


CITY MANAGER'S OFFICE MEMORANDUM
#16-2023

DATE: April 10, 2023
TO: Honorable Mayor Meredith Leighty and City Council Members
FROM: Heather Geyer, City Manager 
SUBJECT: CR-68 – Opposition to Statewide Land Use and Zoning Preemptions in Senate Bill 23-213

PURPOSE

To consider CR-68, a resolution in opposition to statewide land use and zoning preemptions in Senate Bill 23-213 (SB23-213). The Colorado Municipal League (CML), the advocacy organization for cities and towns in Colorado, is strongly opposed to this bill. The bill has been described as the State blaming local governments for Colorado's housing crisis. The City Manager, per the Legislative Committee protocol, received consensus by Committee members to oppose the bill and to bring forward a resolution in opposition to the bill.

BACKGROUND

SB23-213, Land Use is a bill sponsored by Senator Dominick Moreno and House sponsors Iman Jodeh and Steven Woodrow. The bill is often referred to as "the Governor's bill," based on the bill being a priority for the Governor. The bill has been assigned to the Senate Committee on Local Government & Housing. The bill is an over-reaching preemption of local control and includes unfunded mandates, which conflict with the City's 2023 Legislative Policy Guide, see Attachment 1. Attachment 2 includes the City's Lobbying Protocols for City Council's reference.

The Committee's first hearing on the bill was held on Thursday, April 6, 2023. Mayor Pro Tem Shannon Lukeman-Hiromasa and Planning & Development Director Brook Svoboda testified against the bill. The committee hearing lasted over 11 hours with more than 250 people signed up to testify in support, amend, and oppose positions. Any amendments to the bill will likely be discussed and voted on next week, possibly as early as next Tuesday. No action was taken to pass or defeat the bill; an official vote will come next week.

Attachment 3 includes the initial bill. Attachments 4 – 7 include reference materials developed by CML.

High Level Overview of the Bill

What does the bill do? SB23-213 represents the most sweeping attempt in recent Colorado history to remove local control and home rule authority from elected leaders, professional planning staff, and the people of Colorado. The bill dramatically expands state authority by imposing top-down zoning and land use standards on municipalities, and it puts those decisions into the hands of developer interests and unelected third parties. SB23-213 does not recognize that local governments are best suited to address the needs of their communities, and it flies in the face of local government efforts to solve the affordable housing crisis.

Top-down zoning disregards people: The bill ignores long term local planning efforts and creates a patchwork of residential land use laws for only municipalities that reflect what the state wants, not what the people who live in a municipality want. Residential developments will be allowed based either on a "model code" created by the Department

of Local Affairs (DOLA) through a process that is insulated from public feedback or on inflexible minimum standards established in statute. Either way, the bill does away with a tradition of local authority that helps to guide communities to develop in an orderly manner while preserving community character, ensuring growth happens as desired, and protecting community resources. For many municipalities, this means that every residential parcel must accommodate accessory dwelling units or middle housing (up to six-unit buildings). The bill mandates minimum densities and some affordability standards to large swaths of property near rail stations or vague areas called “key corridors.” These requirements will interfere with local affordability efforts. All these new mandates are imposed without assurance of adequate water, public safety, or other resources and even prohibit requiring necessary parking. Other vague language jeopardizes reasonable regulations.

More housing (just not now or affordable): Despite being titled “State Land Use Requirements for Affordable Housing,” the bill does not require affordability at all and is premised on speculation that developers will build more housing, either passing savings along to Coloradans or causing a market-based decline in housing costs. The bill requires that municipalities incorporate a “menu of strategies” to address affordable housing concerns in their communities to offer flexibility. The menu, however, offers no new powers and will be developed by executive branch agencies without local government involvement. The bill undermines local efforts to create affordable housing if developers find them objectionable and takes away local leverage to incentivize affordable multifamily housing.

DOLA’s new powers: DOLA, an agency traditionally seen as a partner and supporter of local governments, will be given extremely broad regulatory authority and oversight powers. The bill removes any pretense of collaboration and makes municipalities subservient to DOLA as the law requires extraordinarily cumbersome reporting standards and subjects local elected bodies to regulatory governance. DOLA is tasked with issuing paradigm-shifting methodologies, guidance, menus of strategies, statewide strategic growth objectives, model codes, rules, and minimum standards based on the recommendations of a multi-agency committee of executive appointees, without any meaningful public input. DOLA is even granted authority to modify statutory minimum standards relating to ADUs, middle housing, and housing in transit-oriented areas and key corridors. DOLA is also tasked with substantial new oversight and enforcement responsibilities including the receipt, review, and approval of various reports, codes, drafts, and final plans. Regulatory zoning tells the people of Colorado that their voice does not matter.

Housing without transit: Despite creating mandates for transit-oriented areas and key corridors, nothing in the bill would improve the state’s public transit system. The bill supposes that cars will disappear or that public streets will accommodate new residents’ vehicles; the bill prohibits municipalities from requiring any new parking.

Tunnel vision ignores local burdens: Land use regulation is a complex process, both substantively and procedurally, that considers wide-ranging issues of importance to a community. The bill uses a heavy hand to make development easier without meaningful regard for affordability, water, the provision of municipal services, education, the preservation of municipal budgets, public infrastructure, protecting communities against displacement or gentrification, or quality of life. Municipalities will be forced to bow to developer demands or expend precious resources in litigation to enforce reasonable local regulations.

Constitutionality: The bill primarily applies to municipalities whose residents have chosen to adopt home rule charters under Art. XX, S. 6 of the Colorado Constitution. Zoning has been long recognized by the Colorado Supreme Court as a matter of local concern where the General Assembly has no authority. The bill disregards both precedent and the meaningful reasons why Coloradans' preference for local control matters.

City's Proactive Steps on Housing and Land Use

The City of Northglenn is considered an affordable community in comparison to neighboring cities within the Denver area. Northglenn has taken steps over the last several years and invested hundreds of thousands of dollars to assess, study and implement changes in a proactive manner that addresses many of the elements included in SB23-213.

Under the direction of City Council, the City has proactively taken steps to allow accessory dwelling units (ADUs), implement zoning updates to allow for mixed use zoning, adopt short-term rental regulations, complete a housing study in partnership with the Department of Local Affairs, and implement a new Comprehensive Plan. Attachment 8 includes a visual representation of the impact of SB23-213 on lots in Northglenn that are either 7,000 sq. ft. or 12,000 sq. ft.

Staff has identified multiple concerns with sections of the bill to include: middle housing, ADUs, transit-oriented development and key corridor requirements, transit service areas, planned development and impacts to water, air quality, parking and more. The State's failure to address construction defects is a significant contributing factor as to why no middle housing exists (condos and townhomes) that was built from the early 2000's to today. The State Legislature has not developed a solution to this problem.

Update from Lobbying Team

The following information was provided by Bowditch and Cassell:

Supports argued that the bill will provide much needed housing for people that have been pushed out of their communities and can't afford to live where they work. These groups included Denver Metro Chamber of Commerce, Southwest Energy Efficiency Project, Conservation Colorado, Colorado Energy Office, and various advocacy organizations and individuals.

Opponents argued that the bill this takes away local control on decisions that need to be made by local governments to fit their own communities. These groups included CML, Colorado Counties, Inc., Special District Association, Denver Regional Council of Governments, individual city mayors, council members, and county commissioners. Common themes included concerns about this bill hindering a quick process to build housing, regulatory oversight from a state agency, no affordability requirements, and lack of citizen engagement with what happens in their backyards. And most testifiers agreed that there is an affordable housing crisis in the state and that action needs to be taken.

The Governor's Office and majority Leader Moreno heard plenty of feedback prior to the committee hearing and proposed some high-level concepts for amendments to the bill. Many of the themes were heard during testimony as well. A full overview of amendments under consideration is included in Attachment 9.

BUDGET/TIME IMPLICATIONS

Staff has been told that SB23-213 is going to pass. Further budget and time implications will need to be assessed if the bill is signed by the Governor. Additionally, implications of how this bill relates to Proposition 123 and other pending legislation will need to be determined in the coming months.

STAFF RECOMMENDATION

Staff recommends approval of CR-68. The resolution opposing SB23-213 was drafted to provide the opportunity for all of City Council to sign the resolution as a way to demonstrate the City's strong opposition to the bill. If there are City Council members not wishing to sign the resolution, that adjustment can be made.

STAFF REFERENCE

If Council Members have any questions, please contact Heather Geyer, City Manager, at hgeyer@northglenn.org or 303.450.8706.

ATTACHMENTS

1. City of Northglenn Legislative Policy Guide
2. City of Northglenn Lobbying Protocols
3. SB23-213
4. PowerPoint from CML's March 29 Executive Director Town Hall Meeting
5. CML's Position Paper
6. CML Analysis of SB23-213
7. CML Sample Resolution
8. Northglenn Talking Points Visual
9. SB23-213 Amendments Under Consideration




Northglenn
2023
 State
 Legislative
 Issues Guide



WHAT'S NEW IN NORTHGLENN

Artist rendition of the new Northglenn City Hall



NEW CITY HALL

Northglenn is well underway with Phase 2 of the Civic Center Master Plan after the completion of Phase 1 – the opening of the new \$54 million recreation

center in October 2021.

Anderson Mason Dale Architects, a Denver-based firm, is designing a reimagined city

hall. Groundbreaking is set for the second quarter of 2023, and the new facility will include the latest in sustainable design. This includes Net Zero energy use

and CORE Green Building Rating certification.



Location of the new Northglenn City Hall, located just east of the current facility.

EB RAINS JR. MEMORIAL PA

CIVIC CENTER MASTER PLAN PHASE 3 BOUNDARY (PRIVATE MASTER DEVELOPER)

120TH AVENUE

120th Avenue is set to be widened from two lanes to three from Washington St. to York St. This stretch is one of the busiest thoroughfares in Adams County. The City is utilizing about \$9.5 million in Transportation Improvement Program funds, which were awarded by the Denver Regional Council of Governments (DRCOG) and administered by the Colorado Department of Transportation. Local sources are contributing the rest of the funds on this \$17.8 million project.



KARL'S FARM

Residents are now moving into Karl's Farm, Northglenn's newest neighborhood. A former agricultural and historical farm, this site will have 25.8 acres of residential, 14.9 acres of mixed use, 8.3 acres of commercial, 3.4 acres of parks and open space, and 11.6 acres of roadway. The residential component includes 832 units of diversified housing including townhomes, senior housing, and duplexes. The City received the 2022 Medium Community of the Year Award from the Economic Development Council of Colorado for this project.



COMP PLAN

The City is nearly finished updating its comprehensive plan, with adoption expected in February 2023.

Last completed in 2010, the document will provide a long-range vision to guide future actions of the community. The process has involved extensive public outreach. Looking into a wide range of topics through the lenses of equity and resiliency, the goal for the guide is that it drives Northglenn toward a future that benefits all residents while celebrating its values.





Members of City Council, the Northglenn Urban Renewal Authority and Prost Brewing Company, along with city staff, celebrate at the Prost VIP welcome event on July 27.

PROST BREWING RELOCATING TO CITY

Prost Brewing Company is bringing its corporate headquarters, production and distribution center and a new biergarten to the Northglenn Marketplace.

The brewery portion is set to open in the second quarter of 2023, with the biergarten to follow in the summer or fall.

The facility will create a family-friendly, affordable gathering place for the community to enjoy authentic beer and German chef-inspired food. It will include entertainment, live music, and special events that will attract more than 300,000 people annually to visit the biergarten, and more for special events and tours of the brewery.

The brewery will receive national recognition as one of the most sustainable and technologically advanced in the country. They plan to produce 20,000 barrels initially and grow to 40,000 to 50,000 over the next



Artist rendition of the new Prost Brewery and Biergarten

few years, which would solidify Prost as one of the top five largest craft breweries in the state.

With the support and partnerships from the EDIT Commission, Adams County Board of County Commissioners, City Council, and Marketplace owner Hutensky Capital

Partners, approximately \$6 million was provided to help fill the financial gap and get this project to the finish line.

Prost plans on investing \$25 million over the next 10 years.



200

NET NEW JOBS AT FULL CAPACITY

52,847

SQUARE FEET OF THE BREWERY

23,200

SQUARE FEET OF THE INDOOR/OUTDOOR BIERGARTEN AT TOP CAPACITY

100%

CO₂ CAPTURE AND REUSE

THE CITY COUNCIL HAS IDENTIFIED SEVERAL LEGISLATIVE ISSUES FOR 2023 AND DEVELOPED A FORMAL POLICY STATEMENT.

The City of Northglenn was founded in a location that was once the “edge” of the Denver metro region.

Times have changed and the City now finds itself encompassed by suburban growth but competitively positioned along the Interstate 25 corridor, nearly in the center of the Denver metro region.

This advantageous position provides easy

access to most destinations, including downtown Denver, Boulder and Denver International Airport, as well as a variety of employment centers in all directions.

Its competitive location strategically positions Northglenn for both future residential and new business growth.

This guide can be used by county, State, and Federal elected officials to inform legislative decisions that would be supported by the City of Northglenn.



NORTHGLENN AT A GLANCE



POPULATION

37,546



MEDIAN LIST PRICE

\$510K



HOUSEHOLDS

14,608



HOUSEHOLD SIZE AVG.

2.7



MEDIAN AGE

32.8



MEDIAN HOUSEHOLD INCOME

\$73,163



HAVE BACHELOR'S DEGREES

22.1%



PROPERTY TAX RATE

11.597

RACE/ETHNICITY



WHITE 54.3% | HISPANIC/LATINO 34.8%
MULTI-RACE 3.9% | ASIAN 3.3% | BLACK 2.6%
NATIVE AMERICAN/ALASKA NATIVE .6%
NATIVE HAWAIIAN/PACIFIC ISLANDER .3%

SALES TAX

TOTAL: 8.75%
CITY 4.0%
COLORADO 4.0%
ADAMS COUNTY .75%



COUNCIL GOALS

Council has identified eight main goals for the community that guide the legislative policy statement:

High-Performance Government

Public Safety

Housing Opportunities

Sustainability

Community Engagement

Business Retention and Growth

Diverse Community

Infrastructure

These goals will be re-evaluated as a new strategic plan will take effect starting in 2024.

An electric charging station is located next to the south entrance at the Northglenn Recreation Center.



TRANSPORTATION

With its position along the metro area’s major north-south corridor, the City naturally has a strong interest in State transportation planning and financing.

The City recently adopted a plan to support the use and infrastructure of electric vehicles. Northglenn will reduce greenhouse gas emissions and improve air quality through electric vehicle adoption and infrastructure that is inclusive, sustainable, cost-effective, and innovative.

Northglenn aspires to increase

environmental and economic sustainability for the community by transitioning to an electric transportation future, reaching 4,200 electric vehicles by 2030, aligned with the State of Colorado EV Plan.

Therefore, the City:

- Supports the completion of RTD’s FasTracks N Line commuter rail to end of line as originally planned.
- Supports local control of public roads, public transit, pedestrian paths and bike lanes to address emerging modes of transportation that serve the entire metro area and Adams County.
- Supports alternative methods of funding transportation infrastructure needs.

- Supports effective implementation of Colorado’s vehicle emissions standards and other regulatory and programmatic activities designed to reduce greenhouse gas emissions from mobile sources.
- Supports implementing the 2020 Colorado Electric Vehicle Plan and other efforts to increase electrification of all motor vehicles.
- Supports increasing funding and policy incentives for multimodal transportation and multimodal-friendly development statewide.
- Supports fare equity for public transportation.
- Supports State implementation of ozone reduction measures.



TELECOMMUNICATIONS

Access to reliable, high-speed and affordable broadband and cable programming is a priority for the City.

Therefore, the City:

- Supports the retention of municipal regulatory authority over broadband and cable television systems.
- Supports affordable access by all municipalities to state-of-the-art telecommunication and information services.
- Opposes Federal or State restrictions on local control of municipal rights-of-way or on the authority of local governments to develop or acquire their own telecommunications infrastructure.

- Opposes Federal or State restrictions on municipal franchising, regulatory and taxing authority over telecommunications systems.



PUBLIC HEALTH AND SAFETY

Public health and safety is a primary responsibility of the City.

The Northglenn Police Department has implemented a Community Co-Production Policing philosophy of law enforcement. This is based on the belief that the community should be integrally involved in shaping the policing strategies that affect it. In response, a new police board was created to assist in bringing together the public and law enforcement (read more on page 8).

The department has also continued the implementation of its 360 Assessment. This includes body-worn and vehicle dash cameras, best practices, and providing more training than POST requirements.

Externally, Northglenn is dealing with rising crime rates, the ravages of the Fentanyl epidemic, increasing homelessness and difficulties in recruiting and retaining sworn personnel.

The City is taking a leading role in the region in the managing and distribution of funds from the nationwide opioid settlement. These monies are being used for enforcement, treatment and education.

Therefore, the City:

- Supports State legislation that resolves the issue of medical expenses for individuals in custody with an equitable solution for all parties.
- Opposes State legislation that would jeopardize or impair the reliability of the E-911 system.
- Supports State and local programs to address the youth vaping crisis and opioid epidemic.
- Supports providing communities with resources to address chronic homelessness, supportive housing, mental health, suicide prevention and substance abuse.
- Supports area and regional facilities for homelessness and substance abuse, as none exist in Adams County.



Body-worn cameras are now worn by all officers.



The Northglenn Police Department hosts outreach activities including bike safety rodeos at local schools, the Citizen's Police Academy and Safe Street Halloween.



CRISIS RESPONSE UNIT

The Crisis Response Unit (CRU) works to ease hardships for Northglenn residents by aiding police response and creating a path for self-advocacy through the use of an on-scene crisis response team, case management, and conflict resolution. The CRU accepts referrals through various city departments, including police, court and code enforcement, as well as from individuals themselves.





City Council held a groundbreaking for the senior housing at the Karl's Farm development.

ATTAINABLE HOUSING

The City is committed to a housing market that offers a variety of options for all residents, in every stage of their life, including those on fixed incomes or of limited financial means.

The General Assembly has enacted laws that have attempted to include remedies for homeowners with construction defects, but are also widely regarded as having caused a dramatic decline in the construction of multi-family, owner-occupied housing (condominiums) in Colorado.

The City is evaluating recommendations

from a recent housing needs assessment. These will allow Northglenn to cater to the housing needs of people from all economic backgrounds by adjusting zoning laws and making it easier for residents to improve their homes or move up in housing while staying in Northglenn. A DOLA grant for \$75,000 helped cover the cost of the assessment.

The new Karl's Farm development (see page 2) has committed housing for seniors, which will allow long-time residents to transition into more appropriate accommodations while remaining in Northglenn.

Therefore, the City:

- *Supports a balanced approach to resolving construction defects concerns between*

builders and homeowners, as exemplified by the City's adoption of a model ordinance on the topic.

- *Supports increasing local government's ability to regulate, manage or generate alternative sources of funding for attainable housing and public/private partnerships.*
- *Supports leveraging funding through State and local partnerships to provide homeownership assistance.*
- *Supports continuation of a senior homestead tax exemption.*
- *Supports State funding to address housing affordability such as Proposition 123.*



HOMELESSNESS

Like the rest of the metro area, homelessness has increased over the past few years in Northglenn.

This creates a strain on our law enforcement, parks and public works staff, but more importantly – people are living in situations that are unsafe, unsanitary and away from needed resources.

The City had a unique opportunity to make

a direct impact on homelessness. Working with Adams County and the Denver Rescue Mission, Northglenn temporarily transformed its old rec center into an overnight housing facility for a specific group of people facing homelessness.

Not only did they have a place to stay the night, they also received consultation and case management from Denver Rescue Mission and Crisis Response Unit staff (learn more about this group on page 6).

72 individuals participated in this Winter Housing Program, with 21 exiting into long-term housing. Although the City had to close the shelter as the facility is set to be razed, this is an example of what can be accomplished.

Additionally, Northglenn works with area and regional municipalities to provide services and address issues that stem from homelessness.



EDUCATION

Northglenn is a unique community with 13 K-12 schools within a 6.5-square-mile radius.

The City believes an effective education system supplies our municipalities with an educated and well-trained community and workforce that will both allow existing businesses to expand and attract new business investment.

The most effective programs are those partnerships among our educational institutions, local stakeholders and local governments. Due to its importance to our communities, the City supports education as a



Northglenn High School STEM students create centerpieces for the City's Business Appreciation Event every year.

community-wide value.

Therefore, the City:

- Supports State and local policies and initiatives that encourage greater early learning, K-12, higher

education, workforce training opportunities and lifelong learning opportunities that allow cities to attract and retain an excellent workforce.

- Supports access to information and resources that help

parents and caregivers give students the greatest chances to learn and grow in safe and healthy ways.

- Supports State initiatives that enhance creative and innovative partnership opportunities with businesses and educational institutions. This includes shared facilities, school resource officers, and enhanced programming.
- Supports education funding that is balanced between State and local sources and takes into consideration all sectors of the economy.
- Supports funding that would enhance early childhood education opportunities.



ADVANCING RACIAL EQUITY

Celebrating diversity, advancing equity, and becoming a more inclusive community continue to be a focus for City Council.

For the City's 11-person Diversity, Inclusivity and Social Equity (DISE) Board, the name is the mission, as it works to influence future decision-making in the City.

In addition to having a presence at many of the City's events, the board conducted a resident survey on Diversity, Equity



Barry

African-American mayor, but he was also the first for a major city in Colorado.

Meanwhile, the Community Co-Production Policing (CCPP) Advisory Board exists to bring together the Northglenn Police Department and the community in shaping law enforcement strategies. The goals are to

and Inclusion as well as spearheaded the movement to have a future park posthumously named after Odell Barry. The former Denver Bronco was not only Northglenn's first

reduce fractionalism, create transparency, increase community trust and enhance public safety while improving equity.

Internally, City staff has made inclusivity one of its core values, and has hired external firm CPS HR to help on this journey. An internal Diversity, Equity and Inclusion (DEI) assessment has already been completed. This allowed the City to begin developing targeted staff and leadership training, to include cultural intelligence. A detailed DEI work plan will be finalized in 2023.



UNFUNDED MANDATES

Programs and regulations mandated by the State or Federal government upon local governments without adequate funding force local governments to divert scarce local funding away from pressing local needs.

Therefore, the City:

- Supports protection of statutory and constitutional provisions that protect local governments from being obliged to comply with unfunded mandates.
- Opposes unfunded State or Federal mandates.





The City's Business Appreciation Event honors entrepreneurs and businesses that have excelled in Northglenn.

URBAN RENEWAL AUTHORITY

The City's urban renewal authority is an extremely useful and proven tool to remedy urban blight in economically depressed areas.

In 2021, the Northglenn Urban Renewal Authority (NURA)

issued \$85,663 in business grants, improved 45,796 square feet of commercial space, and leveraged \$3.8 million in private sector improvements.

Tax Increment Financing (TIF) is a unique mechanism that enables an Urban Renewal Authority to use the net new tax revenues generated by projects

within a designated urban renewal area to help finance future improvements.

TIF is a new source of tax revenue, not an additional tax, that would not be available but for new investment.

In recent years, the General Assembly has addressed a variety of bills on this subject,

some of which have been enacted.

Therefore, the City:

- *Opposes further watering down of municipal urban renewal authority and/or downtown development authority by the General Assembly.*



URBAN RENEWAL PROJECTS

Northglenn Marketplace

Located at Interstate 25 and 104th Avenue, the Marketplace is the highest sales tax-revenue producing shopping area in the City, and staff continues to work with majority property owner Hutensky Capital Partners to continue its status as an economic hub for the community and north metro area.

Prost Brewery is bringing its corporate headquarters, brewery and largest biergarten

to Northglenn (see page 3) and will open in 2023. This is a cornerstone project for the Marketplace, which will drive approximately 300,000 visitors per year to the location, strengthening its desirability. With the addition of Prost Brewery, the center will be 92 percent occupied.

In 2022, Five Below, Painted Tree Boutiques, dd's Discounts, and Forma Furniture all opened their stores at the Marketplace.

Washington St. Property

After purchasing the property at 112th Avenue and Washington Street in 2021, the Northglenn Urban Renewal Authority has entered into a purchase and sale agreement with a private developer. The existing buildings will be razed in the first half of 2023, with plans for an office/incubator space for small businesses in its place.



SALES AND USE TAXES

Like most Colorado cities, Northglenn is highly dependent on sales and use tax revenues, providing 65% of our tax revenues annually.

Under Colorado's constitution, Northglenn and other home rule municipalities are entitled to locally collect and administer this tax.

Therefore, the City:

- *Supports efforts that would simplify the tax system for*

those remitting tax, provided that such measures would not materially jeopardize the revenue raising capacity of the tax system or its legal basis.

- *Supports efforts to facilitate "main street tax equity" by requiring collection of tax on remote sales by Internet or*

mail-order vendors within the City.

- *Opposes legislation that would jeopardize the City's home rule authority over sales and use tax matters, through resultant litigation, or otherwise.*



ENVIRONMENTAL SUSTAINABILITY

The City is committed to building a framework for environmental sustainability for the future.

The City has continued to work with Xcel Energy Partners in Energy to implement the Energy Action Plan adopted in early 2020. This includes connecting residents and businesses to opportunities that reduce energy consumption and energy bills. Also partnering with Xcel, the City adopted its Electric Vehicle Plan (see Transportation, page 5)

Northglenn joined Adams County and the City of Westminster to partner with Solar United Neighbors and launch the City's first solar co-op.

Through the Love My Air program with Adams County Public Health, the City installed two air quality monitoring stations.

The City is committed to mitigating the devastating impacts of climate change, while providing the community with excellent parks and recreation services and facilities.

Additionally, the City operates water, wastewater and stormwater utilities in a financially-sound, reliable, safe and environmentally-friendly manner.

Therefore, the City:

- Supports maintaining or enhancing funds for parks, trails, forestry, horticulture and recreation services and facilities.
- Supports equal or greater funding levels of Great Outdoors Colorado grants awarded to municipalities.
- Supports municipal and State reuse, composting and recycling programs and exploring incentives for end markets.
- Supports collaboration between State and Federal government agencies and Colorado's local governments to advance local climate protection.
- Supports equitable strategies to enable and accelerate building electrification.
- Supports accelerating retirement of existing fossil fuel generating facilities and their replacement with cost-effective and reliable clean energy supplies, through means that protect both utilities and consumers.
- Opposes legislation that would diminish the authority of local government to regulate environmental impacts to the City.
- Supports limitation on plastic and Styrofoam consumption.
- Supports funding and partners such as Xcel Partners in Energy to assess and become electric vehicle ready.



PUBLIC EMPLOYMENT

The City supports efforts to maintain its ability to recruit and retain a high-quality workforce.

Some of the City's efforts to achieve this goal include:

- A \$15 minimum wage for all positions
- Expanded its Family and Caregiver Leave program above Colorado's Proposition 118 or Paid Family Leave requirements
- Market-driven increases for civilian staff and sworn officers in response to rising inflation and salaries in the metro area



LOCAL CONTROL & MUNICIPAL HOME RULE

Colorado has a tradition of local control and decentralized governmental authority.

That is reflected in the home rule provisions of the State constitution and in substantial grants of power to Colorado municipalities in State statutes.

These provisions reflect a belief that local issues and local needs are generally best addressed locally. The City strongly shares this belief.

Therefore, the City:

- Supports State legislation that enables and facilitates the resolution of local issues locally.
- Opposes State legislation that would pre-empt or otherwise limit municipal authority, including legislation that aims to diminish or intrude upon the authority of home rule municipalities, such as land use.



SUPPORT/OPPOSE

The City took positions on these measures in 2022:

Supported

- HB22-1026: Alternative Transportation Options Tax Credit
- HB22-1064: Prohibit Flavored Tobacco Regulate Synthetic Nicotine
- HB22-1142: Alcohol Beverages Extended Service Hours Permit
- HB22-1304: State Grants Investments Local Affordable Housing
- HB22-1326: Fentanyl Accountability And Prevention
- HB22-1378: Denver-metro Regional Navigation Campus Grant
- HB22-1051: Mod Affordable Housing Tax Credit
- HB22-1083: Colorado Homeless Contribution Income Tax Credit
- HB22-1151: Turf Replacement Program

- HB22-1295: Department Early Childhood And Universal Preschool Program
- SB22-001: Crime Prevention Through Safer Streets
- SB22-005: Law Enforcement Agency Peace Officer Services
- SB22-159: Revolving Loan Fund Invest Affordable Housing
- SB22-146: Middle Income Access Program Expansion

Opposed

- HB22-1020: Customer Right To Use Energy
- HB22-1152: Prohibit Employer Adverse Action Marijuana Use
- HB22-1272: Repeal Of Attorney Fees On Motions To Dismiss



CITY AWARDS

- Edie Award, Economic Development Council of Colorado, medium size community of the year for the Karl's Farm development (October 2022)
- American Public Works Association (APWA) – Structures – medium size community – Northglenn Recreation Center, Theatre and Senior Center
- Colorado Parks and Recreation Association (CPRA) Columbine Award for Design for the rec center (2021)
- IPMA-HR Agency Award for Excellence for the Paid Family & Caregiver Leave and Flexible Work Arrangements Programs (May 2022)
- Government Finance Officers Association (GFOA) audit and budget awards
- Cara Hockaday, Colorado Parks & Recreation Association's PLAaY Professional of the Year (October 2022)



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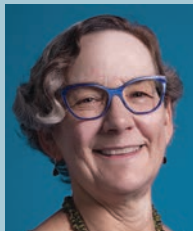
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WARD 4

Former Council Member Jenny Willford is now representing Northglenn in the State Legislature.

TBD IN FEBRUARY 2023

City Manager

- Heather Geyer
303.450.8709
hgeyer@northglenn.org

City Attorney

- Corey Y. Hoffmann
Hoffmann, Parker, Wilson & Carberry, PC

City Lobbyist

Bowditch & Cassell Public Affairs

- Ed Bowditch, Partner
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- Jennifer M. Cassell, Partner
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2023

**State Legislative
Issues Guide**

11701 Community Center Dr.
Northglenn, CO 80233

www.northglenn.org
303.451.8326



ATTACHMENT 2

SPONSORED BY: MAYOR LEIGHTY

COUNCILMAN'S RESOLUTION

RESOLUTION NO.

No. CR-113
Series of 2021

21-110
Series of 2021

A RESOLUTION ADOPTING LOBBYING PROTOCOLS FOR THE CITY OF NORTHGLENN, COLORADO

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Lobbying Protocols, attached hereto as **Exhibit A**, are hereby adopted by the City Council of the City of Northglenn, Colorado.

DATED at Northglenn, Colorado, this 25th day of October, 2021.



JENNY WILLFORD
Mayor Pro Tem

ATTEST:



JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:



COREY Y. HOFFMANN
City Attorney



City of Northglenn Lobbying Protocols

Section 1. About the Legislative Committee

The Legislative Policy Committee is a committee of City Council, created in 2016, that reviews and reacts to proposed legislation on behalf of the City Council and the City. The work of the committee is subject to review and the support of the City Council. In taking positions on bills, the Legislative Policy Committee interprets and applies various policies that are included in the City’s policy statement or Legislative Issues Guide, updated annually and adopted by City Council. Each year, the Legislative Policy Committee works with a lobbying firm, hired for the majority of bill tracking and identification.

The City currently maintains memberships with the Colorado Municipal League (CML) and Colorado Communities for Climate Action (CC4CA) – both groups maintain a full-time presence at the Capitol and engage in bill identification and advocacy consistent with their own adopted policy agendas. The City influences both groups’ policy agendas, and while not perfectly consistent with the City’s, both generally advance and protect the City’s interests. In addition, Northglenn actively participates in various trade organizations (such as the National League of Cities and North Area Transportation Alliance), which represent specific areas of interest to City operations.

Section 2. Membership

The Legislative Policy Committee will consist of three members of the City Council, to be appointed by the City Council using the selection process for City Council committee and liaison assignments. Appointments will be made following each regular municipal election pursuant to Section 2-2-3(b) of the Northglenn Municipal Code. Appointed members will serve two-year terms.

Section 3. Staff Support

Staff supports the work of the Legislative Policy Committee through attendance by the City Manager, Assistant to the City Manager, the City Attorney and City’s lobbying team. The City Manager and Department Directors support the Legislative Committee by contributing expertise in various areas of municipal service. The City Attorney’s Office also reviews selected bills and may provide confidential legal analysis. Northglenn also works with community partners to support local projects and staff collaborates with representatives from Adams County and other municipalities on shared priorities. Northglenn actively seeks to protect municipal interests and forge innovative partnerships to leverage positive outcomes for residents.

Section 4. Meeting Facilitation

The Legislative Policy Committee members will not operate with a designated chair; instead, members will rotate meeting facilitation and this information will be provided on the posted agenda.

Section 5. Voting

The Legislative Policy Committee uses a simple majority (of those in attendance) in voting on bill positions. Voting is reserved for members of the Committee. Bills can also be referred to the full City Council for feedback or consideration.

Section 6. Legislative Issues Guide

The Legislative Policy Committee will review the Legislative Issues Guide prior to the start of each Legislative Session. The Guide is brought forward for City Council review and adoption annually. This process typically begins in August and the guide is distributed in January. The Guide is posted to the City Council web page and hard copies are sent to State legislators as well as neighboring communities.

Section 7. Annual Legislative Dinner

The Legislative Policy Committee holds an annual dinner with the City's legislative representatives. This dinner is typically held in December or around the start of the legislative session in January.

Section 8. Annual Legislative Debrief

The lobbying team will meet with City Council in a Study Session following the completion of the Legislative Session to provide a recap of the session.

Section 9. Legislative Review Process

Bills introduced in the Colorado General Assembly, and as may be applicable, legislation from the United States Congress, and Federal, State or County regulations or rulemakings are reviewed by City staff and the City's lobbyists. Bills, regulations and rules that are identified as having a potential impact on the City will be brought to the Legislative Policy Committee for review and discussion. Staff and/or the lobbying team, in turn, convey that information to the appropriate State or Federal representative and advocate for the adopted position.

Due to the time-sensitive nature of the General Assembly, there may not be an opportunity to convene the Legislative Policy Committee prior to the City's input being requested. If a bill's subject matter is addressed in the Legislative Issues Guide, City staff will proactively work with State and Federal representatives to advance the City's position as expressed in the Legislative Issues Guide and other Council-adopted plans and policies. Staff will provide an update to Council via email or through the City Manager in a City Council meeting.

Staff will provide regular updates to the Legislative Policy Committee and the full City Council regarding bills of consequence to the City and will consult with the Legislative Policy Committee regarding bills for which direction under the adopted policy is unclear. The Legislative Policy Committee is required to bring bills to City Council for discussion and direction on a City position when the City's position on a bill is unclear, or a discussion with City Council as a whole is appropriate.

Staff will include a written report with a breakdown of the Legislative Policy Committee's positions on bills and the why behind their decisions every other week prior to Regular City Council meetings. A representative of the Legislative Policy Committee will present bill positions to the City Council. The Lobbying Team will update the bill dossier electronically and it will be available via a hyperlink in the Council agenda. City Council reserves the right to override a position of the Legislative Policy Committee by a simple majority vote of City Council.

The Legislative Policy Committee will make an effort to involve City boards and commissions whenever possible, recognizing that timing and the speed at which some bills move through the process may make this difficult.

The City's lobbying team will also update the Legislative Policy Committee weekly during the legislative session and as needed during the interim session via email. City Council will receive updates as described in Section 10.

Section 10. Official City Position

Throughout the legislative session, the Legislative Policy Committee may take official positions in support of or opposition to proposed legislation that is being considered by the General Assembly. The Legislative Policy Committee may also take an "amend," "support, if amended," "oppose," and "oppose, unless amended" position on a bill to facilitate greater collaboration, negotiation power, and building and maintaining a relationship with a bill sponsor.

It is important that policy issues being reviewed by the Legislative Policy Committee are shared with City Council to ensure that they are priorities of the City. City Council reserves the right to override a position of the Legislative Policy Committee. Prior to stating any official City position, staff and the City lobbying team will review the legislation to determine the potential impact on the City. After thorough review, staff will provide the Legislative Committee with a brief summary of the legislation and a recommendation. In order to release an official City position, the majority of the Legislative Committee must agree upon a position of support, opposition, or neutrality on the legislation or issue.

It is important for the Legislative Policy Committee to hear a recommended position by staff, brought forward by the City Manager. The City Manager will request Department Directors, and others to include Council appointees, when appropriate, to present information and a recommended position to the Legislative Policy Committee. Staff will present background information on proposed legislation and any identified operational impacts, unfunded mandates or other policy considerations the Committee should hear. Staff positions on legislation will be presented to the Legislative Policy Committee. If the Legislative Policy Committee does not take a recommended staff position, the Legislative Policy Committee needs to report this to the City Council at the next available meeting.

If a position is time sensitive, the City Manager will email the Legislative Policy Committee and request a consensus through email. Legislative Policy Committee members will respond directly to the City Manager and will not "reply all."

If a bill position is time sensitive, and feedback from the entire City Council is needed, the City Manager will email the Legislative Policy Committee and City Council and request a consensus through email if a bill position is unclear. City Council members will respond directly to the City Manager and will not "reply all."

The City Manager and staff, in their official capacity, are not authorized to take a position different than the Legislative Policy Committee and/or City Council. This restriction on members of City staff taking a position includes positions taken through other member organizations with which City staff may be affiliated such as, by way of example, the Colorado Municipal Judges Association, Colorado Association of Chiefs of Police or the Colorado chapter of the American Planning Association. The International City County Management Association (ICMA) does not take positions on legislation. The City Manager

follows the ICMA Code of Ethics and remains politically neutral on matters of partisan politics. City staff is not authorized to take a position on behalf of Northglenn through other member organizations without approval of the City Manager and then the Legislative Policy Committee and/or the City Council.

Each official position will accurately indicate which Legislative Policy Committee members voted in support of the position taken, those that voted against the position taken and the recommended staff position if one was provided. Staff may agree to work with bill sponsors, as guided by the Legislative Issues Guide, to amend a bill with the goal of the Legislative Policy Committee being able to take a position on the bill once it has been satisfactorily amended.

Official positions on specific bills frequently have a time sensitivity that requires staff and the lobbying team to utilize emails to the Legislative Policy Committee. Once the Legislative Policy Committee takes an official position on a bill or issue, the City's legislative bill tracker will be updated by the City lobbying team and made available to the entire City Council, legislators and the public.

Section 11. Rulemaking

Rulemaking is the process that executive and independent agencies use to create, or promulgate, regulations. For Northglenn, Colorado state agencies typically engage in rule making. In general, legislatures first set broad policy mandates by passing statutes, then agencies create more detailed regulations through rulemaking. This process typically includes public notice and opportunities for public comment. City Council members may engage in this process by following the process outlined under "Official City Position."

Section 12. Representing the City at CML, DRCOG, and Other Groups

Members of City Council serve as representatives of the City for a variety of groups, including Metro Mayor's Caucus, CML, Denver Regional Council of Governments (DRCOG), and CC4CA. At these meetings, Council members are frequently asked to take positions concerning legislation, and in some cases, legislation for which the City has not yet taken formal action. In instances where an official City position has been agreed upon, Council members are to vote in alignment with the previously determined position of the Legislative Policy Committee and/or entire City Council. In those instances where the City has not taken formal action on a bill or issue and the bill or issue is clearly aligned with the City's position as outlined in the adopted Legislative Issues Guide, the Council member should use their best judgement in casting a vote that aligns with the guidance provided in the Legislative Issues Guide.

If a Council member votes in a public forum on an issue or bill that the Legislative Policy Committee and/or City Council (if required) has not taken action on, the voting Council member must report to the Legislative Policy Committee at the next possible meeting the vote that was cast on behalf of the City.

Section 13. Testimony at the Capitol

Council members, board and commission members, the City Attorney or staff are occasionally requested to testify on the City's behalf on various pieces of proposed legislation at the State Capitol. When testifying, City Council members, board and commission members, and/or staff must notify the City Manager to ensure that the Legislative Policy Committee and/or City Council has taken an official position on the legislation or issue. Notifying the City Manager ensures both City Council and the City's lobbyists are advised that a City representative will testify on a particular bill. It is important

that lines of communication between staff and lobbyists remain open at all times to ensure that the City's lobbying efforts are as effective as possible and that we coordinate our efforts with other groups such as CML.

If testimony is not in support of the City's official position on the legislation, the City Council member, board or commission member, or staff should note that they are testifying on their own behalf and not as a representative of the City.

Section 14. Lobbyist Interaction

In order to streamline interaction and avoid confusion with City Council, the lobbyists, staff, and members of the Legislative Policy Committee will coordinate all correspondence with the lobbyists through email and the City Manager.

Any interaction (whether City Council members, board and commission members, or staff) with State senators or representatives on behalf of the City must have the Legislative Policy Committee's approval and agreement that the issue is a priority. The City Manager must be apprised of any contacts made on specific legislation in order to ensure that the lobbyists are well informed to maximize their effectiveness and prevent the occurrence of conflicting messaging.

Section 15. Lobbyist Selection

Selection of the Lobbying Team follows the City's procurement process and guidelines. This includes issuing a Request for Proposal (RFP), a process for review of bids, interviews with selected top ranked firms, and a selection/overall recommendation by the Committee. The City Manager works with the selected Lobbying Team to develop a contract for a timeframe of three years with annual renewals. If either party chooses to end this relationship, the City Manager and City Attorney will advise the Legislative Committee of their contractual obligations and the City Manager will issue a solicitation for lobbying services.

Section 16. Changes to Protocols

The Lobbying Protocols can be amended by a vote of the City Council in the form of a resolution.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ATTACHMENT 3

INTRODUCED

LLS NO. 23-0890.01 Pierce Lively x2059

SENATE BILL 23-213

SENATE SPONSORSHIP

Moreno,

HOUSE SPONSORSHIP

Jodeh and Woodrow,

Senate Committees
Local Government & Housing

House Committees

A BILL FOR AN ACT

101 CONCERNING STATE LAND USE REQUIREMENTS, AND, IN CONNECTION
102 THEREWITH, ESTABLISHING A PROCESS TO DIAGNOSE AND
103 ADDRESS HOUSING NEEDS ACROSS THE STATE, ADDRESSING
104 REQUIREMENTS FOR THE REGULATION OF ACCESSORY
105 DWELLING UNITS, MIDDLE HOUSING, TRANSIT-ORIENTED AREAS,
106 KEY CORRIDORS, AND MANUFACTURED AND MODULAR HOMES,
107 PROHIBITING CERTAIN PLANNED UNIT DEVELOPMENT
108 RESOLUTIONS, PROHIBITING A LOCAL GOVERNMENT FROM
109 ENFORCING CERTAIN OCCUPANCY LIMITS, MODIFYING THE
110 CONTENT REQUIREMENTS FOR COUNTY AND MUNICIPAL MASTER
111 PLANS, PROHIBITING CERTAIN MUNICIPALITIES FROM IMPOSING
112 MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL
113 UNITS, REQUIRING ENTITIES TO SUBMIT A COMPLETED AND

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.

101 VALIDATED WATER LOSS AUDIT REPORT TO THE COLORADO
102 WATER CONSERVATION BOARD, PROHIBITING A UNIT OWNERS'
103 ASSOCIATION FROM PROHIBITING CERTAIN KINDS OF HOUSING,
104 REQUIRING THE TRANSPORTATION COMMISSION AND THE
105 DEPARTMENT OF TRANSPORTATION TO MODIFY THE STATE
106 HIGHWAY ACCESS CODE, CRITERIA FOR CERTAIN GRANT
107 PROGRAMS, AND EXPENDITURES FROM THE MULTIMODAL
108 TRANSPORTATION OPTIONS FUND TO ALIGN WITH STATE
109 STRATEGIC GROWTH OBJECTIVES, AND MAKING AN
110 APPROPRIATION.

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>.)

Housing needs planning. The executive director of the department of local affairs (director) shall, no later than December 31, 2024, and every 5 years thereafter, issue methodology for developing statewide, regional, and local housing needs assessments. The statewide housing needs assessment must determine existing statewide housing stock and current and future housing needs. The regional housing needs assessments must allocate the addressing of housing needs identified in the statewide housing needs assessment to regions of the state. Similarly, the local housing needs assessments must allocate the addressing of the housing needs allocated in the regional housing needs assessment to localities in the relevant region.

The director shall, no later than December 31, 2024, issue guidance on creating a housing needs plan for both a rural resort job center municipality and an urban municipality. Following this guidance, no later than December 31, 2026, and every 5 years thereafter, a rural resort job center municipality and an urban municipality shall develop a housing needs plan and submit that plan to the department of local affairs (department). A housing needs plan must include, among other things, descriptions of how the plan was created, how the municipality will address the housing needs it was assigned in the local housing needs assessment, affordability strategies the municipality has selected to address its local housing needs assessment, an assessment of

displacement risk and any strategies selected to address identified risks, and how the locality will comply with other housing requirements in this bill.

The director shall, no later than December 31, 2024, develop and publish a menu of affordability strategies to address housing production, preservation, and affordability. Rural resort job center municipalities and urban municipalities shall identify at least 2 of these strategies that they intend to implement in their housing plan, and urban municipalities with a transit-oriented area must identify at least 3.

The director shall, no later than December 31, 2024, develop and publish a menu of displacement mitigation measures. This menu must, among other things, provide guidance for how to identify areas at the highest risk for displacement and identify displacement mitigation measures that a locality may adopt. An urban municipality must identify which of these measures it intends to implement in its housing plan to address any areas it identifies as at an elevated risk for displacement.

The director shall, no later than March 31, 2024, publish a report that identifies strategic growth objectives that will incentivize growth in transit-oriented areas and infill areas and guide growth at the edges of urban areas. The multi-agency advisory committee shall, no later than March 31, 2024, submit a report to the general assembly concerning the strategic growth objectives.

The bill establishes a multi-agency advisory committee and requires that committee to conduct a public comment and hearing process on and provide recommendations to the director on:

- Methodologies for developing statewide, regional, and local housing needs assessments;
- Guidance for creating housing needs plans;
- Developing a menu of affordability strategies;
- Developing a menu of displacement mitigation measures;
- Identifying strategic growth objectives; and
- Developing reporting guidance and templates.

A county or municipality within a rural resort region shall participate in a regional housing needs planning process. This process must encourage participating counties and municipalities to identify strategies that, either individually or through intergovernmental agreements, address the housing needs assigned to them. A report on this process must be submitted to the department. Further, within 6 months of completing this process, a rural resort job center municipality shall submit a local housing needs plan to the department. Once a year, both rural resort job centers and urban municipalities shall report to the department on certain housing data.

A multi-agency group created in the bill and the division of local government within the department shall provide assistance to localities in complying with the requirements of this bill. This assistance must

include technical assistance and a grant program.

Accessory dwelling units. The director shall promulgate an accessory dwelling unit model code that, among other things, requires accessory dwelling units to be allowed as a use by right in any part of a municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a municipality does not adopt the accessory dwelling unit model code, the municipality shall adhere to accessory dwelling unit minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow accessory dwelling units as a use by right in any part of the municipality where the municipality allows single-unit detached dwellings as a use by right;
- Only adopt or enforce local laws concerning accessory dwelling units that use objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning accessory dwelling units that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of accessory dwelling units infeasible.

Middle housing. The director shall promulgate a middle housing model code that, among other things, requires middle housing to be allowed as a use by right in any part of a rural resort job center municipality or a tier one urban municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the middle housing model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow middle housing as a use by right in certain areas;
- Only adopt or enforce local laws concerning middle housing that use objective standards and procedures;
- Allow properties on which middle housing is allowed to be split by right using objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning middle housing that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or

construction of middle housing infeasible.

Transit-oriented areas. The director shall promulgate a transit-oriented area model code that, among other things, imposes minimum residential density limits for multifamily residential housing and mixed-income multifamily residential housing and allows these developments as a use by right in the transit-oriented areas of tier one urban municipalities. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a tier one urban municipality does not adopt the transit-oriented model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Create a zoning district within a transit-oriented area in which multifamily housing meets a minimum residential density limit and is allowed as a use by right; and
- Not apply standards that make the permitting, siting, or construction of multifamily housing in transit-oriented areas infeasible.

Key corridors. The director shall promulgate a key corridor model code that applies to key corridors in rural resort job center municipalities and tier one urban municipalities. The model code must, among other things, include requirements for:

- The percentage of units in mixed-income multifamily residential housing that must be reserved for low- and moderate-income households;
- Minimum residential density limits for multifamily residential housing; and
- Mixed-income multifamily residential housing that must be allowed as a use by right in key corridors.

The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the key corridor model code, the municipality shall adhere to key corridor minimum standards promulgated by the director and developed by the department. These minimum standards, among other things, must identify a net residential zoning capacity for a municipality and must require a municipality to:

- Allow multifamily residential housing within key corridors that meets the net residential zoning capacity as a use by right;
- Not apply standards that make the permitting, siting, or

construction of multifamily housing in certain areas infeasible; and

- Not adopt, enact, or enforce local laws that make satisfying the required minimum residential density limits infeasible.

The committee shall provide recommendations to the director on promulgating these minimum standards. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Adoption of model codes and minimum standards. A relevant municipality shall adopt either the model code or local laws that satisfy the minimum standards concerning accessory dwelling units, middle housing, transit-oriented areas, and key corridors. Furthermore, a municipality shall submit a report to the department demonstrating that it has done so. If a municipality fails to adopt either the model code or local laws that satisfy the minimum standards by a specified deadline, the relevant model code immediately goes into effect, and municipalities shall then approve any proposed projects that meet the standards in the model code using objective procedures. However, a municipality may apply to the department for a deadline extension for a deficiency in water or wastewater infrastructure or supply.

Additional provisions. The bill also:

- Requires the advisory committee on factory-built structures and tiny homes to produce a report on the opportunities and barriers in state law concerning the building of manufactured homes, mobile homes, and tiny homes;
- Removes the requirements that manufacturers of factory-built structures comply with escrow requirements of down payments and provide a letter of credit, certificate of deposit issued by a licensed financial institution, or surety bond issued by an authorized insurer;
- Prohibits a planned unit development resolution or ordinance for a planned unit with a residential use from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors in a way not allowed by this bill;
- Prohibits a local government from enacting or enforcing residential occupancy limits that differ based on the relationships of the occupants of a dwelling;
- Modifies the content requirements for a county and municipal master plan, requires counties and municipalities to adopt or amend master plans as part of an inclusive process, and requires counties and municipalities to submit master plans to the department;
- Allows a municipality to sell and dispose of real property and public buildings for the purpose of providing property

to be used as affordable housing, without requiring the sale to be submitted to the voters of the municipality;

- Requires the approval process for manufactured and modular homes to be based on objective standards and administrative review equivalent to the approval process for site-built homes;
- Prohibits a municipality from imposing more restrictive standards on manufactured and modular homes than the municipality imposes on site-built homes;
- Prohibits certain municipalities from imposing minimum square footage requirements for residential units in the approval of residential dwelling unit construction permits;
- Requires certain entities to submit to the Colorado water conservation board (board) a completed and validated water loss audit report pursuant to guidelines that the board shall adopt;
- Allows the board to make grants from the water efficiency grant program cash fund to provide water loss audit report validation assistance to covered entities;
- Allows the board and the Colorado water resources and power development authority to consider whether an entity has submitted a required audit report in deciding whether to release financial assistance to the entity for the construction of a water diversion, storage, conveyance, water treatment, or wastewater treatment facility;
- Prohibits a unit owners' association from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors;
- Requires the department of transportation to ensure that the prioritization criteria for any grant program administered by the department are consistent with state strategic growth objectives, so long as doing so does not violate federal law;
- Requires any regional transportation plan that is created or updated to address and ensure consistency with state strategic growth objectives;
- Requires that expenditures for local and state multimodal projects from the multimodal transportation options fund are only to be made for multimodal projects that the department determines are consistent with state strategic growth objectives; and
- For state fiscal year 2023-24, appropriates \$15,000,000 from the general fund to the housing plans assistance fund and makes the department responsible for the accounting related to the appropriation.

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

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

4 (A) Colorado housing is currently among the most expensive in
5 the nation. In 2021, Colorado had the sixth highest median home values
6 and the fourth highest median gross rent but only the tenth highest median
7 income, according to the state demographer;

8 (B) Between 2010 and 2021, the percentage of Coloradans
9 making less than seventy-five thousand dollars a year who were housing
10 cost-burdened, meaning they spend more than thirty percent of their
11 income on housing needs, increased from fifty-four percent to sixty-one
12 percent, and, for renters making less than seventy-five thousand dollars
13 a year, that percentage increased from fifty-nine percent to seventy-three
14 percent, according to the American Community Survey;

15 (C) Colorado's housing supply has not kept pace with population
16 growth. Between 2010 and 2020, the state added one hundred twenty-six
17 thousand fewer housing units than in the prior decade, despite the
18 population increasing by a similar amount in each decade. The state has
19 a current unmet housing need of between sixty-five thousand and ninety
20 thousand units, according to the state demographer;

21 (D) Many cities restrict the development of more compact
22 affordable home types, such as accessory dwelling units, townhomes,
23 duplexes, and multifamily homes, on most of their residential land;

24 (E) The ten largest municipalities in the Denver metropolitan area
25 allow single-unit detached dwellings as a use by right on over eighty-five
26 percent of their residential land, compared to allowing as a use by right

1 an estimated twenty-four percent of their residential land for accessory
2 dwelling units, thirty-three percent of their residential land for
3 townhomes, thirty-one percent of their residential land for duplexes up to
4 quadplexes, and thirty-five percent of their residential land for
5 multifamily homes, according to publicly available zoning data;

6 (F) The ten largest municipalities in the Denver metropolitan area
7 require a minimum lot size of over five thousand square feet on more than
8 half of their residential land, according to publicly available zoning data;

9 (G) These types of common zoning practices make it difficult to
10 build more affordable home types and have historically been used to
11 exclude low-income residents and renters; and

12 (H) To stabilize housing prices and ensure development of
13 housing to meet the state's growing need, the state must increase its
14 housing supply to address the unmet housing need from the past decade,
15 and plan for future household growth.

16 (II) Therefore, the general assembly finds, determines and
17 declares that the lack of housing is a critical problem that threatens the
18 economic, environmental, and social quality of life in Colorado.

19 (b) (I) The general assembly finds and declares that:

20 (A) The consequences of land use policies that limit housing
21 supply and diversity include a lack of housing that is affordable to
22 Coloradans of low and moderate incomes, a lack of housing to support
23 employment growth, an imbalance in jobs and housing, segregated and
24 unequal communities, reduced mobility and long commutes, loss of open
25 space and agricultural land, high water usage, and increased greenhouse
26 gas and air pollution;

27 (B) When a local government's policies reduce and limit the

1 supply of housing, neighboring local governments are also affected by
2 more people seeking affordable housing; and

3 (C) People are not able to live near where they work, leading to
4 longer commutes, putting additional strain on Colorado's roads, and
5 increasing pollution.

6 (II) Therefore, the general assembly finds, determines, and
7 declares that the lack of housing supply and unsustainable development
8 patterns are partially caused by local government policies that effectively
9 limit the construction of a diverse range of housing types in areas already
10 served by infrastructure or in close proximity to jobs and public transit.

11 (c) (I) The general assembly further finds and declares that the
12 general assembly and the people of Colorado have made historic
13 investments in affordable housing, including the following:

14 (A) In 2021 and 2022, the general assembly approved close to one
15 billion dollars for affordable housing investments funded primarily by the
16 federal "American Rescue Plan Act of 2021", Pub.L. 117-2, and the
17 general fund; and

18 (B) In the November 2022 election, Colorado voters approved
19 Proposition 123, which will dedicate an estimated three hundred million
20 dollars per year to affordable housing.

21 (II) Therefore, the general assembly finds, determines, and
22 declares that, coupled with historic investments in affordable housing,
23 reforms to local land use regulations can accelerate an increase in housing
24 supply that is affordable at all income levels.

25 (A) National studies, such as the article "Relationships between
26 Density and per Capita Municipal Spending in the United States",
27 published in Urban Science, have found that lower density communities

1 have higher government capital and maintenance costs for water, sewer,
2 and transportation infrastructure, and lower property and sales tax
3 revenues. These increased costs are often borne by both state and local
4 governments.

5 (B) A study for a rural resort municipality in Colorado found that
6 doubling the average residential density for future growth would save
7 thirty-one percent in capital and maintenance costs over twenty years.

8 (2) The general assembly finds and declares that the availability
9 of affordable housing is a matter of mixed state and local concern.
10 Therefore, it is the intent of the general assembly in enacting this act to:

11 (a) Create a more consistent ability statewide to develop a variety
12 of housing types, limit the ability of local governments to reduce density
13 or render infeasible housing development projects that can address the
14 state's housing shortage for all parts of the income spectrum, and support
15 more fiscally and environmentally sustainable development patterns;

16 (b) Improve regional collaboration and outcomes by reducing the
17 ability of individual local governments' land use restrictions to negatively
18 influence regional concerns such as housing affordability, open space,
19 traffic, and air pollution; and

20 (c) Increase housing supply, allow more compact development,
21 encourage more affordable housing, encourage more environmentally and
22 fiscally sustainable development patterns, encourage housing patterns that
23 conserve water resources, and encourage housing units that are located in
24 close proximity to public transit, places of employment, and everyday
25 needs.

26 (3) In finding and declaring that land use policies that affect
27 housing supply are matters of mixed statewide and local concern, the

1 general assembly finds and declares that there is a need for uniformity in
2 policies that affect housing supply because:

3 (a) The state has an interest in planning for future growth. The
4 state demographer estimates that between 2023 and 2040 the state will
5 add an average of thirty-five thousand households per year, and that
6 between 2030 and 2040 the state will add an additional twenty-nine
7 thousand six hundred households per year.

8 (b) Housing supply impacts housing affordability. Housing prices
9 are typically higher when housing supply is restricted by local land use
10 regulations in the metropolitan region, according to studies such as the
11 National Bureau of Economic Research's working papers "Regulation and
12 Housing Supply", "The Impact of Zoning on Housing Affordability", and
13 "The Impact of Local Residential Land Use Restrictions on Land Values
14 Across and Within Single Family Housing Markets".

15 (c) Increasing housing supply moderates price increases and
16 improves housing affordability across all incomes, according to studies
17 such as "The Economic Implications of Housing Supply" in the Journal
18 of Economic Perspectives and "Supply Skepticism: Housing Supply and
19 Affordability" in Housing Policy Debate;

20 (d) Academic research such as "The Impact of Building
21 Restrictions on Housing Affordability" in the Federal Reserve Bank of
22 New York Economic Policy Review has identified zoning and other land
23 use controls as a primary driver of rising housing costs in the most
24 expensive housing markets;

25 (e) Local land use regulations influence what types of housing are
26 built throughout the state and can restrict more affordable housing
27 options;

1 (f) Between 2000 and 2019, over seventy percent of homes built
2 in Colorado were single-unit detached dwellings, while less than three
3 percent of homes were duplexes to quadplexes, and less than twenty-five
4 percent of homes were homes in multifamily buildings with five or more
5 units, according to the American Community Survey;

6 (g) Middle housing and multifamily housing types are more
7 affordable than detached dwellings, in part because land costs are shared
8 between more households;

9 (h) In 2019, Colorado duplexes and larger multifamily housing
10 units cost between fourteen to forty-three percent less to own, and
11 between nine to twenty-six percent less to rent, than single-unit detached
12 dwellings depending on the type of housing, according to the American
13 Community Survey;

14 (i) Proposed market-rate and affordable housing projects are
15 routinely delayed or denied due to discretionary and subjective political
16 processes and land use regulations that limit denser development either
17 directly or indirectly;

18 (j) According to a 2022 article titled "Does Discretion Delay
19 Development?", in the American Planning Association Journal,
20 residential projects using by-right approval processes are approved
21 twenty-eight percent faster than those using discretionary approval
22 processes, and faster approval times reduce developer costs and therefore
23 housing costs;

24 (k) Compact housing types such as duplexes, townhomes, and
25 multifamily homes also use significantly less energy for heating, cooling,
26 and electricity than detached dwellings, which saves residents money and
27 results in lower emissions;

1 (l) In Colorado, household energy savings range from forty
2 percent less for townhomes to seventy percent less for larger multifamily
3 homes compared to single-unit detached dwellings, according to
4 residential housing stock data from the National Renewable Energy
5 Laboratory; and

6 (m) The state has an interest in ensuring economic mobility by
7 increasing affordable housing opportunities throughout the state:

8 (I) Researchers have demonstrated that restrictive local land use
9 regulations help explain segregation income within metropolitan areas,
10 which leads to disparate incomes and access to opportunities;

11 (II) In Colorado, households with the lowest incomes experienced
12 the highest rates of housing cost burden, according to the American
13 Community Survey;

14 (III) Housing costs can dictate the quality of a child's education,
15 and the highest performing schools are located in areas with the highest
16 housing costs;

17 (IV) According to a Brookings Institution report entitled "Housing
18 Costs, Zoning, and Access to High Scoring Schools" that analyzed the
19 one hundred largest metropolitan areas in the United States, housing costs
20 an average of two and four-tenths times as much near a high-scoring
21 public school than near a low-scoring one. The same study found that
22 metro areas with the least restrictive zoning have housing cost gaps
23 between high-scoring and low-scoring schools that are sixty-three percent
24 lower than metro areas with the most restrictive zoning.

25 (V) Researchers have also found that upward mobility is
26 significantly greater in more compact development areas than in low
27 density areas, primarily due to better job accessibility by multiple

1 transportation modes, according to the study "Does urban sprawl hold
2 down upward mobility?", published in the journal of Landscape and
3 Urban Planning.

4 (VI) Nationwide, cities with the highest housing costs and lowest
5 vacancy rates experience the highest rates of homelessness, according to
6 a report by the Urban Institute, "Unsheltered Homelessness Trends,
7 Characteristics, and Homeless Histories". These indicators explain a
8 greater portion of the variation in regional rates of homelessness than
9 other commonly assumed factors, such as poverty rate, substance use, or
10 mental illness, according to a study in the European Journal of Housing
11 Policy, "The Economics of Homelessness: The Evidence from North
12 America".

13 (VII) Through legislation such as House Bill 21-1266 and Senate
14 Bill 21-272, the state has made significant efforts to identify
15 disproportionately impacted communities and to prioritize benefits to
16 these communities;

17 (VIII) Researchers in the article "Housing Constraints and Spatial
18 Misallocation", in the American Economic Journal, found that restrictions
19 on new housing supply in high productivity places limit the number of
20 workers who have access to jobs in those places, which over the past
21 several decades they estimate has lowered aggregate economic growth in
22 the United States by thirty-six percent;

23 (IX) Researchers in the study "Unaffordable Housing and Local
24 Employment Growth", published by the Federal Reserve Bank of Boston,
25 found that metropolitan areas in the United States and counties with lower
26 housing affordability experience significantly less employment growth;
27 and

1 (X) Within regions, national surveys have found that a lack of
2 affordable housing within a reasonable commuting distance impacts
3 businesses' ability to attract and retain workers, according to a literature
4 review conducted by the Center for Housing Policy.

5 (n) The state has an interest in creating a holistic statewide water
6 management system, and local government decisions that encourage
7 dispersed, low density development negatively affects the state's water
8 supply:

9 (I) A holistic statewide water management system is essential for
10 creating vibrant communities that balance water supply and demand
11 needs to create a sustainable urban landscape, according to the vision laid
12 out in the Colorado water plan;

13 (II) Compact infill development reduces water demand and
14 infrastructure costs through shorter pipes that reduce losses, less
15 landscaped space per unit, and better use of existing infrastructure; and

16 (III) Compared to a single-unit detached dwelling, accessory
17 dwelling units use twenty-two percent less water, small multifamily
18 homes sixty-three percent less, and larger multifamily homes eighty-six
19 percent less, based on data from Denver and Aurora water users analyzed
20 for the Colorado water and growth dialogue Final Report in 2018.

21 (4) (a) The general assembly finds and declares that there is an
22 extraterritorial impact when local governments enact local ordinances that
23 have impacts that cross jurisdictional lines because:

24 (I) Local restrictions on housing push people further from their
25 work and increase driving commute times;

26 (II) Communities with the most restrictive local land use
27 regulations often enable job growth while limiting the ability of housing

1 growth to keep pace, which affects the pace of housing development in
2 neighboring jurisdictions. This results in regional imbalances between
3 jobs and housing that researchers have found have a significant impact on
4 vehicle miles traveled and commute times, according to studies such as
5 "Which Reduces Vehicle Travel More: Jobs-Housing Balance or
6 Retail-Housing Mixing?", published in the Journal of the American
7 Planning Association.

8 (III) In the ten rural resort municipalities with the highest jobs to
9 housing ratios in the state, over ninety percent of workers commute from
10 other jurisdictions, according to housing data from the 2020 federal
11 decennial Census and jobs and commuting data from the Longitudinal
12 Employer-Household Dynamics Origin-Destination Employment Dataset
13 from the Census;

14 (IV) The ten rural resort municipalities with the highest jobs to
15 housing ratios in the state added eighteen percent fewer housing units per
16 capita and their commute times for workers were seventeen percent
17 longer on average than jurisdictions in rural resort counties as a whole,
18 according to data from the 2020 federal decennial Census, American
19 Community Survey, and the Longitudinal Employer-Household Dynamics
20 Origin-Destination Employment Dataset from the Census;

21 (V) Nationwide, the number of jobs within the typical commute
22 distance for residents in major metropolitan areas has declined over time
23 according to a report by the Brookings Institution titled "The Growing
24 Distance Between People and Jobs in Metropolitan America";

25 (VI) Coloradans drive more miles per person than they used to, in
26 part due to dispersed, low-density development patterns, putting stress on
27 transportation infrastructure and increasing household costs;

1 (VII) Since 1981, per capita vehicle miles traveled in Colorado
2 have risen by over twenty percent according to data from the Federal
3 Highway Administration;

4 (VIII) High transportation costs impact low-income households
5 in particular, with households making less than forty-thousand dollars per
6 year in the western United States spending over twenty-four percent of
7 their income on transportation, when spending more than fifteen percent
8 of income on transportation is considered cost burdened, according to
9 data from the Bureau of Labor Statistics Consumer Expenditure Surveys;
10 and

11 (IX) In Colorado, households in more dense areas, census tracts
12 with more than four thousand units per square mile or about fifteen units
13 per acre, drive twenty percent less than the state average, and higher
14 density areas, census tracts with more than ten thousand units per square
15 mile or about forty units per acre, drive forty percent less than the state
16 average, according to data from the 2017 National Household Travel
17 Survey; and

18 (b) The increase in vehicle traffic due to local land use restrictions
19 also has an environmental extraterritorial impact:

20 (I) Vehicle traffic, which increases when land use patterns are
21 more dispersed, contributes twenty percent of nitrogen oxides emissions,
22 a key ozone precursor, according to the Executive Summary of the
23 Moderate Area Ozone SIP for the 2015 Ozone NAAQS by the Regional
24 Air Quality Council;

25 (II) The United States environmental protection agency has
26 classified the Denver Metro/North Front Range area as being in severe
27 non-attainment for ozone and ground level ozone, which has serious

1 impacts on human health, particularly for vulnerable populations;

2 (III) According to the greenhouse gas pollution reduction
3 roadmap, published by the Colorado energy office and dated January 14,
4 2021, the transportation sector is the single largest source of greenhouse
5 gas pollution in Colorado;

6 (IV) Nearly sixty percent of the greenhouse gas emissions from
7 the transportation sector come from light-duty vehicles, the majority of
8 cars and trucks that Coloradans drive every day;

9 (V) As part of the greenhouse gas pollution reduction roadmap,
10 a strategic action plan to achieve legislatively adopted targets of reducing
11 greenhouse gas pollution economy-wide by fifty percent below 2005
12 levels by 2030 and ninety percent by 2050, the state committed to
13 reducing emissions from the transportation sector by forty-one percent by
14 2030 from a 2005 baseline;

15 (VI) The Greenhouse Gas Transportation Planning Standard
16 adopted by the Transportation Commission in 2021 set a target to reduce
17 transportation greenhouse gas emissions through the transportation
18 planning process by one million five hundred thousand tons by 2030;

19 (VII) Local government land use decisions that require a
20 minimum amount of parking spaces beyond what is necessary to meet
21 market demand increase vehicle miles traveled and associated greenhouse
22 gas emissions. According to the UCLA Institute of Transportation Studies
23 article titled "What Do Residential Lotteries Show Us About
24 Transportation Choices", higher amounts of free parking provided in
25 residential developments cause higher rates of vehicle ownership, higher
26 rates of vehicle miles traveled, and less frequent transit use.

27 (VIII) Local government land use decisions that require a

1 minimum amount of parking spaces increase the cost of new residential
2 projects, which increases housing costs. According to the Regional
3 Transportation District study "Residential Parking in Station Areas: A
4 Study of Metro Denver", structured parking spaces in the Denver
5 metropolitan areas cost twenty-five thousand dollars each to build in
6 2020, and use space which would otherwise be used for revenue
7 generating residential units, decreasing the profitability of residential
8 development. As a result, parking requirements may discourage
9 developers from building new residential projects, or, if they do move
10 forward with projects, force them to recoup the costs of building
11 excessive parking by increasing housing prices.

12 (5) (a) Local land use policies that encourage dispersed, low
13 density development have an impact on open space and agricultural land,
14 and exposure to climate hazards outside of their jurisdictional limits:

15 (I) A study of urbanized areas in the United States, "The Effect of
16 Land-Use Controls on the Spatial Size of U.S. Urbanized Areas", in the
17 Journal of Regional Science, found that the presence of density
18 restrictions such as minimum lot sizes and floor area ratio limits result in
19 larger urbanized areas;

20 (II) Enabling denser housing near transit and in already developed
21 areas can limit continued loss of agricultural and natural lands;

22 (III) Between 1982 and 2017, Colorado lost over twenty-five
23 percent of its agricultural cropland, according to data from the National
24 Resources Inventory published by the United States department of
25 agriculture, and, over the same time period, the size of urban and built-up
26 areas grew faster than the population by over one hundred percent
27 compared to eighty-three percent;

1 (IV) Encouraging growth in infill locations is an important
2 strategy for minimizing wildfire risk by limiting the growth of households
3 in fire-prone areas; and

4 (V) Between 2012 and 2017, the number of people living in the
5 wildland-urban interface grew from two million to two million nine
6 hundred thousand, according to the Colorado state forest service.

7 (VI) Therefore, the general assembly finds, determines and
8 declares that local government land use decisions that limit housing and
9 encourage dispersed low-density development impact local and state
10 government fiscal health and the business community.

11 **SECTION 2.** In Colorado Revised Statutes, **add** article 33 to title
12 29 as follows:

13 **ARTICLE 33**

14 **State Land Use Requirements For Affordable Housing**

15 **PART 1**

16 **HOUSING NEEDS PLANNING**

17 **29-33-101. Legislative declaration.** (1) (a) THE GENERAL
18 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

19 (I) COLORADO LACKS A COORDINATED PROCESS TO SET GOALS,
20 DEVELOP SOLUTIONS, AND TRACK PROGRESS TOWARDS MEETING
21 STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS;

22 (II) CONSISTENT INFORMATION ABOUT STATEWIDE, REGIONAL,
23 AND LOCAL HOUSING NEEDS IS ESSENTIAL IN DEVELOPING EQUITABLE AND
24 EFFECTIVE HOUSING POLICIES AND STRATEGIES AND IMPROVING EFFORTS
25 TO INCREASE HOUSING AFFORDABILITY OVER TIME;

26 (III) HOUSING MARKETS EXPAND BEYOND THE BORDERS OF
27 INDIVIDUAL LOCAL GOVERNMENTS, AND INFORMATION IS REQUIRED ON A

1 LOCAL, REGIONAL, AND STATEWIDE SCALE TO MAKE A HOLISTIC PLAN FOR
2 ADDRESSING HOUSING NEEDS;

3 (IV) ALTHOUGH SOME LOCAL GOVERNMENTS WORK TO ASSESS
4 AND ADDRESS HOUSING NEEDS, THESE LOCAL GOVERNMENTS USE
5 DIFFERENT METHODOLOGIES, DO THIS WORK AT DIFFERENT TIMES, AND
6 LACK REGIONAL COORDINATION;

7 (V) LOCAL GOVERNMENTS THAT DO NOT ALLOW HOUSING SUPPLY
8 TO KEEP PACE WITH HOUSEHOLD AND JOB GROWTH IN THEIR JURISDICTIONS
9 EXPORT THEIR HOUSING NEEDS TO NEIGHBORING COMMUNITIES, CAUSING
10 REGIONAL IMBALANCES THAT IMPACT EQUITY, POLLUTION,
11 INFRASTRUCTURE COSTS, AND QUALITY OF LIFE;

12 (VI) REQUIRING LOCAL GOVERNMENTS TO PLAN FOR AND
13 IMPLEMENT STRATEGIES TO MEET AN EQUITABLE AMOUNT OF THEIR
14 REGION'S HOUSING DEMAND WILL HELP MITIGATE THESE IMBALANCES AND
15 THEIR NEGATIVE IMPACTS; AND

16 (VII) THE STATE MANAGES MULTIPLE GRANT-BASED PROGRAMS
17 DESIGNED TO HELP LOCAL GOVERNMENTS ASSESS AND MEET HOUSING
18 NEEDS, AND THESE PROGRAMS WILL BE ABLE TO MORE EFFECTIVELY
19 ADDRESS HOUSING ISSUES WITH MORE COMPREHENSIVE AND CONSISTENT
20 INFORMATION INFORMED BY REGIONAL AND STATEWIDE DATA.

21 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
22 ASSESSING AND PLANNING FOR HOUSING NEEDS THROUGHOUT THE STATE
23 IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

24 **29-33-102. Definitions.** AS USED IN THIS ARTICLE 33, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES
27 THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC.

1 3601 ET SEQ., AS AMENDED.

2 (2) "ACCESSORY DWELLING UNIT" MEANS AN INTERNAL,
3 ATTACHED, OR DETACHED RESIDENTIAL DWELLING UNIT THAT:

4 (a) PROVIDES COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE
5 OR MORE PERSONS;

6 (b) IS LOCATED ON THE SAME LOT AS A PROPOSED OR EXISTING
7 PRIMARY RESIDENCE; AND

8 (c) INCLUDES PROVISIONS FOR LIVING, SLEEPING, EATING,
9 COOKING, AND SANITATION.

10 (3) "AFFORDABLE HOUSING" MEANS HOUSING FOR WHICH LOW-
11 AND MODERATE-INCOME HOUSEHOLDS DO NOT SPEND MORE THAN THIRTY
12 PERCENT OF THEIR HOUSEHOLD INCOME.

13 (4) "BUS RAPID TRANSIT" MEANS A BUS-BASED TRANSIT SERVICE
14 THAT:

15 (a) DELIVERS FAST AND EFFICIENT SERVICE; AND

16 (b) INCLUDES AT LEAST ONE OF THE FOLLOWING:

17 (I) DEDICATED LANES;

18 (II) BUSWAYS;

19 (III) TRAFFIC SIGNAL PRIORITY;

20 (IV) OFF-BOARD FARE COLLECTION;

21 (V) ELEVATED PLATFORMS; OR

22 (VI) ENHANCED STATIONS.

23 (5) "COMMUTER BUS RAPID TRANSIT SERVICE " MEANS A BUS RAPID
24 TRANSIT SERVICE THAT OPERATES ON A LIMITED-ACCESS HIGHWAY FOR
25 THE MAJORITY OF ITS ROUTE.

26 (6) "COTTAGE CLUSTER" MEANS A GROUPING OF NO FEWER THAN
27 FOUR DETACHED HOUSING UNITS, EACH HOUSING UNIT HAVING A

1 FOOTPRINT OF NO MORE THAN NINE HUNDRED SQUARE FEET, AND THE
2 GROUPING HAVING A COMMON COURTYARD.

3 (7) "DESIGN STANDARD" MEANS A STANDARD THAT RELATES TO
4 THE AESTHETICS OF A PROJECT OR THE QUALITY OF CONSTRUCTION
5 MATERIALS USED IN A PROJECT.

6 (8) "DISCRETIONARY APPROVAL PROCESS" MEANS A DEVELOPMENT
7 APPROVAL PROCESS CONDUCTED PURSUANT TO LOCAL LAW THAT
8 REQUIRES A PUBLIC BODY OR OFFICIAL TO MAKE SUBJECTIVE
9 DETERMINATIONS INCLUDING DETERMINATIONS OF CONSISTENCY WITH
10 LOCAL PLANS, COMPATIBILITY OR HARMONY WITH SURROUNDING LAND
11 USES OR DEVELOPMENT, OR STRATEGIES FOR MITIGATING PROJECT
12 IMPACTS.

13 (9) "DISPLACEMENT" MEANS THE UNWANTED RELOCATION OF
14 RESIDENTS DUE TO INCREASED REAL ESTATE PRICES, RENTS, OR OTHER
15 ECONOMIC FACTORS.

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

20 (11) "FIXED-RAIL TRANSIT STATION" MEANS A STATION FOR
21 PASSENGER RAIL TRANSIT THAT USES AND OCCUPIES A SEPARATE
22 RIGHT-OF-WAY OR RAIL LINE, INCLUDING COMMUTER RAIL AND LIGHT
23 RAIL.

24 (12) "GROSS DENSITY" MEANS THE NUMBER OF RESIDENTIAL UNITS
25 PER ACRE OF TOTAL RESIDENTIAL LAND AREA, INCLUDING LAND OCCUPIED
26 BY PUBLIC AND PRIVATE RIGHTS-OF-WAY AND ANY RECREATIONAL, CIVIC,
27 COMMERCIAL, AND OTHER NONRESIDENTIAL USES.

1 (13) "HISTORIC DISTRICT" MEANS A DISTRICT ESTABLISHED BY
2 LOCAL LAW THAT MEETS THE DEFINITION OF "DISTRICT" SET FORTH IN 36
3 CFR 60.3 (d).

4 (14) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
5 CITY, TOWN, TERRITORIAL CHARTER CITY, OR CITY AND COUNTY.

6 (15) "LOCAL INCLUSIONARY ZONING ORDINANCE" MEANS A LOCAL
7 LAW ENACTED PURSUANT TO SECTION 29-20-104 (1)(e.5) TO EITHER
8 REQUIRE OR INCENTIVIZE THE CONSTRUCTION OF AFFORDABLE OR
9 REGULATED AFFORDABLE HOUSING UNITS WITHIN MIXED-INCOME
10 DEVELOPMENTS. AS USED IN THIS SUBSECTION (15), "MIXED-INCOME
11 DEVELOPMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION
12 24-32-130 (1)(f).

13 (16) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY,
14 REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT
15 GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING LAND USE
16 CODES, ZONING CODES, AND SUBDIVISION CODES.

17 (17) "METROPOLITAN PLANNING ORGANIZATION" MEANS A
18 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT
19 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

20 (18) "MIDDLE HOUSING" MEANS A TYPE OF HOUSING THAT
21 INCLUDES A:

22 (a) BUILDING DESIGNED AS A SINGLE STRUCTURE CONTAINING
23 BETWEEN TWO AND SIX SEPARATE DWELLING UNITS;

24 (b) TOWNHOME; OR

25 (c) COTTAGE CLUSTER.

26 (19) "MINIMUM RESIDENTIAL DENSITY LIMIT" MEANS THE LOWEST
27 DENSITY LIMIT A LOCAL GOVERNMENT MAY IMPOSE FOR NEW RESIDENTIAL

1 OR MIXED-USE DEVELOPMENT. LOCAL GOVERNMENTS MAY ALLOW HIGHER
2 DENSITY DEVELOPMENT THAN THE MINIMUM RESIDENTIAL DENSITY LIMIT.

3 (20) "MIXED-USE DEVELOPMENT" MEANS A DEVELOPMENT
4 PROJECT THAT INTEGRATES MULTIPLE LAND USE TYPES.

5 (21) "MULTI-AGENCY ADVISORY COMMITTEE" MEANS AN
6 ADVISORY GROUP WITHOUT DECISION-MAKING AUTHORITY COMPOSED OF:

7 (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
8 AFFAIRS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

9 (b) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY OFFICE,
10 OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

11 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
12 TRANSPORTATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

13 (d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
14 RESOURCES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

15 (22) "MULTI-AGENCY GROUP" MEANS A GROUP COMPOSED OF
16 STAFF FROM:

17 (a) THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF
18 LOCAL AFFAIRS;

19 (b) THE COLORADO ENERGY OFFICE;

20 (c) THE DEPARTMENT OF NATURAL RESOURCES; AND

21 (d) THE DEPARTMENT OF TRANSPORTATION.

22 (23) "MULTIFAMILY RESIDENTIAL HOUSING" MEANS A BUILDING OR
23 GROUP OF BUILDINGS ON THE SAME LOT WITH SEPARATE LIVING UNITS FOR
24 THREE OR MORE HOUSEHOLDS.

25 (24) "NET DENSITY" MEANS THE NUMBER OF RESIDENTIAL UNITS
26 PER ACRE OF TOTAL RESIDENTIAL LAND AREA, EXCLUDING LAND OCCUPIED
27 BY PUBLIC RIGHTS-OF-WAY AND ANY RECREATIONAL, CIVIC, COMMERCIAL,

1 AND OTHER NONRESIDENTIAL USES.

2 (25) "OBJECTIVE PROCEDURE" MEANS A DEVELOPMENT REVIEW
3 PROCEDURE OR PROCESS THAT DOES NOT INVOLVE A DISCRETIONARY
4 APPROVAL PROCESS.

5 (26) "OBJECTIVE STANDARD" MEANS A STANDARD THAT BOTH:

6 (a) DOES NOT REQUIRE A PUBLIC BODY OR OFFICIAL TO MAKE A
7 PERSONAL OR SUBJECTIVE JUDGMENT; AND

8 (b) IS UNIFORMLY VERIFIABLE OR ASCERTAINABLE BY REFERENCE
9 TO AN EXTERNAL OR UNIFORM BENCHMARK OR CRITERION THAT IS
10 AVAILABLE AND KNOWABLE BY THE DEVELOPMENT APPLICANT OR
11 PROPONENT AND THE PUBLIC BODY OR OFFICIAL PRIOR TO THE
12 DEVELOPMENT APPLICANT OR PROPONENT'S FILING OF A DEVELOPMENT
13 PROPOSAL.

14 (27) "POPULATION" MEANS POPULATION AS OF THE MOST RECENT
15 FEDERAL DECENNIAL CENSUS.

16 (28) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE
17 HOUSING CREATED OR SUPPORTED BY PUBLIC SUBSIDIES, LOCAL
18 INCLUSIONARY ZONING ORDINANCES, OR OTHER REGULATIONS THAT
19 RESTRICT OR LIMIT RESIDENT INCOME LEVELS FOR A SPECIFIED PERIOD.

20 (29) "RURAL RESORT JOB CENTER MUNICIPALITY" MEANS A
21 MUNICIPALITY THAT:

22 (a) IS NOT WITHIN A METROPOLITAN PLANNING ORGANIZATION;

23 (b) HAS A POPULATION OF ONE THOUSAND OR MORE;

24 (c) HAS AT LEAST ONE THOUSAND TWO HUNDRED JOBS ACCORDING
25 TO THE MOST RECENT UNITED STATES CENSUS BUREAU LONGITUDINAL
26 EMPLOYER-HOUSEHOLD DYNAMICS ORIGIN-DESTINATION EMPLOYMENT
27 STATISTICS;

1 (d) HAS A MINIMUM JOBS-TO-POPULATION RATIO OF SIXTY-FOUR
2 HUNDREDTHS; AND

3 (e) HAS A TRANSIT STOP SERVICED BY A TRANSIT AGENCY THAT
4 SERVES AT LEAST TWO MUNICIPALITIES AND WITH SERVICE THAT INCLUDES
5 AN AVERAGE OF AT LEAST TWENTY HEADWAY TRIPS PER DAY, AS OF
6 JANUARY 1, 2023.

7 (30) "SHORT-TERM RENTAL" MEANS A BUILDING OR A PORTION OF
8 A BUILDING DESIGNED FOR USE PREDOMINANTLY AS A PLACE OF
9 RESIDENCE BY A PERSON OR A FAMILY THAT IS PROVIDED TO AN
10 INDIVIDUAL OR BUSINESS FOR FEWER THAN THIRTY CONSECUTIVE DAYS IN
11 EXCHANGE FOR MONETARY PAYMENT.

12 (31) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED
13 BUILDING WITH A SINGLE DWELLING UNIT AND ON A SINGLE LOT.

14 (32) "STANDARD EXEMPT PARCEL" MEANS A PARCEL THAT:

15 (a) LIES ENTIRELY OUTSIDE OF AN AREA THAT IS DESIGNATED AS
16 AN URBANIZED AREA BY THE MOST RECENT FEDERAL DECENNIAL CENSUS;

17 (b) IS NOT SERVED BY A DOMESTIC WATER AND SEWAGE
18 TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);

19 (c) IS IN AN AGRICULTURAL ZONING DISTRICT AS OF JANUARY 1,
20 2023;

21 (d) IS IN AN AREA OF THE WILDLAND-URBAN INTERFACE IDENTIFIED
22 BY THE STATE FOREST SERVICE IN ITS STATEWIDE RISK ASSESSMENT MAP
23 AS HIGH RISK, HIGH-VERY HIGH RISK, AND VERY HIGH RISK FOR WILDFIRES;
24 OR

25 (e) IS IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN,
26 AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

27 (33) "TIER ONE URBAN MUNICIPALITY" MEANS EITHER:

1 (a) A MUNICIPALITY THAT:
2 (I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT
3 HAS A POPULATION OF ONE MILLION OR MORE;
4 (II) HAS AT LEAST TEN PERCENT OF ITS LAND WITHIN AN AREA
5 THAT IS DESIGNATED AS AN URBANIZED AREA BY THE MOST RECENT
6 FEDERAL DECENNIAL CENSUS WITH A POPULATION GREATER THAN
7 SEVENTY-FIVE THOUSAND; AND
8 (III) HAS A POPULATION OF AT LEAST ONE THOUSAND; OR
9 (b) A MUNICIPALITY THAT IS:
10 (I) WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT HAS
11 A POPULATION OF LESS THAN ONE MILLION; AND
12 (II) HAS A POPULATION OF AT LEAST TWENTY-FIVE THOUSAND.
13 (34) "TIER TWO URBAN MUNICIPALITY" MEANS A MUNICIPALITY
14 THAT DOES NOT SATISFY THE DEFINITION OF A TIER ONE URBAN
15 MUNICIPALITY AND:
16 (a) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION;
17 (b) HAS A POPULATION OF BETWEEN FIVE THOUSAND AND
18 TWENTY-FIVE THOUSAND; AND
19 (c) IS IN A COUNTY WITH A POPULATION OF TWO HUNDRED FIFTY
20 THOUSAND OR MORE.
21 (35) "TOWNHOME" MEANS A DWELLING UNIT CONSTRUCTED IN A
22 ROW OF TWO OR MORE ATTACHED DWELLING UNITS WHERE EACH
23 DWELLING UNIT IS LOCATED ON AN INDIVIDUAL LOT AND SHARES AT LEAST
24 ONE COMMON WALL WITH AN ADJACENT DWELLING UNIT.
25 (36) "TRANSIT-ORIENTED AREA" MEANS AN AREA WHERE ALL
26 PARCELS HAVE AT LEAST TWENTY-FIVE PERCENT OF THEIR AREA WITHIN
27 ONE-HALF MILE OF AN EXISTING FIXED-RAIL TRANSIT STATION. FOR THE

1 PURPOSES OF THIS SUBSECTION (36), A FIXED-RAIL TRANSIT STATION IS A
2 FIXED-RAIL TRANSIT SERVICE BOARDING AND EXITING LOCATION OR
3 STATION FOR THE GENERAL PUBLIC.

4 (37) "URBAN BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID
5 TRANSIT SERVICE THAT OPERATES ON A SURFACE STREET FOR THE
6 MAJORITY OF ITS ROUTE.

7 (38) "URBAN MUNICIPALITY" MEANS BOTH A TIER ONE AND A TIER
8 TWO URBAN MUNICIPALITY.

9 (39) "USE BY RIGHT" MEANS DEVELOPMENT THAT PROCEEDS
10 UNDER OBJECTIVE STANDARDS SET FORTH IN ZONING OR OTHER LOCAL
11 LAWS AND THAT DOES NOT HAVE A DISCRETIONARY APPROVAL PROCESS.

12 **29-33-103. Housing needs assessments - methodology.**

13 (1)(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
14 SHALL ISSUE A METHODOLOGY FOR DEVELOPING STATEWIDE, REGIONAL,
15 AND LOCAL HOUSING NEEDS ASSESSMENTS.

16 (b) THE MULTI-AGENCY ADVISORY COMMITTEE, IN CONSULTATION
17 WITH THE STATE DEMOGRAPHY OFFICE, SHALL, AS PART OF THE PUBLIC
18 COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION 29-33-108 (2),
19 DEVELOP RECOMMENDATIONS TO PROVIDE TO THE EXECUTIVE DIRECTOR
20 OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE METHODOLOGY
21 FOR DEVELOPING STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS
22 ASSESSMENTS.

23 (2) AT A MINIMUM, THE METHODOLOGY FOR DEVELOPING HOUSING
24 NEEDS ASSESSMENTS MUST INCLUDE:

25 (a) FOR THE STATEWIDE HOUSING NEEDS ASSESSMENT, METHODS
26 TO:

27 (I) ESTIMATE EXISTING HOUSING STOCK;

1 (II) CONDUCT A HOUSING SHORTAGE ANALYSIS; AND
2 (III) ESTIMATE THE HOUSING NECESSARY BY HOUSEHOLD SIZE,
3 HOUSEHOLD TYPE, AND INCOME LEVEL TO ACCOMMODATE THE
4 DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE STATE
5 DEMOGRAPHER;

6 (b) FOR REGIONAL HOUSING NEEDS ASSESSMENTS, METHODS TO:

7 (I) ALLOCATE REGIONAL SHARES OF THE STATEWIDE HOUSING
8 NEEDS IDENTIFIED IN THE STATEWIDE HOUSING NEEDS ASSESSMENT TO
9 EACH REGION, BASED ON:

10 (A) EXISTING AND PROJECTED HOUSING SHORTAGES AND
11 SURPLUSES FOR DIFFERENT HOUSEHOLD TYPES AND INCOME LEVELS;

12 (B) EXISTING HOUSING DIVERSITY AND STOCK; AND

13 (C) FUTURE POPULATION AND JOB GROWTH PROJECTIONS; AND

14 (II) DESIGNATE REGIONS BASED ON THE BOUNDARIES OF
15 METROPOLITAN PLANNING ORGANIZATIONS, RURAL REGIONS, AND RURAL
16 RESORT REGIONS. THE DESIGNATION OF RURAL REGIONS AND RURAL
17 RESORT REGIONS MUST BE BASED ON REGIONAL COMMUTING PATTERNS
18 AMONG OTHER FACTORS.

19 (c) FOR LOCAL HOUSING NEEDS ASSESSMENTS, METHODS TO
20 ALLOCATE LOCAL SHARES OF THE STATEWIDE HOUSING NEEDS IDENTIFIED
21 IN THE STATEWIDE HOUSING NEEDS ASSESSMENT TO A LOCAL
22 GOVERNMENT, BASED ON:

23 (I) THE CURRENT PROPORTION OF THE LOCALITY'S POPULATION IN
24 DIFFERENT HOUSEHOLD INCOME LEVELS;

25 (II) THE LOCALITY'S CURRENT MEDIAN INCOME;

26 (III) THE LOCALITY'S JOB-HOUSING BALANCE;

27 (IV) THE LOCALITY'S POPULATION AND DEMOGRAPHICS;

1 (V) MEASURES OF LOCAL RESOURCES IN THE LOCALITY;

2 (VI) VACANCY RATES IN THE LOCALITY; AND

3 (VII) RATES OF HOMELESSNESS IN THE LOCALITY.

4 (3) (a) NO LATER THAN DECEMBER 31, 2024, AND EVERY FIVE
5 YEARS THEREAFTER, IN ACCORDANCE WITH THE METHODOLOGIES FOR
6 DEVELOPING HOUSING NEEDS ASSESSMENTS, THE EXECUTIVE DIRECTOR OF
7 THE DEPARTMENT OF LOCAL AFFAIRS, WITH INPUT FROM THE
8 MULTI-AGENCY ADVISORY COMMITTEE, SHALL PRODUCE STATEWIDE,
9 REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS WITH TWENTY-YEAR
10 PLANNING FORECASTS.

11 (b) EACH OF THE ASSESSMENTS MUST INCLUDE FOR THE RELEVANT
12 AREA, BASED ON STATE DEMOGRAPHIC DATA DURING THE TWENTY-YEAR
13 PLANNING PERIOD, ESTIMATES OF:

14 (I) HOUSING NEEDS IN THE AREA SORTED BY INCOME LEVELS, UNIT
15 SIZES, AND UNIT TYPES INCLUDING ACCESSIBLE UNITS AND SUPPORTIVE
16 HOUSING;

17 (II) THE NUMBER OF HOUSEHOLDS IN THE AREA;

18 (III) THE NUMBER OF JOBS IN THE AREA;

19 (IV) THE AREA'S POPULATION AND DEMOGRAPHICS; AND

20 (V) THE AREA'S EXISTING HOUSING STOCK;

21 (c) LOCAL GOVERNMENTS THAT ARE REQUIRED TO COMPLETE
22 HOUSING NEEDS PLANS MUST USE THE LOCAL AND REGIONAL HOUSING
23 NEEDS ASSESSMENTS TO INFORM THEIR HOUSING NEEDS PLANS.

24 **29-33-104. Housing needs plans - guidance - definition.**

25 (1) (a) NO LATER THAN DECEMBER 31, 2024, THE EXECUTIVE DIRECTOR
26 OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL ISSUE GUIDANCE FOR
27 CREATING A HOUSING NEEDS PLAN.

1 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
2 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
3 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
4 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
5 CONCERNING GUIDANCE FOR CREATING A HOUSING NEEDS PLAN.

6 (2) THE GUIDANCE FOR CREATING A HOUSING NEEDS PLAN MUST
7 INCLUDE GUIDANCE SPECIFICALLY FOR BOTH RURAL RESORT JOB CENTER
8 MUNICIPALITIES AND URBAN MUNICIPALITIES.

9 (3) (a) NO LATER THAN DECEMBER 31, 2026, AND EVERY FIVE
10 YEARS THEREAFTER, IN ACCORDANCE WITH THE GUIDANCE FOR CREATING
11 A HOUSING NEEDS PLAN, EVERY RURAL RESORT JOB CENTER MUNICIPALITY
12 AND URBAN MUNICIPALITY SHALL DEVELOP, ADOPT, AND SUBMIT TO THE
13 DEPARTMENT OF LOCAL AFFAIRS A HOUSING NEEDS PLAN. THE
14 DEPARTMENT OF LOCAL AFFAIRS SHALL POST THE SUBMITTED PLANS
15 PUBLICLY ON ITS WEBSITE.

16 (b) BEFORE ADOPTING AND SUBMITTING A HOUSING NEEDS PLAN,
17 A RURAL RESORT JOB CENTER MUNICIPALITY OR URBAN MUNICIPALITY
18 SHALL PUBLISH THE MOST RECENT DRAFT OF ITS HOUSING NEEDS PLAN AND
19 PROVIDE NOTICE OF A PUBLIC COMMENT PERIOD FOR THE RECEIPT OF
20 WRITTEN COMMENTS CONCERNING THE PLAN. THE RURAL RESORT JOB
21 CENTER MUNICIPALITY OR URBAN MUNICIPALITY MAY ALSO CHOOSE TO
22 HOLD A PUBLIC HEARING ON THE PLAN.

23 (4) A HOUSING NEEDS PLAN MUST INCLUDE:

24 (a) A NARRATIVE DESCRIPTION OF THE STAKEHOLDER
25 ENGAGEMENT CONDUCTED DURING THE DEVELOPMENT OF THE HOUSING
26 NEEDS PLAN;

27 (b) AN ANALYSIS OF HOW THE RURAL RESORT JOB CENTER

1 MUNICIPALITY OR URBAN MUNICIPALITY WILL PROVIDE A REALISTIC
2 OPPORTUNITY FOR DEVELOPMENT THAT WILL ADDRESS ITS LOCAL HOUSING
3 NEEDS ASSESSMENT, INCLUDING THE DEMONSTRATED HOUSING NEEDS FOR
4 PERSONS OF DIFFERENT INCOME LEVELS, OVER THE NEXT TWENTY YEARS
5 WITH AN EQUITABLE DISTRIBUTION OF HOUSING WITHIN THE JURISDICTION;

6 (c) A HOUSING NEEDS IMPLEMENTATION PLAN, WHICH MUST
7 DESCRIBE HOW THE RURAL RESORT JOB CENTER MUNICIPALITY OR URBAN
8 MUNICIPALITY HAS COMPLIED WITH THE APPLICABLE HOUSING
9 REQUIREMENTS OF THIS ARTICLE 33 FOR ACCESSORY DWELLING UNITS,
10 MIDDLE HOUSING, TRANSIT-ORIENTED AREAS, AND KEY CORRIDORS, AND
11 THE IMPLEMENTATION STATUS OF ANY RELEVANT ADOPTED LOCAL LAWS
12 THAT SATISFY THE MINIMUM STANDARDS ESTABLISHED IN THIS ARTICLE 33
13 OR OF ANY MODEL CODES;

14 (d) A GREENFIELD DEVELOPMENT ANALYSIS, AS DEFINED IN
15 SUBSECTION (6) OF THIS SECTION, WHICH THE RURAL RESORT JOB CENTER
16 MUNICIPALITY OR URBAN MUNICIPALITY SHALL ALSO PROVIDE TO THE
17 DIVISION OF LOCAL GOVERNMENT WITHIN THE DEPARTMENT OF LOCAL
18 AFFAIRS;

19 (e) (I) A DESCRIPTION OF AT LEAST TWO STRATEGIES THAT THE
20 RURAL RESORT JOB CENTER MUNICIPALITY OR URBAN MUNICIPALITY
21 ADOPTS FROM THE MENU OF AFFORDABILITY STRATEGIES DESCRIBED IN
22 SECTION 29-33-105. THESE STRATEGIES MUST BOTH ADDRESS HOUSING
23 NEEDS AND MAKE PROGRESS TOWARD MEETING DEMONSTRATED HOUSING
24 NEEDS ACROSS ALL HOUSEHOLD INCOMES AND TYPES IDENTIFIED IN THE
25 LOCAL HOUSING NEEDS ASSESSMENT; AND

26 (II) AN IMPLEMENTATION PLAN AND THE ANTICIPATED OUTCOMES
27 FOR EACH OF THE STRATEGIES ADOPTED PURSUANT TO THIS SUBSECTION

1 (4)(e);

2 (f) IN THE CASE OF A RURAL RESORT JOB CENTER MUNICIPALITY OR
3 URBAN MUNICIPALITY WITH A TRANSIT-ORIENTED AREA, AT LEAST THREE
4 STRATEGIES ADOPTED PURSUANT TO SUBSECTION (4)(e) OF THIS SECTION;
5 AND

6 (g) IN THE CASE OF AN URBAN MUNICIPALITY, A NARRATIVE
7 ANALYSIS OF ANY AREA AT ELEVATED RISK OF RESIDENTIAL
8 DISPLACEMENT THAT THE URBAN MUNICIPALITY HAS IDENTIFIED AND A
9 DESCRIPTION OF AND IMPLEMENTATION PLAN FOR THE STRATEGIES FROM
10 THE MENU OF DISPLACEMENT MITIGATION MEASURES DESCRIBED IN
11 SECTION 29-33-106, THAT THE URBAN MUNICIPALITY WILL USE TO
12 MITIGATE IDENTIFIED DISPLACEMENT RISKS IN THESE AREAS.

13 (5) WHEN UPDATING ITS MASTER PLAN, A RURAL RESORT JOB
14 CENTER MUNICIPALITY OR URBAN MUNICIPALITY SHALL INCLUDE ITS MOST
15 RECENT HOUSING NEEDS PLAN IN ITS MASTER PLAN.

16 (6) AS USED IN THIS SECTION, A "GREENFIELD DEVELOPMENT
17 ANALYSIS" MEANS AN ANALYSIS IN WHICH A LOCAL GOVERNMENT
18 CLASSIFIES ANY AREA THAT IS LOCATED IN A METROPOLITAN PLANNING
19 ORGANIZATION BUT OUTSIDE OF A CENSUS URBANIZED AREA IDENTIFIED
20 IN A MASTER PLAN OR OUTSIDE OF A PLAN REQUIRED BY SECTION
21 31-12-105 (1)(e) AS A CONSERVATION AREA, EFFICIENT GROWTH AREA, OR
22 GENERAL GROWTH AREA. IN MAKING THIS IDENTIFICATION, A LOCAL
23 GOVERNMENT SHALL RELY ON THE CRITERIA AND DEFINITIONS IN THE
24 STRATEGIC GROWTH OBJECTIVES MOST RECENTLY PUBLISHED BY THE
25 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS. THESE
26 DESIGNATIONS PROVIDE INFORMATION TO STATE AND REGIONAL ENTITIES
27 FOR PLANNING PROCESSES, PROJECT PRIORITIZATION, AND GRANT FUNDING

1 CRITERIA.

2 **29-33-105. Menu of affordability strategies.** (1) (a) NO LATER
3 THAN DECEMBER 31, 2024, THE EXECUTIVE DIRECTOR OF THE
4 DEPARTMENT OF LOCAL AFFAIRS SHALL DEVELOP AND PUBLISH A MENU OF
5 AFFORDABILITY STRATEGIES THAT INCLUDES STRATEGIES TO ADDRESS
6 HOUSING PRODUCTION, PRESERVATION, AND AFFORDABILITY.

7 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
8 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
9 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
10 EXECUTIVE DIRECTOR OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
11 OF A MENU OF AFFORDABILITY STRATEGIES.

12 (2) THE MENU OF AFFORDABILITY STRATEGIES MUST IDENTIFY
13 WHICH STRATEGIES MAY BE MOST EFFECTIVE FOR RURAL RESORT JOB
14 CENTER MUNICIPALITIES AND WHICH STRATEGIES MAY BE MOST EFFECTIVE
15 FOR URBAN MUNICIPALITIES.

16 (3) THE MENU OF AFFORDABILITY STRATEGIES MAY INCLUDE THE
17 FOLLOWING:

18 (a) STRATEGIES PROPOSED BY LOCAL GOVERNMENTS TO THE
19 MULTI-AGENCY ADVISORY COMMITTEE;

20 (b) SUSTAINABLE LAND USE BEST PRACTICES IDENTIFIED IN
21 SECTION 24-32-133 (2); AND

22 (c) POLICY OR REGULATORY TOOLS THAT LOCAL GOVERNMENTS
23 MAY ADOPT AS INCENTIVES TO PROMOTE AFFORDABLE HOUSING
24 DEVELOPMENT AS IDENTIFIED IN SECTION 24-32-130 (3).

25 **29-33-106. Menu of displacement mitigation measures for**
26 **urban municipalities.** (1) (a) NO LATER THAN DECEMBER 31, 2024, THE
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL

1 DEVELOP A MENU OF DISPLACEMENT MITIGATION MEASURES FOR URBAN
2 MUNICIPALITIES.

3 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
4 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
5 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
6 EXECUTIVE DIRECTOR OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
7 OF A MENU OF DISPLACEMENT MITIGATION MEASURES.

8 (2) THE MENU OF DISPLACEMENT MITIGATION MEASURES MUST:

9 (a) PROVIDE GUIDANCE TO IDENTIFY THE HIGHEST RISKS FOR
10 DISPLACEMENT USING OBJECTIVE STANDARDS;

11 (b) PROVIDE GUIDANCE AND RECOMMENDATIONS FOR HOW A
12 LOCAL GOVERNMENT SHALL INCORPORATE ANTI-DISPLACEMENT
13 MEASURES INTO A HOUSING NEEDS PLAN; AND

14 (c) INCLUDE DISPLACEMENT MITIGATION MEASURES LOCAL
15 GOVERNMENTS MAY CHOSE FROM IN DEVELOPING A HOUSING NEEDS PLAN.

16 **29-33-107. Strategic growth objectives - reporting.** (1) (a) NO
17 LATER THAN MARCH 31, 2024, THE EXECUTIVE DIRECTOR OF THE
18 DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH A REPORT THAT
19 IDENTIFIES STRATEGIC GROWTH OBJECTIVES.

20 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
21 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
22 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
23 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
24 CONCERNING STRATEGIC GROWTH OBJECTIVES.

25 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
26 AFFAIRS SHALL IDENTIFY STRATEGIC GROWTH OBJECTIVES, THE
27 IMPLEMENTATION OF WHICH WILL INCENTIVIZE GROWTH THAT MEETS

1 STATE GOALS, INCLUDING REDUCING THE STATE'S GREENHOUSE GAS
2 EMISSIONS, IN AREAS NEAR TRANSIT, INFILL AREAS, AND AT THE EDGES OF
3 URBAN AREAS.

4 (3) THE STRATEGIC GROWTH OBJECTIVES MUST:

5 (a) GUIDE STATE, REGIONAL, AND LOCAL PLANNING AGENCIES IN
6 UPDATING RELEVANT PLANS;

7 (b) INFORM STATE FUNDING DECISIONS, SO THAT THEY BETTER
8 ALIGN WITH THE HOUSING POLICIES SET IN THIS ARTICLE 33;

9 (c) PROVIDE DEFINITIONS OF, AND CRITERIA TO IDENTIFY,
10 CONSERVATION AREAS, EFFICIENT GROWTH AREAS, GENERAL GROWTH
11 AREAS, AND ANY OTHER AREA DESIGNATIONS TO BE DETERMINED; AND

12 (d) RECOMMEND HOW TO STREAMLINE STATE AGENCY PROCESSES
13 THAT IMPACT DEVELOPMENT.

14 (4) NO LATER THAN MARCH 31, 2024, THE MULTI-AGENCY GROUP
15 SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY. THE REPORT MUST
16 ADDRESS HOW TO IMPLEMENT THE STRATEGIC GROWTH OBJECTIVES. THE
17 REPORT MUST ASSESS THE IMPACT OF DEVELOPMENT PATTERNS AND
18 INFRASTRUCTURE SYSTEMS ON THE FISCAL HEALTH OF LOCAL, REGIONAL,
19 AND STATE AGENCIES IN COLORADO, LOCALITIES, AND THE STATE. THE
20 REPORT MAY IDENTIFY LEGISLATION OR RULEMAKING THAT WOULD
21 IMPROVE THE FISCAL HEALTH OF INFRASTRUCTURE SYSTEMS.

22 **29-33-108. Public comment and hearing process.** (1) IN
23 DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE
24 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE
25 MULTI-AGENCY ADVISORY COMMITTEE SHALL CONDUCT A PUBLIC
26 COMMENT AND HEARING PROCESS ABOUT:

27 (a) DEVELOPING METHODOLOGY FOR THE DEVELOPMENT OF

1 STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS
2 PURSUANT TO SECTION 29-33-103;

3 (b) CREATING A HOUSING NEEDS PLAN PURSUANT TO SECTION
4 29-33-104;

5 (c) DEVELOPING A MENU OF AFFORDABILITY STRATEGIES THAT
6 INCLUDES STRATEGIES TO ADDRESS HOUSING PRODUCTION,
7 PRESERVATION, AND AFFORDABILITY PURSUANT TO SECTION 29-33-105;

8 (d) DEVELOPING A MENU OF DISPLACEMENT MITIGATION
9 MEASURES FOR URBAN MUNICIPALITIES PURSUANT TO SECTION 29-33-106;

10 (e) PUBLISHING A REPORT THAT IDENTIFIES STRATEGIC GROWTH
11 OBJECTIVES PURSUANT TO SECTION 29-33-107; AND

12 (f) DEVELOPING REPORTING GUIDANCE AND TEMPLATES FOR
13 RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES
14 PURSUANT TO SECTION 29-33-112.

15 (2) TO CONDUCT THE PUBLIC COMMENT AND HEARING PROCESS
16 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE MULTI-AGENCY
17 ADVISORY COMMITTEE SHALL:

18 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
19 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
20 COMMENT ON THE SUBJECT OF THE HEARING;

21 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
22 SUBJECT OF THE HEARING;

23 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
24 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

25 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
26 HOUSING, FAIR HOUSING, PLANNING AND ZONING, AND RELATED FIELDS.

27 **29-33-109. Natural and agricultural land priorities report.**

1 (1) NO LATER THAN DECEMBER 31, 2024, THE OFFICE OF CLIMATE
2 PREPAREDNESS CREATED IN SECTION 24-38.8-102 (1) SHALL CONSULT
3 WITH THE DEPARTMENT OF AGRICULTURE, THE DIVISION OF PARKS AND
4 WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES, THE
5 OUTDOOR RECREATION INDUSTRY OFFICE IN THE OFFICE OF ECONOMIC
6 DEVELOPMENT, THE COLORADO TOURISM OFFICE, AND THE MULTI-AGENCY
7 GROUP TO DEVELOP A REPORT THAT IDENTIFIES INTERJURISDICTIONAL
8 PRIORITIES THAT METROPOLITAN PLANNING ORGANIZATIONS SHOULD
9 APPLY TO ACHIEVE BOTH:

10 (a) CONNECTIVITY TO OPEN SPACE AND NATURAL LANDS; AND

11 (b) PRESERVATION OF AGRICULTURAL LAND AND OPEN SPACE.

12 (2) THE DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH THE
13 REPORT AND MAKE IT AVAILABLE AS A RESOURCE FOR LOCAL
14 GOVERNMENTS FOR USE IN DEVELOPING MASTER PLANS PURSUANT TO
15 SECTIONS 30-28-106 (6.5)(d) AND 31-23-206 (6.5)(d) AS APPLICABLE.

16 **29-33-110. Regional collaboration - rural resort regional**
17 **housing needs plan process.** (1) (a) NO LATER THAN JUNE 30, 2026, A
18 COUNTY OR MUNICIPALITY WITHIN A REGION DEFINED AS A RURAL RESORT
19 REGION IN THE REGIONAL HOUSING NEEDS ASSESSMENT SHALL
20 PARTICIPATE IN A REGIONAL HOUSING NEEDS PLANNING PROCESS.

21 (b) A REGIONAL HOUSING NEEDS PLANNING PROCESS MUST
22 ENCOURAGE PARTICIPATING COUNTIES AND MUNICIPALITIES TO IDENTIFY
23 STRATEGIES THAT ADDRESS THE HOUSING NEEDS ASSIGNED TO THOSE
24 COUNTIES AND MUNICIPALITIES IN LOCAL HOUSING NEEDS ASSESSMENTS
25 THROUGH EITHER:

26 (I) THE ADOPTION OF STRATEGIES BY AN INDIVIDUAL COUNTY OR
27 MUNICIPALITY; OR

1 (II) THE ADOPTION OF STRATEGIES THROUGH
2 INTERGOVERNMENTAL AGREEMENTS.

3 (c) A REGIONAL HOUSING NEEDS PLANNING PROCESS MUST
4 INCLUDE:

5 (I) A MAP IDENTIFYING LOCATIONS WHERE MINIMUM STANDARDS
6 FOR MIDDLE HOUSING, TRANSIT-ORIENTED AREAS, AND KEY CORRIDORS
7 CAN MEET THE HOUSING NEEDS IDENTIFIED IN THE REGIONAL HOUSING
8 NEEDS ASSESSMENT;

9 (II) PRIORITY STRATEGIES FROM THE MENU OF AFFORDABILITY
10 STRATEGIES DEVELOPED IN SECTION 29-33-105 THAT SUPPORT MEETING
11 THE AFFORDABILITY LEVELS IDENTIFIED IN THE REGIONAL HOUSING NEEDS
12 ASSESSMENT; AND

13 (III) LOCATIONS WHERE THE REDUCTION OF PARKING MINIMUMS
14 CAN ALLEVIATE HOUSING AFFORDABILITY NEEDS.

15 (d) (I) AT THE CONCLUSION OF A REGIONAL HOUSING NEEDS
16 PLANNING PROCESS, A REPORT MUST BE SUBMITTED TO THE DEPARTMENT
17 OF LOCAL AFFAIRS THAT DOCUMENTS THE OUTCOMES ACHIEVED BY AND
18 COMMITMENTS MADE BY THE COUNTIES AND MUNICIPALITIES THAT
19 PARTICIPATED IN THE REGIONAL HOUSING NEEDS PROCESS IN MEETING THE
20 REGIONAL HOUSING NEEDS ASSESSMENT BY:

21 (A) AN ENTITY AGREED UPON BY ALL OF THE COUNTIES AND
22 MUNICIPALITIES WHO PARTICIPATE IN THE REGIONAL HOUSING NEEDS
23 PLANNING PROCESS IF THEY CAN AGREE ON SUCH AN ENTITY; OR

24 (B) IF THE COUNTIES AND MUNICIPALITIES CANNOT AGREE UPON
25 AN ENTITY PURSUANT TO SUBSECTION (1)(d)(I)(A) OF THIS SECTION, THE
26 MULTI-AGENCY GROUP.

27 (II) THE DEPARTMENT OF LOCAL AFFAIRS SHALL REVIEW THE

1 REGIONAL HOUSING NEEDS PLANNING PROCESS REPORT AND ASSESS THE
2 APPLICABILITY OF THE STRATEGIES IDENTIFIED IN THE REPORT IN MEETING
3 THE HOUSING NEEDS IDENTIFIED IN THE REGIONAL HOUSING NEEDS
4 ASSESSMENT. AFTER REVIEWING THE REPORT, THE DEPARTMENT OF LOCAL
5 AFFAIRS SHALL APPROVE THE REPORT OR PROVIDE FEEDBACK AS NEEDED.

6 (e) ONLY PARTS OF A RURAL RESORT JOB CENTER MUNICIPALITY
7 THAT ARE IDENTIFIED IN A REGIONAL HOUSING NEEDS ASSESSMENT
8 IDENTIFIED IN THE MAP INCLUDED IN THE HOUSING NEEDS PLANNING
9 PROCESS PURSUANT TO SUBSECTION (1)(c)(I) OF THIS SECTION ARE
10 SUBJECT TO THE MODEL CODES AND MINIMUM STANDARDS FOR MIDDLE
11 HOUSING AND KEY CORRIDORS.

12 (2) WITHIN SIX MONTHS OF CONCLUDING A REGIONAL HOUSING
13 NEEDS PLANNING PROCESS AS DESCRIBED IN SUBSECTION (1) OF THIS
14 SECTION, A RURAL RESORT JOB CENTER MUNICIPALITY SHALL SUBMIT A
15 LOCAL HOUSING NEEDS PLAN TO THE DEPARTMENT OF LOCAL AFFAIRS
16 THAT BOTH COMPLIES WITH SECTION 29-33-104 (4) AND IDENTIFIES THE
17 STRATEGIES THAT THE MUNICIPALITY WILL USE TO MEET ITS LOCAL
18 HOUSING NEEDS ASSESSMENT. THE MUNICIPALITY MAY INCLUDE
19 STRATEGIES THAT IT WILL ADOPT THROUGH INTERGOVERNMENTAL
20 AGREEMENTS IN THE LOCAL HOUSING NEEDS PLAN.

21 **29-33-111. Technical assistance - housing plans assistance**
22 **fund - definition.** (1) THE DIVISION OF LOCAL GOVERNMENT WITHIN THE
23 DEPARTMENT OF LOCAL AFFAIRS SHALL PROVIDE TECHNICAL ASSISTANCE
24 MATERIALS, BRIEFINGS, CONSULTING SERVICES, TEMPLATES, TOOLS,
25 TRAININGS, WEBINARS, OR OTHER GUIDANCE TO AID LOCAL GOVERNMENTS
26 AND METROPOLITAN PLANNING ORGANIZATIONS IN UPDATING LOCAL LAWS
27 AND OTHERWISE COMPLYING WITH THIS ARTICLE 33.

1 (2) TO ASSIST LOCAL GOVERNMENTS IN COMPLYING WITH THIS
2 ARTICLE 33, THE DIVISION OF LOCAL GOVERNMENT WITHIN THE
3 DEPARTMENT OF LOCAL AFFAIRS, WITH THE SUPPORT OF THE
4 MULTI-AGENCY GROUP, SHALL PROVIDE TECHNICAL ASSISTANCE FUNDING
5 THROUGH EITHER A GRANT PROGRAM OR THE PROVISION OF CONSULTANT
6 SERVICES THROUGH SUBJECT JURISDICTIONS OR BOTH A GRANT PROGRAM
7 AND PROVISION OF CONSULTANT SERVICES. THE DIVISION OF LOCAL
8 GOVERNMENT MAY ALSO PROVIDE TECHNICAL ASSISTANCE FUNDING
9 THROUGH A METROPOLITAN PLANNING ORGANIZATION OR OTHER
10 REGIONAL ENTITY.

11 (3) (a) THE HOUSING PLANS ASSISTANCE FUND IS CREATED IN THE
12 STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL
13 ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND FOR
14 IMPLEMENTATION OF THE GRANT PROGRAM, AND GIFTS, GRANTS, OR
15 DONATIONS CREDITED TO THE FUND. THE STATE TREASURER SHALL CREDIT
16 ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT
17 OF MONEY IN THE HOUSING PLANS ASSISTANCE CASH FUND TO THE FUND.

18 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
19 ASSEMBLY, THE DEPARTMENT OF LOCAL AFFAIRS MAY EXPEND MONEY
20 FROM THE FUND FOR THE PURPOSES OF PROVIDING TECHNICAL ASSISTANCE
21 AND IMPLEMENTING A GRANT PROGRAM PURSUANT TO SUBSECTIONS (1)
22 AND (2) OF THIS SECTION.

23 **29-33-112. Reporting requirements.** (1) (a) NO LATER THAN
24 DECEMBER 31, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
25 LOCAL AFFAIRS SHALL DEVELOP REPORTING GUIDANCE AND TEMPLATES
26 FOR RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN
27 MUNICIPALITIES.

1 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
2 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
3 29-33-108 (2), PROVIDE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR
4 OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
5 OF REPORTING GUIDANCE AND TEMPLATES FOR RURAL RESORT JOB CENTER
6 MUNICIPALITIES AND URBAN MUNICIPALITIES.

7 (2) AT A MINIMUM, RURAL RESORT JOB CENTER MUNICIPALITIES
8 AND URBAN MUNICIPALITIES SHALL REPORT, NO LATER THAN DECEMBER
9 31, 2026, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF
10 LOCAL AFFAIRS, THE FOLLOWING HOUSING DATA TO THE DEPARTMENT OF
11 LOCAL AFFAIRS ONCE EVERY YEAR:

12 (a) THE NUMBER OF PERMITS THAT THE MUNICIPALITY ISSUED FOR
13 NEW HOUSING UNITS CATEGORIZED BY THE NUMBER OF UNITS IN EACH
14 STRUCTURE TYPE;

15 (b) THE NUMBER OF NEW HOUSING UNITS CATEGORIZED BY THE
16 NUMBER OF UNITS IN EACH STRUCTURE TYPE, IN THE MUNICIPALITY ON
17 WHICH CONSTRUCTION HAS BEGUN;

18 (c) TIMEFRAMES TO COMPLETE RESIDENTIAL PERMIT REVIEWS BY
19 HOUSING TYPE;

20 (d) WORKFORCE ASSIGNED TO DEVELOPMENT REVIEW BY POSITION
21 TYPE;

22 (e) THE IMPLEMENTATION STATUS OF THE STRATEGIES IDENTIFIED
23 IN THE MUNICIPALITY'S HOUSING NEEDS PLAN;

24 (f) ZONING INFORMATION THAT MAY INCLUDE GEOSPATIAL DATA
25 SPECIFYING ZONING DISTRICTS, ALLOWED USES AND DENSITIES, AND
26 OTHER DATA IN A STANDARD FORMAT; AND

27 (g) THE NUMBER OF INTERGOVERNMENTAL AGREEMENTS THAT

1 THE MUNICIPALITY HAS ENTERED INTO TO ADDRESS ITS LOCAL AND
2 REGIONAL HOUSING NEEDS ASSESSMENTS AND A DESCRIPTION OF THESE
3 AGREEMENTS.

4 (3) UPON RECEIVING THE REPORTS FROM THE RURAL RESORT JOB
5 CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES PURSUANT TO
6 SUBSECTION (2) OF THIS SECTION, THE DIVISION OF LOCAL AFFAIRS SHALL
7 PUBLISH AN ANALYSIS ON A PUBLICLY AVAILABLE DASHBOARD THAT
8 INCLUDES ALL OF THE INFORMATION IN THE REPORTS.

9 **29-33-113. Compliance.** NO LATER THAN JUNE 30, 2027, THE
10 DEPARTMENT OF LOCAL AFFAIRS SHALL CONDUCT A COMPLIANCE REVIEW
11 AND APPROVE HOUSING NEEDS PLANS OR PROVIDE FEEDBACK TO RURAL
12 RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES AS
13 NEEDED.

14 PART 2

15 ACCESSORY DWELLING UNITS

16 **29-33-201. Legislative declaration.** (1) (a) THE GENERAL
17 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

18 (I) LOCAL GOVERNMENT LAND USE DECISIONS FREQUENTLY LIMIT
19 ACCESSORY DWELLING UNIT DEVELOPMENT;

20 (II) THE TEN LARGEST MUNICIPALITIES IN THE DENVER
21 METROPOLITAN AREA ALLOW SINGLE-UNIT DETACHED DWELLINGS AS A
22 USE BY RIGHT ON OVER EIGHTY-FIVE PERCENT OF THEIR RESIDENTIAL
23 LAND, COMPARED TO TWENTY-FOUR PERCENT FOR ACCESSORY DWELLING
24 UNITS, ACCORDING TO PUBLICLY AVAILABLE ZONING DATA;

25 (III) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

26 (IV) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
27 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A

1 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
2 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
3 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
4 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
5 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
6 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
7 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
8 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
9 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
10 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
11 AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.

12 (V) MORE PERMISSIVE LOCAL GOVERNMENT ACCESSORY
13 DWELLING UNIT REGULATIONS CAN HELP INCREASE HOUSING SUPPLY AND
14 STABILIZE HOUSING COSTS;

15 (VI) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE
16 COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED
17 NEIGHBORHOODS WITH MINIMAL IMPACTS TO INFRASTRUCTURE AND ALSO
18 SUPPLY NEW HOUSING WITHOUT ADDING NEW DISPERSED LOW-DENSITY
19 HOUSING;

20 (VII) RELATIVE TO DISPERSED LOW-DENSITY DEVELOPMENT,
21 COMPACT INFILL DEVELOPMENT, INCLUDING ACCESSORY DWELLING UNIT
22 DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS,
23 INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION
24 COSTS;

25 (VIII) ACCESSORY DWELLING UNITS PROVIDE FINANCIAL BENEFITS
26 TO HOMEOWNERS;

27 (IX) ACCESSORY DWELLING UNITS GENERATE RENTAL INCOME TO

1 HELP HOMEOWNERS COVER MORTGAGE PAYMENTS OR OTHER COSTS,
2 WHICH CAN BE IMPORTANT FOR OLDER HOMEOWNERS ON FIXED INCOMES;

3 (X) ACCESSORY DWELLING UNITS CAN PROVIDE FAMILIES WITH
4 OPTIONS FOR INTERGENERATIONAL LIVING ARRANGEMENTS THAT ENABLE
5 CHILD OR ELDER CARE AND AGING IN PLACE; AND

6 (XI) ACCESSORY DWELLING UNITS USE SIGNIFICANTLY LESS
7 ENERGY FOR HEATING AND COOLING THAN SINGLE-UNIT DETACHED
8 DWELLINGS BECAUSE OF THEIR SMALLER SIZE, WHICH REDUCES
9 HOUSEHOLD ENERGY COSTS AND GREENHOUSE GAS EMISSIONS.

10 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
11 INCREASED SUPPLY OF HOUSING THROUGH ACCESSORY DWELLING UNITS
12 IS A MATTER OF MIXED STATE AND LOCAL CONCERN.

13 **29-33-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS
16 ESTABLISHED IN SECTION 29-33-205.

17 (2) "MODEL CODE" MEANS THE MODEL CODE PROMULGATED BY
18 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
19 PURSUANT TO SECTION 29-33-204.

20 (3) "NON-URBAN MUNICIPALITY" MEANS A MUNICIPALITY THAT IS
21 NEITHER A RURAL RESORT JOB CENTER MUNICIPALITY NOR AN URBAN
22 MUNICIPALITY AND THAT HAS A POPULATION OF FIVE THOUSAND OR MORE.

23 (4) "SUBJECT JURISDICTION" MEANS A NON-URBAN MUNICIPALITY,
24 RURAL RESORT JOB CENTER MUNICIPALITY, OR URBAN MUNICIPALITY.

25 **29-33-203. Applicability - exemptions.** (1) THE REQUIREMENTS
26 OF THIS PART 2 APPLY ONLY IN A SUBJECT JURISDICTION.

27 (2) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL

1 LAWS ADOPTED PURSUANT TO THIS PART 2 ONLY APPLY TO PARCELS THAT
2 ARE NOT STANDARD EXEMPT PARCELS.

3 **29-33-204. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
4 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
5 PROMULGATE AN ACCESSORY DWELLING UNIT MODEL CODE.

6 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
7 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
8 OF LOCAL AFFAIRS CONCERNING THE MODEL CODE.

9 (2) IN DEVELOPING RECOMMENDATIONS CONCERNING THE MODEL
10 CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:

11 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
12 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
13 COMMENT ON THE MODEL CODE;

14 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
15 MODEL CODE;

16 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
17 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

18 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
19 HOUSING, FAIR HOUSING, PLANNING, ZONING, AND RELATED FIELDS.

20 (3) THE MODEL CODE MUST, AT A MINIMUM:

21 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT IN
22 ANY PART OF THE SUBJECT JURISDICTION WHERE THE SUBJECT
23 JURISDICTION ALLOWS SINGLE-UNIT DETACHED DWELLINGS AS A USE BY
24 RIGHT AS OF JANUARY 1, 2023; AND

25 (b) ESTABLISH OBJECTIVE STANDARDS FOR ALL OF THE ELEMENTS
26 ADDRESSED IN THE MINIMUM STANDARDS.

27 (4) THE MODEL CODE MUST NOT INCLUDE A REQUIREMENT FOR

1 NEW OFF-STREET PARKING IN CONNECTION WITH THE CONSTRUCTION OR
2 PERMITTING OF AN ACCESSORY DWELLING UNIT.

3 **29-33-205. Minimum standards.** (1) NOTWITHSTANDING ANY
4 LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT
5 ADOPT THE MODEL CODE SHALL:

6 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT IN
7 ANY PART OF THE SUBJECT JURISDICTION WHERE THE SUBJECT
8 JURISDICTION ALLOWS SINGLE-UNIT DETACHED DWELLINGS AS A USE BY
9 RIGHT AS OF JANUARY 1, 2023;

10 (b) ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING
11 ACCESSORY DWELLING UNIT LAND USE THAT USE OBJECTIVE STANDARDS
12 AND OBJECTIVE PROCEDURES;

13 (c) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING
14 SINGLE-UNIT DETACHED DWELLING TO CREATE AN ACCESSORY DWELLING
15 UNIT SO LONG AS THE ADDITION OR CONVERSION DOES NOT INCREASE
16 NONCONFORMANCE WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS
17 LOCAL LAWS ALLOW FOR SUCH AN INCREASE IN NONCONFORMANCE;

18 (d) IF THE SUBJECT JURISDICTION APPLIES DESIGN STANDARDS TO
19 ACCESSORY DWELLING UNITS, ONLY APPLY THE SAME DESIGN STANDARDS
20 TO AN ACCESSORY DWELLING UNIT THAT THE SUBJECT JURISDICTION
21 APPLIES TO A SINGLE-UNIT DETACHED DWELLING; AND

22 (e) ALLOW ACCESSORY DWELLING UNIT SIZES OF AT LEAST THE
23 GREATER OF EITHER EIGHT HUNDRED SQUARE FEET OR FIFTY PERCENT OF
24 THE SIZE OF THE PRIMARY RESIDENCE ON THE SAME LOT.

25 (2) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
26 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
27 NOT:

1 (a) ADOPT, ENACT, OR ENFORCE LOCAL LAWS CONCERNING
2 ACCESSORY DWELLING UNIT LAND USE THAT ARE MORE RESTRICTIVE THAN
3 LOCAL LAWS CONCERNING SINGLE-UNIT DETACHED DWELLING LAND USE
4 IN THE SAME ZONING DISTRICT OR OTHER TYPE OF DISTRICT THAT
5 REGULATES LAND USE, UNLESS REQUIRED BY THE MINIMUM STANDARDS
6 OR MODEL CODE;

7 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT INDIVIDUALLY
8 OR CUMULATIVELY CREATE UNREASONABLE COSTS OR DELAYS OR THAT
9 MAKE THE PERMITTING, SITING, OR CONSTRUCTION OF AN ACCESSORY
10 DWELLING UNIT ON AN ELIGIBLE PROPERTY INFEASIBLE;

11 (c) IMPOSE A REQUIREMENT ON AN ACCESSORY DWELLING UNIT
12 THAT IS CONTINGENT UPON THE PRIMARY RESIDENCE ON THE SAME LOT
13 BEING OWNER-OCCUPIED;

14 (d) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE TO
15 AN ACCESSORY DWELLING UNIT IN A MANNER THAT INTERFERES WITH THE
16 INTENT OF THIS PART 2;

17 (e) FOR URBAN MUNICIPALITIES ONLY, REQUIRE NEW OFF-STREET
18 PARKING IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING OF AN
19 ACCESSORY DWELLING UNIT; OR

20 (f) REQUIRE SIDE OR REAR SETBACKS GREATER THAN FIVE FEET
21 FOR AN ACCESSORY DWELLING UNIT, UNLESS SUCH A SETBACK IS
22 NECESSARY TO COMPLY WITH PUBLIC HEALTH OR SAFETY STANDARDS.

23 (3) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
24 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
25 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

26 **29-33-206. Adoption of model codes - satisfaction of minimum**
27 **standards - reporting.** (1) NO LATER THAN DECEMBER 31, 2024, A

1 SUBJECT JURISDICTION SHALL EITHER:

2 (a) ADOPT LOCAL LAWS CONCERNING ACCESSORY DWELLING UNITS
3 THAT SATISFY THE MINIMUM STANDARDS ESTABLISHED IN SECTION
4 29-33-205; OR

5 (b) ADOPT THE MODEL CODE.

6 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
7 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BEFORE JUNE 30,
8 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR APPLICABLE
9 PARCELS, AS SPECIFIED IN SECTION 29-33-303, IN THE SUBJECT
10 JURISDICTION UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES
11 THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH
12 THE MINIMUM STANDARDS.

13 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
14 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
15 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT
16 JURISDICTION SHALL:

17 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER AN
18 ACCESSORY DWELLING PROJECT SATISFIES THE MODEL CODE AND APPROVE
19 SUCH A PROJECT IF IT SATISFIES THE MODEL CODE; AND

20 (b) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
21 CONTRAVENE THE MODEL CODE.

22 (4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
23 MAY SUBMIT AN APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
24 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
25 AFFAIRS, FOR AN EXTENSION OF THE APPLICABLE REQUIREMENTS ADOPTED
26 PURSUANT TO SUBSECTION (1) OF THIS SECTION.

27 (b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE

1 SUBJECT JURISDICTION THAT:

2 (I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER
3 SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS, OR ARE
4 EXPECTED TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

5 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED A PLAN OF
6 ACTION TO REMEDY THE DEFICIENT WATER, SEWER, OR STORMWATER
7 SERVICES IN THE SPECIFIC AREAS IDENTIFIED IN SUBSECTION (4)(b)(I) OF
8 THIS SECTION ON A SPECIFIC TIMELINE; AND

9 (III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER
10 EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 2.

11 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
12 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
13 (4).

14 (5) (a) NO LATER THAN DECEMBER 31, 2024, A SUBJECT
15 JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
16 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
17 AFFAIRS, A REPORT DEMONSTRATING EVIDENCE OF COMPLIANCE WITH
18 EITHER THE MODEL CODE OR MINIMUM STANDARDS.

19 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
20 SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
21 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
22 REPORT AND PROVIDE FEEDBACK TO A SUBJECT JURISDICTION. THE
23 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
24 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
25 LOCAL LAWS AND RE-SUBMIT THEIR REPORT.

26 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
27 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT

1 IMMEDIATELY FOR THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
2 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
3 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS
4 ADOPTED THE MODEL CODE.

5 **29-33-207. Subject jurisdiction restrictions.** (1) NOTHING IN
6 THIS PART 2 PREVENTS A LOCAL GOVERNMENT FROM:

7 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
8 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
9 12101 ET SEQ., AS AMENDED;

10 (b) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF AN
11 ACCESSORY DWELLING UNIT;

12 (c) ALLOWING THE CONSTRUCTION OF, OR ISSUING PERMITS FOR
13 THE CONSTRUCTION OF, A SINGLE-UNIT DETACHED DWELLING IN AN AREA
14 ZONED FOR SINGLE-UNIT DETACHED DWELLINGS; OR

15 (d) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO
16 ACCESSORY DWELLING UNITS IN THAT HISTORIC DISTRICT.

17 (2) NOTHING IN THIS PART 2 REQUIRES A SUBJECT JURISDICTION TO
18 PERMIT AN ACCESSORY DWELLING UNIT PROJECT AND A MIDDLE HOUSING
19 PROJECT ON THE SAME PARCEL OR LOT.

20 PART 3

21 MIDDLE HOUSING

22 **29-33-301. Legislative declaration.** (1) (a) THE GENERAL
23 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

24 (I) LOCAL GOVERNMENT LAND USE DECISIONS OFTEN LIMIT MIDDLE
25 HOUSING DEVELOPMENT;

26 (II) THE TEN LARGEST MUNICIPALITIES IN THE DENVER
27 METROPOLITAN AREA ALLOW SINGLE-UNIT DETACHED DWELLINGS AS A

1 USE BY RIGHT ON OVER EIGHTY-FIVE PERCENT OF THEIR RESIDENTIAL
2 LAND, COMPARED TO ALLOWING TOWNHOMES, DUPLEXES, TRIPLEXES, AND
3 QUADPLEXES AS A USE BY RIGHT ON LESS THAN THIRTY-FIVE PERCENT OF
4 THEIR RESIDENTIAL LAND, ACCORDING TO PUBLICLY AVAILABLE ZONING
5 DATA;

6 (III) LOCAL LAND USE REGULATIONS INFLUENCE WHAT TYPES OF
7 HOUSING ARE BUILT;

8 (IV) BETWEEN 2000 AND 2019, OVER SEVENTY PERCENT OF HOMES
9 BUILT IN COLORADO WERE SINGLE-UNIT DETACHED DWELLINGS, WHILE
10 LESS THAN THREE PERCENT OF HOMES BUILT IN COLORADO DURING THAT
11 TIME WERE DUPLEXES TO QUADPLEXES, ACCORDING TO THE AMERICAN
12 COMMUNITY SURVEY;

13 (V) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

14 (VI) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
15 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
16 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
17 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
18 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
19 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
20 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
21 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
22 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
23 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
24 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
25 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
26 AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE.

27 (VII) MIDDLE HOUSING IS TYPICALLY MORE AFFORDABLE THAN

1 SINGLE-UNIT DETACHED DWELLINGS, IN PART BECAUSE LAND COSTS ARE
2 SHARED BETWEEN MORE HOUSEHOLDS;

3 (VIII) IN 2019, COLORADO DUPLEXES COST ON AVERAGE
4 FOURTEEN PERCENT LESS TO OWN AND TWENTY-SIX PERCENT LESS TO
5 RENT THAN SINGLE-UNIT DETACHED DWELLINGS, AND TRIPLEXES AND
6 QUADPLEXES COST THIRTY-ONE PERCENT LESS TO OWN AND TWENTY-NINE
7 LESS TO RENT, ACCORDING TO THE AMERICAN COMMUNITY SURVEY;

8 (IX) MIDDLE HOUSING OFFERS A WAY TO PROVIDE COMPACT
9 RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED NEIGHBORHOODS
10 WITH MINIMAL INFRASTRUCTURE IMPACT AND SUPPLY NEW HOUSING
11 WITHOUT ADDING NEW DISPERSED LOW DENSITY HOUSING;

12 (X) RELATIVE TO DISPERSED LOW DENSITY DEVELOPMENT,
13 COMPACT INFILL HOUSING DEVELOPMENT, INCLUDING MIDDLE HOUSING
14 DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS,
15 INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION
16 COSTS;

17 (XI) MIDDLE HOUSING USES SIGNIFICANTLY LESS ENERGY FOR
18 HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED
19 DWELLINGS DUE TO MIDDLE HOUSING HAVING ATTACHED WALLS AND
20 SMALLER UNIT SIZES, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND
21 GREENHOUSE GAS EMISSIONS; AND

22 (XII) IN COLORADO, COMPARED TO SINGLE-UNIT DETACHED
23 DWELLINGS, HOUSEHOLD ENERGY DEMAND IS ON AVERAGE FORTY
24 PERCENT LESS FOR TOWNHOMES, FORTY-FIVE PERCENT LESS FOR
25 DUPLEXES, AND FIFTY-THREE PERCENT LESS FOR TRIPLEXES AND
26 QUADPLEXES, ACCORDING TO THE NATIONAL RENEWABLE ENERGY
27 LABORATORY RESSTOCK ANALYSIS TOOL.

1 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
2 INCREASED SUPPLY OF HOUSING THROUGH MIDDLE HOUSING IS A MATTER
3 OF MIXED STATE AND LOCAL CONCERN.

4 **29-33-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "MINIMUM STANDARDS" MEANS THE MIDDLE HOUSING
7 MINIMUM STANDARDS ESTABLISHED IN SECTION 29-33-305.

8 (2) "MODEL CODE" MEANS THE MIDDLE HOUSING MODEL CODE
9 PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
10 LOCAL AFFAIRS PURSUANT TO SECTION 29-33-304.

11 (3) "SUBJECT JURISDICTION" MEANS A RURAL RESORT JOB CENTER
12 MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY.

13 **29-33-303. Applicability - exemptions.** (1) THE REQUIREMENTS
14 OF THIS PART 3 ONLY APPLY IN A RURAL RESORT JOB CENTER
15 MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY.

16 (2) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
17 LAWS ADOPTED PURSUANT TO THIS PART 3 ONLY APPLY TO PARCELS THAT
18 ARE NOT STANDARD EXEMPT PARCELS.

19 **29-33-304. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
20 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
21 PROMULGATE A MIDDLE HOUSING MODEL CODE.

22 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
23 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
24 OF LOCAL AFFAIRS ON THE MIDDLE HOUSING MODEL CODE.

25 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
26 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE
27 MIDDLE HOUSING MODEL CODE, THE MULTI-AGENCY ADVISORY

1 COMMITTEE SHALL:

2 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
3 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
4 COMMENT ON THE MODEL CODE;

5 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
6 MODEL CODE;

7 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
8 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

9 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
10 HOUSING, FAIR HOUSING, PLANNING, ZONING, AND RELATED FIELDS.

11 (3) THE MODEL CODE MUST, AT A MINIMUM, ESTABLISH OBJECTIVE
12 STANDARDS FOR ALL THE ELEMENTS IN THE MINIMUM STANDARDS FOR
13 MIDDLE HOUSING TO BE ALLOWED AS A USE BY RIGHT IN ANY PART OF THE
14 SUBJECT JURISDICTION WHERE THE SUBJECT JURISDICTION ALLOWS
15 SINGLE-UNIT DETACHED DWELLINGS AS A USE BY RIGHT AS OF JANUARY
16 1, 2023.

17 (4) THE MODEL CODE MUST NOT INCLUDE A REQUIREMENT FOR
18 NEW OFF-STREET PARKING IN CONNECTION WITH THE CONSTRUCTION OR
19 PERMITTING OF MIDDLE HOUSING.

20 **29-33-305. Minimum standards.** (1) (a) NOTWITHSTANDING
21 ANY LOCAL LAW TO THE CONTRARY, A TIER ONE URBAN MUNICIPALITY
22 THAT DOES NOT ADOPT THE MODEL CODE SHALL ALLOW MIDDLE HOUSING
23 AS A USE BY RIGHT IN ANY PART OF THE MUNICIPALITY'S JURISDICTION
24 WHERE THE MUNICIPALITY ALLOWS SINGLE-UNIT DETACHED DWELLINGS
25 AS A USE BY RIGHT AS OF JANUARY 1, 2023.

26 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
27 RURAL RESORT JOB CENTER THAT DOES NOT ADOPT THE MODEL CODE

1 SHALL ALLOW MIDDLE HOUSING AS A USE BY RIGHT IN ANY PART OF THE
2 RURAL RESORT JOB CENTER'S JURISDICTION THAT THE RURAL RESORT
3 REGION'S HOUSING NEEDS PLANNING PROCESS DESIGNATED FOR MIDDLE
4 HOUSING.

5 (c) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
6 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL:

7 (I) ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING MIDDLE
8 HOUSING THAT USE OBJECTIVE STANDARDS AND PROCEDURES;

9 (II) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING
10 SINGLE-UNIT DETACHED DWELLING TO CREATE MIDDLE HOUSING SO LONG
11 AS THE ADDITION OR CONVERSION DOES NOT INCREASE NONCONFORMANCE
12 WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS LOCAL LAWS ALLOW
13 FOR SUCH AN INCREASE IN NONCONFORMANCE;

14 (III) ALLOW PROPERTIES ON WHICH MIDDLE HOUSING IS ALLOWED
15 TO BE SUBDIVIDED USING OBJECTIVE STANDARDS AND PROCEDURES; AND

16 (IV) IF THE SUBJECT JURISDICTION APPLIES DESIGN STANDARDS TO
17 MIDDLE HOUSING, APPLY THE SAME DESIGN STANDARDS TO MIDDLE
18 HOUSING THAT THE SUBJECT JURISDICTION APPLIES TO A SINGLE-UNIT
19 DETACHED DWELLING IN THE SAME ZONING DISTRICT.

20 (2) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
21 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
22 NOT:

23 (a) ADOPT, ENACT, OR ENFORCE LOCAL LAWS CONCERNING MIDDLE
24 HOUSING LAND USE THAT ARE MORE RESTRICTIVE THAN LOCAL LAWS
25 CONCERNING SINGLE-UNIT DETACHED DWELLING LAND USE IN THE SAME
26 ZONING DISTRICT OR ANY OTHER TYPE OF DISTRICT THAT REGULATES LAND
27 USE, UNLESS REQUIRED BY THE MINIMUM STANDARDS OR MODEL CODE;

1 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT INDIVIDUALLY
2 OR CUMULATIVELY CREATE UNREASONABLE COSTS OR DELAYS, OR THAT
3 MAKE THE PERMITTING, SITING, OR CONSTRUCTION OF MIDDLE HOUSING ON
4 AN ELIGIBLE PROPERTY INFEASIBLE;

5 (c) APPLY MINIMUM SETBACK, LOT WIDTHS, LOT DEPTH, OR LOT
6 SIZE STANDARDS TO MIDDLE HOUSING THAT ARE MORE RESTRICTIVE THAN
7 THE STANDARDS THAT THE SUBJECT JURISDICTION WOULD APPLY TO
8 SINGLE-UNIT DETACHED DWELLINGS ON THE SAME PROPERTY;

9 (d) APPLY LOWER MAXIMUM HEIGHT STANDARDS TO MIDDLE
10 HOUSING THAN THE SUBJECT JURISDICTION WOULD APPLY TO SINGLE-UNIT
11 DETACHED DWELLINGS ON THE SAME PROPERTY;

12 (e) APPLY LIMITS ON THE SCALE OF MIDDLE HOUSING BUILDINGS
13 THROUGH FLOOR AREA RATIOS, LOT OR BUILDING COVERAGE, OR OTHER
14 SIMILAR STANDARDS THAT INDIVIDUALLY OR COLLECTIVELY WOULD
15 RESTRICT A MIDDLE HOUSING PROJECT TO LESS THAN ONE HUNDRED
16 TWENTY-FIVE PERCENT OF THE BUILDING AREA OF A SINGLE-UNIT
17 DETACHED DWELLING ON THE SAME LOT;

18 (f) IMPOSE A RESTRICTION ON THE FOOTPRINT OR SIZE OF A MIDDLE
19 HOUSING PROJECT IN A HISTORIC DISTRICT OR ON A HISTORIC PROPERTY
20 THAT IS MORE RESTRICTIVE THAN A FOOTPRINT OR SIZE RESTRICTION THAT
21 THE SUBJECT JURISDICTION WOULD IMPOSE ON A SINGLE-UNIT DETACHED
22 DWELLING IN THE SAME HISTORIC DISTRICT OR ON THE SAME HISTORIC
23 PROPERTY;

24 (g) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE TO
25 MIDDLE HOUSING IN A MANNER THAT INTERFERES WITH THE INTENT OF
26 THIS PART 3; OR

27 (h) REQUIRE NEW OFF-STREET PARKING IN CONNECTION WITH THE

1 CONSTRUCTION OR PERMITTING OF MIDDLE HOUSING.

2 (3) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
3 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
4 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

5 **29-33-306. Adoption of model codes - satisfaction of minimum**
6 **standards.** (1) (a) NO LATER THAN DECEMBER 31, 2024, A TIER ONE
7 URBAN MUNICIPALITY SHALL EITHER:

8 (I) ADOPT LOCAL LAWS CONCERNING MIDDLE HOUSING THAT
9 SATISFY THE MINIMUM STANDARDS; OR

10 (II) ADOPT THE MODEL CODE.

11 (b) IF A TIER ONE URBAN MUNICIPALITY DOES NOT SATISFY THE
12 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION BEFORE JUNE 30,
13 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR APPLICABLE
14 PARCELS, AS SPECIFIED IN SECTION 29-33-303, IN THE URBAN
15 MUNICIPALITY AND REMAINS IN EFFECT UNTIL THE DEPARTMENT OF LOCAL
16 AFFAIRS DETERMINES THAT THE URBAN MUNICIPALITY HAS ADOPTED LAWS
17 THAT COMPLY WITH THE MINIMUM STANDARDS.

18 (2) (a) NO LATER THAN DECEMBER 31, 2026, A RURAL RESORT JOB
19 CENTER MUNICIPALITY SHALL EITHER:

20 (I) ADOPT LOCAL LAWS CONCERNING MIDDLE HOUSING THAT
21 SATISFY THE MINIMUM STANDARDS; OR

22 (II) ADOPT THE MODEL CODE.

23 (b) IF A RURAL RESORT JOB CENTER MUNICIPALITY DOES NOT
24 SATISFY THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION
25 BEFORE JUNE 30, 2027, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY
26 FOR APPLICABLE PARCELS, AS SPECIFIED IN SECTION 29-33-303, IN THE
27 RURAL RESORT JOB CENTER MUNICIPALITY AND REMAINS IN EFFECT UNTIL

1 THE RURAL RESORT JOB CENTER MUNICIPALITY JURISDICTION HAS
2 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

3 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR THE
4 MODEL CODE IS OTHERWISE IN EFFECT, FOR A SUBJECT JURISDICTION
5 PURSUANT TO EITHER SUBSECTION (1)(b) OR (2)(b) OF THIS SECTION, THE
6 SUBJECT JURISDICTION SHALL:

7 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
8 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
9 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT
10 JURISDICTION SHALL APPROVE THE MIDDLE HOUSING PROJECT; AND

11 (b) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
12 CONTRAVENE THE MODEL CODE.

13 (4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
14 MAY SUBMIT AN APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
15 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
16 AFFAIRS, FOR AN EXTENSION OF THE RELEVANT REQUIREMENTS IN
17 SUBSECTION (1) OR (2) OF THIS SECTION.

18 (b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE
19 SUBJECT JURISDICTION THAT:

20 (I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER
21 SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS, OR ARE
22 EXPECTED TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

23 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED A PLAN OF
24 ACTION TO REMEDY THE DEFICIENT WATER, SEWER, OR STORMWATER
25 SERVICES IN THE SPECIFIC AREAS IDENTIFIED IN SUBSECTION (4)(b)(I) OF
26 THIS SECTION ON A SPECIFIC TIMELINE; AND

27 (III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER

1 EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 3.

2 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
3 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
4 (4).

5 (5) (a) (I) NO LATER THAN DECEMBER 31, 2024, A TIER ONE URBAN
6 MUNICIPALITY SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
7 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
8 AFFAIRS, A REPORT DEMONSTRATING EVIDENCE OF COMPLIANCE WITH
9 EITHER THE MODEL CODE OR MINIMUM STANDARDS.

10 (II) NO LATER THAN DECEMBER 31, 2026, A RURAL RESORT JOB
11 CENTER MUNICIPALITY SHALL SUBMIT TO THE DEPARTMENT OF LOCAL
12 AFFAIRS, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF
13 LOCAL AFFAIRS, A REPORT DEMONSTRATING EVIDENCE OF COMPLIANCE
14 WITH EITHER THE MODEL CODE OR MINIMUM STANDARDS.

15 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
16 SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
17 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
18 REPORT AND PROVIDE FEEDBACK TO THE SUBJECT JURISDICTION. THE
19 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
20 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
21 LOCAL LAWS AND RESUBMIT THEIR REPORT.

22 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
23 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
24 IMMEDIATELY FOR THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
25 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
26 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS
27 ADOPTED THE MODEL CODE.

1 **29-33-307. Subject jurisdiction restrictions.** (1) NOTHING IN
2 THIS PART 3 PREVENTS A SUBJECT JURISDICTION FROM:

3 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
4 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
5 12101 ET SEQ., AS AMENDED;

6 (b) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO
7 MIDDLE HOUSING SO LONG AS THE STANDARDS OF THE ORDINANCE DO NOT
8 RENDER THE DEVELOPMENT OF MIDDLE HOUSING FINANCIALLY
9 INFEASIBLE;

10 (c) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
11 MIDDLE HOUSING;

12 (d) ALLOWING SINGLE-UNIT DETACHED DWELLINGS IN AN AREA
13 ZONED FOR SINGLE-UNIT DETACHED DWELLINGS; OR

14 (e) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO MIDDLE
15 HOUSING IN THAT HISTORIC DISTRICT.

16 (2) NOTHING IN THIS PART 3 REQUIRES A SUBJECT JURISDICTION TO
17 PERMIT AN ACCESSORY DWELLING UNIT PROJECT AND A MIDDLE HOUSING
18 PROJECT ON THE SAME PARCEL OR LOT.

19 PART 4

20 TRANSIT-ORIENTED AREAS

21 **29-33-401. Legislative declaration.** (1) (a) THE GENERAL
22 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

23 (I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT DENSER
24 MULTIFAMILY HOUSING DEVELOPMENT NEAR HIGH CAPACITY TRANSIT;

25 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

26 (III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
27 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A

1 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
2 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
3 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
4 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
5 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
6 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
7 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
8 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
9 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
10 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
11 AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE.

12 (IV) MULTIFAMILY HOUSING IS TYPICALLY MORE AFFORDABLE
13 THAN SINGLE-UNIT DETACHED DWELLINGS, AND LIVING NEAR HIGH
14 CAPACITY TRANSIT ENABLES HOUSEHOLDS TO SAVE ON TRANSPORTATION
15 COSTS BY OWNING FEWER VEHICLES;

16 (V) IN 2019, COLORADO MULTIFAMILY UNITS COST BETWEEN
17 FOURTEEN AND FORTY-THREE PERCENT LESS TO OWN, AND BETWEEN NINE
18 PERCENT AND EIGHTEEN PERCENT LESS TO RENT DEPENDING ON THE SIZE
19 OF THE BUILDING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS,
20 ACCORDING TO THE AMERICAN COMMUNITY SURVEY;

21 (VI) MEETING HOUSING DEMAND THROUGH COMPACT INFILL
22 DEVELOPMENT DECREASES THE NEED FOR NEW DISPERSED LOW-DENSITY
23 HOUSING;

24 (VII) RELATIVE TO DISPERSED LOW-DENSITY DEVELOPMENT,
25 COMPACT INFILL HOUSING DEVELOPMENT, INCLUDING MULTIFAMILY
26 HOUSING IN TRANSIT-ORIENTED AREAS DEVELOPMENT, REDUCES WATER
27 USE, GREENHOUSE GAS EMISSIONS, AND HOUSEHOLD ENERGY AND

1 TRANSPORTATION COSTS;

2 (VIII) HOUSING WITH ACCESS TO HIGH CAPACITY TRANSIT ALLOWS
3 RESIDENTS TO TRAVEL TO WORK AND SERVICES WITHOUT DRIVING OR
4 WHILE DRIVING LESS, WHICH REDUCES HOUSEHOLD TRANSPORTATION
5 COSTS, GREENHOUSE GAS EMISSIONS, AND AIR POLLUTION;

6 (IX) ANALYSES OF TRANSIT-ORIENTED DEVELOPMENTS HAVE
7 FOUND THAT RESIDENTS TAKE AN AVERAGE OF FORTY-FOUR PERCENT
8 FEWER VEHICLE TRIPS, ACCORDING TO THE ARTICLE "VEHICLE TRIP
9 REDUCTION IMPACTS OF TRANSIT-ORIENTED HOUSING", IN THE JOURNAL
10 OF PUBLIC TRANSPORTATION;

11 (X) MULTIFAMILY HOUSING USES SIGNIFICANTLY LESS ENERGY
12 FOR HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED
13 DWELLINGS DUE TO THE ATTACHED WALLS AND SMALLER SIZE OF
14 MULTIFAMILY HOUSING, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND
15 GREENHOUSE GAS EMISSIONS; AND

16 (XI) IN COLORADO, HOUSEHOLD ENERGY DEMAND ON AVERAGE
17 IS SEVENTY PERCENT LESS FOR MULTIFAMILY HOUSING COMPARED TO
18 SINGLE-UNIT DETACHED DWELLINGS, ACCORDING TO THE NATIONAL
19 RENEWABLE ENERGY LABORATORY.

20 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
21 INCREASED SUPPLY OF HOUSING IN TRANSIT-ORIENTED AREAS IS A MATTER
22 OF MIXED STATEWIDE AND LOCAL CONCERN.

23 **29-33-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS FOR
26 TRANSIT-ORIENTED AREAS ESTABLISHED IN SECTION 29-33-405.

27 (2) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY

1 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET
2 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF
3 THE AREA MEDIAN INCOME. FOR PURPOSES OF DEFINING "MIXED-INCOME
4 MULTIFAMILY HOUSING", A SUBJECT JURISDICTION WITH A LOCAL
5 INCLUSIONARY ZONING ORDINANCE THAT APPLIES IN A TRANSIT-ORIENTED
6 AREA MAY APPLY A DIFFERENT AREA MEDIAN INCOME THRESHOLD AND A
7 DIFFERENT REQUIREMENT FOR THE PERCENTAGE OF UNITS THAT MUST BE
8 SET ASIDE FOR HOUSEHOLDS BELOW THAT AREA MEDIAN INCOME.

9 (3) "MODEL CODE" MEANS THE MODEL CODE FOR
10 TRANSIT-ORIENTED AREAS PROMULGATED BY THE DEPARTMENT OF LOCAL
11 AFFAIRS PURSUANT TO SECTION 29-33-404.

12 (4) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN
13 MUNICIPALITY THAT CONTAINS A TRANSIT-ORIENTED AREA.

14 **29-33-403. Applicability in transit-oriented areas -**
15 **exemptions.** (1) THE REQUIREMENTS OF THIS PART 4 ONLY APPLY IN A
16 TRANSIT-ORIENTED AREA WITHIN A TIER ONE URBAN MUNICIPALITY.

17 (2) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
18 LAWS ADOPTED PURSUANT TO THIS PART 4 ONLY APPLY TO PARCELS THAT
19 ARE NOT:

20 (a) A STANDARD EXEMPT PARCEL;

21 (b) PART OF A PARCEL THAT INCLUDES LAND THAT IS A PARK AND
22 OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2); OR

23 (c) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT.

24 **29-33-404. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
25 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
26 PROMULGATE A TRANSIT-ORIENTED AREA MODEL CODE.

27 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE

1 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
2 OF LOCAL AFFAIRS ON THE TRANSIT-ORIENTED AREA MODEL CODE.

3 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
4 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE
5 TRANSIT-ORIENTED AREA MODEL CODE, THE MULTI-AGENCY ADVISORY
6 COMMITTEE SHALL:

7 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
8 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
9 COMMENT ON THE MODEL CODE;

10 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
11 MODEL CODE;

12 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
13 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

14 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
15 HOUSING, FAIR HOUSING, PLANNING, ZONING, AND RELATED FIELDS.

16 (3) AT A MINIMUM, THE MODEL CODE MUST INCLUDE:

17 (a) A REQUIREMENT THAT SUBJECT JURISDICTIONS MAY NOT
18 REQUIRE NEW OFF-STREET PARKING WITHIN TRANSIT-ORIENTED AREAS FOR
19 ANY USES IN CONJUNCTION WITH EITHER A MULTIFAMILY RESIDENTIAL
20 DEVELOPMENT OR MIXED-INCOME MULTIFAMILY HOUSING DEVELOPMENT
21 PERMIT;

22 (b) A MINIMUM RESIDENTIAL DENSITY LIMIT FOR MULTIFAMILY
23 RESIDENTIAL HOUSING OF AT LEAST FORTY UNITS PER ACRE NET DENSITY
24 THAT A SUBJECT JURISDICTION SHALL ALLOW AS A USE BY RIGHT IN
25 TRANSIT-ORIENTED AREAS; AND

26 (c) A MINIMUM RESIDENTIAL DENSITY LIMIT FOR MIXED-INCOME
27 MULTIFAMILY HOUSING OF AT LEAST SIXTY UNITS PER ACRE NET DENSITY

1 THAT A SUBJECT JURISDICTION SHALL ALLOW AS A USE BY RIGHT IN
2 TRANSIT-ORIENTED AREAS. AFFORDABLE UNITS WITHIN MIXED-INCOME
3 MULTIFAMILY RESIDENTIAL HOUSING MUST BE OF A SIMILAR SIZE AS THE
4 OTHER UNITS IN THE DEVELOPMENT.

5 (4) NOTHING IN THE MODEL CODE SHALL PREVENT A SUBJECT
6 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN
7 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,
8 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS:

9 (a) THE SUBJECT JURISDICTION HAS ADOPTED AN INCLUSIONARY
10 ZONING ORDINANCE THAT APPLIES WITHIN TRANSIT-ORIENTED AREAS; AND

11 (b) THE INCLUSIONARY ZONING ORDINANCE DOES NOT RENDER THE
12 DEVELOPMENT OF MULTIFAMILY RESIDENTIAL HOUSING IN
13 TRANSIT-ORIENTED AREAS FINANCIALLY INFEASIBLE.

14 **29-33-405. Minimum standards.** (1) (a) NOTWITHSTANDING
15 ANY LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES
16 NOT ADOPT THE MODEL CODE SHALL CREATE A ZONING DISTRICT WITHIN
17 TRANSIT-ORIENTED AREAS IN WHICH MULTIFAMILY HOUSING IS ALLOWED
18 AS A USE BY RIGHT AND A MINIMUM GROSS DENSITY OF FORTY UNITS OF
19 MULTIFAMILY HOUSING PER ACRE IS ALLOWED. SUBJECT JURISDICTIONS
20 MAY ESTABLISH DISTRICTS WITHIN THESE ZONING DISTRICTS THAT ALLOW
21 A DIFFERENT DENSITY OF MULTIFAMILY HOUSING DEVELOPMENT SO LONG
22 AS EACH DISTRICT ALLOWS A GROSS DENSITY OF MULTIFAMILY HOUSING
23 OF AT LEAST FORTY UNITS PER ACRE. THE ZONING DISTRICTS MUST
24 INCLUDE ALL ELIGIBLE PARCELS IN THE SUBJECT JURISDICTION.

25 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
26 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY
27 MEET THE GROSS DENSITY ESTABLISHED IN THE MINIMUM STANDARDS BY

1 ADOPTING LOCAL LAWS APPLICABLE TO A DISTRICT COVERING AREAS
2 OUTSIDE OF TRANSIT-ORIENTED AREAS SO LONG AS THE DISTRICT IS AT
3 LEAST THE SAME SIZE AS THE ELIGIBLE PARCELS IN THE TRANSIT-ORIENTED
4 AREAS, IF EITHER:

5 (I) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR
6 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
7 AREAS FOR TRANSIT-COMPATIBLE USE IN ADJACENT AREAS.

8 (2) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
9 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
10 NOT:

11 (a) APPLY LOCAL LAWS THAT INDIVIDUALLY OR CUMULATIVELY
12 CREATE UNREASONABLE COSTS OR DELAYS, OR THAT MAKE THE
13 PERMITTING, SITING, OR CONSTRUCTION OF MULTIFAMILY HOUSING IN A
14 TRANSIT-ORIENTED AREA INFEASIBLE;

15 (b) ADOPT LOCAL LAWS THAT INDIVIDUALLY OR CUMULATIVELY
16 MAKE SATISFYING THE MINIMUM RESIDENTIAL DENSITY LIMITS
17 INFEASIBLE; OR

18 (c) REQUIRE NEW OFF-STREET PARKING WITHIN TRANSIT-ORIENTED
19 AREAS FOR ANY USES IN CONJUNCTION WITH A MULTIFAMILY HOUSING
20 DEVELOPMENT PERMIT.

21 (3) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
22 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
23 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

24 **29-33-406. Adoption of model code - satisfaction of minimum**
25 **standards.** (1) (a) NO LATER THAN DECEMBER 31, 2024, A SUBJECT
26 JURISDICTION SHALL EITHER:

27 (I) ADOPT LOCAL LAWS CONCERNING TRANSIT-ORIENTED AREAS

1 THAT SATISFY THE MINIMUM STANDARDS; OR

2 (II) ADOPT THE MODEL CODE.

3 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
4 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION BEFORE JUNE 30,
5 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE
6 APPLICABLE PARCELS, AS SPECIFIED IN SECTION 29-33-403, IN THE SUBJECT
7 JURISDICTION, UNTIL THE SUBJECT JURISDICTION SUBMITS LOCAL LAWS
8 THAT COMPLY WITH THE MINIMUM STANDARDS TO THE DEPARTMENT OF
9 LOCAL AFFAIRS.

10 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR THE
11 MODEL CODE IS OTHERWISE IN EFFECT, FOR A SUBJECT JURISDICTION
12 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT
13 JURISDICTION SHALL:

14 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
15 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
16 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT
17 JURISDICTION SHALL APPROVE THE PROJECT; AND

18 (b) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
19 CONTRAVENE THE MODEL CODE.

20 (4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
21 MAY SUBMIT AN APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
22 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
23 AFFAIRS, FOR AN EXTENSION OF THE RELEVANT REQUIREMENTS IN
24 SUBSECTION (1) OR (2) OF THIS SECTION.

25 (b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE
26 SUBJECT JURISDICTION THAT:

27 (I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER

1 SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS OR ARE EXPECTED
2 TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

3 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED A PLAN OF
4 ACTION TO REMEDY THE DEFICIENT WATER, SEWER, OR STORMWATER
5 SERVICES IN THE SPECIFIC AREAS IDENTIFIED IN SUBSECTION (4)(b)(I) OF
6 THIS SECTION ON A SPECIFIC TIMELINE; AND

7 (III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER
8 EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 4.

9 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
10 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
11 (4).

12 (5) (a) NO LATER THAN DECEMBER 31, 2024, A SUBJECT
13 JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
14 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
15 AFFAIRS, A REPORT CONCERNING THE IMPLEMENTATION OF THE MODEL
16 CODE OR LOCAL LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

17 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
18 SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
19 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
20 REPORT AND PROVIDE FEEDBACK TO THE SUBJECT JURISDICTION. THE
21 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
22 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
23 LOCAL LAWS AND RESUBMIT ITS REPORT.

24 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
25 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
26 IMMEDIATELY FOR THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
27 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS

1 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS
2 ADOPTED THE MODEL CODE.

3 **29-33-407. Subject jurisdiction restrictions.** (1) NOTHING IN
4 THIS PART 4, IN THE MODEL CODE, OR IN THE MINIMUM STANDARDS
5 PREVENTS A LOCAL GOVERNMENT FROM:

6 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
7 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
8 12101 ET SEQ., AS AMENDED;

9 (b) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO
10 MULTIFAMILY HOUSING IN TRANSIT-ORIENTED AREAS SO LONG AS THE
11 STANDARDS OF THE ORDINANCE DO NOT RENDER THE DEVELOPMENT OF
12 MULTIFAMILY HOUSING FINANCIALLY INFEASIBLE;

13 (c) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
14 HOUSING IN TRANSIT-ORIENTED AREAS;

15 (d) PERMITTING MIXED-USE DEVELOPMENT IN A
16 TRANSIT-ORIENTED AREA;

17 (e) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A
18 TRANSIT-ORIENTED AREA; OR

19 (f) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO HOUSING
20 IN A TRANSIT-ORIENTED AREA IN THAT HISTORIC DISTRICT.

21 PART 5

22 KEY CORRIDORS

23 **29-33-501. Legislative declaration.** (1) (a) THE GENERAL
24 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

25 (I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT DENSER
26 MULTIFAMILY HOUSING DEVELOPMENT NEAR FREQUENT TRANSIT AND IN
27 COMMERCIAL AND INSTITUTIONAL AREAS;

1 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

2 (III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
3 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
4 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
5 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
6 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
7 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
8 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
9 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
10 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
11 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
12 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
13 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
14 AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE.

15 (IV) MULTIFAMILY HOUSING IS TYPICALLY MORE AFFORDABLE
16 THAN DETACHED SINGLE-UNIT DWELLINGS, AND LIVING NEAR TRANSIT,
17 JOBS, AND SERVICES ENABLES HOUSEHOLDS TO SAVE ON TRANSPORTATION
18 COSTS BY OWNING FEWER VEHICLES. IN 2019, COLORADO MULTIFAMILY
19 UNITS COST BETWEEN FOURTEEN AND FORTY-THREE PERCENT LESS TO
20 OWN, AND BETWEEN NINE AND EIGHTEEN PERCENT LESS TO RENT,
21 DEPENDING ON THE SIZE OF THE BUILDING, COMPARED TO A SINGLE-UNIT
22 DETACHED DWELLING, ACCORDING TO THE AMERICAN COMMUNITY
23 SURVEY.

24 (V) THE TERNER CENTER FOR HOUSING INNOVATION AT THE
25 UNIVERSITY OF CALIFORNIA BERKELEY FOUND IN ITS REPORT
26 "RESIDENTIAL REDEVELOPMENT OF COMMERCIAL ZONED LAND IN
27 CALIFORNIA" THAT THERE IS SIGNIFICANT POTENTIAL FOR RESIDENTIAL

1 DEVELOPMENT IN COMMERCIAL ZONED AREAS, THAT MANY
2 COMMERCIAL ZONE DISTRICTS DO NOT ALLOW RESIDENTIAL
3 DEVELOPMENT, AND THAT ALLOWING USE BY RIGHT RESIDENTIAL
4 DEVELOPMENT IN COMMERCIAL ZONE DISTRICTS CAN ENCOURAGE
5 ADDITIONAL HOUSING SUPPLY;

6 (VI) ACCORDING TO THE NATIONAL ASSOCIATION OF REALTORS
7 IN THEIR REPORT "ANALYSIS AND CASE STUDIES ON OFFICE-TO-HOUSING
8 CONVERSIONS", OVER FIVE MILLION SEVEN HUNDRED THOUSAND SQUARE
9 FEET OF OFFICE SPACE BECAME UNOCCUPIED IN THE DENVER
10 METROPOLITAN REAL ESTATE MARKET BETWEEN 2020 AND 2021, THE
11 DENVER MARKET COULD POTENTIALLY ADD OVER TWO THOUSAND NEW
12 RESIDENTIAL UNITS FROM OFFICE TO RESIDENTIAL CONVERSIONS IF IT
13 CONVERTED TWENTY PERCENT OF CURRENTLY VACANT OFFICE SPACE, AND
14 ONE OF THE MAJOR BARRIERS TO CONVERSIONS IS RESTRICTIVE LOCAL
15 LAND USE REGULATIONS THAT REQUIRE DISCRETIONARY APPROVALS;

16 (VII) ACCORDING TO THE NOTRE DAME LAW SCHOOL IN THEIR
17 ARTICLE "SHELLS OF THE STORES THEY ONCE WERE: RETURNING VACANT
18 RETAIL PROPERTY TO PRODUCTIVE USE IN THE MIDST OF THE RETAIL
19 APOCALYPSE", UNITED STATES RETAILERS HAVE BEEN CLOSING BRICK
20 AND MORTAR LOCATIONS IN LARGE NUMBERS SINCE AT LEAST 2017,
21 LEAVING BEHIND VACANT COMMERCIAL BUILDINGS AND PROPERTIES THAT
22 POSE PROBLEMS FOR PUBLIC HEALTH AND SAFETY, REDUCE LOCAL TAX
23 REVENUE, AND LEAD TO THE FLIGHT OF OTHER RETAIL BUSINESSES.
24 VACANT COMMERCIAL PROPERTIES PROVIDE OPPORTUNITIES FOR
25 RESIDENTIAL AND MIXED USE REDEVELOPMENT, BOTH THROUGH ADAPTIVE
26 REUSE OF EXISTING BUILDINGS, AND THROUGH NEW DEVELOPMENT; AND,
27 ACCORDING TO THE LOCAL GOVERNMENT COMMISSION IN COOPERATION

1 WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN THE
2 JOINT REPORT "CREATING GREAT NEIGHBORHOODS: DENSITY IN YOUR
3 COMMUNITY", INCREASED RESIDENTIAL DENSITY IS ASSOCIATED WITH THE
4 ECONOMIC SUCCESS OF NEARBY BUSINESSES, AND CONTRIBUTES TO THE
5 REVITALIZATION OF NEIGHBORHOODS.

6 (VIII) MEETING HOUSING DEMAND THROUGH COMPACT INFILL
7 DEVELOPMENT CLOSE TO JOBS, SERVICES, AND TRANSIT DECREASES THE
8 NEED FOR NEW DISPERSED, LOW-DENSITY HOUSING. RELATIVE TO
9 DISPERSED LOW-DENSITY DEVELOPMENT, COMPACT INFILL HOUSING
10 DEVELOPMENT, INCLUDING MULTIFAMILY HOUSING DEVELOPMENT,
11 REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, INFRASTRUCTURE
12 COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION COSTS.

13 (IX) HOUSING WITH ACCESS TO FREQUENT TRANSIT ALLOWS
14 RESIDENTS TO TRAVEL TO WORK AND SERVICES WITHOUT DRIVING OR
15 WHILE DRIVING LESS, WHICH REDUCES HOUSEHOLD TRANSPORTATION
16 COSTS, GREENHOUSE GAS EMISSIONS, AND AIR POLLUTION. ANALYSES OF
17 TRANSIT-ORIENTED DEVELOPMENTS HAVE FOUND RESIDENTS TAKE AN
18 AVERAGE OF FORTY-FOUR PERCENT FEWER VEHICLE TRIPS, ACCORDING TO
19 THE ARTICLE "VEHICLE TRIP REDUCTION IMPACTS OF TRANSIT-ORIENTED
20 HOUSING" IN THE JOURNAL OF PUBLIC TRANSPORTATION. AND,
21 ACCORDING TO THE CALIFORNIA AIR RESOURCES BOARD REPORTS
22 "IMPACT OF JOBS-HOUSING BALANCE ON PASSENGER VEHICLE USE AND
23 GREENHOUSE GAS EMISSIONS" AND "IMPACTS OF LAND-USE MIX ON
24 PASSENGER VEHICLE USE AND GREENHOUSE GAS EMISSIONS",
25 CO-LOCATING RESIDENCES, JOBS, AND SERVICES ALSO REDUCES
26 HOUSEHOLD VEHICLE MILES TRAVELED.

27 (X) MULTIFAMILY HOUSING ALSO USES SIGNIFICANTLY LESS

1 ENERGY FOR HEATING AND COOLING PER UNIT THAN SINGLE-UNIT
2 DETACHED DEALINGS DUE TO MULTIFAMILY HOUSING HAVING ATTACHED
3 WALLS AND SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS
4 AND GREENHOUSE GAS EMISSIONS. IN COLORADO, HOUSEHOLD ENERGY
5 DEMAND ON AVERAGE IS SEVENTY PERCENT LESS FOR MULTIFAMILY
6 HOUSING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS, ACCORDING
7 TO THE NATIONAL RENEWABLE ENERGY LABORATORY RESSTOCK
8 ANALYSIS TOOL.

9 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
10 INCREASED HOUSING SUPPLY IN KEY CORRIDORS IS A MATTER OF MIXED
11 STATEWIDE AND LOCAL CONCERN.

12 **29-33-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "FREQUENT TRANSIT SERVICE AREA" MEANS AN AREA
15 DESIGNATED AS A "FREQUENT TRANSIT SERVICE AREA" IN THE FREQUENT
16 TRANSIT SERVICE AREAS MAP PUBLISHED BY THE DEPARTMENT OF LOCAL
17 AFFAIRS PURSUANT TO SECTION 29-33-503.

18 (2) "INDUSTRIAL USE" MEANS A BUSINESS USE OR ACTIVITY AT A
19 SCALE GREATER THAN HOME INDUSTRY INVOLVING MANUFACTURING,
20 FABRICATION, ASSEMBLY, WAREHOUSING, OR STORAGE.

21 (3) "KEY CORRIDORS" MEANS PARCELS THAT ARE WITHIN THE
22 AREAS DESCRIBED IN SECTION 29-33-504 (1)(a).

23 (4) "MINIMUM STANDARDS" MEANS THE KEY CORRIDORS MINIMUM
24 STANDARDS ESTABLISHED IN SECTION 29-33-506.

25 (5) "MODEL CODE" MEANS THE KEY CORRIDORS MODEL CODE
26 PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO
27 SECTION 29-33-505.

1 (6) "NET RESIDENTIAL ZONING CAPACITY" MEANS THE TOTAL
2 HOUSING UNIT CAPACITY ESTIMATED TO BE ALLOWED AS A USE BY RIGHT
3 IN A GIVEN AREA, MINUS EXISTING HOUSING UNITS.

4 (7) "SUBJECT JURISDICTION" MEANS A RURAL RESORT JOB CENTER
5 MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY.

6 **29-33-503. Frequent transit service areas.** (1) (a) NO LATER
7 THAN JUNE 30, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
8 LOCAL AFFAIRS SHALL CREATE A FREQUENT TRANSIT SERVICE AREAS MAP
9 THAT DESIGNATES FREQUENT TRANSIT SERVICE AREAS.

10 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
11 THE PROCESS USED BY THE MULTI-AGENCY ADVISORY COMMITTEE TO
12 DEVELOP RECOMMENDATIONS FOR THE KEY CORRIDOR MODEL CODE
13 PURSUANT TO SECTION 29-33-506 (2), PROVIDE RECOMMENDATIONS TO
14 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
15 CONCERNING THE CREATION OF A FREQUENT TRANSIT SERVICE AREAS MAP.

16 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
17 AFFAIRS SHALL INCLUDE IN THE FREQUENT TRANSIT SERVICE AREAS MAP,
18 AREAS THAT ARE WITHIN ONE QUARTER-MILE OF:

19 (a) A ROADWAY WITHIN A CENSUS URBANIZED AREA SERVED BY A
20 BUS ROUTE THAT IS BOTH SCHEDULED TO RUN EVERY FIFTEEN MINUTES OR
21 LESS AND AT LEAST ONE MILE LONG;

22 (b) A BUS STOP ALONG A BUS ROUTE THAT IS SCHEDULED TO RUN
23 EVERY FIFTEEN MINUTES OR LESS AND RUNS, AT LEAST IN PART, ON A
24 LIMITED ACCESS HIGHWAY OR OUTSIDE OF AN AREA THAT IS DESIGNATED
25 AS AN URBANIZED AREA BY THE MOST RECENT FEDERAL DECENNIAL
26 CENSUS; AND

27 (c) AN EXISTING OR PLANNED URBAN BUS OR COMMUTER BUS

1 RAPID TRANSIT SERVICE.

2 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
3 AFFAIRS SHALL DESIGNATE AN AREA AS A FREQUENT TRANSIT SERVICE
4 AREA BASED ON:

5 (a) TRANSIT SERVICE LEVELS AS OF JANUARY 1, 2023;

6 (b) TRANSIT SERVICE LEVELS PLANNED AND APPROVED BY A
7 TRANSIT AGENCY'S BOARD AS OF JANUARY 1, 2023, FOR IMPLEMENTATION
8 BEFORE JANUARY 1, 2028; OR

9 (c) FUTURE TRANSIT SERVICE LEVELS, PLANNED AS OF JANUARY
10 1, 2023, AS DESCRIBED IN FEDERALLY REQUIRED TRANSPORTATION PLANS.

11 (4) IN DESIGNATING FREQUENT TRANSIT SERVICE AREAS, THE
12 DEPARTMENT OF LOCAL AFFAIRS SHALL NOT RELY ON PLANNING
13 DOCUMENTS ADOPTED AFTER JANUARY 1, 2023.

14 **29-33-504. Key corridor applicability - exemptions.** (1) (a) IF
15 A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR THE MODEL CODE
16 IS OTHERWISE IN EFFECT, THE MODEL CODE SHALL APPLY TO PARCELS
17 THAT ARE WITHIN:

18 (I) A ZONING DISTRICT THAT PERMITS, AS OF JANUARY 1, 2023:

19 (A) COMMERCIAL USES COMPATIBLE WITH RESIDENTIAL USES SUCH
20 AS OFFICE, RETAIL, PERSONAL SERVICES, OR PARKING COMMERCIAL USES;
21 OR

22 (B) PUBLIC OR INSTITUTIONAL USES;

23 (II) AN AREA ZONED FOR A MIX OF USES INCLUDING COMMERCIAL,
24 INSTITUTIONAL, PUBLIC, OR RESIDENTIAL USES; OR

25 (III) A FREQUENT TRANSIT SERVICE AREA, AS OF JANUARY 1, 2023.

26 (b) IF A SUBJECT JURISDICTION ADOPTS LOCAL LAWS THAT MEET
27 THE MINIMUM STANDARDS RATHER THAN THE MODEL CODE, THE SUBJECT

1 JURISDICTION MAY CHOOSE TO IDENTIFY AREAS DESCRIBED IN
2 SUBSECTIONS (1)(a)(I), (1)(a)(II), AND (1)(a)(III) OF THIS SECTION AS KEY
3 CORRIDORS AS LONG AS THE AREAS THAT THE SUBJECT JURISDICTION
4 SELECTS, AND THE LOCAL LAWS THAT THE SUBJECT JURISDICTION APPLIES
5 TO THOSE AREAS, MEET THE MINIMUM STANDARDS ESTABLISHED IN
6 SECTION 29-33-506.

7 (2) THE REQUIREMENTS OF THIS PART 5 APPLY ONLY TO A KEY
8 CORRIDOR IN A RURAL RESORT JOB CENTER MUNICIPALITY OR A TIER ONE
9 URBAN MUNICIPALITY.

10 (3) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
11 LAWS ADOPTED PURSUANT TO THIS PART 5 ONLY APPLY TO PARCELS THAT
12 ARE NOT:

13 (a) A STANDARD EXEMPT PARCEL; OR

14 (b) ON A SITE OR ADJOINING A SITE THAT IS:

15 (I) USED FOR AN INDUSTRIAL USE;

16 (II) CURRENTLY PERMITTED FOR AN INDUSTRIAL USE; OR

17 (III) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
18 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN ADOPTED BEFORE
19 JANUARY 1, 2023.

20 **29-33-505. Model code.** (1) (a) NO LATER THAN JUNE 30, 2025,
21 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
22 PROMULGATE A KEY CORRIDOR MODEL CODE.

23 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
24 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
25 OF LOCAL AFFAIRS ON THE MODEL CODE.

26 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE

1 MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:

2 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
3 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
4 COMMENT ON THE MODEL CODE;

5 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
6 MODEL CODE;

7 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
8 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

9 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
10 HOUSING, FAIR HOUSING, PLANNING, ZONING, AND RELATED FIELDS.

11 (3) AT A MINIMUM, THE MODEL CODE MUST INCLUDE:

12 (a) A MINIMUM RESIDENTIAL DENSITY LIMIT FOR MULTIFAMILY
13 RESIDENTIAL HOUSING THAT MUST BE ALLOWED AS A USE BY RIGHT IN KEY
14 CORRIDORS;

15 (b) AN ALLOWABLE MINIMUM RESIDENTIAL DENSITY LIMIT FOR
16 MIXED-INCOME MULTIFAMILY RESIDENTIAL HOUSING THAT MUST BE
17 ALLOWED AS A USE BY RIGHT IN KEY CORRIDORS AND MUST BE AT LEAST
18 FIFTY PERCENT GREATER THAN THE MINIMUM RESIDENTIAL DENSITY LIMIT
19 IN SUBSECTION (3)(a) OF THIS SECTION;

20 (c) REQUIREMENTS FOR THE PERCENT OF UNITS IN MIXED-INCOME
21 MULTIFAMILY RESIDENTIAL DEVELOPMENTS THAT MUST BE RESERVED FOR
22 LOW- AND MODERATE-INCOME HOUSEHOLDS; AND

23 (d) AREA MEDIAN INCOME REQUIREMENTS FOR REGULATED
24 AFFORDABLE HOUSING UNITS THAT ARE INFORMED BY THE NEED FOR
25 AFFORDABLE HOUSING IDENTIFIED IN THE LOCAL HOUSING NEEDS
26 ASSESSMENT.

27 **29-33-506. Minimum standards.** (1) (a) NO LATER THAN JUNE

1 30, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
2 AFFAIRS SHALL PROMULGATE KEY CORRIDOR MINIMUM STANDARDS.

3 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
4 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
5 OF LOCAL AFFAIRS ON THE MINIMUM STANDARDS.

6 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
7 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE
8 MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL FOLLOW
9 THE SAME PROCESS AS IN SECTION 29-33-505 (2).

10 (3) THE MINIMUM STANDARDS MUST:

11 (a) INCLUDE GUIDANCE TO ENCOURAGE REGIONAL STRATEGIES FOR
12 KEY CORRIDORS;

13 (b) IDENTIFY A NET RESIDENTIAL ZONING CAPACITY FOR EACH
14 SUBJECT JURISDICTION, WHICH MUST BE INFORMED BY THE LOCAL
15 HOUSING NEEDS ASSESSMENT; AND

16 (c) IDENTIFY ANY ADDITIONAL STANDARDS DEEMED NECESSARY,
17 SUCH AS A MINIMUM RESIDENTIAL DENSITY LIMIT AND MINIMUM DISTRICT
18 SIZE.

19 (4) (a) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
20 TIER ONE URBAN MUNICIPALITY THAT DOES NOT ADOPT THE MODEL CODE
21 SHALL ESTABLISH A DISTRICT WITHIN KEY CORRIDORS THAT ALLOWS, AS
22 A USE BY RIGHT, MULTIFAMILY RESIDENTIAL HOUSING THAT SATISFIES THE
23 NET RESIDENTIAL ZONING CAPACITY ESTABLISHED BY THE MINIMUM
24 STANDARDS AND MEETS OTHER MINIMUM STANDARDS ESTABLISHED.

25 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
26 RURAL RESORT JOB CENTER MUNICIPALITY THAT DOES NOT ADOPT THE
27 MODEL CODE SHALL ALLOW MULTIFAMILY HOUSING AS A USE BY RIGHT IN

1 THE PARTS OF THE MUNICIPALITY THAT THE RURAL RESORT REGION
2 HOUSING NEEDS PLANNING PROCESS IDENTIFIED AS KEY CORRIDORS.

3 (c) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
4 SUBJECT JURISDICTION MAY ALLOW DIFFERENT LEVELS OF DENSITY WITHIN
5 A KEY CORRIDOR SO LONG AS THE MINIMUM STANDARDS ARE SATISFIED.

6 (5) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
7 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
8 NOT, IN THE DISTRICTS IT ESTABLISHES PURSUANT TO SUBSECTION (4)(a)
9 OF THIS SECTION:

10 (a) APPLY STANDARDS THAT INDIVIDUALLY OR CUMULATIVELY
11 CREATE UNREASONABLE COSTS OR DELAYS FOR MULTIFAMILY HOUSING
12 DEVELOPMENTS IN KEY CORRIDORS OR MAKE THE PERMITTING, SITING, OR
13 CONSTRUCTION OF MULTIFAMILY HOUSING IN KEY CORRIDORS INFEASIBLE;

14 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT MAKE THE
15 MINIMUM RESIDENTIAL DENSITY LIMITS INFEASIBLE; OR

16 (c) REQUIRE NEW OFF-STREET PARKING WITHIN KEY CORRIDORS
17 FOR ANY USE IN CONJUNCTION WITH THE ISSUANCE OF A DEVELOPMENT
18 PERMIT.

19 (6) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
20 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
21 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

22 **29-33-507. Adoption of model codes - satisfaction of minimum**
23 **standards.** (1) NO LATER THAN DECEMBER 31, 2026, A SUBJECT
24 JURISDICTION SHALL EITHER:

25 (a) ADOPT LOCAL LAWS CONCERNING KEY CORRIDORS THAT
26 SATISFY THE MINIMUM STANDARDS; OR

27 (b) ADOPT THE MODEL CODE.

1 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
2 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BEFORE JUNE 30,
3 2027, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE
4 APPLICABLE PARCELS IN KEY CORRIDORS, AS SPECIFIED IN SECTION
5 29-33-504, IN THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
6 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
7 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

8 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
9 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
10 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT
11 JURISDICTION SHALL:

12 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
13 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
14 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT
15 JURISDICTION SHALL APPROVE THE ACCESSORY DWELLING PROJECT; AND

16 (b) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
17 CONTRAVENE THE MODEL CODE.

18 (4) (a) NO LATER THAN JUNE 30, 2026, A SUBJECT JURISDICTION
19 MAY SUBMIT AN APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS IN
20 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
21 AFFAIRS FOR AN EXTENSION OF THE RELEVANT REQUIREMENTS IN
22 SUBSECTION (1) OF THIS SECTION.

23 (b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE
24 SUBJECT JURISDICTION THAT:

25 (I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER
26 SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS, OR ARE
27 EXPECTED TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

1 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED A PLAN OF
2 ACTION TO REMEDY THE DEFICIENT WATER, SEWER, OR STORMWATER
3 SERVICES IN THE SPECIFIC AREAS IDENTIFIED IN SUBSECTION (4)(b)(I) OF
4 THIS SECTION ON A SPECIFIC TIMELINE; AND

5 (III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER
6 EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 5.

7 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
8 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
9 (4).

10 (5) (a) NO LATER THAN DECEMBER 31, 2026, A RURAL RESORT JOB
11 CENTER MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY SHALL
12 SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS IN A FORM AND MANNER
13 DETERMINED BY THE DEPARTMENT A REPORT DEMONSTRATING EVIDENCE
14 OF COMPLIANCE WITH EITHER THE MODEL CODE OR MINIMUM STANDARDS.

15 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
16 SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
17 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
18 REPORT AND PROVIDE FEEDBACK TO THE SUBJECT JURISDICTION. THE
19 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
20 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
21 LOCAL LAWS AND RESUBMIT ITS REPORT.

22 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
23 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
24 IMMEDIATELY FOR THE SUBJECT JURISDICTION, UNTIL THE DEPARTMENT OF
25 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
26 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS
27 ADOPTED THE MODEL CODE.

1 **29-33-508. Subject jurisdiction restrictions.** (1) NOTHING IN
2 THIS PART 5 PREVENTS A SUBJECT JURISDICTION FROM:

3 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
4 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
5 12101 ET SEQ., AS AMENDED;

6 (b) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO
7 MULTIFAMILY HOUSING IN KEY CORRIDORS SO LONG AS THE STANDARDS
8 OF THE ORDINANCE DO NOT RENDER THE DEVELOPMENT OF MULTIFAMILY
9 HOUSING FINANCIALLY INFEASIBLE;

10 (c) PERMITTING MIXED-USE DEVELOPMENT IN A KEY CORRIDOR;

11 (d) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A KEY
12 CORRIDOR; OR

13 (e) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO HOUSING
14 IN KEY CORRIDORS IN THAT HISTORIC DISTRICT.

15 **SECTION 3.** In Colorado Revised Statutes, 24-32-705, **add** (8)
16 as follows:

17 **24-32-705. Functions of division.** (8) THE DIVISION SHALL
18 CONSULT WITH THE ADVISORY COMMITTEE ON FACTORY-BUILT
19 STRUCTURES AND TINY HOMES CREATED IN SECTION 24-32-3305 (3) TO
20 PRODUCE A REPORT NO LATER THAN JUNE 30, 2024, ON THE
21 OPPORTUNITIES AND BARRIERS IN CURRENT STATE LAWS AND
22 REGULATIONS CONCERNING THE BUILDING OF MANUFACTURED HOMES,
23 MODULAR HOMES, AND TINY HOMES.

24 **SECTION 4.** In Colorado Revised Statutes, 24-32-3301, **amend**
25 (1)(c)(II) as follows:

26 **24-32-3301. Legislative declaration.** (1) The general assembly
27 hereby finds, determines, and declares that mobile homes, manufactured

1 housing, and factory-built structures are important and effective ways to
2 meet Colorado's affordable housing needs. The general assembly further
3 finds and declares that, because of the housing crisis in Colorado, there
4 is a need to promote the affordability and accessibility of new
5 manufactured homes and factory-built structures. The general assembly
6 encourages local governments to enact ordinances and rules that
7 effectively treat factory-built structures certified through the state
8 program and manufactured housing certified through the federal program
9 the same as site-built homes. The general assembly further finds,
10 determines, and declares that:

11 (c) The protection of Colorado consumers who purchase
12 manufactured homes or tiny homes from fraud and other unfair business
13 practices is a matter of statewide concern and consumers can best be
14 protected by:

15 (II) Imposing escrow and bonding requirements upon persons
16 engaged in the business of ~~manufacturing or~~ selling manufactured homes
17 or tiny homes; and

18 **SECTION 5.** In Colorado Revised Statutes, 24-32-3303, **amend**
19 (1)(c) as follows:

20 **24-32-3303. Division of housing - powers and duties - rules.**

21 (1) The division has the following powers and duties pursuant to this part
22 33:

23 (c) To review and approve quality assurance representatives that
24 intend to perform FINAL CONSTRUCTION PLAN REVIEWS, inspections, and
25 issue insignia of approval pursuant to this part 33;

26 **SECTION 6.** In Colorado Revised Statutes, 24-32-3311, **amend**
27 (1)(a.3) as follows:

1 **24-32-3311. Certification of factory-built structures - rules.**

2 (1) (a.3) Manufacturers of factory-built structures to be installed in the
3 state shall register with the division as provided in board rules and are
4 subject to enforcement action, including suspension or revocation of their
5 registration for failing to comply with requirements contained in this part
6 33 and board rules. ~~A manufacturer shall:~~

7 ~~(I) Comply with escrow requirements of down payments as~~
8 ~~established by the board by rule; and~~

9 ~~(II) Provide a letter of credit, certificate of deposit issued by a~~
10 ~~licensed financial institution, or surety bond issued by an authorized~~
11 ~~insurer in an amount and process established by the board by rule. A~~
12 ~~financial institution or authorized insurer shall pay the division the letter~~
13 ~~of credit, certificate of deposit, or surety bond if a court of competent~~
14 ~~jurisdiction has rendered a final judgment in favor of the division based~~
15 ~~on a finding that:~~

16 ~~(A) The manufacturer failed to deliver the factory-built structure;~~

17 ~~(B) The manufacturer failed to refund a down payment made~~
18 ~~toward the purchase of the factory-built structure; or~~

19 ~~(C) The manufacturer ceased doing business operations or filed~~
20 ~~for bankruptcy.~~

21 **SECTION 7.** In Colorado Revised Statutes, 24-67-105, **add** (5.5)
22 as follows:

23 **24-67-105. Standards and conditions for planned unit**
24 **development - definitions.** (5.5) (a) A PLANNED UNIT DEVELOPMENT
25 RESOLUTION OR ORDINANCE ADOPTED PURSUANT TO THIS ARTICLE 67, IF
26 THE PLANNED UNIT DEVELOPMENT HAS A RESIDENTIAL USE, MUST NOT
27 RESTRICT THE PERMITTING OF ACCESSORY DWELLING UNITS, MIDDLE

1 HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, OR HOUSING IN KEY
2 CORRIDORS IN ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF TITLE 29.

3 (b) AS USED IN THIS SUBSECTION (5.5), UNLESS THE CONTEXT
4 OTHERWISE REQUIRES:

5 (I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET
6 FORTH IN SECTION 29-33-102 (2).

7 (II) "KEY CORRIDOR" HAS THE SAME MEANING AS SET FORTH IN
8 SECTION 29-33-502 (3).

9 (III) "MIDDLE HOUSING" HAS THE SAME MEANING AS SET FORTH IN
10 SECTION 29-33-102 (18).

11 (IV) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
12 FORTH IN SECTION 29-33-102 (36).

13 **SECTION 8.** In Colorado Revised Statutes, **add** 29-20-110 as
14 follows:

15 **29-20-110. Local government residential occupancy limits -**
16 **definitions.** (1) NOTWITHSTANDING ANY OTHER PROVISION TO THE
17 CONTRARY, A LOCAL GOVERNMENT SHALL NOT ENACT OR ENFORCE
18 RESIDENTIAL OCCUPANCY LIMITS THAT DIFFER BASED ON THE
19 RELATIONSHIPS OF THE OCCUPANTS OF A DWELLING.

20 (2) NOTHING IN THIS SECTION PREVENTS A LOCAL GOVERNMENT
21 FROM ESTABLISHING RESIDENTIAL OCCUPANCY LIMITS FOR DWELLING
22 UNITS FOR SHORT-TERM RENTALS, AS DEFINED IN SECTION 29-33-102 (30).

23 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (a) "DWELLING" MEANS ANY IMPROVED REAL PROPERTY, OR
26 PORTION THEREOF, THAT IS USED OR INTENDED TO BE USED AS A
27 RESIDENCE.

1 (b) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE
2 COUNTY, HOME RULE OR STATUTORY CITY, TOWN, TERRITORIAL CHARTER
3 CITY, OR CITY AND COUNTY.

4 **SECTION 9.** In Colorado Revised Statutes, 30-28-106, **amend**
5 (3)(a)(IV)(D) and (3)(a)(IV)(E); and **add** (6.5), (8), and (9) as follows:

6 **30-28-106. Adoption of master plan - contents.** (3) (a) The
7 master plan of a county or region, with the accompanying maps, plats,
8 charts, and descriptive and explanatory matter, must show the county or
9 regional planning commission's recommendations for the development of
10 the territory covered by the plan. The master plan of a county or region is
11 an advisory document to guide land development decisions; however, the
12 plan or any part thereof may be made binding by inclusion in the county's
13 or region's adopted subdivision, zoning, platting, planned unit
14 development, or other similar land development regulations after
15 satisfying notice, due process, and hearing requirements for legislative or
16 quasi-judicial processes as appropriate. After consideration of each of the
17 following, where applicable or appropriate, the master plan may include:

18 (IV) (D) The department of local affairs created in section
19 24-1-125 may hire and employ one full-time employee to provide
20 educational resources and assistance to counties that include water
21 conservation policies in their master plans as described in subsection
22 (3)(a)(IV)(C) OR IN SUBSECTION (6.5)(b) of this section.

23 (E) Nothing in this subsection (3)(a)(IV) OR IN SUBSECTION
24 (6.5)(b) OF THIS SECTION shall be construed to supersede, abrogate, or
25 otherwise impair the allocation of water pursuant to the state constitution
26 or laws, the right to beneficially use water pursuant to decrees, contracts,
27 or other water use agreements, or the operation, maintenance, repair,

1 replacement, or use of any water facility.

2 (6.5) A MASTER PLAN OF ANY COUNTY ADOPTED OR AMENDED IN
3 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION ON AND AFTER
4 JUNE 30, 2024, MUST INCLUDE:

5 (a) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND
6 SUITABLE SUPPLY OF WATER AS DESCRIBED IN SUBSECTION (3)(a)(IV)(A)
7 OF THIS SECTION;

8 (b) A WATER SUPPLY ELEMENT THAT SATISFIES THE
9 REQUIREMENTS OF SUBSECTIONS (3)(a)(IV)(B) AND (3)(a)(IV)(C) OF THIS
10 SECTION;

11 (c) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
12 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
13 REPORT CREATED IN SECTION 29-33-109; AND

14 (d) FOR COUNTIES WITH A POPULATION GREATER THAN TWO
15 HUNDRED FIFTY THOUSAND, A GREENFIELD DEVELOPMENT ANALYSIS THAT
16 IS CONDUCTED IN THE SAME MANNER AND ON THE SAME TIMELINE AS THE
17 GREENFIELD DEVELOPMENT ANALYSIS REQUIRED IN SECTION 29-33-104
18 (4)(d).

19 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
20 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH CERTAIN
21 ENTITIES WITHIN THE FOLLOWING CATEGORIES TO ENSURE THAT THE
22 ADOPTING OR AMENDING OF THE MASTER PLAN IS AN INCLUSIVE PROCESS:

23 (a) HOUSING AUTHORITIES;

24 (b) LOCAL GOVERNMENTS; AND

25 (c) NONGOVERNMENTAL ORGANIZATIONS.

26 (9) (a) AT LEAST SIXTY DAYS BEFORE THE FINAL PUBLIC HEARING
27 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL

1 SUBMIT THE MOST RECENT DRAFT OF THE MASTER PLAN TO THE DIVISION
2 OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS.

3 (b) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR AMENDING
4 THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE MASTER PLAN TO
5 THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL
6 AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW THESE
7 REPORTS TO ENSURE THEY COMPLY WITH THE REQUIREMENTS OF THIS
8 SECTION.

9 **SECTION 10.** In Colorado Revised Statutes, 31-15-713, **add**
10 (1)(d) as follows:

11 **31-15-713. Power to sell public works - real property.** (1) The
12 governing body of each municipality has the power:

13 (d) NOTWITHSTANDING SUBSECTIONS (1)(a) AND (1)(b) OF THIS
14 SECTION, TO SELL AND DISPOSE OF, BY ORDINANCE, ANY PUBLIC BUILDING
15 OR REAL PROPERTY OWNED BY A MUNICIPALITY THAT IS HELD FOR
16 GOVERNMENT PURPOSES OTHER THAN PARK PURPOSES, IF THE SALE AND
17 DISPOSITION OF THE PUBLIC BUILDING OR REAL PROPERTY IS FOR THE
18 PURPOSE OF PROVIDING PROPERTY TO BE USED FOR THE DEVELOPMENT OF
19 AFFORDABLE HOUSING, AS THE TERM IS DEFINED IN SECTION 29-33-102 (3).
20 THE GOVERNING BODY SHALL DETERMINE THE TERMS AND CONDITIONS OF
21 THE SALE AND DISPOSITION AT A REGULAR OR SPECIAL MEETING AND
22 SHALL MAKE THESE TERMS AND CONDITIONS PUBLICLY AVAILABLE.

23 **SECTION 11.** In Colorado Revised Statutes, 31-23-301, **amend**
24 (5)(b)(I)(C); **add** (5)(a)(III), (5)(a)(IV), (5)(a)(V), and (5)(b)(I.5); and
25 **repeal** (5)(b)(II) as follows:

26 **31-23-301. Grant of power.** (5) (a) As used in this subsection
27 (5), unless the context otherwise requires:

1 (III) "MANUFACTURED HOME" MEANS ANY PRECONSTRUCTED
2 BUILDING UNIT OR COMBINATION OF PRECONSTRUCTED BUILDING UNITS OR
3 CLOSED PANEL SYSTEMS THAT:

4 (A) INCLUDES ELECTRICAL, MECHANICAL, OR PLUMBING SERVICES
5 THAT ARE FABRICATED, FORMED, OR ASSEMBLED AT A LOCATION OTHER
6 THAN THE SITE OF THE COMPLETED HOME;

7 (B) IS DESIGNED FOR RESIDENTIAL OCCUPANCY IN EITHER
8 TEMPORARY OR PERMANENT LOCATIONS;

9 (C) IS CONSTRUCTED IN COMPLIANCE WITH THE FEDERAL ACT,
10 FACTORY-BUILT RESIDENTIAL REQUIREMENTS, INCLUDING THOSE FOR
11 MULTIFAMILY STRUCTURES, OR MOBILE HOME STANDARDS;

12 (D) IS NOT SELF-PROPELLED; AND

13 (E) IS NOT LICENSED AS A RECREATIONAL VEHICLE.

14 (IV) "MODULAR HOME" MEANS A FACTORY-BUILT RESIDENTIAL
15 STRUCTURE.

16 (V) "OBJECTIVE STANDARD" MEANS A STANDARD THAT BOTH:

17 (A) DOES NOT REQUIRE A PUBLIC BODY OR OFFICIAL TO MAKE A
18 PERSONAL OR SUBJECTIVE JUDGMENT; AND

19 (B) IS UNIFORMLY VERIFIABLE OR ASCERTAINABLE BY REFERENCE
20 TO AN EXTERNAL OR UNIFORM BENCHMARK OR CRITERION THAT IS
21 AVAILABLE AND KNOWABLE BY THE DEVELOPMENT APPLICANT OR
22 PROPONENT AND THE PUBLIC BODY OR OFFICIAL PRIOR TO THE
23 DEVELOPMENT APPLICANT OR PROPONENT'S FILING OF A DEVELOPMENT
24 PROPOSAL.

25 (b) (I) No municipality may have or enact zoning regulations,
26 subdivision regulations, or any other regulation affecting development
27 that exclude or have the effect of excluding homes from the municipality

1 that are:

2 (C) Homes that meet or exceed, on an equivalent performance
3 engineering basis, standards established by the municipal building code.

4 THE APPROVAL PROCESSES OF MANUFACTURED AND MODULAR HOMES
5 SHALL BE BASED ON OBJECTIVE STANDARDS AND ADMINISTRATIVE REVIEW
6 THAT ARE EQUIVALENT TO THAT REQUIRED FOR SITE-BUILT HOMES,
7 UNLESS A MUNICIPALITY REGULATES SITE-BUILT HOMES THROUGH A
8 SUBJECTIVE REVIEW PROCESS, IN WHICH CASE A MUNICIPALITY MAY USE
9 AN EQUIVALENT REVIEW PROCESS FOR A MANUFACTURED OR MODULAR
10 HOME AND A SITE-BUILT HOME.

11 (I.5) A MUNICIPALITY SHALL NOT IMPOSE MORE RESTRICTIVE
12 STANDARDS ON MANUFACTURED AND MODULAR HOMES THAN THOSE THE
13 MUNICIPALITY APPLIES TO SITE BUILT HOMES IN THE SAME RESIDENTIAL
14 ZONES. RESTRICTIVE STANDARDS INCLUDE ZONING REGULATIONS,
15 SUBDIVISION REGULATIONS, AND ANY OTHER REGULATION AFFECTING
16 DEVELOPMENT SUCH AS REQUIREMENTS RELATING TO:

- 17 (A) PERMANENT FOUNDATIONS;
- 18 (B) MINIMUM FLOOR SPACE;
- 19 (C) HOME SIZE OR SECTIONAL REQUIREMENTS;
- 20 (D) IMPROVEMENT LOCATION STANDARDS;
- 21 (E) SIDE YARD STANDARDS; AND
- 22 (F) SETBACK STANDARDS.

23 (II) ~~Nothing in this subsection (5) shall prevent a municipality~~
24 ~~from enacting any zoning, developmental, use, aesthetic, or historical~~
25 ~~standard, including, but not limited to, requirements relating to permanent~~
26 ~~foundations, minimum floor space, unit size or sectional requirements,~~
27 ~~and improvement location, side yard, and setback standards to the extent~~

1 ~~that such standards or requirements are applicable to existing or new~~
2 ~~housing within the specific use district of the municipality.~~

3 **SECTION 12.** In Colorado Revised Statutes, 31-23-206, **amend**
4 (1)(d)(IV) and (1)(d)(V); and **add** (6.5), (8), and (9) as follows:

5 **31-23-206. Master plan.** (1) It is the duty of the commission to
6 make and adopt a master plan for the physical development of the
7 municipality, including any areas outside its boundaries, subject to the
8 approval of the governmental body having jurisdiction thereof, that in the
9 commission's judgment bear relation to the planning of the municipality.
10 The master plan of a municipality is an advisory document to guide land
11 development decisions; however, the plan or any part thereof may be
12 made binding by inclusion in the municipality's adopted subdivision,
13 zoning, platting, planned unit development, or other similar land
14 development regulations after satisfying notice, due process, and hearing
15 requirements for legislative or quasi-judicial processes as appropriate.
16 When a commission decides to adopt a master plan, the commission shall
17 conduct public hearings, after notice of such public hearings has been
18 published in a newspaper of general circulation in the municipality in a
19 manner sufficient to notify the public of the time, place, and nature of the
20 public hearing, prior to final adoption of a master plan in order to
21 encourage public participation in and awareness of the development of
22 such plan and shall accept and consider oral and written public comments
23 throughout the process of developing the plan. The plan, with the
24 accompanying maps, plats, charts, and descriptive matter, must, after
25 consideration of each of the following, where applicable or appropriate,
26 show the commission's recommendations for the development of the
27 municipality and outlying areas, including:

1 (d) (IV) The department of local affairs created in section
2 24-1-125 may hire and employ one full-time employee to provide
3 educational resources and assistance to municipalities that include water
4 conservation policies in their master plans as described in subsection
5 (1)(d)(III) OR IN SUBSECTION (6.5)(b) of this section.

6 (V) Nothing in this subsection (1)(d) OR IN SUBSECTION (6.5)(b)
7 OF THIS SECTION shall be construed to supersede, abrogate, or otherwise
8 impair the allocation of water pursuant to the state constitution or laws,
9 the right to beneficially use water pursuant to decrees, contracts, or other
10 water use agreements, or the operation, maintenance, repair, replacement,
11 or use of any water facility.

12 (6.5) A MASTER PLAN ADOPTED OR AMENDED IN ACCORDANCE
13 WITH THE REQUIREMENTS OF THIS SECTION ON AND AFTER JUNE 30, 2024,
14 MUST INCLUDE:

15 (a) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND
16 SUITABLE SUPPLY OF WATER AS DESCRIBED IN SUBSECTION (1)(d)(I) OF
17 THIS SECTION;

18 (b) A WATER SUPPLY ELEMENT THAT SATISFIES THE
19 REQUIREMENTS OF SUBSECTIONS (1)(d)(II) AND (1)(d)(III) OF THIS
20 SECTION;

21 (c) THE MOST RECENT LOCAL HOUSING NEEDS PLAN CREATED
22 PURSUANT TO SECTION 29-33-104;

23 (d) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
24 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
25 REPORT CREATED IN SECTION 29-33-109;

26 (e) A GREENFIELD DEVELOPMENT ANALYSIS THAT IS CONDUCTED
27 IN THE SAME MANNER AS THE GREENFIELD DEVELOPMENT ANALYSIS

1 REQUIRED IN SECTION 29-33-104 (4)(d); AND

2 (f) THE MOST RECENT VERSION OF THE PLAN REQUIRED BY SECTION
3 31-12-105 (1)(e).

4 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
5 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH CERTAIN
6 ENTITIES WITHIN THE FOLLOWING CATEGORIES TO ENSURE THAT THE
7 ADOPTING OR AMENDING OF THE MASTER PLAN IS AN INCLUSIVE PROCESS:

8 (a) HOUSING AUTHORITIES;

9 (b) NONGOVERNMENTAL ORGANIZATIONS; AND

10 (c) LOCAL GOVERNMENTS.

11 (9) (a) AT LEAST SIXTY DAYS BEFORE THE FINAL PUBLIC HEARING
12 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL
13 SUBMIT THE MOST RECENT DRAFT OF THE MASTER PLAN TO THE DIVISION
14 OF LOCAL GOVERNMENT CREATED IN THE DEPARTMENT OF LOCAL AFFAIRS.

15 (b) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR AMENDING
16 THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE MASTER PLAN TO
17 THE DIVISION OF LOCAL GOVERNMENT CREATED IN THE DEPARTMENT OF
18 LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW
19 THESE REPORTS TO ENSURE THEY COMPLY WITH THE REQUIREMENTS OF
20 THIS SECTION.

21 **SECTION 13.** In Colorado Revised Statutes, 31-23-301, **add** (6)
22 as follows:

23 **31-23-301. Grant of power.** (6) NEITHER A TIER ONE URBAN
24 MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (33) NOR A TIER TWO
25 URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (34) SHALL
26 IMPOSE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL
27 UNITS IN THE APPROVAL OF RESIDENTIAL DWELLING UNIT CONSTRUCTION

1 PERMITS UNLESS DOING SO IS NECESSARY FOR HEALTH AND SAFETY IN THE
2 URBAN MUNICIPALITY.

3 **SECTION 14.** In Colorado Revised Statutes, 37-60-126, **amend**
4 (9)(b); and **add** (13) as follows:

5 **37-60-126. Water conservation and drought mitigation**
6 **planning - programs - relationship to state assistance for water**
7 **facilities - guidelines - water efficiency grant program - definitions -**
8 **repeal.** (9) (b) The board and the Colorado water resources and power
9 development authority, to which any covered entity has applied for
10 financial assistance for the construction of a water diversion, storage,
11 conveyance, water treatment, or wastewater treatment facility, shall
12 consider any water conservation plan filed pursuant to this section AND
13 ANY VALIDATED WATER LOSS AUDIT REPORT REQUIRED BY SUBSECTION
14 (13)(d) OF THIS SECTION in determining whether to render financial
15 assistance to such entity. Such consideration shall be carried out within
16 the discretion accorded the board and the Colorado water resources and
17 power development authority pursuant to which such board and authority
18 render such financial assistance to such covered entity.

19 (13) (a) **Short title.** THE SHORT TITLE OF THIS SUBSECTION (13) IS
20 THE "WATER LOSS ACCOUNTING ACT OF 2023".

21 (b) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS
22 THAT:

23 (I) SAFE AND AFFORDABLE DRINKING WATER IS ESSENTIAL TO
24 PUBLIC HEALTH, AFFORDABLE HOUSING, AND ECONOMIC DEVELOPMENT
25 THROUGHOUT THE STATE;

26 (II) THE COST OF PROVIDING RELIABLE DRINKING WATER IS
27 INCREASING DUE TO FACTORS SUCH AS AGING INFRASTRUCTURE, LOW

1 DENSITY LAND USE DEVELOPMENT THAT IS COSTLY TO SERVE, INCREASED
2 ENERGY COSTS, AND MORE COMPLEX AND COSTLY CHANGES TO THE
3 REGULATORY REQUIREMENTS FOR SAFE DRINKING WATER;

4 (III) COMPACT INFILL DEVELOPMENT REDUCES WATER DEMAND
5 AND INFRASTRUCTURE COSTS THROUGH THE USE OF SHORTER PIPES THAT
6 REDUCE LOSSES, LESS LANDSCAPED SPACE PER UNIT, AND BY BETTER
7 UTILIZING EXISTING INFRASTRUCTURE;

8 (IV) WATER MAIN BREAKS ARE VISIBLE AND DISRUPTIVE
9 MANIFESTATIONS OF THE MORE WIDESPREAD PHENOMENON OF LEAKAGE
10 FROM WATER SYSTEMS;

11 (V) LEAKAGE OF DRINKING WATER FROM WATER DISTRIBUTION
12 SYSTEMS ADDS TO THE COST OF SERVICE TO CUSTOMERS AND MAY LEAD
13 TO INCREASED RAW WATER DEMANDS THAT NEGATIVELY IMPACT THE
14 NATURAL ENVIRONMENT;

15 (VI) THE FAILURE TO RECOVER REVENUE FROM WATER DELIVERED
16 TO USERS DUE TO METERING AND BILLING INACCURACIES AND THEFT ALSO
17 INCREASES THE COST PER UNIT OF WATER THAT IS BILLED TO CUSTOMERS;

18 (VII) THE AMERICAN WATER WORKS ASSOCIATION, A NATIONAL
19 ASSOCIATION OF DRINKING WATER UTILITIES AND PROFESSIONALS, HAS
20 RECOMMENDED THAT DRINKING WATER SUPPLIERS CONDUCT AN AUDIT OF
21 WATER LOSSES ON AN ANNUAL BASIS;

22 (VIII) THE AMERICAN WATER WORKS ASSOCIATION HAS
23 PUBLISHED SOFTWARE FOR USE IN CATEGORIZING AND REPORTING WATER
24 LOSSES AND HAS MADE THIS SOFTWARE AVAILABLE WITHOUT CHARGE;

25 (IX) SEVERAL STATES NOW RECOMMEND OR REQUIRE THAT PUBLIC
26 WATER SUPPLIERS UNDER THEIR JURISDICTIONS CONDUCT AN AUDIT OF
27 WATER LOSSES EACH YEAR USING THE STANDARDIZED TERMS AND

1 METHODS PUBLISHED BY THE AMERICAN WATER WORKS ASSOCIATION;
2 AND

3 (X) REGULAR AUDITING OF WATER LOSSES IS A NECESSARY
4 FOUNDATION FOR THE ADOPTION OF COST-EFFECTIVE STRATEGIES TO
5 REDUCE THE AMOUNTS OF LOST WATER AND REVENUE TO ECONOMICALLY
6 REASONABLE LEVELS.

7 (c) **Definitions.** AS USED IN THIS SUBSECTION (13), UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (I) "VALIDATION" MEANS THE PROCESS WHEREBY A COVERED
10 ENTITY USES A TECHNICAL EXPERT TO CONFIRM THE BASIS OF ALL DATA
11 ENTRIES IN THE COVERED ENTITY'S WATER LOSS AUDIT REPORT AND TO
12 APPROPRIATELY CHARACTERIZE THE QUALITY OF THE REPORTED DATA.
13 THE VALIDATION PROCESS MUST FOLLOW THE PRINCIPLES AND
14 TERMINOLOGY LAID OUT BY THE AMERICAN WATER WORKS ASSOCIATION
15 IN THE LATEST EDITION OF "WATER AUDITS AND LOSS CONTROL
16 PROGRAMS", MANUAL M36, AND IN THE AMERICAN WATER WORKS
17 ASSOCIATION'S FREE WATER AUDIT SOFTWARE. A VALIDATED WATER LOSS
18 AUDIT REPORT MUST INCLUDE THE NAME AND TECHNICAL QUALIFICATIONS
19 OF THE PERSON ENGAGED FOR VALIDATION.

20 (II) "WATER LOSS" MEANS THE DIFFERENCE BETWEEN THE ANNUAL
21 VOLUME OF WATER ENTERING A WATER DISTRIBUTION SYSTEM AND THE
22 ANNUAL VOLUME OF METERED AND UNMETERED WATER TAKEN BY
23 REGISTERED CUSTOMERS, THE WATER SUPPLIER, AND OTHERS WHO ARE
24 IMPLICITLY OR EXPLICITLY AUTHORIZED TO DO SO. "WATER LOSS"
25 INCLUDES THE ANNUAL VOLUMES LOST THROUGH ALL TYPES OF LEAKS,
26 BREAKS, AND OVERFLOWS ON MAINS, SERVICE RESERVOIRS, AND SERVICE
27 CONNECTIONS UP TO THE POINT OF CUSTOMER METERING IN ADDITION TO

1 UNAUTHORIZED CONSUMPTION, ALL TYPES OF METERING INACCURACIES,
2 AND SYSTEMIC DATA-HANDLING ERRORS.

3 (d) **Water loss program requirements.** (I) NO LATER THAN
4 JANUARY 1, 2025, THE BOARD SHALL ADOPT GUIDELINES FOR THE
5 FOLLOWING:

6 (A) THE CONDUCT OF STANDARDIZED WATER LOSS AUDITS BY
7 COVERED ENTITIES IN ACCORDANCE WITH THE METHOD ADOPTED BY THE
8 AMERICAN WATER WORKS ASSOCIATION IN THE MOST CURRENT EDITION
9 OF "WATER AUDITS AND LOSS CONTROL PROGRAMS", MANUAL M36 AND
10 IN THE AMERICAN WATER WORKS ASSOCIATION'S FREE WATER AUDIT
11 SOFTWARE;

12 (B) THE PROCESS FOR WATER LOSS AUDIT REPORT VALIDATION
13 PRIOR TO SUBMITTING THE REPORT TO THE BOARD;

14 (C) THE TECHNICAL QUALIFICATIONS REQUIRED FOR A PERSON TO
15 ENGAGE IN VALIDATION;

16 (D) THE CERTIFICATION REQUIREMENTS FOR A PERSON SELECTED
17 BY A COVERED ENTITY TO PROVIDE VALIDATION OF ITS OWN WATER LOSS
18 AUDIT REPORT;

19 (E) THE METHOD OF SUBMITTING A WATER LOSS AUDIT REPORT TO
20 THE BOARD; AND

21 (F) PROCEDURES FOR THE ACCEPTANCE OF WATER LOSS AUDIT
22 REPORTS VOLUNTARILY SUBMITTED BY WATER SUPPLIERS THAT ARE NOT
23 COVERED ENTITIES.

24 (II) THE BOARD SHALL UPDATE THE GUIDELINES ADOPTED
25 PURSUANT TO SUBSECTION (13)(d)(I) OF THIS SECTION NO LATER THAN SIX
26 MONTHS AFTER THE RELEASE OF ANY SUBSEQUENT EDITIONS OF THE
27 AMERICAN WATER WORKS ASSOCIATION'S "WATER AUDITS AND LOSS

1 CONTROL PROGRAMS", MANUAL M36.

2 (III) NO LATER THAN JUNE 30, 2025, EACH COVERED ENTITY SHALL
3 SUBMIT A COMPLETED AND VALIDATED WATER LOSS AUDIT REPORT FOR
4 THE PREVIOUS CALENDAR YEAR AS PRESCRIBED BY THE BOARD PURSUANT
5 TO SUBSECTION (13)(d)(I) OF THIS SECTION. FOR REPORTS SUBMITTED IN
6 SUBSEQUENT YEARS, EACH COVERED ENTITY SHALL SUBMIT A COMPLETED
7 AND VALIDATED WATER LOSS AUDIT REPORT COVERING THE PREVIOUS
8 CALENDAR YEAR NO LATER THAN JUNE 30.

9 (IV) EACH WATER LOSS AUDIT REPORT SUBMITTED TO THE BOARD
10 MUST BE ACCOMPANIED BY INFORMATION, IN A FORM SPECIFIED BY THE
11 BOARD, IDENTIFYING STEPS TAKEN IN THE PRECEDING YEAR TO REDUCE
12 THE VOLUME OF WATER LOSSES.

13 (V) AT LEAST ONE OF THE FOLLOWING EMPLOYEES OF A COVERED
14 ENTITY SHALL ATTEST TO EACH WATER LOSS AUDIT SUBMITTED TO THE
15 BOARD:

16 (A) THE CHIEF FINANCIAL OFFICER;

17 (B) THE CHIEF ENGINEER; OR

18 (C) THE GENERAL MANAGER.

19 (VI) THE BOARD SHALL DEEM INCOMPLETE AND RETURN TO THE
20 COVERED ENTITY ANY FINAL WATER LOSS AUDIT REPORT FOUND BY THE
21 BOARD TO BE INCOMPLETE, NOT VALIDATED, UNATTESTED, OR
22 INCONGRUENT WITH KNOWN CHARACTERISTICS OF WATER SYSTEM
23 OPERATIONS. A COVERED ENTITY SHALL RESUBMIT A COMPLETED WATER
24 LOSS AUDIT REPORT WITHIN NINETY DAYS AFTER THE BOARD RETURNS A
25 SUBMISSION UNDER THIS SUBSECTION (13)(d)(VI).

26 (VII) VALIDATED WATER LOSS AUDIT REPORTS ARE PUBLIC
27 RECORDS AS DEFINED IN SECTION 24-72-202 (6).

1 (VIII) NO SOONER THAN JANUARY 1, 2027, AND NO LATER THAN
2 JULY 1, 2028, THE BOARD, HAVING TAKEN VALIDATED WATER LOSS
3 REPORTS INTO CONSIDERATION, SHALL ADOPT GUIDELINES THAT
4 ESTABLISH A SCORE THAT A COVERED ENTITY'S VALIDATED AUDIT REPORT
5 SHOULD ATTAIN.

6 (e) **Technical and financial assistance.** USING MONEY
7 AVAILABLE IN THE WATER EFFICIENCY GRANT PROGRAM CASH FUND
8 CREATED IN SUBSECTION (12) OF THIS SECTION, THE BOARD MAY:

9 (I) AWARD GRANTS TO COVERED ENTITIES IN FISCAL YEARS
10 2023-24 AND 2025-26 FOR THE PURPOSE OF PROCURING WATER LOSS
11 AUDIT REPORT VALIDATION ASSISTANCE; AND

12 (II) CONTRIBUTE TOWARDS PROCURING WATER LOSS AUDIT
13 VALIDATION ASSISTANCE FOR COVERED ENTITIES AND PROVIDE TECHNICAL
14 TRAINING AND ASSISTANCE TO GUIDE COVERED ENTITIES' WATER LOSS
15 DETECTION PROGRAMS, INCLUDING METERING TECHNIQUES, PRESSURE
16 MANAGEMENT TECHNIQUES, CONDITION-BASED ASSESSMENT TECHNIQUES
17 FOR TRANSMISSION AND DISTRIBUTION PIPELINES, AND UTILIZATION OF
18 PORTABLE AND PERMANENT WATER LOSS DETECTION DEVICES.

19 **SECTION 15.** In Colorado Revised Statutes, 38-33.3-106.5, **add**
20 (3) as follows:

21 **38-33.3-106.5. Prohibitions contrary to public policy -**
22 **patriotic, political, or religious expression - public rights-of-way - fire**
23 **prevention - renewable energy generation devices - affordable**
24 **housing - drought prevention measures - child care - definitions.**

25 (3) (a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,
26 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE
27 CONTRARY, AN ASSOCIATION SHALL NOT PROHIBIT ACCESSORY DWELLING

1 UNITS, MIDDLE HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, AND
2 HOUSING IN KEY CORRIDORS. ANY SUCH PROHIBITION ON THE PERMITTING
3 OF ACCESSORY DWELLING UNITS OR MIDDLE HOUSING IS VOID AS A
4 MATTER OF PUBLIC POLICY IN ANY WAY THAT IS PROHIBITED BY ARTICLE
5 33 OF TITLE 29.

6 (b) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET
9 FORTH IN SECTION 29-33-102 (2).

10 (II) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN
11 SECTION 29-33-502 (3).

12 (III) "MIDDLE HOUSING" HAS THE SAME MEANING AS SET FORTH IN
13 SECTION 29-33-102 (18).

14 (IV) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
15 FORTH IN SECTION 29-33-102 (36).

16 **SECTION 16.** In Colorado Revised Statutes, 43-1-106, **amend**
17 (15)(d) as follows:

18 **43-1-106. Transportation commission - powers and duties -**
19 **rules - definitions - efficiency and accountability committee.** (15) In
20 addition to any other duties required by law, the commission shall have
21 the following charges:

22 (d) To study and make recommendations for existing and future
23 transportation systems in Colorado with a focus of such study and
24 recommendations being a ten-year plan for each mode of transportation.
25 ~~Such~~ THE ten-year plan ~~shall~~ MUST be based on what can be reasonably
26 expected to be implemented with the estimated revenues which are likely
27 to be available AND MUST INCLUDE PRIORITIZATION CRITERIA THAT ARE

1 CONSISTENT WITH STATE STRATEGIC GROWTH OBJECTIVES FOR
2 REGIONALLY SIGNIFICANT TRANSPORTATION PROJECTS.

3 **SECTION 17.** In Colorado Revised Statutes, 43-1-113, **add** (20)
4 as follows:

5 **43-1-113. Funds - budgets - fiscal year - reports and**
6 **publications.** (20) BEFORE DECEMBER 31, 2024, THE DEPARTMENT
7 SHALL ENSURE THAT THE PRIORITIZATION CRITERIA FOR ANY GRANT
8 PROGRAM ADMINISTERED BY THE DEPARTMENT ARE CONSISTENT WITH
9 STATE STRATEGIC GROWTH OBJECTIVES, SO LONG AS DOING SO DOES NOT
10 VIOLATE FEDERAL LAW.

11 **SECTION 18.** In Colorado Revised Statutes, 43-1-1103, **amend**
12 (5)(i) and (5)(j); and **add** (2.5) and (5)(k) as follows:

13 **43-1-1103. Transportation planning.** (2.5) BEGINNING
14 DECEMBER 31, 2024, ANY REGIONAL TRANSPORTATION PLAN THAT IS
15 CREATED OR UPDATED MUST ADDRESS AND ENSURE CONSISTENCY WITH
16 STATE STRATEGIC GROWTH OBJECTIVES AS DETERMINED IN SECTION
17 29-33-107.

18 (5) The department shall integrate and consolidate the regional
19 transportation plans for the transportation planning regions into a
20 comprehensive statewide transportation plan. The formation of the state
21 plan shall be accomplished through a statewide planning process set by
22 rules and regulations promulgated by the commission. The state plan shall
23 address but shall not be limited to the following factors:

24 (i) Effective, efficient, and safe freight transport; ~~and~~

25 (j) Reduction of greenhouse gas emissions; AND

26 (k) BEGINNING DECEMBER 31, 2024, ADDRESS AND ENSURE
27 CONSISTENCY WITH STATE STRATEGIC GROWTH OBJECTIVES.

1 **SECTION 19.** In Colorado Revised Statutes, 43-4-1103, **add**
2 (2)(e) as follows:

3 **43-4-1103. Multimodal transportation options fund - creation**
4 **- revenue sources for fund - use of fund.** (2) (e) ON AND AFTER
5 DECEMBER 31, 2024, EXPENDITURES FOR LOCAL AND STATE MULTIMODAL
6 PROJECTS FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND SHALL
7 ONLY BE MADE FOR MULTIMODAL PROJECTS THAT THE DEPARTMENT
8 DETERMINES ARE CONSISTENT WITH STATE STRATEGIC GROWTH
9 OBJECTIVES.

10 **SECTION 20. Appropriation.** For the 2023-24 state fiscal year,
11 \$15,000,000 is appropriated to the housing plans assistance fund created
12 in section 29-33-111 (3), C.R.S. This appropriation is from the general
13 fund. The department of local affairs is responsible for the accounting
14 related to this appropriation.

15 **SECTION 21. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.

Executive Director Town Hall: *Senate Bill 23-213 – Land Use*



Kevin Bommer, Executive Director
Robert Sheesley, General Counsel
Meghan MacKillop, Legislative and Policy Advocate
Heather Stauffer, Legislative Advocacy Manager

Kevin Bommer

INTRODUCTIONS AND OVERVIEW OF AGENDA



Agenda

12:00 Welcome, introductions, ground rules (*Kevin Bommer*)

12:05 Overview of SB 23-213 (*Robert Sheesley and Meghan MacKillop*)

12:35 Overview of talking points and background material for legislators (*All*)

12:45 How to reach your legislators (*Heather Stauffer*)

1:00 Q&A (*moderated by Kevin Bommer*)

1:30 End



Ground Rules

This meeting has nearly 400 CML members registered. It is NOT being held in a webinar format to allow for interactivity, which requires these ground rules:

- ✓ All participants have been muted upon entry to the meeting. Only staff will be able to unmute you.
- ✓ Please make sure your full name is on the screen, and your municipality, employer, or client
- ✓ Use of cameras is encouraged but not required.
- ✓ When the time for Q&A comes, please use the “raise hand” feature and staff will call on individuals and unmute them. The “chat” feature will be enabled throughout. Questions may be asked in the chat but may not be able to be addressed or answered until after the meeting.
- ✓ You may also email your questions to Meghan at mmackillop@cml.org. Any questions not answered right away will help inform a FAQ link on CML’s SB 213 page.



Robert Sheesley and Meghan MacKillop

SUMMARY OF SB23-213



SB23-213 Overview

- The bill is an attempt to tie the housing crisis in Colorado to municipal zoning laws.
- It is overly broad and complex and creates a hyper-vigilant enforcement mechanism within DOLA to ensure that municipalities comply with “minimum statewide standards”, needs assessments, and reporting requirements.
- Counties are largely excluded from requirements in the bill.



State Land Use Requirements

- The bill imposes top-down standards on some local governments to remove local zoning authority.
- Despite frequent references to “affordable housing”, the standards do not create more affordable housing.
- The standards apply only to some municipalities, and then only to some in differing degrees.
- Municipalities are classified into four basic groups.



Geographic Classification of Municipalities

Tier 1 Urban Municipality

- in an MPO with a population of at least 1 million;
- 10% of territory in urbanized area with population over 75,000; and
- a population of at least 1,000; **OR**
- in an MPO with a population under 1 million; and
- a population of at least 25,000

Tier 2 Urban Municipality

- within an MPO;
- a population between 5,000-25,000; and
- in a county with a population of at least 250,000.

Rural Resort Job Center

- not within an MPO;
- a population of at least 1,000;
- 1,200 jobs and a jobs-to-population ratio of at least 64-hundredths; and
- a transit stop serviced by a transit agency serving two municipalities with at least 20 trips per day

Non-urbanized Municipality

- not within the definition of an urban municipality or a rural resort job center; and
- a population of at least 5,000



List of cities impacted by SB23-213

<https://www.cpr.org/2023/03/22/gov-polis-housing-proposal-duplexes-townhomes-adus/>

Urban Municipalities Tier 1	Urban Municipalities Tier 2	Rural Resort Job Centers	Non-Urban Municipalities
<p>Denver region: Arvada, Aurora, Boulder, Brighton, Broomfield, Castle Pines, Castle Rock, Centennial, Cherry Hills Village, Columbine Valley, Commerce City, Denver, Edgewater, Englewood, Erie, Federal Heights, Glendale, Golden, Greenwood Village, Lafayette, Lakewood, Littleton, Lochbuie, Lone Tree, Longmont, Louisville, Northglenn, Parker, Sheridan, Superior, Thornton, Westminster, Wheat Ridge</p> <p>North Front Range: Greeley, Fort Collins, Loveland, Windsor</p> <p>Pikes Peak: Colorado Springs, Fountain</p> <p>Grand Valley: Grand Junction</p> <p>Pueblo Area: Pueblo</p>	<p>Denver region: Dacono, Fort Lupton, Firestone, Frederick</p> <p>North Front Range: Evans, Berthoud, Johnstown, Tinmath, Eaton, Miliken, Severance</p> <p>Pikes Peak: Monument</p>	<p>Aspen, Avon, Breckenridge, Crested Butte, Dillon, Durango, Frisco, Glenwood Springs, Mountain Village, Silverthorne, Snowmass Village, Steamboat Springs, Telluride, Vail, Winter Park</p>	<p>Alamosa, Brush, Canon City, Carbondale, Cortez, Craig, Delta, Eagle, Fruita, Fort Morgan, Gunnison, Gypsum, La Junta, Lamar, Montrose, Rifle, Sterling, Trinidad, Wellington</p>

This table lists communities by tier level, according to a document provided by Rep. Steven Woodrow.



COLORADO MUNICIPAL LEAGUE

Part 1: Housing Needs Assessments and Planning

- DOLA is responsible for issuing methodologies to develop a statewide housing needs assessment.
- DOLA will also issue guidance for regional and local needs assessments.
- Urban municipalities and rural resort job centers must complete a housing needs plan by December 31, 2026, and every five years thereafter.



Part 1: Housing Needs Assessments and Planning

- Urban municipalities and rural resort job centers must use DOLA's regional and local assessments to create housing plans.
- DOLA is required to create guidance for these plans with consultation from the inter-agency committee.
- There will be procedural and extensive mandates for the development and adoption of the plans.
- Plans must be adopted by December 31, 2026, and every 5 years.
- Before submitting the plans to DOLA subject municipalities are required to provide a public comment period to receive written comments.



Part 1: Housing Needs Assessments and Planning

Plan requirements

Narrative description of the stakeholder engagement during the development of the plan

An analysis of how the municipality will provide a “realistic” opportunity for development that will address local housing needs assessment, with an equitable distribution of housing

Housing needs implementation plan, which must describe how the municipality has complied with the ADU, middle housing, transit areas, and key corridor mandates

Greenfield development analysis, which also must be provided to DOLA separately

A description of at least 2 strategies that the municipality adopts from the “menu of affordability strategies”, as well as an implementation plan and the anticipated outcomes for each of the strategies adopted

For an urban municipality only, an analysis of any area at elevated risk of residential displacement



Part 2: ADUs as Use by Right



ADUs over 800 ft² or 50% of primary residence

Anywhere municipality allows single family

Local governments cannot evaluate local conditions

Must allow additions to or conversions of existing units

Cannot have laws that treat ADUs more restrictively, create costs or delays, or make ADUs infeasible

Applies to ALL municipalities, including nonurban



COLORADO MUNICIPAL LEAGUE

Part 3: Middle Housing as Use By Right



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Part 3: Middle Housing as Use By Right

- Municipalities are significantly hindered from being able to determine when and how middle housing is created in their communities, including cases of single family housing conversions.
- Only objective standards and objective procedures can apply.
- Municipalities must allow additions to or conversions of existing single detached dwelling units and must apply the same design standards that apply to single detached dwelling units.
- Municipalities must allow properties to be subdivided using objective standards and procedures.

Part 4: Housing in Transit-oriented Areas

- Multifamily housing:
 - One or more buildings on one lot with separate living units for 3 or more households
- Mixed-income multifamily housing
 - At least 10% of units are set aside for households earning no more than 80% AMI
- Inclusionary zoning ordinances may be overridden if developers claim that the ordinance is “financially infeasible”



Part 5: Housing In Key Corridors



Under the bill, a key corridor is a broad concept that is not limited to transit corridors and could undermine the zoning and land use plans of an entire municipality.



Include “frequent transit service areas” as mapped by DOLA (including in some cases anything within one-quarter mile of a bus route with certain service levels).



Include any parcel in zone districts that permit commercial uses that are supposedly compatible with residential uses and public or institutional uses.



Include anything zoned for a mix of uses other than industrial.



Part 5: Housing in Key Corridors



T1UM must create a zoning district within key corridors to allow multifamily housing as use by right that satisfies DOLA's requirements



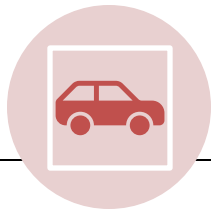
RRJC must allow multifamily housing as use by right wherever a key corridor is designated in the RRJC's regional housing needs plan



Municipalities can allow different density within the key corridor if minimum standards are satisfied.



Municipalities cannot have local laws that apply to create unreasonable costs or delays or make multifamily in a key corridor infeasible.



For key corridors only, the bill prohibits new off-street parking in key corridors for any use.



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Other Preemptions and Mandates

- Unreasonable costs or delays and feasibility
- Preemption from amending, developing, or interpreting local laws in a manner that would interfere with the intent of the bill
- Minimum parking requirements, minimum lot sizes and square footage
- Planned unit development zoning
- Water, wastewater, and stormwater burdens
- Possible impacts to inclusionary zoning ordinances
- Residential occupancy



Manufactured and Modular Housing

- Municipalities must address manufactured and modular housing in the same manner as site-built homes
- Prohibition of regulations that would “affect development” of M&M housing
- Removes language ensuring authority to enact consistent zoning, developmental, use, aesthetic, or historical standards that are applicable to existing and new housing



Source: <https://www.fadingwestdevelopment.com/construction>



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Transportation Planning and Strategic Growth

- Beginning June 30, 2024, counties and municipalities must include water planning elements, including the location and extent of water supply, a water supply and conservation policies, and priorities for natural and agricultural land in accordance with the state’s natural and agricultural land priorities report.
- Counties over 250,000 in population must include a greenfield development analysis, an element that is also required in municipal housing plans (outlined in previous sections).
- DOLA must receive draft and final plans and is required to review plans for compliance.
- Transportation commission recommendations must include prioritization criteria that are consistent with “state strategic growth objectives” for regionally significant projects.



The Expanded Role of DOLA

- DOLA mission:
 - *The Department of Local Affairs is responsible for strengthening Colorado’s local communities through accessible, affordable, and secure housing; implementation of property tax law; and increasing capacity building, strategic training, research, technical assistance, and funding to localities.*

Source: DOLA Performance Plan FY23, <https://drive.google.com/file/d/1XQ2qsgakn-mfokcDOYhj093105vXRvr3/view>



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OVERVIEW OF MAJOR TALKING POINTS AND ADVOCACY TOOLKIT



CML Advocacy Resources

Advocacy resources are available on CML's website.

Go to www.cml.org and scroll down to the Advocacy section



- SB23-213 Bill Language
- SB23-213 Bill Analysis
- Sample Resolution Opposing SB23-213
- Sign on to CML's Letter of Opposition
- SB23-213 Position Paper
- More items to be added*



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Opposition Sign-on Letter

<https://forms.office.com/r/isT8sv0xfn>

SB 23-213 Opposition Sign-on



Public Testimony

How to sign up

- When SB23-213 is scheduled for a public hearing, you will receive an Action Alert from CML letting you know the date, time and location of the hearing.
- You must sign up to testify in committee **ahead** of when the committee meeting starts. Sign up via the CGA website:

<https://www2.leg.state.co.us/CLICS/CLICS2023A/commsumm.nsf/signIn.xsp>

- You can choose to testify in person or remotely via zoom. If you choose to testify remotely you will receive a link via email which you will follow to access the meeting.
- Please email mmackillop@cml.org with the name of the person signed up to testify and whether they will be in person or remote.

For screen reader instructions, please click this [link](#).

- Remote Testimony
- Submit Written Testimony
- Testifying in Person
- Listen Online

*Indicates a required field.

Testifying Remotely via Zoom

- By Committee and Hearing Item
- By Hearing Item
- By Sponsor and Bill

Sponsor

Moreno

Meeting Date and Time

Select meeting Date and Time

Hearing Item

Select a hearing item



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Public Testimony

what to say!

- During the committee hearing, you will be called up by the chair of the committee to testify. Wait until the chair recognizes you and asks you to give your testimony before you start speaking.
- Testimony will likely be limited to around **3 minutes per person**, so make sure your comments are concise so you can cover everything you want in the given timeframe.
- If you are asked questions, please direct all comments through the chair and wait to speak until the chair has recognized you.

Example of Testimony:

Thank you Mr./ Madame Chair, My name is [TITLE]/ [NAME] I am here representing [City/Town]. We are opposed to SB23-213 and would ask for a "no" vote on this bill.

- What is your municipality doing currently to address affordable housing in your community?
- How does SB23-213 negatively impact your community?

Thank you and I'm happy to answer questions.

- CML advocacy staff are testimony experts, and we are always happy to guide you or give suggestions. Please reach out to hstauffer@cml.org or mmackillop@cml.org with any questions!



QUESTIONS





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NO
SB23-213

Vote **NO** on **SB23-213** | Land Use

WHAT DOES THE BILL DO?

SB23-213 represents the most sweeping attempt in recent Colorado history to remove local control and home rule authority from elected leaders, professional planning staff, and the people of Colorado. The bill dramatically expands state authority by imposing top-down zoning and land use standards on municipalities, and it puts those decisions into the hands of developer interests and unelected third parties. SB23-213 does not recognize that local governments are best suited to address the needs of their communities, and it flies in the face of local government efforts to solve the affordable housing crisis.

WHY YOU SHOULD VOTE NO

Top-down zoning disregards people: The bill ignores long term local planning efforts and creates a patchwork of residential land use laws for only municipalities that reflect what the state wants, not what the people who live in a municipality want. Residential developments will be allowed based either on a “model code” created by DOLA through a process that is insulated from public feedback or on inflexible minimum standards established in statute. Either way, the bill does away with a tradition of local authority that helps to guide communities to develop in an orderly manner while preserving community character, ensuring growth happens as desired, and protecting community resources. For many municipalities, this means that every residential parcel must accommodate accessory dwelling units or middle housing (up to six-unit buildings). The bill mandates minimum densities and some affordability standards to large swaths of property near rail stations or vague areas called “key corridors.” These requirements will interfere with local affordability efforts. All these new mandates are imposed without assurance of adequate water, public safety, or other resources and even prohibit requiring necessary parking. Other vague language jeopardizes reasonable regulations.

More housing (just not now or affordable): Despite being titled “State Land Use Requirements for Affordable Housing,” the bill does not require affordability at all and is premised on speculation that developers will build more housing, either passing savings along to Coloradans or causing a market-based decline in housing costs. The bill requires that municipalities incorporate a “menu of strategies” to address affordable housing concerns in their communities to offer flexibility. The menu, however, offers no new powers and will be developed by executive branch agencies without local government involvement. The bill undermines local efforts to create affordable housing if developers find them objectionable and takes away local leverage to incentivize affordable multifamily housing.

100 YEARS



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DOLA's new powers: DOLA, an agency traditionally seen as a partner and supporter of local governments, will be given extremely broad regulatory authority and oversight powers. The bill removes any pretense of collaboration and makes municipalities subservient to DOLA as the law requires extraordinarily cumbersome reporting standards and subjects local elected bodies to regulatory governance. DOLA is tasked with issuing paradigm-shifting methodologies, guidance, menus of strategies, statewide strategic growth objectives, model codes, rules, and minimum standards based on the recommendations of a multi-agency committee of executive appointees, without any meaningful public input. DOLA is even granted authority to modify statutory minimum standards relating to ADUs, middle housing, and housing in transit-oriented areas and key corridors. DOLA is also tasked with substantial new oversight and enforcement responsibilities including the receipt, review, and approval of various reports, codes, drafts, and final plans. Regulatory zoning tells the people of Colorado that their voice does not matter

Housing without transit: Despite creating mandates for transit-oriented areas and key corridors, nothing in the bill would improve the state's public transit system. The bill supposes that cars will disappear or that public streets will accommodate new residents' vehicles; the bill prohibits municipalities from requiring any new parking.

Tunnel vision ignores local burdens: Land use regulation is a complex process, both substantively and procedurally, that considers wide-ranging issues of importance to a community. The bill uses a heavy hand to make development easier without meaningful regard for affordability, water, the provision of municipal services, education, the preservation of municipal budgets, public infrastructure, protecting communities against displacement or gentrification, or quality of life. Municipalities will be forced to bow to developer demands or expend precious resources in litigation to enforce reasonable local regulations.

Constitutionality: The bill primarily applies to municipalities whose residents have chosen to adopt home rule charters under Art. XX, S. 6 of the Colorado Constitution. Zoning has been long recognized by the Colorado Supreme Court as a matter of local concern where the General Assembly has no authority. The bill disregards both precedent and the meaningful reasons why Coloradans' preference for local control matters.

YOUR OPPOSITION IS RESPECTFULLY REQUESTED

SB23-213 is an overly broad, overly complex series of preemptions and mandates, ignoring the fact that local governments are best suited to shape their communities. The bill disregards the historic investments the state has made in the past two years in creating affordable housing and instead undermines public input and expertise of local leaders.

All levels of government can work together, along with our partners in the business and nonprofit community, to solve the housing crisis without creating unintended, irreparable consequences. SB23-213 is an unprecedented repudiation of decades worth of well settled land use and zoning law, and the General Assembly should instead consider a solution that is the result of true collaboration between the state, local governments, and other partners to find a Colorado solution for housing.

CONTACT

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CML Analysis of SB23-213, Land Use

► INTRODUCTION

Senate Bill 23-213 includes several subjects but primarily focuses on a central theme: municipal zoning laws caused the housing crisis by not permitting unfettered residential construction and by trying to protect communities and resources. The bill attempts to draw a line from local zoning laws affecting individual parcels of land in dozens of municipalities to “regional imbalances” that “affect equity, pollution, infrastructure costs, and quality of life.” The bill does not question the state’s involvement in actual statewide problems, but asserts that state regulation of hyper-local matters, imposed through over a dozen regulatory actions with insufficient process, will improve these imbalances and presumes that there will not be significant unintended consequences. This analysis is not a complete list of problems in the bill but represents the most significant elements.

► CML ANALYSIS:

LAND USE BILL WOULD DO LITTLE TO MAKE HOUSING AFFORDABLE

Section 2 of SB23-213 creates a new article 33 in title 29 that imposes top-down standards on some local governments to remove local zoning authority. Despite being titled as requirements for affordable housing, Section 2 doesn’t require affordability at all and is premised on speculation that developers will build more housing, either passing savings along to Coloradans or causing a market-based decline in housing costs. Section 2 begins with overbroad and complex definitions and continues to address assessments and planning before imposing mandates and preempting authority to zone land for particular uses.

An uneven strategy

The bill largely applies only to municipalities, and then only to some municipalities and in differing degrees. Municipalities are classified into four basic groups that do not cover all municipalities. The bill’s requirements apply to each category, and then subsets of categories, to differing degrees in each part. Identifying where a municipality is classified is a complicated process requiring reference. Whether the bill addresses actual problems in the municipalities included in each category or causes more problems in those municipalities will be difficult to determine. See the last page of this analysis for a list of affected municipalities, reported by Colorado Public Radio.



Geographic Classification of Municipalities

Tier 1 Urban Municipality (T1UM)	Tier 2 Urban Municipality (T2UM)	Rural Resort Job Center (RRJC)	Non-urbanized Municipality (NUM)
In an MPO with a population of at least 1 million	Within an MPO	Not within an MPO	Not within the definition of an urban municipality or a rural resort job center; and
10% of territory in urbanized area with population over 75,000; and	A population between 5,000-25,000; and	A population of at least 1,000	A population of at least 5,000
A population of at least 1,000; <i>or</i>	In a county with a population of at least 250,000	1,200 jobs and a jobs-to-population ratio of at least 64-hundredths; and	
In an MPO with a population under 1 million; and		A transit stop serviced by a transit agency serving two municipalities with at least 20 trips per day	
A population of at least 25,000			

The bill grants broad regulatory authority to DOLA

The bill contemplates dozens of regulatory actions, primarily by DOLA. The bill appropriates \$15 million dollars to DOLA; however, it is not clear how that funding will be expended and whether funding for the various regulatory actions is included.

First, the Director of DOLA is tasked with issuing multiple methodologies, guidance, “menus” of strategies, statewide strategic growth objectives, model codes, rules, and minimum standards based on the recommendation of a “multi-agency committee” of executive appointees. Although the bill does not outline a public comment process, DOLA will undergo a rulemaking process that may include a public comment period. The committee’s recommendation only involves a limited public process involving public comment, consultation with local governments and experts, and only two hearings, despite having statewide impact and addressing extremely local issues (29-33-108(2)). The bill does not specify which local governments and “local experts” will be consulted, and it is seemingly up to the committee members to choose those experts without any guidelines. There are no requirements to ensure inclusivity, such as meetings during varying hours, meetings in different geographic locations, or outreach to educate and explain proposed recommendations.

Second, the Director of DOLA is granted authority to modify statutory minimum standards relating to accessory dwelling units (ADUs), middle housing, housing in transit-oriented areas, and housing in key corridors. Only token consideration of process is provided.

Third, DOLA is tasked with a substantial amount of new oversight and enforcement responsibility with the receipt, review, and approval of various reports, codes, and draft and final plans.

In addition to DOLA, the Office of Climate Preparedness is directed to develop a natural and agricultural land priorities report that MPOs should apply to achieve connectivity of open space and natural lands and preservation of agricultural land and open space. Counties and municipalities must include natural and agricultural priorities in their master plans in accordance with the state’s mandate.

Ambiguous mandates for housing needs assessment & planning

The bill asserts that “assessing and planning for housing needs” is a matter of mixed state and local concern. DOLA will issue methodologies for developing state, regional, and local “housing needs assessments” and then create the assessments every 5 years, beginning December 31, 2024. DOLA will allocate shares of statewide housing needs to regions defined by DOLA and local governments. DOLA will also use local housing needs assessments to mandate “net residential zoning capacities” for key corridors in tier 1 urban municipalities and rural resort job centers (see below for a more detailed analysis).

T1UM, T2UM, and RRJC municipalities must use DOLA’s local and regional assessments to inform any required “housing needs plans.” DOLA will create guidance for these plans, but the bill includes procedural and extensive, but ambiguous, substantive mandates for their development and adoption, including requirements to describe compliance with the bill’s mandates and a “greenfield development analysis.” The greenfield development analysis relies on undefined “statewide strategic growth objectives” also developed by DOLA. The bill’s limited direct connection to affordability and displacement includes requirements to include a varying number of strategies regarding those issues from state-created “menus” (also developed by DOLA), although RRJC are not required to address displacement. None of the items in the menus provide additional authority to municipalities beyond existing law and given the bill’s other restrictions, may inhibit existing authority to plan communities and ensure affordability.

Housing needs plans, a greenfield development analysis, and a concept of natural and agricultural land priorities consistent with state requirements must be included in master plans for T1UM, T2UM, and RRJC.

Counties and municipalities that DOLA groups into rural resort regions are required to participate in “regional housing needs planning process” resulting in a report and commitments that DOLA must review and approve. The bill suggests that this process will encourage participants to address needs through individual or regional strategies, including strategies from “menus” and locations where reduced parking requirements can reduce housing needs. The process will map locations where Article 33’s minimum standards for middle housing, transit-oriented areas, and key corridors could meet needs, but later the bill actually indicates that this map would dictate where middle housing standards apply in RRJCs.

Burdensome reporting standards

T1UM, T2UM, and RRJC must collect, track, maintain, and report to DOLA an overwhelming amount of data beginning December 31, 2026. These municipalities must report both the number of permits for new housing and the number of housing construction starts each categorized by structure type, time frames to complete residential permit reviews by housing type, workforce assigned to development review by position time, implementation status of strategies identified in a housing needs plan mandated by the law, zoning information specifying zone districts, allowed uses and densities and “other data,” and regional efforts to address housing needs.

“Use by right” would supersede local control

In removing the legislative discretion of municipal governing bodies in making zoning decisions, the bill removes a traditional elements of zoning authority to consider — in their best legislative judgment — consistency with plans, compatibility or harmony of surrounding land uses and development, and strategies for mitigating project impacts. Each of the zoning preemptions also includes a concept of a “use by right,” meaning the development approval relies only on “objective standards” that lack any discretionary component. Objective standards prohibit any personal or subjective judgment by a public body or official and must be “uniformly verifiable or ascertainable by reference to an external or uniform benchmark or criterion” that is known before filing of the proposal. Not only does this inhibit local officials from exercising traditional authority, but it also potentially prevents municipalities making critical changes to land use laws to protect their communities that might apply to a pending project.

Zoning preemption No. 1: Accessory dwelling units — T1UM, T2UM, RRJC, NUM

The bill declares “an increased supply of housing through accessory dwelling units” to be a matter of mixed state and local concern but reflects inadequate study of how ADUs are treated in all subject jurisdictions or what the supply would look like if the bill is enacted. Under the bill, an ADU is an internal, attached, or detached “dwelling unit” providing complete independent living facilities for at least one person that is located on the same lot as a primary residence with provisions for living, sleeping, eating, cooking, and sanitation.

By December 31, 2024, a T1UM, T2UM, and RRJC must change their local laws concerning ADUs to meet the bill’s minimum standards (as may be modified by DOLA) or adopt DOLA’s model ADU code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt meet the minimum requirements by June 30, 2025, or DOLA’s rejection of the jurisdiction’s report, means the model code goes into effective immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using “objective procedures” and the municipality cannot have any “local law” that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA’s model ADU code will allow ADUs as a “use by right” anywhere a municipality allows single-unit detached dwelling units as of January 1, 2023. The code will provide “objective standards” for approval of the units, so that officials cannot evaluate local conditions to determine if the ADU will cause an unfair burden or be incompatible. The model code cannot require new off-street parking in any subject jurisdiction, even if the ADU is in an area without adequate parking or transit. The model code is not subject to the same minimum standards that apply to municipalities that do not adopt the model code.

The bill establishes minimum standards that attempt to preempt local law if the model code is not voluntarily adopted. DOLA can update minimum standards through rulemaking under an ambiguous “public hearing and comment process.”

ADUs are not required to be permitted on the same lot or parcel as middle housing.

Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts.

Minimum Standards for ADUs

ADUs of the greater of 800 square feet or 50% of the primary residence must be allowed as a “use by right” anywhere the municipality allows single-unit, detached dwelling units as of January 1, 2023.

Only “objective standards and objective procedures can apply,” meaning that officials cannot evaluate local conditions to determine if the ADU will cause an unfair burden or be incompatible.

Municipalities must allow additions to, or conversions of, existing single detached dwelling units and must apply the same design standards that apply to single detached dwelling units.

Municipalities cannot have local laws that treat ADUs more restrictively, “create unreasonable costs or delays” or make ADUs “infeasible,” require that primary residences be owner-occupied, require new off-street parking (in T1UM and T2UM), or require side or rear setbacks of more than 5 feet unless needed for health or safety standards.

Zoning preemption No. 2: “Middle housing” — T1UM and RRJC

The bill declares “an increased supply of housing through middle housing” to be a matter of mixed state and local concern but reflects inadequate study of how “middle housing” is treated in all subject jurisdictions or what the supply would look like if the bill is enacted. Under the bill, “middle housing” is either a single structure with 2-6 separate dwelling units (duplex through sixplex), a townhome, or cottage cluster. A townhome is a dwelling unit in a row of 2 or more attached dwelling units on individual lots with common walls. A cottage cluster is a grouping of at least 4 detached units with a common courtyard, with each unit being smaller than 901 square feet.

By December 31, 2024, a T1UM, and by December 31, 2026, a RRJC, must change their local laws concerning middle housing to meet the bill’s minimum standards (as may be modified by DOLA) or adopt DOLA’s model middle housing code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt the minimum requirements by June 30, 2025, for a T1UM, or by June 30, 2027, for a RRJC, or DOLA’s rejection of the jurisdiction’s report, means the model code goes into effect immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using “objective procedures” and the municipality cannot have any “local law” that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA’s model middle housing code will allow middle housing as a “use by right” anywhere the municipality allows single-unit detached dwelling units as of January 1, 2023. The code will provide “objective standards” for approval of the units, so that officials cannot evaluate local conditions to determine if the housing will cause an unfair burden or be incompatible. The model code cannot require new off-street parking in any subject jurisdiction, even if the housing is in an area without adequate parking or transit. The model code is not subject to the same minimum standards that apply to municipalities that do not adopt the model code.

The bill establishes minimum standards that attempt to preempt local law if the model code is not voluntarily adopted.

Minimum Standards for Middle Housing

Middle housing of at least 125% of the building area of a single-unit detached dwelling must be allowed as a “use by right” anywhere the T1UM allows single-unit detached dwelling units as of January 1, 2023, or wherever designated in the RRJC’s regional housing needs plan (even if the RRJC did not approve it).

Only “objective standards and objective procedures can apply,” meaning that officials cannot evaluate local conditions to determine if the middle housing type will cause an unfair burden or be incompatible.

Municipalities must allow additions to or conversions of existing single detached dwelling units and must apply the same design standards that apply to single detached dwelling units.

Municipalities must allow properties to be subdivided using objective standards and procedures.

Municipalities cannot have local laws that treat middle housing more restrictively, “create unreasonable costs or delays” or make middle housing “infeasible,” apply minimum setbacks, lot widths, lot depths, lot size standards, or maximum height standards that are more restrictive than single-unit detached dwellings on the same property, require new off-street parking, or impose footprint restrictions differently than single-unit detached dwellings.

DOLA can update minimum standards through rulemaking under an ambiguous “public hearing and comment process.” Middle housing is not required to be permitted on the same lot or parcel as an ADU. Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts. Middle housing requirements will not affect an inclusionary zoning ordinance unless it renders the “development of middle housing financially infeasible.” The bill does not define “financially infeasible” and does not explain how a developer must prove that the ordinance makes said development financially infeasible. This could make inclusionary zoning ordinances moot.

Zoning preemption No. 3: Housing in “transit-oriented areas” — T1UM with fixed rail

The bill declares “an increased supply of housing in transit-oriented areas” to be a matter of mixed state and local concern but reflects no study of how any of the subject jurisdictions treat the topic or what the supply would look like if the bill is enacted. Under the bill, a “transit-oriented area” is a one-half mile boundary from some part of a fixed-rail transit station, including parcels that have at least 25% of their area within the boundary. Unincorporated parcels are not included.

The focus of this part of the bill is on multifamily housing (one or more buildings on one lot with separate living units for 3 or more households) and mixed-income multifamily housing (at least 10% of units are set aside for households earning no more than 80% AMI). Although municipalities with inclusionary zoning ordinances can establish their own threshold and set asides, the bill interferes by setting density standards and inconsistently restricts local inclusionary zoning ordinances based on the financial effect on developers.

By December 31, 2024, a T1UM with a transit-oriented area must change their local laws concerning housing in transit-oriented areas to meet the bill’s minimum standards (as may be modified by DOLA) or adopt DOLA’s transit-oriented area model code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt meet the minimum requirements by June 30, 2025, or DOLA’s rejection of the jurisdiction’s report, means the model code goes into effective immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using “objective procedures” and the municipality cannot have any “local law” that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA’s transit-oriented area model code will prohibit new-off street parking in transit-oriented areas for multifamily or mixed-income multifamily development, allow minimum density as a “use by right” for multifamily residential (at least 40 units per acre net density) and mixed-income multifamily (at least 60 units per acre net density). Affordable units must be a similar size. This prevents T1UM jurisdictions from influencing multifamily development according to local standards.

The bill establishes minimum standards that attempt to preempt local law if the model code is not voluntarily adopted.

Minimum Standards for Transit-Oriented Areas

A T1UM must legislatively create a zoning district for the transit-oriented area to allow multifamily housing as a “use by right” with a minimum gross density of 40 units per acre for all eligible parcels. Districts can extend outside the transit-oriented area to meet gross density requirements based on development constraints or other planning for transit-compatible uses.

Municipalities cannot have local laws that apply to “create unreasonable costs or delays” or make multifamily in a transit-oriented area or the residential density limits “infeasible” or require new off-street parking.

DOLA can update minimum standards through rulemaking under an ambiguous “public hearing and comment process.” Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts. Transit-oriented area requirements will not affect an inclusionary zoning ordinance unless it renders the “development of multifamily housing financially infeasible.”

Zoning preemption No. 4: Housing in “key corridors” — T1UM and RRJC

The bill declares “an increased housing supply in key corridors” to be a matter of mixed state and local concern but reflects no study of how any of the subject jurisdictions treat the topic or what the supply would look like if the bill is enacted. Under the bill, a “key corridor” is an extraordinarily broad concept that is not limited to transit corridors and could undermine the zoning and land use plans of an entire municipality. Key corridors include “frequent transit service areas” as mapped by

DOLA (including in some cases anything within one-quarter mile of a bus route with certain service levels). Key corridors also include any parcel in zone districts that permit commercial uses that are supposedly compatible with residential uses and public or institutional uses. Key corridors also include anything zoned for a mix of uses other than industrial. The definitions used in this part are likely inconsistent with many local zoning codes and could capture very large parts of a community.

The bill suggests some option for the municipality that does not adopt a model code to designate their own key corridors. The bill extent of this discretion is not clear, and all minimum standards described for key corridors apply.

The focus of this part of the bill also focuses on multifamily housing (one or more buildings on one lot with separate living units for 3 or more households) and mixed-income multifamily housing (at least 10% of units are set aside for households earning no more than 80% AMI). Although municipalities with inclusionary zoning ordinances can establish their own threshold and set asides, the bill interferes by setting density standards, set asides, and AMI requirements, and inconsistently restricts local inclusionary zoning ordinances based on the financial effect on developers.

By December 31, 2026, T1UM and RRJC must change their local laws concerning housing in key corridors to meet the minimum standards that DOLA must develop or adopt DOLA's key corridor model code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt and meet the minimum requirements by June 30, 2027, or DOLA's rejection of the jurisdiction's report, means the model code goes into effective immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using "objective procedures" and the municipality cannot have any "local law" that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA's key corridor model code will set minimum residential density limits for multifamily housing as a "use by right," an allowable minimum residential density limit for mixed-income multifamily housing at least 50% greater than the multifamily minimum density as a "use by right," requirements for set asides for low- and moderate-income households.

By June 30, 2025, DOLA will establish key corridor minimum standards that attempt to preempt local law if the model code is not voluntarily adopted. The minimum standards appear to be targeted to take over municipal land use planning in broad swaths of territory and must include: guidance to encourage regional strategies for key corridors, a "net residential zoning capacity" for each municipality based on that municipality's local housing needs assessment, and "any additional standards" that DOLA "deems necessary," like a minimum residential density limit and minimum district size.

Minimum Standards for Key Corridors

A T1UM must legislatively create a zoning district within key corridors to allow multifamily housing as a "use by right" that satisfies DOLA's mandated net residential zoning capacity and requirements that DOLA may impose.

A RRJC must allow multifamily housing as a "use by right" wherever a key corridor is designated in the RRJC's regional housing needs plan (even if the RRJC did not approve it).

Municipalities can allow different density within the key corridor if minimum standards are satisfied.

Municipalities cannot have local laws that apply to "create unreasonable costs or delays" or make multifamily in a key corridor "infeasible."

For key corridors only, the bill prohibits new off-street parking in key corridors **for any use.**



Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts. Key corridor requirements will not affect an inclusionary zoning ordinance unless it renders the “development of multifamily housing financially infeasible.”

What’s exempt from SB23-213?

Each part of the proposed article 33 of title 29 includes varying degrees of exemptions. Except for ADU requirements, a common exemption is for “standard exempt parcels,” or those that are outside an urbanized area, not served by domestic water or sewer treatment, have an agricultural zoning designation as of January 1, 2023, are noted as a “high risk, high very high, or very high risk” for wildfire by the state forest service (which does not appear to include much land covered by the bill), or in a floodway or 100-year floodplain identified by FEMA. The bill does not account for other local conditions.

For transit-oriented areas, standards also do not apply in park and open space or on properties subject to conservation easements. For key corridors, standards also do not apply on a site that is on or adjacent to a site used or permitted for industrial use or designated for heavy industrial use in a master plan adopted before 2023.

“Unreasonable costs or delays” and feasibility

Each of the zoning preemptions includes a dangerous concept that preempts any local land use law that “individually or cumulatively create unreasonable costs or delays” or that would make the permitting, siting, or construction of the housing type “infeasible.” This language recklessly exposes municipalities to significant liability, could undermine local efforts to create affordable housing, and risks forcing the public to bear burdens that should be borne by developers. It is unclear whether safety standards, impact fees, fees for water or municipal services, or other important local standards could fall prey to this type of language. Several provisions in the middle housing, transit-oriented areas, and key corridor parts also suggest that financial burdens on developers imposed by local inclusionary zoning ordinances will invalidate those local laws.

Interference

Each of the zoning preemptions includes another dangerous concept that would preempt a municipality from amending, developing, or even interpreting a local law “in a manner that would interfere with the intent” of the part. Broad and careless language could have significant unintended consequences and expose municipalities to significant risk.

Parking burdens

Each zoning preemption prohibits a municipality from requiring new off-street parking as part of a housing development approval. The “key corridor” provision appears to prohibit parking requirements for any development approval in a key corridor, not just housing. The bill does not limit these restrictions to any guarantee of public transit availability. The bill does not identify where cars will go or how municipalities are to address the burdens on public streets, public safety, and quality of life. Each zoning mandate permits parking standards required by the Americans with Disabilities Act.

Water, wastewater, and stormwater burdens

Each zoning preemption allows a municipality to apply to DOLA for an unclear “extension of applicable requirements” based on deficient water, sewer, or stormwater “services.” The bill does not seem to account for any other burden on public infrastructure or services. To obtain the extension, the municipality must have a plan to remedy the deficiency on a specific timeline and must show that it cannot serve other, less efficient housing types than those provided in the mandate. The provisions do not account for pre-existing service obligations to those other housing types or rights of their owners. These provisions also do not consider long-term planning and suggest that municipalities must fund development to accommodate the state mandate.

Manufactured & modular housing

Section 3 requires the division of housing to create a report by June 30, 2024, on “opportunities and barriers” in current state law concerning manufactured homes, modular homes, and tiny homes.

Sections 4 and 6 remove financial assurance requirements for manufacturers of factory-built structures (not necessarily limited to residential structures). Under current law, those assurances are payable to the division if the manufacturer fails to deliver a structure or refund a down payment or ceases doing business.

Section 5 adds “final construction plan reviews” to the scope of quality assurance representatives approved by the Division of Housing relating to factory-built structures. The impact of this addition is not clear.

Section 11 amends current law to mandate that municipalities address manufactured and modular housing in the same manner as site-built homes. Municipalities must use “objective standards” and an administrative review process equivalent to site-built homes, unless a subjective review process is used for site-built homes. More restrictive standards than are applied to site-built homes are prohibited, including zoning and subdivision laws and “other regulation affecting development” such as requiring permanent foundations, minimum floor space, home size or sectional requirements, “improvement location standards,” and side yard or setback standards. Despite allowing for equivalency with site-built homes, the bill removes existing language that ensures authority to enact consistent zoning, developmental, use, aesthetic, or historical standards that are applicable to existing and new housing. The categorization of municipalities in Section 2 does not apply to these amendments.

Preemption of planned unit development zoning

Section 7 amends the Planned Unit Development Act at CRS 24-67-105(5.5) to provide that PUDs with residential uses cannot restrict ADUs, middle housing, housing in transit-oriented areas, or housing in key corridors in a manner prohibited by the proposed article 33 of title 29. It is not clear whether this applies only to PUDs in jurisdictions covered by proposed article 33 or more broadly.

Preemption of residential occupancy limits

Section 8 creates CRS 29-20-110 that would preempt counties and municipalities from placing residential occupancy limits on “dwellings” that differentiate between occupants based on family relationship (other than short term rental restrictions). Here, a “dwelling” is defined as any improved property used or intended to be used as a residence, but in Section 2 a different definition of “dwelling” is used. (a single unit providing complete independent living facility

No commitment to use state-controlled property for affordable housing

Section 10 permits statutory municipalities to sell municipal property held for a government purpose (other than park property) without an election if the purpose is to develop affordable housing. The categorization of municipalities in Section 2 does not apply to these amendments. The state makes no commitment to the use of state-controlled property for affordable housing in the bill.

A narrowing of municipal zoning authority

In addition to Section 2’s broad preemptions and mandates, Section 13 bluntly narrows the traditional zoning authority of municipalities by prohibiting T1UM and T2UM from imposing minimum square footage requirements for residential units unless “necessary for health and safety” in the municipality. The bill would not allow those municipalities to address issues relating to their communities’ welfare.

Undefined process for creating master plans

Sections 9 and 12 amend Titles 30 and 31 regarding county and municipal master plans. The categorization of municipalities in Section 2 does not apply to these amendments. Counties and municipalities must ensure an undefined “inclusive process” by consulting with housing authorities, nongovernmental organizations, and local governments in the creation of the master plan. Master planning already involves heavy public engagement.

Counties and municipalities must include, for plans after June 30, 2024, water items including the location and extent of water supply, a water supply element and conservation policies, and priorities for natural and agricultural land in accordance with the state’s natural and agricultural land priorities report. Counties over 250,000 in population must include a “greenfield development analysis.”

Section 12 also addresses the inclusion of housing needs plans, a greenfield development analysis, and a concept of natural and agricultural land priorities following the state’s natural and agricultural land priorities report.

DOLA must receive draft and final plans and is required to review plans for compliance.

New reporting requirements for water loss accounting

Section 14 requires covered entities (including municipal and special district water providers) to provide and validate water loss audit reports to the Colorado Water Conservation Board. The board will adopt standards for validation of reports, technical qualifications, and methods by January 1, 2025. Some funding is provided for assistance in validation and for technical training and assistance to guide water loss programs.

Invalidation of HOA housing decisions

Section 15 would invalidate common interest community limitations on ADUs, middle housing, housing in transit-oriented areas, and housing in key corridors.

Transportation planning and grants. Section 16 requires the transportation commission to include “statewide strategic growth objectives relating to regionally significant transportation projects” in the ten-year plans for existing and future transportation systems created under CRS 43-1-106(15)(d). It is not clear whether those objectives are the same created by DOLA under Section 2.

Section 17 requires the department of transportation to ensure that grant prioritization criteria are “consistent with state strategic growth objectives” by December 31, 2024. It is not clear whether those objectives are the same created by DOLA under Section 2.

Section 18 requires regional transportation plans and the statewide transportation plan under CRS 43-1-1103, beginning December 31, 2024, to address and ensure consistency with state strategic growth objectives. At least for the regional plans, the objectives are those determined by DOLA under the proposed CRS 29-33-107.

Section 19 requires that projects funded from the multimodal transportation options under CRS 44-4-1103 be “consistent with state strategic growth objectives.” It is not clear whether those objectives are the same created by DOLA under Section 2.

Inadequate funding

Section 20 appropriates \$15 million for DOLA to provide technical assistance under the proposed CRS 29-33-111(3). The extensive amount of code revision, reporting, plan development, and compliance with various mandates required by the bill in covered municipalities has an unknown cost that would certainly exceed this funding. The funding will not address impacts

to infrastructure, public services, and quality of life in municipalities or litigation costs arising from the bill. The funding does not address the major overhaul of DOLA’s mission and authority.

Safety clause prevents voters from weighing in

Section 21 includes a safety clause, preventing voters from exercising the right of referendum. Local zoning ordinances on the same issues covered by the bill are subject to the reserved constitutional power of referendum.

► SUPPLEMENTAL INFORMATION

Communities by tier level

Urban Municipalities Tier 1	Urban Municipalities Tier 2	Rural Resort Job Centers	Non-Urban Municipalities
<p>Denver region: Arvada, Aurora, Boulder, Brighton, Broomfield, Castle Pines, Castle Rock, Centennial, Cherry Hills Village, Columbine Valley, Commerce City, Denver, Edgewater, Englewood, Erie, Federal Heights, Glendale, Golden, Greenwood Village, Lafayette, Lakewood, Littleton, Lochbuie, Lone Tree, Longmont, Louisville, Northglenn, Parker, Sheridan, Superior, Thornton, Westminster, Wheat Ridge</p> <p>North Front Range: Greeley, Fort Collins, Loveland, Windsor</p> <p>Pikes Peak: Colorado Springs, Fountain</p> <p>Grand Valley: Grand Junction</p> <p>Pueblo Area: Pueblo</p>	<p>Denver region: Dacono, Fort Lupton, Firestone, Frederick</p> <p>North Front Range: Evans, Berthoud, Johnstown, Tinmath, Eaton, Miliken, Severance</p> <p>Pikes Peak: Monument</p>	<p>Aspen, Avon, Breckenridge, Crested Butte, Dillon, Durango, Frisco, Glenwood Springs, Mountain Village, Silverthorne, Snowmass Village, Steamboat Springs, Telluride, Vail, Winter Park</p>	<p>Alamosa, Brush, Canon City, Carbondale, Cortez, Craig, Delta, Eagle, Fruita, Fort Morgan, Gunnison, Gypsum, La Junta, Lamar, Montrose, Rifle, Sterling, Trinidad, Wellington</p>

This table lists communities by tier level, according to a document provided by Rep. Steven Woodrow.

Tier-level table published by Colorado Public Radio, <https://bit.ly/3FVlyio>.



RESOLUTION NUMBER _____

**RESOLUTION OF THE [NAME OF MUNICIPALITY] IN OPPOSITION
TO STATEWIDE LAND USE AND ZONING PREEMPTIONS IN SENATE BILL 23-213**

WHEREAS, for a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it;

WHEREAS, zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide enough public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community’s economic goals; to prevent displacement of existing people; to preserve important historical sites; and to protect open space and the environment in general;

WHEREAS, Senate Bill 23-213 would place statewide mandates on hyper local land use matters and substitute the judgment of legislators and state regulators who lack the understanding needed to make the right decisions for our community;

WHEREAS, Senate Bill 23-213 will undermine long-range planning efforts and will severely limit our ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for our current and future residents, workers, and business owners;

WHEREAS, Senate Bill 23-213 silences the voices of our residents by taking away the right to be heard at public hearings on zoning matters or to use their constitutional rights of initiative or referendum to address zoning and land use matters;

NOW, THEREFORE, be it resolved by the [City Council/Board of Trustees] of the [Name of Municipality] that:

1. It is the position of the [Name of Municipality] that municipalities are best suited to determine appropriate zoning laws for their communities and that collaboration and cooperation – not top-down statewide mandates and giveaways to special interests – are the solution to Colorado’s affordable housing problem;
2. The [Name of Municipality] opposes Senate Bill 23-213 and strongly urges its legislators to vote NO on this unprecedented and irresponsible preemption.

Resolved this ____ of 2023.

Mayor

Attest:

Municipal Clerk



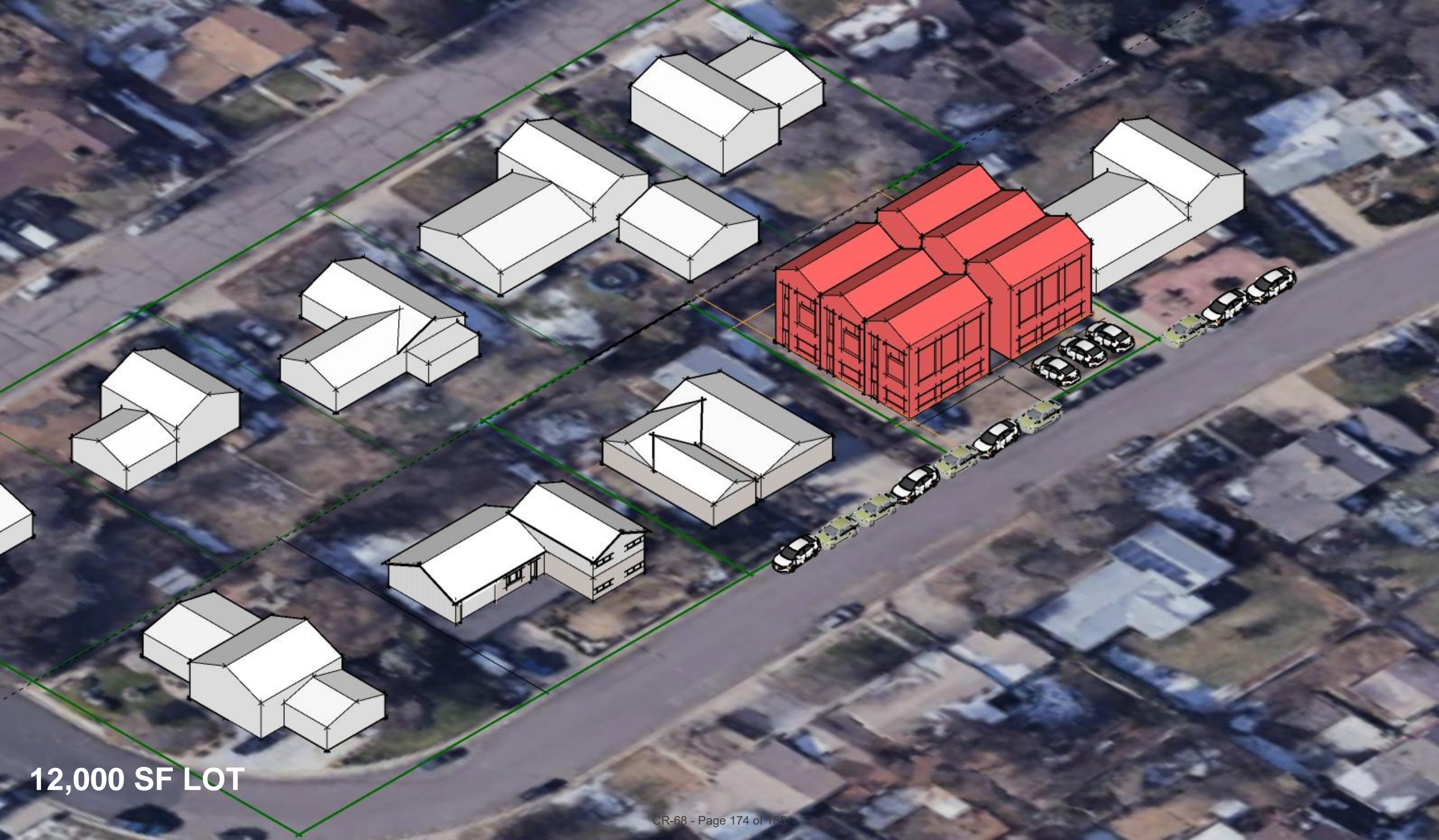
MIDDLE HOUSING - 6 PLEX DEVELOPMENT

Building Program:

- Typical residential lots in Northglenn: 12,000 sq ft / 7,500 sq ft
- Actual homes/streets in Northglenn
- Images are to scale
- Complies with Zoning District requirements: height, setback and max lot coverage
- 6 Plex buildings shown have been built in the Denver Metro area
- Two story with finished basement
- SB23-213 Compliant

	12000 Sq Ft Lot	7500 Sq Ft Lot
Per Unit Size	2160 sq ft	1620 Sq ft
Bedrooms	4	3
Baths	3	2
Total sq ft for 6 Units	12,960 sq ft	9,720 sq ft
Northglenn Family Def Unrelated	8/Unit 48 Total	6/Unit 36 Total
2018 IBC Max Occupancy*	11/Unit 65 Total	8/Unit 49 Total

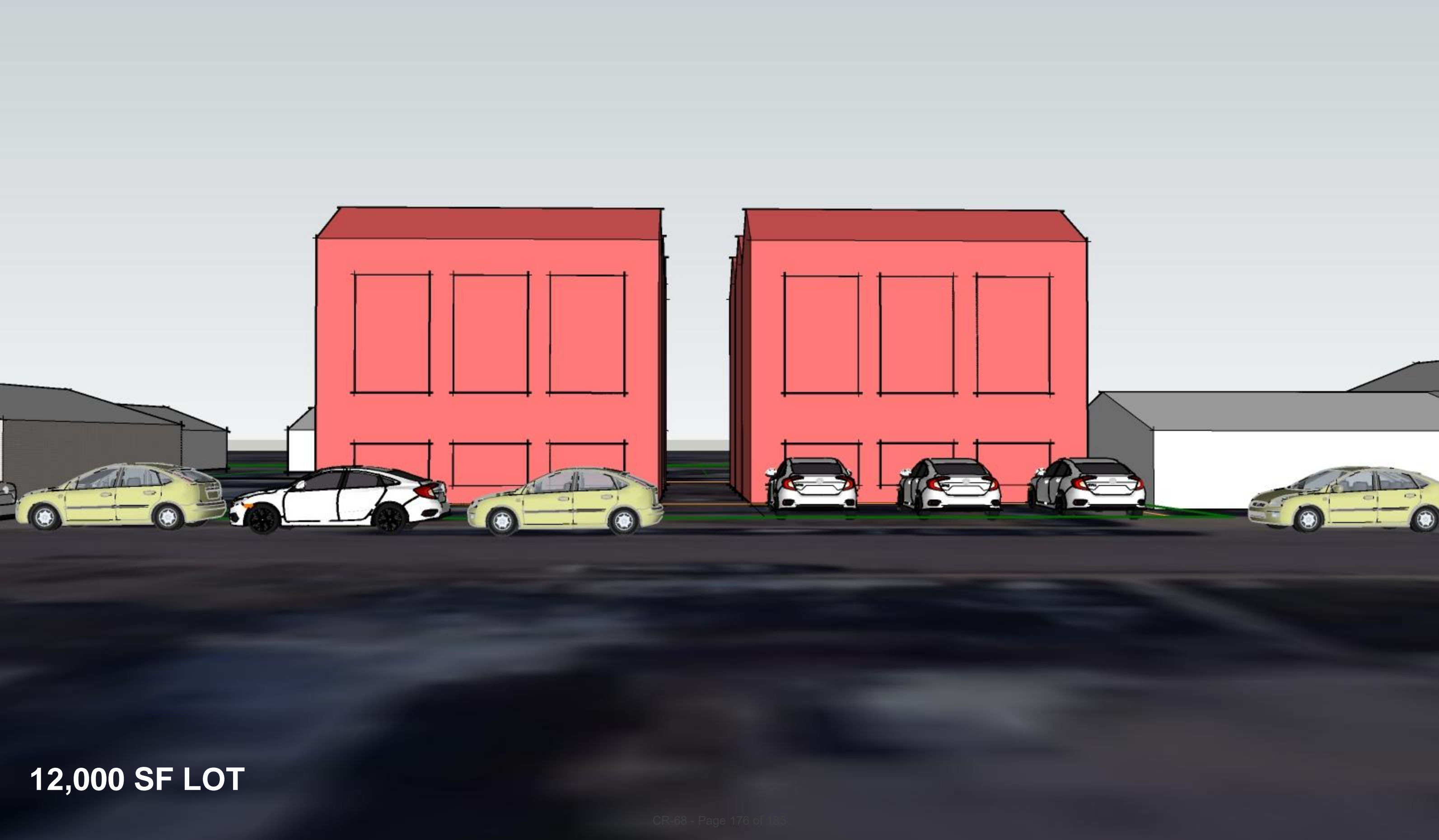
* Under the International Property Maintenance Code there are code path options that can result in higher max occupancy than shown above. Would be considered under alternative means and method code path. The IBC Max Occupancy represents what would otherwise serve as a fail safe to the maximum number of unrelated people



12,000 SF LOT



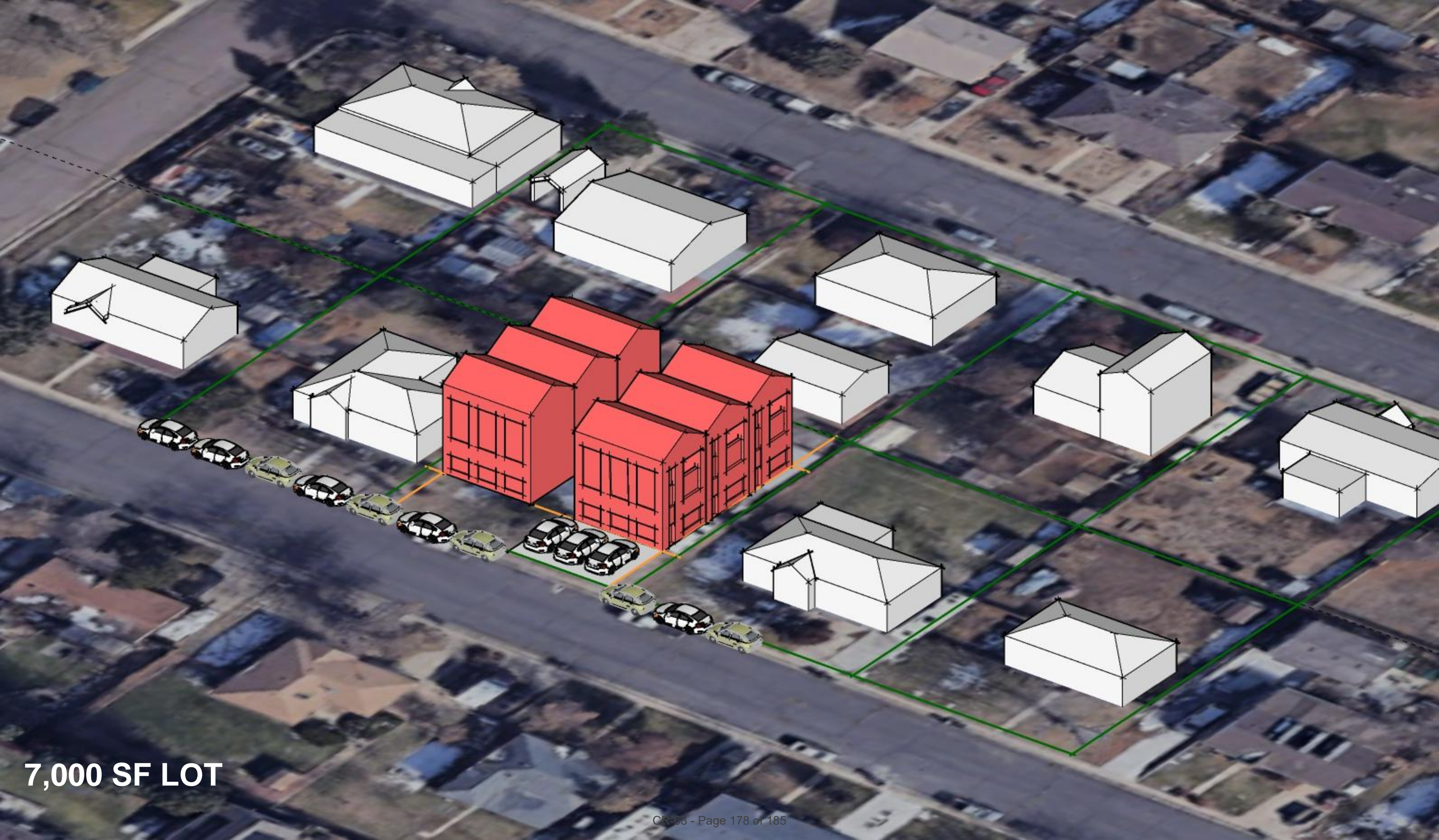
12,000 SF LOT



12,000 SF LOT



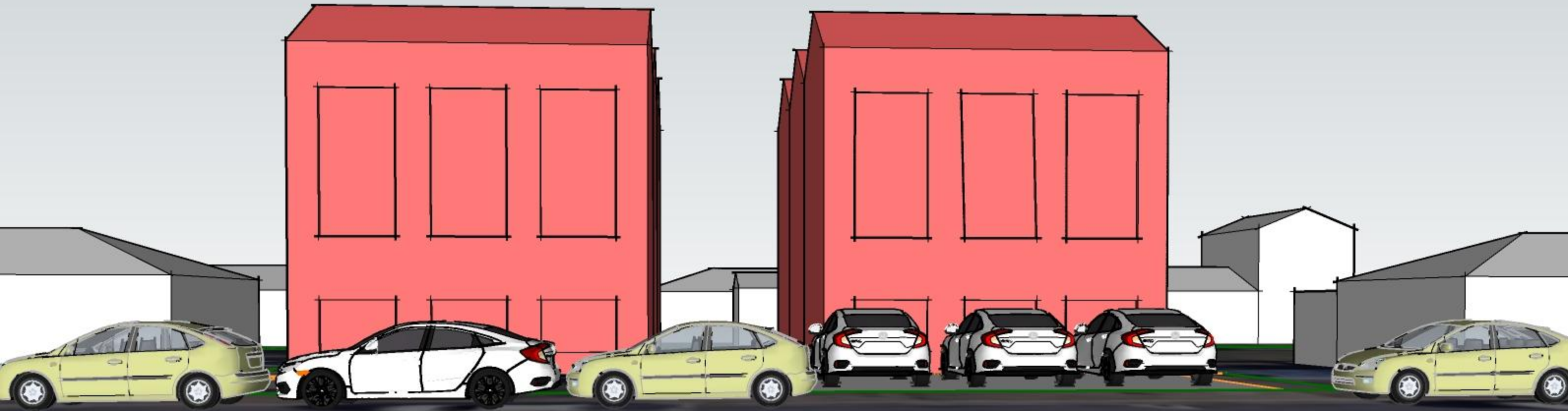
12,000 SF LOT



7,000 SF LOT

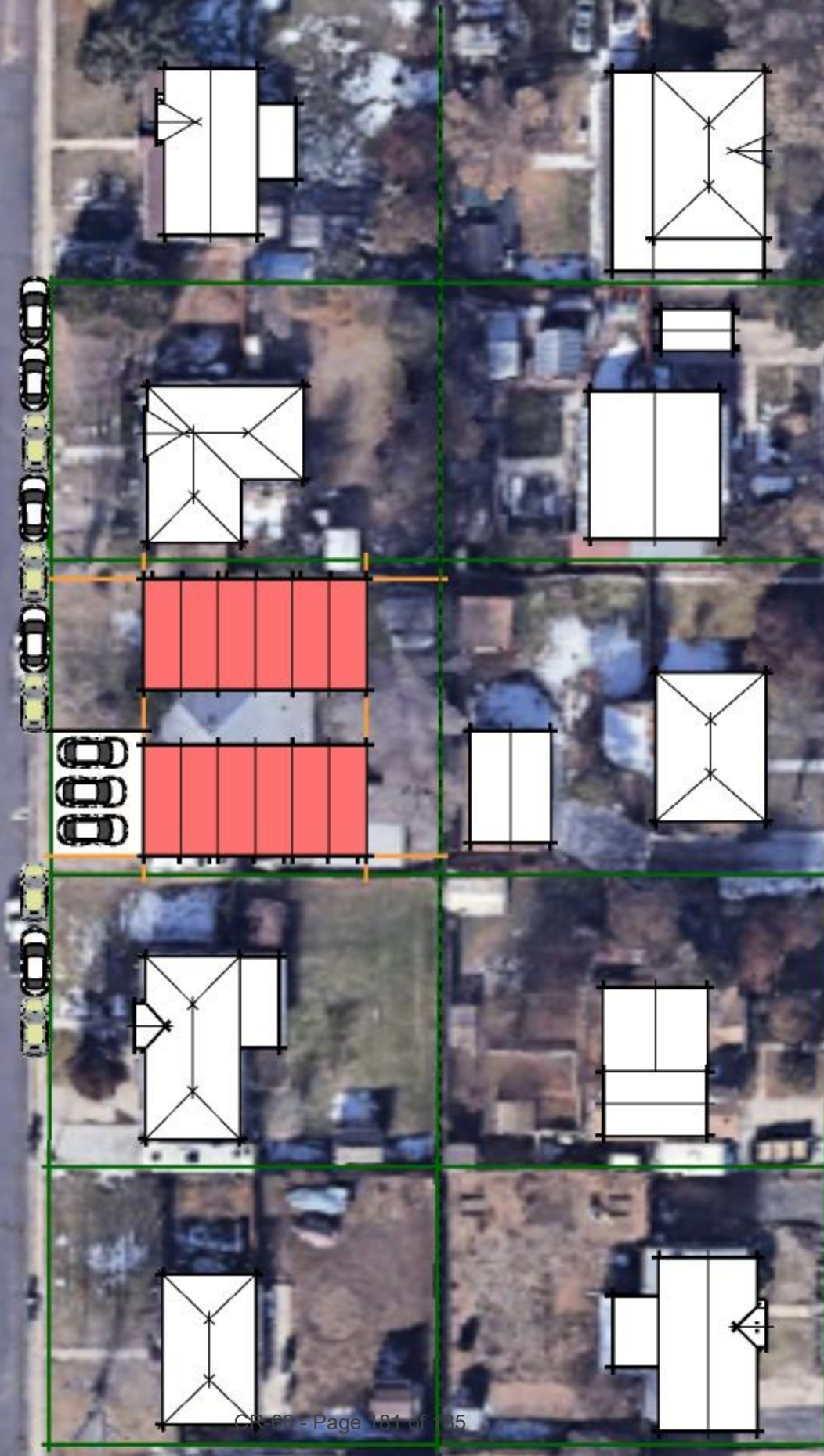


7,000 SF LOT



7,000 SF LOT

7,000 SF LOT



Amendments Currently Under Consideration for SB 23-213

Proposed amendments to SB 23-213 respond to stakeholder and member feedback by strengthening affordability requirements, recognizing the uniqueness of rural resort communities, increasing flexibility for local communities in parking, multifamily housing, and ADUs, streamlining implementation, and strengthening stakeholder input. Amendment concepts described below are not meant to be an exhaustive list, nor should this list be interpreted as the only amendments that will be considered for the bill. Sponsors are committed to continuing conversations, reviewing feedback, and addressing concerns from stakeholders throughout this process.

Amendments under consideration will:

Strengthen Affordability and Anti-Displacement

- Establish an affordability menu in statute, while still preserving local flexibility, to enable earlier implementation.
- Strengthen affordability requirements in the model codes.
- Add parameters and indicators into the anti-displacement analysis provisions, and establish goals for the menu of displacement mitigation measures.
- Clarify ability to maintain or adopt local inclusionary zoning ordinances, by revising economic infeasibility language.
- Further refine definitions and provisions in the housing needs planning section to ensure the housing needs assessment addresses more demographics and income levels.

Revise Rural Resort Requirements

Rural Resort Job Centers would only be subject to particular requirements, including:

- Identifying options for regional housing needs plans and establishing targets.
- Choosing from a menu of options to meet housing goals based on local affordability needs, with no requirements that would lead to zoning for increased density for second homes or short term rentals.

Provide Additional Flexibility in Housing Options

- **ADUs:** Revise minimum standards for size and setbacks.
- **Middle Housing:** Update definition of middle housing from allowing between 2 and 6 units to between 2 and 4 units.
- **Key Corridors and TOCs:** Provide flexibility for local governments to locate density in a portion (25% for Key Corridors) of the land area, and provide certainty around density standards (20-40 dwelling units per acre).
- **Transit Oriented Communities and Key Corridors:** Clarify that the density levels in minimum standards in these sections mean a local government must allow a density up to that high, but can permit projects of a lower density.
- Create a waiver process for small, less resourced urban municipalities to opt out of housing needs plans.
- Provide a compromise option to enable limited minimum parking standards in Middle Housing and Key Corridors sections.

Streamline Implementation

- Create an implementation process for state agencies.
- Simplify implementation and provide more certainty by including more standards in statute, which enables less rulemaking and more clarity for local governments.
- Clarify that municipalities would be encouraged to continue use of existing local housing needs plans, with updates needed only to address additional requirements from SB 23-213, or if new data from housing needs assessments shows additional housing needs or issues.
- Clarify vague standards involving site “infeasibility”.
- Simplify water loss reporting section to streamline implementation.
- Clarify local authority and simplify the process for water supply and infrastructure exemptions.

Strengthen Stakeholder Input

- Add metropolitan planning organization and local government representation to the multi-agency committee.
- Improve public processes by ensuring access to translation and interpretation, outreach to underrepresented groups, and meeting options that are both in-person and virtual.

SPONSORED BY: MAYOR LEIGHTY

COUNCIL MEMBER'S RESOLUTION

RESOLUTION NO.

No. CR-68
Series of 2023

Series of 2023

A RESOLUTION OPPOSING STATEWIDE LAND USE AND ZONING PREEMPTIONS IN SENATE BILL 23-213

WHEREAS, for a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it;

WHEREAS, zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide enough public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community's economic goals; to prevent displacement of existing people; to preserve important historical sites; and to protect open space and the environment in general;

WHEREAS, Senate Bill 23-213 would place statewide mandates on hyper local land use matters and substitute the judgment of legislators and state regulators who lack the understanding needed to make the right decisions for our community;

WHEREAS, under the direction of City Council, the City of Northglenn has proactively taken steps to allow accessory dwelling units (ADUs), implement zoning updates to allow for mixed use zoning, adopt short-term rental regulations, complete a housing study in partnership with the Department of Local Affairs to identify any gaps in housing unit availability and develop policy recommendations to address those gaps, and implement a new Comprehensive Plan;

WHEREAS, Senate Bill 23-213 will undermine long-range planning efforts and will severely limit our ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for our current and future residents, workers, and business owners; and

WHEREAS, Senate Bill 23-213 silences the voices of our residents by taking away the right to be heard at public hearings on zoning matters or to use their constitutional rights of initiative or referendum to address zoning and land use matters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. It is the position of the City of Northglenn that municipalities are best suited to determine appropriate zoning laws for their communities and that collaboration and cooperation – not top-down statewide mandates and giveaways to special interests – are the solution to Colorado's affordable housing problem.

Section 2. The City of Northglenn opposes Senate Bill 23-213 and strongly urges its legislators to vote NO on this unprecedented and irresponsible preemption.

DATED at Northglenn, Colorado, this ____ day of _____, 2023.

Meredith Leighty
Mayor

Shannon Lukeman-Hiromasa
Mayor Pro Tem

Megan Burns
Ward 1 Council member

Nicholas Walker
Ward 1 Council member

Becky Brown
Ward 2 Council member

Jay Jaramillo
Ward 2 Council member

Katherine Goff
Ward 3 Council member

Richard Kondo
Ward 3 Council member

Tim Long
Ward 4 Council member

Attest:

Johanna Small, CMC
City Clerk

Approved as to Form:

Corey Y. Hoffmann
City Attorney