



## **Colorado Model Electric Ready and Solar Ready Code Substantial Cost Differential Waiver**

The City of Westminster has adopted the 2021 I-Codes, which become effective on June 1<sup>st</sup>, 2024. With this adoption, the Colorado Model Electric Ready and Solar Ready Code (CMERSRC) also becomes effective. Per CMERSRC Section 102, The City of Westminster is authorized to grant an exemption from a portion of the requirements of this code where compliance would result in a substantial cost differential, as defined in Section 102.2.1.

*102.2 Substantial Cost Differential Waiver. The City of Westminster shall be permitted to authorize, upon appeal, a waiver from the requirements of this code for an applicant that asserts that compliance with this code will result in a substantial cost differential. City of Westminster, when authorizing such a waiver, shall be permitted to waive certain requirements of this code only until the cost differential for compliance with the remaining requirements reaches one percent or less. The burden of proof is upon the applicant to provide substantiation of a cost differential, such as quotes or other licensed design professional analyses as approved by City of Westminster.*

*102.2.1 Substantial Cost Differential. For the purposes of Section 102.2, “substantial cost differential” means costs incurred as a result of compliance with the requirements of this code would exceed one percent of total mechanical, electrical, and plumbing construction costs inclusive of materials and labor.*

To apply for this waiver, the project must meet one of the applicability requirements of CMERSRC Section 102.1.1 or 102.1.2:

*102.1.1 Commercial Buildings Greater than 10,000 sq. ft. Commercial buildings that have a gross floor area greater than 10,000 sq. ft. shall be eligible to request a partial waiver to the requirements of this code if they meet the requirements of Section 102.2.*

*102.1.2 Buildings Impacted by a Natural Disaster. City of Westminster is permitted to authorize, upon appeal in specific cases, a waiver from the requirements of this code where, owing to a declared natural disaster that has destroyed buildings or resulted in other exceptional and extraordinary circumstances as determined by City of Westminster and City of Westminster determines enforcement of the provisions of this code will result in unnecessary hardship.*

Upon permit application, the proponent shall submit a proposal requesting the waiver. The proposal shall contain a report that identifies which exemptions are requested. The report shall detail the total project valuation as well as the valuation of the proposed exempted work and provide adequate substantiation of these costs. The project valuation should be calculated, in part, with the ICC Building Valuation Data, current year, February publication. The proponent must provide adequate proof of a substantial cost differential to the City of Westminster to determine if the waiver request is valid. Building projects will only be exempt from some of the requirements; only until the cost differential for compliance with the remaining requirements reaches one percent or less. The City will review the request and provide written acceptance or provide revision comments.

To view the full CMERSRC code, please visit: <https://energyoffice.colorado.gov/buildings/building-energy-codes/energy-code-board>