

Coalition Condemns Landlords' Lawsuit Against Colorado Clean Building Standards

The Lawsuit Seeks To Overturn Efficiency Standards That Cut Pollution And Save Consumers Money

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Denver, CO — Wealthy real estate and landlord groups filed a [lawsuit](#) against the City of Denver and the State of Colorado this week seeking to throw out standards that will gradually reduce pollution from large buildings. The standards are meant to promote energy efficiency, reduce renters' energy bills, and cut unhealthy indoor and outdoor air pollution.

"This lawsuit is a baseless attack on innovative programs to tackle pollution from buildings, the number-one source of carbon pollution in Denver," **said Jessica Goad, Vice President of Programs at Conservation Colorado.** "Both Colorado and Denver's programs provide incredible flexibility and support for building and business owners. This lawsuit is a cynical attempt to undermine what Coloradans want and deserve — healthy communities and a safe future for ourselves and our kids."

The plaintiffs, including the Colorado Apartment Association, the Colorado Hotel and Lodging Association, and NAIOP Colorado, are attempting to leverage an unrelated ruling from the 9th Circuit Court regarding the siting of natural gas pipelines, despite the Colorado and Denver ordinances not appearing to address such matters. The lawsuit also argues that building owners see only one possible way to improve the sustainability of their buildings — upgrading their heating systems — and then deems that out of reach.

"Denver's and Colorado's policies were designed with wide input from the buildings sector to allow flexibility at every turn, but now they are refusing to consider the full array of options and are instead pursuing a specious legal case around one single pathway. Unfortunately, they are seeking to undermine the progress we all made together," **said Christine Brinker, Sr. Buildings Policy Manager at Southwest Energy Efficiency Project.** "Buildings have countless options for how to reduce their energy waste and pollution — both for new construction and for retrofits."

Representatives from apartments, commercial buildings, and affordable housing participated constructively in the stakeholding process for both the Energize Denver and state processes, which both passed with support from these sectors. The head of NAIOP Colorado was even a member of a 2021 task force that developed the Energize Denver standard, and both testified and voted in favor of it.

Denver followed the recommendations of its own task force guidance with a unanimous city council decision. The state closely mirrored the success of this policy to expand the benefits statewide.

"The quality of the air we breathe is critical to our health," **said Megan Kemp, Policy and Advocacy Manager with Healthy Air and Water Colorado.** "The standards being threatened are designed to cut air pollution from buildings, one of the largest sources of health and climate-harming emissions in Colorado. Landlords and real estate groups have a responsibility to provide healthy and safe homes, yet in challenging these flexible, commonsense standards, these groups are creating roadblocks to achieve the healthy environments Coloradans need to thrive."

"Instead of just making their buildings more efficient to benefit air quality and cut energy bills, these groups would rather put their money to attorneys to fight popular regulations," **said Sarah Tressedor, Building Electrification Field organizer at Colorado Sierra Club.** "It's telling that corporate landlords and real estate groups are paralleling the oil and gas industry, which fights energy efficiency and clean energy solutions to protect their profits over local interests of working families, small businesses and those suffering from chronic health conditions exacerbated by air pollution."

Calls for energy efficiency, retrofits, all-electric appliances, and renewable energy increased in recent years where volatile fossil fuel prices gouged customers, leaving an [unprecedented](#) number of people in utility debt as rental prices continue to [soar](#).

"It is extremely disappointing that Colorado landlord and real estate groups have sued over common-sense measures that would save their own tenants money on energy bills and improve their comfort," **said Meera Fickling, Building Decarbonization Manager at Western Resource Advocates.** "Contrary to what these groups have claimed, Denver's and Colorado's policies provide numerous options for buildings to reduce greenhouse gas emissions, save on energy costs, and make the buildings in which Coloradans live and work safer and healthier."

Large buildings are responsible for up to [20 percent](#) of Colorado's greenhouse gas emissions. The state cannot meet its legally-binding climate targets without curbing this pollution, an objective that the efficiency standards challenged by this lawsuit aim to accomplish.

"Communities across the country are taking strong steps to tackle the climate emergency, cut energy costs for families and reduce unhealthy air pollution. This is exactly what the Denver and Colorado policies do," **said Alejandra Mejia Cunningham, Senior Manager for State Buildings Policy at NRDC (Natural Resources Defense Council.)** "This latest lawsuit seeks just the opposite—it latches onto a concerted campaign by the fossil gas industry to keep families, communities and states tethered to dirty fossil fuels and unable to benefit from the shift to clean energy."

About the Sierra Club

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