

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0543.02 Alison Killen x4350

HOUSE BILL 23-1115

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A BILL FOR AN ACT

101 **CONCERNING THE REPEAL OF STATUTORY PROVISIONS PROHIBITING**
102 **LOCAL GOVERNMENTS FROM ENACTING RENT CONTROL ON**
103 **PRIVATE RESIDENTIAL PROPERTY OR A PRIVATE RESIDENTIAL**
104 **HOUSING UNIT.**

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>.)

The bill repeals statutory provisions prohibiting counties and municipalities from enacting any ordinance or resolution that would control rent on private residential property or a private residential housing

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.

HOUSE
Amended 2nd Reading
February 24, 2023

unit. The bill also makes a conforming amendment.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** part 3 of
3 article 12 of title 38.

4 **SECTION 2.** In Colorado Revised Statutes, 29-20-104, **amend**
5 (1)(e.5) as follows:

6 **29-20-104. Powers of local governments - definition.**

7 (1) Except as expressly provided in section 29-20-104.5, the power and
8 authority granted by this section does not limit any power or authority
9 presently exercised or previously granted. Each local government within
10 its respective jurisdiction has the authority to plan for and regulate the use
11 of land by:

12 (e.5) Regulating development or redevelopment in order to
13 promote the construction of new affordable housing units. ~~The provisions~~
14 ~~of section 38-12-301 shall not apply to any land use regulation adopted~~
15 ~~pursuant to this section that restricts rents on newly constructed or~~
16 ~~redeveloped housing units as long as the regulation provides a choice of~~
17 ~~options to the property owner or land developer and creates one or more~~
18 ~~alternatives to the construction of new affordable housing units on the~~
19 ~~building site. Nothing in this subsection (1)(e.5) is construed to authorize~~
20 ~~a local government to adopt or enforce any ordinance or regulation that~~
21 ~~would have the effect of controlling rent on any existing private~~
22 ~~residential housing unit in violation of section 38-12-301.~~

23 **SECTION 3.** In Colorado Revised Statutes, **add** 29-20-110 as
24 follows:

25 **29-20-110. Local government control of rents.** (1) AN

1 ORDINANCE OR RESOLUTION ADOPTED BY A LOCAL GOVERNMENT THAT
2 CONTROLS RENT ON EITHER PRIVATE RESIDENTIAL PROPERTY OR A PRIVATE
3 RESIDENTIAL HOUSING UNIT MUST CONFORM TO THE FOLLOWING:

4 (a) SUCH AN ORDINANCE OR RESOLUTION MUST BE UNIFORMLY
5 APPLIED AMONG ALL RENTERS THAT ARE SIMILARLY SITUATED;

6 (b) SUCH AN ORDINANCE OR RESOLUTION MUST BE UNIFORMLY
7 APPLIED AMONG ALL PRIVATE RESIDENTIAL PROPERTIES AND PRIVATE
8 RESIDENTIAL HOUSING UNITS THAT ARE SIMILARLY SITUATED; EXCEPT
9 THAT:

10 (I) FOR FIFTEEN YEARS FROM THE DATE ON WHICH THE FIRST
11 CERTIFICATE OF OCCUPANCY WAS ISSUED, NO SUCH ORDINANCE OR
12 RESOLUTION MAY BE APPLIED TO ANY PRIVATE RESIDENTIAL PROPERTY OR
13 PRIVATE RESIDENTIAL HOUSING UNIT;

14 (II) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS SECTION,
15 SUCH ORDINANCE OR RESOLUTION MAY BE APPLIED TO A MOBILE HOME, AS
16 DEFINED IN SECTION 38-12-201.5 (5), OR A MOBILE HOME PARK, AS
17 DEFINED IN SECTION 38-12-201.5 (6), REGARDLESS OF THE DATE SUCH
18 MOBILE HOME OR MOBILE HOME PARK WAS BUILT OR THE DATE A
19 CERTIFICATE OF OCCUPANCY WAS ISSUED FOR SUCH MOBILE HOME OR
20 MOBILE HOME PARK; AND

21 (III) NO SUCH ORDINANCE OR RESOLUTION FOR RENT
22 STABILIZATION MEASURES SHALL APPLY TO UNITS OF HOUSING THAT ARE
23 PROVIDED BY NONPROFIT ORGANIZATIONS AND REGULATED BY FAIR
24 MARKET RENTS PUBLISHED BY THE UNITED STATES DEPARTMENT OF
25 HOUSING AND URBAN DEVELOPMENT OR ANY OTHER FEDERAL OR STATE
26 PROGRAMS THAT RESTRICT OR LIMIT ALLOWABLE RENTS WHILE SUCH
27 UNITS OF HOUSING ARE RENT STABILIZED UNDER APPLICABLE FEDERAL

1 GUIDELINES; AND

2 (c) SUCH AN ORDINANCE OR RESOLUTION THAT LIMITS THE
3 AMOUNT OF AN ANNUAL RENT INCREASE MUST NOT IMPOSE A LIMIT LESS
4 THAN THE PERCENTAGE INCREASE IN THE CONSUMER PRICE INDEX PLUS
5 THREE PERCENTAGE POINTS PLUS REASONABLE INCREASES REFLECTIVE OF
6 THE ACTUAL COSTS INCURRED AND DEMONSTRATED BY A LANDLORD IN
7 CONDUCTING SUBSTANTIAL RENOVATIONS.

8 (2) NOTWITHSTANDING SUBSECTION (1)(a) OR (1)(b) OF THIS
9 SECTION, A LOCAL GOVERNMENT MAY HAVE OR ADOPT AN ORDINANCE OR
10 RESOLUTION THAT IS EXPRESSLY INTENDED AND DESIGNED TO INCREASE
11 THE SUPPLY OF AFFORDABLE HOUSING WITHIN THE LOCAL GOVERNMENT'S
12 JURISDICTIONAL BOUNDARIES.

13 **SECTION 4. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2024 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.