUIRED TO BE GREATER THAN FORTY-EIGHT INCHES WIDE; AND

13 (m) HAS PASSIVE AND ACTIVE FIRE PROTECTION FEATURES THAT
14 ARE PERIODICALLY INSPECTED AND MAINTAINED BY A THIRD-PARTY
15 APPROVED BY THE SUBJECT JURISDICTION.

16 (2) TO SATISFY THE REQUIREMENTS OF SUBSECTION (1) OF THIS
17 SECTION, THE GOVERNING BOARD OF A SUBJECT JURISDICTION MAY
18 INCORPORATE BY REFERENCE, OR ADAPT AND ADOPT INTO THE SUBJECT
19 JURISDICTION'S BUILDING CODE, LANGUAGE FROM A PORTION OF AN
20 EXISTING BUILDING CODE OF ANY OTHER AMERICAN JURISDICTION THAT
21 ALLOWS A SINGLE EXIT TO SERVE NO MORE THAN FIVE STORIES OF A GROUP
22 R-2 OCCUPANCY IN THE SAME BUILDING.

23 (3) IF A FIRE PROTECTION DISTRICT OR FIRE DEPARTMENT DOES
24 NOT SERVE AN ENTIRE SUBJECT JURISDICTION, THE GOVERNING BOARD OF
25 THAT SUBJECT JURISDICTION MAY SATISFY THE REQUIREMENTS OF
26 SUBSECTION (1) OF THIS SECTION BY ADOPTING OR AMENDING THE
27 SUBJECT JURISDICTION'S EXISTING BUILDING CODE INsofar AS IT APPLIES

1 ONLY TO THE PORTION OF THE SUBJECT JURISDICTION THAT IS SERVED BY
2 A SINGLE FIRE PROTECTION DISTRICT OR FIRE DEPARTMENT.

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

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

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

15 (a) "BUILDING CODE" MEANS THE MOST CURRENT EDITION OF THE
16 INTERNATIONAL BUILDING CODE PUBLISHED BY THE INTERNATIONAL CODE
17 COUNCIL.

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

22 (c) "FIRE CODE" MEANS THE MOST CURRENT EDITION OF THE
23 INTERNATIONAL FIRE CODE PUBLISHED BY THE INTERNATIONAL CODE
24 COUNCIL.

25 (d) "GROUP R-2 OCCUPANCY" MEANS A RESIDENTIAL OCCUPANCY
26 CONTAINING SLEEPING UNITS OR MORE THAN TWO DWELLING UNITS WHERE
27 THE OCCUPANTS ARE PRIMARILY PERMANENT IN NATURE.

1 (e) "SUBJECT JURISDICTION" MEANS A MUNICIPALITY:

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

3 AND

4 (II) THAT IS SERVED BY A FIRE PROTECTION DISTRICT OR FIRE
5 DEPARTMENT THAT HAS BEEN ACCREDITED BY THE COMMISSION ON FIRE
6 ACCREDITATION INTERNATIONAL, EVEN IF THE FIRE PROTECTION DISTRICT
7 OR FIRE DEPARTMENT LATER LOSES THAT ACCREDITATION.

8 (f) "TWO-HOUR FIRE-RATED STAIR CONSTRUCTION" MEANS
9 CONTINUOUS WALL, FLOOR, OR ROOF ASSEMBLIES ENCLOSING A STAIRWAY
10 THAT ARE DESIGNED TO RESTRICT THE SPREAD OF FIRE, EXCESSIVE HEAT,
11 OR HOT GASES, SUCH THAT THE CONSTRUCTION CONTINUES TO PERFORM
12 ITS STRUCTURAL FUNCTION FOR AT LEAST TWO HOURS AS DETERMINED BY
13 TEST PROCEDURES SET FORTH IN AMERICAN SOCIETY FOR TESTING AND
14 MATERIALS STANDARD E-119, UNDERWRITERS LABORATORIES STANDARD
15 263, OR OTHER METHODS APPROVED BY THE RELEVANT SUBJECT
16 JURISDICTION.

17 **SECTION 3. Safety clause.** The general assembly finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety or for appropriations for
20 the support and maintenance of the departments of the state and state
21 institutions.