

Water Smart Homes

The Act requires residential home builders to offer home buyers certain water conserving technology, appliances, and landscaping practices. Examples include water-efficient toilets and dishwashers that meet federal Environmental Protection Agency Energy Star Program standards.

Submitted as:

Colorado

[HB 10-1358 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Encourage Installing Water
2 Smart Technology in Homes.”

3
4 Section 2. [*Water-Smart Homes Options.*]

5 (A) Every person who builds a new single-family detached residence for which a buyer is
6 under contract shall offer the buyer the opportunity to select one or more of the following water-
7 smart home options for the residence:

8 (1) Installation of water-efficient toilets, lavatory faucets, and showerheads that
9 meet or exceed the following water-efficient standards: toilets shall use no more than one and
10 twenty-eight one-hundredths of a gallon per flush, lavatory faucets no more than one and one-
11 half gallons per minute, and showerheads no more than two gallons per minute;

12 (2) If dishwashers or clothes washers are financed, installed, or sold as upgrades
13 through the home builder, the builder shall offer a model that is qualified pursuant to the federal
14 Environmental Protection Agency’s Energy Star Program at the time of offering. Clothes
15 washers shall have a water factor of less than or equal to six gallons of water per cycle per cubic
16 foot of capacity.

17 (3) If landscaping is financed, installed, or sold as upgrades through the home
18 builder and will be maintained by the home owner, the home builder shall offer a landscape
19 design that follows the landscape practices specified in this subparagraph (3) to ensure both the
20 professional design and installation of such landscaping and that water conservation will be
21 accomplished. These best management practices are contained in the document titled [“Green
22 Industry Best Management Practices (BMP) for the Conservation and Protection of Water
23 Resources in Colorado, 3rd Edition,” and Appendix, released in May 2008], or this document’s
24 successors due to future inclusion of improved landscaping practices, water conservation
25 advancements, and new irrigation technology. The best management practices specified in this
26 subparagraph (3), through utilization of the proper landscape design, installation, and irrigation
27 technology, accomplish substantial water savings compared to landscape designs, installation,
28 and irrigation system utilization where these practices are not adhered to. The following best
29 management practices and water budget calculator form the basis for the design and installation
30 for the front yard landscaping option if selected by the homeowner as an upgrade:

31 (a) Xeriscape: To include the seven principles of Xeriscape which provide
32 a comprehensive approach for conserving water;

33 (b) Water budgeting: To include either a water allotment by the water
34 utility for the property, if offered by the water utility, or a landscape water budget based on plant
35 water requirements;

36 (c) Landscape design: To include a plan and design for the landscape to
37 comprehensively conserve water and protect water quality;

38 (d) Landscape installation and erosion control: To minimize soil erosion
39 and employ proper soil care and planting techniques during construction;

40 (e) Soil amendment and ground preparation: To include an evaluation of
41 the soil and improve, if necessary, to address water retention, permeability, water infiltration,
42 aeration, and structure;

43 (f) Tree placement and tree planting: To include proper soil and space for
44 root growth and to include proper planting of trees, shrubs, and other woody plants to promote
45 long-term health of these plants;

46 (g) Irrigation design and installation: To include design of the irrigation
47 system for the efficient and uniform distribution of water to plant material and the development
48 of an irrigation schedule;

49 (h) Irrigation technology and scheduling: To include water conserving
50 devices that stop water application during rain, high wind, and other weather events and
51 incorporate evapotranspiration conditions. Irrigation scheduling should address frequency and
52 duration of water application in the most efficient manner; and

53 (i) Mulching: To include the use of organic mulches to reduce water loss
54 through evaporation, reduce soil loss, and suppress weeds.

55 (4) Installation of a pressure-reducing valve that limits static service pressure in
56 the residence to a maximum of [sixty pounds per square inch]. Piping for home fire sprinkler
57 systems shall comply with state and local codes and regulations but are otherwise excluded from
58 this subparagraph (4).

59 (B) The offer required by paragraph (A) of this subsection (1) shall be made in
60 accordance with the builder's construction schedule for the residence. In the case of
61 prefabricated or manufactured homes, "construction schedule" includes the schedule for
62 completion of prefabricated walls or other subassemblies.

63 (C) Nothing in this section precludes a person who builds a new single-family detached
64 residence from:

65 (1) Subjecting water-efficient fixture and appliance upgrades to the same terms
66 and conditions as other upgrades, including charges related to upgrades, deposits required for
67 upgrades, deadlines, and construction timelines;

68 (2) Selecting the contractors that will complete the installation of the selected
69 options; or

70 (3) Stipulating in the purchase agreement or sales contract that water-efficient
71 fixtures and appliances are based on technology available at the time of installation, such
72 upgrades may not support all water-efficient fixtures or appliances installed at a future date, and
73 the person that builds a new single-family detached residence is not liable for any additional
74 upgrades, retrofits, or other alterations to the residence that may be necessary to accommodate
75 water-efficient fixtures or appliances installed at a future date.

76 (D) This section does not apply to unoccupied homes serving as sales inventory or model
77 homes.

78 (E) The upgrades described in this Act shall not contravene state or local codes,
79 covenants, and requirements. All homes, landscapes, and irrigation systems shall meet all
80 applicable national, state, and local regulations.

81

82 Section 3. [*Severability.*] [Insert severability clause.]

83

84 Section 4. [*Repealer.*] [Insert repealer clause.]

85

86 Section 5. [*Effective Date.*] [Insert effective date.]