

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Local Government.

HB21-1117 be amended as follows:

1 Amend printed bill, page 2, line 20, after "(1)(e.5)" insert "and (1)(e.7)".

2 Page 3, strike lines 10 through 13 and substitute:

3 "LONG AS:

4 (I) THE LOCAL GOVERNMENT ADOPTING THE REGULATION HAS:

5 (A) PREPARED A QUANTITATIVE ANALYSIS OF HOUSING NEEDS
6 WITHIN A DEFINED HOUSING MARKET AREA ENCOMPASSING THE LOCAL
7 GOVERNMENT'S JURISDICTION; AND

8 (B) ADOPTED A PLAN FOR ADDRESSING SUCH NEEDS OVER THE
9 SUBSEQUENT TWENTY-YEAR PERIOD;

10 (II) THE LOCAL GOVERNMENT ADOPTING THE REGULATION HAS
11 PROVIDED REASONABLE NOTICE AND AN OPPORTUNITY FOR COMMENT ON
12 THE PROPOSED REGULATION;

13 (III) THE REGULATION WILL FURTHER THE GOALS AND OBJECTIVES
14 IDENTIFIED IN THE PLAN REQUIRED BY SUBSECTION (1)(e.5)(I)(B) OF THIS
15 SECTION;

16 (IV) THE REGULATION CONTAINS MEASURES THAT ARE
17 REASONABLY EXPECTED TO OFFSET THE FINANCIAL IMPACTS OF PROVIDING
18 RENT OR SALES PRICE-RESTRICTED HOUSING UNITS, WHICH MEASURES MAY
19 INCLUDE, WITHOUT LIMITATION:

20 (A) EXPEDITED PERMITTING PROCEDURES;

21 (B) BUILDING HEIGHT, BULK, OR UNIT DENSITY INCREASES;

22 (C) VEHICULAR PARKING RESTRICTIONS; OR

23 (D) PUBLIC INVESTMENTS IN DEVELOPMENT THAT INCREASE THE
24 VALUE OF PRIVATE PROPERTY;

25 (V) THE REGULATION INCLUDES ALTERNATIVES TO ITS
26 COMPLIANCE, WHICH ALTERNATIVES MAY INCLUDE, WITHOUT LIMITATION:

27 (A) THE CONSTRUCTION OF RENT OR SALES PRICE-RESTRICTED
28 HOUSING UNITS AT OFF-SITE LOCATIONS; OR

29 (B) THE PAYMENT OF CASH IN LIEU OF CONSTRUCTING RENT OR
30 SALES PRICE-RESTRICTED HOUSING UNITS; AND

31 (VI) THE LOCAL GOVERNMENT THAT HAS ADOPTED THE
32 REGULATION CONDUCTS A REVIEW OF THE REGULATION NOT LESS THAN
33 ONCE EVERY FIVE YEARS, WHICH REVIEW MUST BE DELIVERED TO THE
34 GOVERNING BODY OF THE LOCAL GOVERNMENT AND MADE PUBLICLY
35 AVAILABLE ON THE WEBSITE OF THE LOCAL GOVERNMENT. THE REVIEW
36 REQUIRED BY THIS SUBSECTION (1)(e.5)(VI) MUST CONTAIN A
37 COMPARISON OF THE NUMBER OF MARKET-RATE HOUSING UNITS
38 CONSTRUCTED OR REDEVELOPED OVER THE PERTINENT TIME PERIOD WITH
39 THE NUMBER OF RENT OR SALES PRICE-RESTRICTED HOUSING UNITS NEWLY

1 CONSTRUCTED OR REDEVELOPED PURSUANT TO THE REGULATION DURING
2 THE PERIOD.

3 (e.7) ANY PERSON OR ENTITY THAT OWNS OR HAS AN INTEREST IN
4 ANY REAL PROPERTY THAT IS OR BECOMES SUBJECT TO A REGULATION
5 ENACTED PURSUANT TO SUBSECTION (1)(e.5) OF THIS SECTION SHALL, BY
6 FILING AN APPLICATION FOR A DEVELOPMENT PERMIT, HAVE STANDING TO
7 FILE AN ACTION FOR DECLARATORY JUDGMENT IN A COLORADO STATE
8 COURT HAVING PROPER JURISDICTION SEEKING A DETERMINATION
9 WHETHER THE REGULATION COMPLIES WITH THIS SECTION. AN APPLICANT
10 FOR A DEVELOPMENT PERMIT WHO BELIEVES THAT A LOCAL GOVERNMENT
11 HAS IMPROPERLY ADOPTED OR APPLIED A REGULATION ADOPTED
12 PURSUANT TO SUBSECTION (1)(e.5) OF THIS SECTION TO THE DEVELOPMENT
13 APPLICATION MAY COMPLY WITH THE REGULATION AND PROCEED WITH
14 DEVELOPMENT WITHOUT PREJUDICE TO THE APPLICANT'S RIGHT TO
15 CHALLENGE THE REGULATION IN AN ACTION FOR DECLARATORY
16 JUDGMENT OR CERTIORARI REVIEW UNDER THE COLORADO RULES OF CIVIL
17 PROCEDURE. IF THE COURT DETERMINES THAT A LOCAL GOVERNMENT HAS
18 IMPOSED A REGULATION THAT FAILS TO COMPLY WITH THIS SECTION, IT
19 MAY ENTER JUDGMENT IN FAVOR OF THE APPLICANT FOR THE AMOUNT OF
20 ANY COSTS WRONGLY IMPOSED WITH INTEREST ACCRUING ON THE
21 AMOUNT FROM THE DATE COLLECTED AND MAY FURTHER ENTER
22 DECLARATORY AND INJUNCTIVE RELIEF INVALIDATING THE REGULATION.".

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