

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

INTRODUCED

LLS NO. 25-0029.01 Caroline Martin x5902

HOUSE BILL 25-1169

HOUSE SPONSORSHIP

Boesenecker and Mabrey, Camacho, Lindsay, Lindstedt, Stewart R., Willford, Zokaie

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House Committees

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Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROMOTION OF RESIDENTIAL DEVELOPMENT ON**
102 **QUALIFYING PROPERTIES.**

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 requires a subject jurisdiction, on or after December 31, 2026, to allow a residential development to be constructed on a qualifying property that does not contain an exempt parcel, subject to an administrative approval process.

The bill specifies that a subject jurisdiction shall not:

- Disallow construction of a residential development on the

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.

- basis of height if the tallest structure in the residential development is no more than 3 stories or 45 feet tall;
- Disallow construction of a residential development on the basis of height if the tallest structure in the residential development complies with the height-related standards for the zoning district in which the residential development will be built or any zoning district that is contiguous to the qualifying property on which the residential development will be built;
- Disallow construction of a residential development based on the number of dwelling units that the residential development will contain, except in accordance with standards listed in the bill; or
- Apply standards to a residential development on a qualifying property that are more restrictive than the standards the subject jurisdiction applies to similar housing constructed within the subject jurisdiction, including standards related to structure setbacks from property lines; lot coverage or open space; on-site parking requirements; numbers of bedrooms in a multifamily residential development; or on-site landscaping, screening, and buffering requirements.

A subject jurisdiction shall allow the following uses in a residential development on a qualifying property:

- Childcare; and
- The provision of recreational, social, or educational services provided by community organizations for use by the residents of the residential development and the surrounding community.

A subject jurisdiction may condition additional uses in a residential development on the uses being allowed only on the ground floor of the residential development and the uses occupying no more than 15% of the ground floor area of the residential development.

The bill requires a faith-based organization, school district, or state college or university to notify the county assessor that a subject jurisdiction has allowed the construction of a residential development on a qualifying property within the county.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 5 to article
 3 35 of title 29 as follows:

4 PART 5

1 RESIDENTIAL DEVELOPMENT ON
2 QUALIFYING PROPERTIES

3 **29-35-501. Legislative declaration.** (1) THE GENERAL ASSEMBLY
4 FINDS AND DECLARES THAT:

5 (a) COLORADANS ARE OVERWHELMINGLY BURDENED WITH THE
6 COST OF HOUSING. IN 2022, FORTY-FIVE PERCENT OF COLORADO RENTERS
7 SPENT OVER THIRTY PERCENT OF THEIR INCOME ON RENT. IN ORDER TO
8 AFFORD THE MEDIAN RENT OF ONE THOUSAND SEVEN HUNDRED
9 SEVENTY-ONE DOLLARS WITHOUT BEING COST-BURDENED, A COLORADO
10 RENTER MUST EARN AN ANNUAL INCOME THAT EXCEEDS SEVENTY
11 THOUSAND DOLLARS. FURTHER, TO PURCHASE A MEDIAN-PRICED HOME IN
12 COLORADO WITH A TWENTY PERCENT DOWN PAYMENT WITHOUT BEING
13 COST-BURDENED, A COLORADAN MUST EARN AN ANNUAL INCOME THAT
14 EXCEEDS ONE HUNDRED TWENTY-NINE THOUSAND DOLLARS.

15 (b) AS OF NOVEMBER 2024, THE AVERAGE COST OF CONSTRUCTION
16 IN COLORADO WAS APPROXIMATELY FOUR HUNDRED EIGHTY-THREE
17 THOUSAND DOLLARS PER UNIT, REPRESENTING AN INCREASE OF OVER
18 SIXTY THOUSAND DOLLARS FROM THE PREVIOUS YEAR;

19 (c) AS COLORADO GROWS, SO DOES THE CHALLENGE OF PROVIDING
20 AFFORDABLE HOUSING TO ITS RESIDENTS. WHILE LAND THAT IS AVAILABLE
21 FOR NEW HOUSING IN ESTABLISHED COMMUNITIES IS IN SHORT SUPPLY,
22 MANY QUALIFYING ORGANIZATIONS OWN UNDERUTILIZED PROPERTIES
23 UPON WHICH HOUSING COULD BE BUILT.

24 (d) IN DENVER, JEFFERSON, ARAPAHOE, AND DOUGLAS COUNTIES
25 ALONE, FAITH-BASED ORGANIZATIONS OWN MORE THAN FIVE THOUSAND
26 ACRES OF UNDEVELOPED LAND, SOME OF WHICH HAS NEVER BEEN
27 DEVELOPED AND SOME OF WHICH HAS BEEN VACANT FOR OVER SEVENTY

1 YEARS. IN MANY CASES, FAITH-BASED ORGANIZATIONS ARE MOWING OR
2 MAINTAINING THESE LOTS AT SIGNIFICANT COST WITH NO REAL BENEFIT TO
3 THE COMMUNITY.

4 (e) LOCAL ZONING REGULATIONS CAN PREVENT HOUSING FROM
5 BEING DEVELOPED ON VACANT PROPERTIES BY PROHIBITING RESIDENTIAL
6 DEVELOPMENT IN ASSOCIATION WITH PLACES OF ASSEMBLY, OR BY
7 REQUIRING EXTENSIVE REZONING PROCESSES THAT ADD COST AND
8 UNCERTAINTY TO AFFORDABLE HOUSING PROJECTS; AND

9 (f) THIS HOUSE BILL 25-____, ENACTED IN 2025, STREAMLINES
10 THE BUILDING PROCESS FOR QUALIFYING PROPERTIES, INCLUDING
11 PROPERTIES OWNED BY FAITH-BASED ORGANIZATIONS, BY PROVIDING A
12 PROCESS THAT ALLOWS RESIDENTIAL DEVELOPMENTS TO BE CONSTRUCTED
13 ON QUALIFYING PROPERTIES AS LONG AS CERTAIN REQUIREMENTS ARE
14 SATISFIED.

15 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
16 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT EVERY PERSON
17 INVOLVED IN THE CONSTRUCTION, MANAGEMENT, AND OPERATION OF A
18 QUALIFYING PROPERTY IN CONNECTION WITH THIS PART 5 COMPLIES WITH
19 THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., THE
20 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
21 12101 ET SEQ., AND ALL OTHER STATE AND FEDERAL LAWS.

22 **29-35-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "DWELLING UNIT" HAS THE SAME MEANING AS SET FORTH IN
25 SECTION 29-35-402 (8).

26 (2) "EXEMPT PARCEL" MEANS:

27 (a) A PARCEL THAT IS NOT SERVED BY A DOMESTIC WATER AND

1 SEWAGE TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5); IS
2 SERVED BY A WELL THAT IS NOT CONNECTED TO A WATER DISTRIBUTION
3 SYSTEM, AS DEFINED IN SECTION 25-9-102 (6); OR IS SERVED BY A SEPTIC
4 TANK, AS DEFINED IN SECTION 25-10-103 (18);

5 (b) A PARCEL WHERE RESIDENTIAL USE IS PREVENTED OR LIMITED
6 BY STATE REGULATION, FEDERAL REGULATION, OR DEED RESTRICTION
7 PURSUANT TO:

8 (I) FEDERAL AVIATION ADMINISTRATION RESTRICTIONS PURSUANT
9 TO 14 CFR 77;

10 (II) AN ENVIRONMENTAL COVENANT PURSUANT TO SECTION
11 25-15-318 TO SECTION 25-15-323; OR

12 (III) FLAMMABLE GAS OVERLAY ZONING DISTRICT RESTRICTIONS;

13 (c) A PARCEL THAT IS USED AS A CEMETERY, AS DEFINED IN
14 SECTION 10-15-102 (2); OR

15 (d) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT.

16 (3) "FAITH-BASED ORGANIZATION" MEANS ANY ORGANIZATION,
17 CHURCH, BODY OF COMMICANTS, OR GROUP THAT IS:

18 (a) GATHERED IN COMMON MEMBERSHIP FOR THE PURPOSE OF
19 PROPAGATING ITS FAITH OR CARRYING ON HUMANITARIAN WORK RELATED
20 TO THAT FAITH;

21 (b) LOCATED ON PROPERTY OWNED BY A NONPROFIT
22 ORGANIZATION WITH A RELIGIOUS MISSION;

23 (c) LOCATED ON PROPERTY THAT IS USED FOR RELIGIOUS
24 PURPOSES; AND

25 (d) NOT ORGANIZED FOR PRIVATE GAIN OR CORPORATE PROFIT.

26 (4) "QUALIFYING PROPERTY" MEANS REAL PROPERTY THAT HAS
27 BEEN OWNED BY A FAITH-BASED ORGANIZATION, A SCHOOL DISTRICT, AS

1 DEFINED IN SECTION 22-30-103 (13), OR A STATE COLLEGE OR UNIVERSITY,
2 AS DEFINED IN SECTION 23-2-102 (15), FOR AT LEAST FIVE YEARS.

3 (5) "RESIDENTIAL DEVELOPMENT" MEANS A DEVELOPMENT WITH
4 ONE OR MORE STRUCTURES THAT CONTAINS PERMANENT DWELLING UNITS
5 AND DOES NOT CONTAIN ANY TEMPORARY HOUSING OR SHELTER SPACE.

6 (6) "SIMILAR HOUSING" MEANS HOUSING THAT IS SIMILAR IN FORM
7 AND NUMBER OF DWELLING UNITS.

8 (7) "SUBJECT JURISDICTION" MEANS A LOCAL GOVERNMENT.

9 **29-35-503. Residential developments on qualifying properties.**

10 (1) **Residential developments on qualifying properties.** ON OR AFTER
11 DECEMBER 31, 2026, A SUBJECT JURISDICTION SHALL ALLOW A
12 RESIDENTIAL DEVELOPMENT TO BE CONSTRUCTED ON A QUALIFYING
13 PROPERTY THAT DOES NOT CONTAIN AN EXEMPT PARCEL, SUBJECT TO AN
14 ADMINISTRATIVE APPROVAL PROCESS AND IN ACCORDANCE WITH SECTION
15 29-35-504.

16 (2) **Subject jurisdiction administrative practices.** NOTHING IN
17 THIS SECTION PREVENTS A SUBJECT JURISDICTION FROM:

18 (a) ENFORCING INFRASTRUCTURE STANDARDS IN LOCAL LAW
19 DURING THE ADMINISTRATIVE APPROVAL PROCESS, INCLUDING STANDARDS
20 RELATED TO UTILITIES, TRANSPORTATION, OR PUBLIC WORKS CODES;

21 (b) APPLYING AND ENFORCING A LOCALLY ADOPTED LIFE SAFETY
22 CODE, INCLUDING A BUILDING, FIRE, UTILITY, OR STORMWATER CODE;

23 (c) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE
24 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES IN
25 ACCORDANCE WITH SECTION 29-20-104.5, OR THE MITIGATION OF IMPACTS
26 IN ACCORDANCE WITH PART 2 OF ARTICLE 20 OF THIS TITLE 29;

27 (d) REQUIRING A STATEMENT BY A WATER OR WASTEWATER

1 SERVICE PROVIDER REGARDING ITS CAPACITY TO SERVICE THE PROPERTY
2 AS A CONDITION OF ALLOWING A RESIDENTIAL DEVELOPMENT;

3 (e) ENFORCING OR ADOPTING INCLUSIONARY ZONING ORDINANCES,
4 DEED RESTRICTIONS, COMMUNITY BENEFIT AGREEMENTS, OR OTHER
5 HOUSING POLICIES OR STANDARDS; OR

6 (f) APPLYING STANDARDS TO ALLOW A RESIDENTIAL
7 DEVELOPMENT TO BE CONSTRUCTED ON A QUALIFYING PROPERTY WHEN
8 SUCH RESIDENTIAL DEVELOPMENT WOULD OTHERWISE BE DISALLOWED
9 BASED ON THE STANDARDS DESCRIBED IN SECTION 29-35-504 (1), OR
10 OTHERWISE OFFERING AFFORDABLE HOUSING INCENTIVES TO DEVELOPERS.

11 (3) **School district administrative practices.** NOTHING IN THIS
12 SECTION PREVENTS A SCHOOL DISTRICT FROM CONSTRUCTING,
13 PURCHASING, OR REMODELING A TEACHERAGE PURSUANT TO SECTION
14 22-32-110 (1)(d).

15 **29-35-504. Qualifying property requirements for a subject**
16 **jurisdiction - allowable uses.** (1) A SUBJECT JURISDICTION SHALL NOT:

17 (a) DISALLOW CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT
18 ON A QUALIFYING PROPERTY ON THE BASIS OF HEIGHT IF THE TALLEST
19 STRUCTURE IN THE RESIDENTIAL DEVELOPMENT IS NO MORE THAN THREE
20 STORIES OR FORTY-FIVE FEET TALL;

21 (b) DISALLOW CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT
22 ON A QUALIFYING PROPERTY ON THE BASIS OF HEIGHT IF THE TALLEST
23 STRUCTURE IN THE RESIDENTIAL DEVELOPMENT COMPLIES WITH THE
24 HEIGHT-RELATED STANDARDS FOR:

25 (I) THE ZONING DISTRICT IN WHICH THE RESIDENTIAL
26 DEVELOPMENT WILL BE BUILT; OR

27 (II) ANY ZONING DISTRICT THAT IS CONTIGUOUS TO THE

1 QUALIFYING PROPERTY ON WHICH THE RESIDENTIAL DEVELOPMENT WILL
2 BE BUILT;

3 (c) DISALLOW CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT
4 ON A QUALIFYING PROPERTY BASED ON THE NUMBER OF DWELLING UNITS
5 THE RESIDENTIAL DEVELOPMENT WILL CONTAIN, EXCEPT IN ACCORDANCE
6 WITH ONE OF THE STANDARDS LISTED IN SUBSECTION (1)(d) OF THIS
7 SECTION; OR

8 (d) APPLY STANDARDS TO A RESIDENTIAL DEVELOPMENT ON A
9 QUALIFYING PROPERTY THAT ARE MORE RESTRICTIVE THAN THE
10 STANDARDS THAT THE SUBJECT JURISDICTION APPLIES TO SIMILAR
11 HOUSING CONSTRUCTED WITHIN THE SUBJECT JURISDICTION, INCLUDING
12 STANDARDS RELATED TO:

13 (I) STRUCTURE SETBACKS FROM PROPERTY LINES;

14 (II) LOT COVERAGE OR OPEN SPACE;

15 (III) ON-SITE PARKING REQUIREMENTS;

16 (IV) NUMBERS OF BEDROOMS IN A MULTIFAMILY RESIDENTIAL
17 DEVELOPMENT; OR

18 (V) ON-SITE LANDSCAPING, SCREENING, AND BUFFERING
19 REQUIREMENTS.

20 (2) PROVIDED THAT THE USES ARE ALLOWED CONDITIONALLY OR
21 BY RIGHT WITHIN THE ZONING DISTRICT IN WHICH A QUALIFYING PROPERTY
22 IS LOCATED, A SUBJECT JURISDICTION SHALL ALLOW THE FOLLOWING USES
23 IN A RESIDENTIAL DEVELOPMENT ON A QUALIFYING PROPERTY:

24 (a) CHILDCARE; AND

25 (b) THE PROVISION OF RECREATIONAL, SOCIAL, OR EDUCATIONAL
26 SERVICES PROVIDED BY COMMUNITY ORGANIZATIONS FOR USE BY THE
27 RESIDENTS OF THE RESIDENTIAL DEVELOPMENT AND THE SURROUNDING

1 COMMUNITY.

2 (3) A SUBJECT JURISDICTION MAY CONDITION ALLOWANCE OF THE
3 USES DESCRIBED IN SUBSECTION (2) OF THIS SECTION ON:

4 (a) THE USES BEING ALLOWED ONLY ON THE GROUND FLOOR OF
5 THE STRUCTURES IN THE RESIDENTIAL DEVELOPMENT; AND

6 (b) THE USES OCCUPYING NO MORE THAN FIFTEEN PERCENT OF THE
7 GROUND FLOOR AREA OF THE STRUCTURES IN THE RESIDENTIAL
8 DEVELOPMENT.

9 **29-35-505. Notification to county assessor.** WITHIN TWO WEEKS
10 OF A SUBJECT JURISDICTION ALLOWING THE CONSTRUCTION OF A
11 RESIDENTIAL DEVELOPMENT ON A QUALIFYING PROPERTY PURSUANT TO
12 SECTION 29-35-503 (1), THE FAITH-BASED ORGANIZATION, SCHOOL
13 DISTRICT, OR STATE COLLEGE OR UNIVERSITY THAT OWNS THE QUALIFYING
14 PROPERTY SHALL PROVIDE NOTICE OF THE ALLOWANCE OF THE
15 CONSTRUCTION OF THE RESIDENTIAL DEVELOPMENT TO THE COUNTY
16 ASSESSOR IN THE COUNTY IN WHICH THE QUALIFYING PROPERTY IS
17 LOCATED. THE NOTICE MUST INCLUDE THE PROPERTY ADDRESS, THE
18 ASSESSOR'S PARCEL IDENTIFICATION NUMBER FOR THE PROPERTY, AND THE
19 DATE ON WHICH THE RESIDENTIAL DEVELOPMENT WAS ALLOWED BY THE
20 SUBJECT JURISDICTION.

21 **SECTION 2. Safety clause.** The general assembly finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety or for appropriations for
24 the support and maintenance of the departments of the state and state
25 institutions.