

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

**INTRODUCED**

LLS NO. 23-0548.01 Jed Franklin x5484

**HOUSE BILL 23-1255**

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**HOUSE SPONSORSHIP**

**Lindstedt and Dickson,**

**SENATE SPONSORSHIP**

**Gonzales,**

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**House Committees**

Transportation, Housing & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PREEMPTION OF LOCAL REGULATIONS LIMITING THE**  
102 **NUMBER OF BUILDING PERMITS ISSUED FOR DEVELOPMENT.**

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**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>.)*

Currently, several local governments have laws restricting the growth of residential housing. The bill declares that the state has an interest in encouraging housing growth statewide, preempts any existing local housing growth restriction, and forbids the enactment or enforcement of any future local housing growth restriction, unless the local government has experienced a disaster emergency.

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.*

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 29-20-104.2 as  
3 follows:

4           **29-20-104.2. Anti-growth law - preemption - legislative**  
5 **declaration - definitions.** (1) THE GENERAL ASSEMBLY FINDS AND  
6 DECLARES THAT:

7           (a) A RELIABLE PUBLIC POLICY ENVIRONMENT THAT SUPPORTS AN  
8 ADEQUATE AND AFFORDABLE HOUSING SUPPLY IS A MATTER OF  
9 STATEWIDE CONCERN, AND A HEALTHY SUPPLY OF HOUSING UNITS TO  
10 MATCH BOTH CURRENT DEMAND AND FUTURE DEMAND DRIVEN BY  
11 POPULATION GROWTH IS CRITICAL FOR JOB CREATION, HOUSING STABILITY,  
12 AFFORDABILITY, AND THE OVERALL ECONOMIC WELL-BEING OF ALL  
13 COLORADANS;

14           (b) THE LACK OF AFFORDABLE HOUSING IN COLORADO IS DIRECTLY  
15 ATTRIBUTABLE TO THE SCARCITY OF HOUSING UNITS;

16           (c) ACCORDING TO A STUDY OF HOUSING DEVELOPMENT IN  
17 COLORADO, THE STATE HAS OVER ONE HUNDRED SEVENTY-FIVE  
18 THOUSAND FEWER HOUSING UNITS THAN NEEDED TO RESTORE ITS  
19 HISTORICAL POPULATION-TO-HOUSING RATIO FROM 1986 THROUGH 2008;

20           (d) TO CLOSE THE DEFICIT AND ACCOUNT FOR PROJECTED  
21 POPULATION GROWTH, THE STATE WILL NEED TO ADD OVER ONE HUNDRED  
22 SIXTY-TWO THOUSAND HOUSING UNITS BY 2027;

23           (e) ANTI-GROWTH LAWS ENACTED BY LOCAL GOVERNMENTS  
24 SEVERELY UNDERMINE THE ABILITY TO CONSTRUCT THE ADDITIONAL  
25 HOUSING UNITS COLORADANS NEED;

26           (f) ANTI-GROWTH LAWS DO IRREPARABLE ECONOMIC HARM TO

1 WORKING CLASS COLORADANS BY LIMITING THE HOUSING SUPPLY AND  
2 DRIVING UP HOUSING PRICES AND RENTS. FURTHERMORE, ANTI-GROWTH  
3 LAWS THREATEN THE LIVELIHOOD OF COLORADANS EMPLOYED IN  
4 CONSTRUCTION AND OTHER BUILDING TRADES AS WELL AS BUSINESSES  
5 ACROSS THE STATE THAT RELY ON THE COMMERCE ASSOCIATED WITH  
6 HOME BUILDING.

7 (g) UNIFORMITY IN LAND USE LAWS CONCERNING RESIDENTIAL  
8 GROWTH IS NECESSARY FOR EFFICIENT RESIDENTIAL DEVELOPMENT  
9 STATEWIDE AND FOR THE ENCOURAGEMENT OF CONSTRUCTION OF NEW  
10 HOUSING UNITS;

11 (h) THE ENACTMENT OR ENFORCEMENT OF ANTI-GROWTH LAWS BY  
12 SOME LOCAL GOVERNMENTS DECREASES HOUSING DEVELOPMENT IN THESE  
13 LOCATIONS AND PUTS PRESSURE ON OTHER LOCAL GOVERNMENTS'  
14 RESIDENTIAL HOUSING STOCK, ROADS, UTILITIES, AND OTHER SERVICES;  
15 AND

16 (i) IT IS THEREFORE NECESSARY FOR THE GENERAL ASSEMBLY TO  
17 PREEMPT AND PROHIBIT THE ENFORCEMENT OF EXISTING ANTI-GROWTH  
18 LAWS AND PROHIBIT THE ENACTMENT AND ENFORCEMENT OF NEW  
19 ANTI-GROWTH LAWS.

20 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
21 REQUIRES:

22 (a) "ANTI-GROWTH LAW" MEANS A LAND USE LAW THAT PLACES  
23 ANY LIMITATION ON THE NUMBER OF LAND USE APPLICATIONS ACCEPTED  
24 OR BUILDING PERMITS ISSUED BY A GOVERNMENTAL ENTITY FOR  
25 RESIDENTIAL DEVELOPMENT OR CONSTRUCTION PROJECTS FOR ANY  
26 PERIOD.

27 (b) "GOVERNMENTAL ENTITY" MEANS:

1 (I) A STATUTORY OR HOME RULE COUNTY, A CITY AND COUNTY, OR  
2 A MUNICIPALITY; AND

3 (II) ANY SPECIAL DISTRICT OR AGENCY, AUTHORITY, POLITICAL  
4 SUBDIVISION, OR INSTRUMENTALITY OF A COUNTY, OR OF A CITY AND  
5 COUNTY, OR OF A MUNICIPALITY.

6 (c) "LAND USE LAW" MEANS ANY STATUTE, RESOLUTION,  
7 ORDINANCE, CODE, RULE, REGULATION, PLAN, POLICY, PROCEDURE,  
8 STANDARD, INITIATIVE, GUIDELINE, REQUIREMENT, OR LAW THAT  
9 REGULATES THE USE OR DIVISION OF PROPERTY OR ANY INTEREST IN  
10 PROPERTY.

11 (d) "PROPERTY" MEANS REAL PROPERTY LOCATED WITHIN THE  
12 STATE THAT IS NOT PUBLICLY OWNED.

13 (3) NOTWITHSTANDING ANY PROVISION OF SECTION 29-20-104 TO  
14 THE CONTRARY, A GOVERNMENTAL ENTITY SHALL NOT ENACT OR ENFORCE  
15 AN ANTI-GROWTH LAW AFFECTING PROPERTY; EXCEPT THAT A  
16 GOVERNMENTAL ENTITY MAY ENACT AND ENFORCE A TEMPORARY  
17 ANTI-GROWTH LAW AFFECTING PROPERTY FOLLOWING A DECLARED  
18 DISASTER EMERGENCY THAT OCCURRED IN THE JURISDICTION OF THE  
19 GOVERNMENTAL ENTITY. A TEMPORARY ANTI-GROWTH LAW ALLOWED BY  
20 THIS SUBSECTION (3) MAY BE EFFECTIVE FOR NO MORE THAN ONE YEAR  
21 AFTER THE DECLARATION OF A DISASTER EMERGENCY.

22 **SECTION 2.** In Colorado Revised Statutes, 29-20-104, **amend**  
23 (1) introductory portion as follows:

24 **29-20-104. Powers of local governments - definition.**

25 (1) Except as expressly provided in ~~section 29-20-104.5~~ SECTION  
26 29-20-104.2 OR 29-20-104.5, the power and authority granted by this  
27 section does not limit any power or authority presently exercised or

1 previously granted. EXCEPT AS PROVIDED IN SECTION 29-20-104.2, each  
2 local government within its respective jurisdiction has the authority to  
3 plan for and regulate the use of land by:

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