

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0631.01 Bob Lackner x4350

HOUSE BILL 16-1334

HOUSE SPONSORSHIP

Winter,

SENATE SPONSORSHIP

(None),

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF COUNTY GOVERNMENTS TO PROMOTE
102 INCLUSIONARY ZONING PROGRAMS IN THE UNINCORPORATED
103 AREAS OF A COUNTY.

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://www.leg.state.co.us/billsummaries>.)

The bill authorizes the board of county commissioners of any county, by duly enacted ordinances, resolutions, or other forms of binding law, to establish and create a program that implements inclusionary zoning within an unincorporated area of the county. The bill defines "inclusionary zoning program" to mean a program adopted by a county

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

government that encourages or requires a given share of the housing units in a proposed development to be priced in a way that is affordable for low- and moderate-income households.

Nothing in the bill is intended to challenge or to affect the legal status of any such program implemented and in effect prior to the effective date of the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 30-28-111.5 as
3 follows:

4 **30-28-111.5. Inclusionary zoning - unincorporated areas -**
5 **legislative declaration - definition.** (1) THE GENERAL ASSEMBLY FINDS,
6 DETERMINES, AND DECLARES THAT:

7 (a) AMONG THE BIGGEST CHALLENGES FACING THE STATE IS THE
8 NEED FOR AFFORDABLE HOUSING IN ALL OF THE STATE'S GEOGRAPHIC
9 REGIONS. AMONG OTHER EFFECTS, THE IMMENSE DEMAND FOR
10 AFFORDABLE HOUSING IS A HUGE IMPEDIMENT TO ECONOMIC GROWTH AND
11 OPPORTUNITY WITHIN THE STATE AND THE ABILITY OF THE STATE TO
12 PROVIDE A HIGH QUALITY OF LIFE FOR ALL ITS RESIDENTS AND TO
13 DEVELOP, ATTRACT, AND MAINTAIN A HIGH-QUALITY WORKFORCE.

14 (b) ACROSS THE NATION, HUNDREDS OF COMMUNITIES, INCLUDING
15 SOME OF THE LARGEST MUNICIPALITIES IN THE STATE, HAVE ADOPTED
16 PROGRAMS THAT PERMIT INCLUSIONARY ZONING AS AN IMPORTANT AND
17 USEFUL MEANS AMONG OTHER STRATEGIES FOR EXPANDING THE SUPPLY
18 OF AFFORDABLE HOUSING. THESE PROGRAMS HAVE BEEN CREATED TO
19 PROMOTE THE GOALS OF CREATING DIVERSITY IN INCOME LEVELS AMONG
20 RESIDENTS IN A NEIGHBORHOOD, STIMULATING THE EQUITABLE GROWTH
21 OF NEW RESIDENTS IN A GIVEN COMMUNITY, PRODUCING AFFORDABLE
22 HOUSING FOR A DIVERSE LABOR FORCE, AND INCREASING HOME

1 OWNERSHIP OPPORTUNITIES FOR PERSONS IN LOW- AND
2 MODERATE-INCOME HOUSEHOLDS. SUCH PROGRAMS HAVE BEEN
3 ADMINISTERED FOR MANY YEARS WITHOUT LEGAL CHALLENGE.

4 (c) BY ENACTING HOUSE BILL 16-___ IN 2016, THE GENERAL
5 ASSEMBLY INTENDS TO GIVE COUNTY GOVERNMENTS THE FULLEST DEGREE
6 OF LEGAL AUTHORIZATION POSSIBLE TO CREATE AND ADMINISTER
7 INCLUSIONARY ZONING PROGRAMS WITHIN THE UNINCORPORATED AREAS
8 OF THEIR COUNTIES AND TO GIVE COUNTY GOVERNMENTS THE SAME
9 POWERS TO ENACT SUCH PROGRAMS AS HAVE BEEN ENJOYED BY
10 MUNICIPAL GOVERNMENTS FOR MANY YEARS WITHIN THEIR TERRITORIAL
11 BOUNDARIES. IN SO DOING, COUNTY GOVERNMENTS WILL CONTINUE TO
12 EMPLOY A MEANINGFUL TOOL TO EXPAND THE SUPPLY OF AFFORDABLE
13 HOUSING WITHIN THE TERRITORIAL BOUNDARIES OF THEIR COUNTIES.

14 (d) THE GENERAL ASSEMBLY FURTHER INTENDS THAT HOUSE BILL
15 16-___, ENACTED IN 2016, BE CONSTRUED AS LIBERALLY AS POSSIBLE TO
16 PROMOTE THE POLICY OBJECTIVES SPECIFIED IN THIS SUBSECTION (1).

17 (2) AS USED IN THIS SECTION, "INCLUSIONARY ZONING PROGRAM"
18 MEANS A PROGRAM ADOPTED BY A COUNTY GOVERNMENT THAT
19 ENCOURAGES OR REQUIRES A GIVEN SHARE OF THE HOUSING UNITS IN A
20 PROPOSED DEVELOPMENT TO BE PRICED IN A WAY THAT IS AFFORDABLE
21 FOR LOW- AND MODERATE-INCOME HOUSEHOLDS. INCLUSIONARY ZONING
22 PROGRAM COMPONENTS MAY INCLUDE, BUT ARE NOT LIMITED TO,
23 REQUIRING A DEVELOPER TO SET ASIDE A SET PERCENTAGE OF UNITS
24 WITHIN THE PROPOSED DEVELOPMENT THAT ARE PRICED AS AFFORDABLE
25 FOR PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS, OFFERING
26 THE DEVELOPER DIFFERENT FORMS OF INCENTIVES TO COMPENSATE THE
27 DEVELOPER FOR PRICING CERTAIN HOUSING UNITS IN A WAY THAT

1 PROMOTES AFFORDABLE HOUSING, TARGETING A PARTICULAR INCOME
2 RANGE AS THE BENEFICIARY OF SUCH PROGRAMS, AND SPECIFYING A TIME
3 PERIOD FOR WHICH AFFECTED HOUSING UNITS ARE REQUIRED TO STAY
4 AFFORDABLE.

5 (3) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY MAY,
6 BY DULY ENACTED ORDINANCES, RESOLUTIONS, OR OTHER FORMS OF
7 BINDING LAW, ESTABLISH AND CREATE INCLUSIONARY ZONING PROGRAMS
8 WITHIN ANY UNINCORPORATED AREA OF THE COUNTY. NOTHING IN THIS
9 SECTION IS INTENDED TO CHALLENGE OR TO AFFECT THE LEGAL STATUS OF
10 ANY SUCH PROGRAM IMPLEMENTED AND IN EFFECT PRIOR TO THE
11 EFFECTIVE DATE OF THIS SECTION.

12 **SECTION 2.** In Colorado Revised Statutes, 30-11-107, **add** (4)
13 as follows:

14 **30-11-107. Powers of the board.** (4) IN ACCORDANCE WITH
15 SECTION 30-28-111.5, THE BOARD OF COUNTY COMMISSIONERS OF ANY
16 COUNTY MAY, BY DULY ENACTED ORDINANCES, RESOLUTIONS, OR OTHER
17 FORMS OF BINDING LAW, ESTABLISH AND CREATE INCLUSIONARY ZONING
18 PROGRAMS WITHIN ANY UNINCORPORATED AREA OF THE COUNTY.

19 **SECTION 3. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in

- 1 November 2016 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.