



Board Summary Report

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To: Board of County Commissioners

Through: Bryan Weimer, Director, Public Works and Development

Prepared By:

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Presenter: Bryan D. Weimer, Director, Public Works and Development Department; Greg Bragdon, Building Division Manager, Public Works & Development Department

Subject:

2023 National Electrical Code Adoption For-Use Starting July 9, 2024

Purpose and Request:

This General Business Item is to request the Board of County Commissioners (BOCC) to approve and adopt the 2023 National Electrical Code (NEC) with an effective date of July 9, 2024. Furthermore, as part of the NEC adoption staff is requesting the Board to approve and adopt the State Model Electric Ready and Solar Ready Code as required by HB22-1362 and HB23-1233.

Background and Discussion: Currently, the Arapahoe County Building Division utilizes the 2020 version of National Electrical Code. Staff has evaluated the 2023 NEC (NFPA-70) for adoptions into the County's Building Code.

It is the policy of Public Works and Development Department to update the electrical codes every 3 years. Also, since the Building Division performs local permit issuance and inspections for electrical permits, under CRS 12-115-107(2)(j), the County is required to adopt or adhere to the State's minimum standards within twelve months of the State Electrical Board's adoption thereof, which was on August 1, 2023 (attached).

The primary purpose of the National Electrical Code is to establish the minimum requirements to protect life, maintain safe electrical installations, protect property, and adhere to the most current prescriptive requirements of the NFPA-70. This purpose is achieved by promoting the construction of installations in conformance with the most recent Electrical Code(s).

The National Electrical Code is updated every 3 years. Historically, these updates have increasingly emphasized improving property protection, and provisions that also reduce the overall fiscal impact due to natural hazard events, or circumstances where new protective features limit electrical failures resulting in fires. Additionally, the latest available version of the NEC has consistently demonstrated improvements to life safety, coordination with industry changes, and increases to the performance of buildings. This 2023 version of the

National Electric Code was adopted by the State on August 1, 2023.

Staff proposes to adopt the 2023 National Electric Code for application and enforcement in unincorporated Arapahoe County. Adopting this update to the Code will keep the County on schedule for the Department's three-year update policy for building codes and is consistent with the requirements of State law for the County as a local inspection authority.

In addition, the State enacted recently enacted two House Bills which require the County to adopt building codes that meet or exceed the requirements of the 2021 international energy conservation code and with the State's model electric ready and solar ready code. These include:

- HB23-1233 (Electric Vehicle Charging Provisions / Effective 3/1/24)
- HB22-1362 (Model Electric Ready & Solar Ready Code / Effective upon adoption of the 2023 NEC)

CRS 30-28-211(3.5)(a), under these House Bills, requires the County to adopt these codes at the same time the County adopts any update to one or more of its building codes after July 1, 2023. With this update of the NEC, in order to be in compliance with this law, the County must also adopt this model Electric Ready and Solar Ready Code. The county has already adopted the 2021 International Energy Conservation Code. This Section provides:

(3.5) (a) A board of county commissioners that has adopted and enforced one or more building codes, and that updates one or more building codes on or after July 1, 2023, and before July 1, 2026, shall adopt and enforce an energy code that achieves equivalent or better energy performance than the 2021 international energy conservation code and the model electric ready and solar ready code language developed for adoption by the energy code board pursuant to section 24-38.5-401 (5) at the same time other building codes are updated.

A copy of the Model Electric Ready and Solar Ready Code as proposed to the BOCC for adoption is included in the agenda packet for this GBI.

For public outreach, the proposed adoption of the 2023 NEC was posted on the County's website on May 28 and comments will be received through June 14, 2024. As of the date of this Board Summary Report, we have received 5 Comments (see attachment). In addition, a newsletter article was posted on May 31, an e-mail blast was sent to more than 3000 building permit stakeholders on May 28, and social media posts were provided on Facebook, NextDoor, and X (Formally Twitter) on May 31 and June 7. Public notice of this hearing on amending the Building Code to adopt the 2023 NEC was published in the Denver Post on June 17, 2024.

Alternatives: There are no alternatives. The adoption of the NEC and the Model Electric Ready and Solar Ready Code are statutorily mandated by the State of Colorado as described above..

Fiscal Impact: There is no direct fiscal impact to PWD except for the additional time to perform plan reviews and inspections (Re: Implementation of House Bills). There will be an increase in construction costs to residents and builders with the implementation of the referenced Colorado House Bills.

Alignment with Strategic Plan:

- Be fiscally sustainable
- Provide essential and mandated service
- Be community focused

Staff Recommendation: PWD Staff recommends updating to the 2023 National Electrical Code effective July 9, 2024. The Building Division has been communicating this anticipated change for since the beginning of 2024. Staff also recommends approval and adoption of the Model Electric Ready and Solar Ready Code, as referenced above.

Concurrence: County Attorney's Office concurs with PWD staff recommendations for adoption of proposed building code amendments.

Resolution: A copy of the draft resolution is attached.