

SB142_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on State, Veterans, & Military Affairs.

SB18-142 be amended as follows:

1 Amend printed bill, page 3, strike everything below the enacting clause
2 and substitute:

3 "SECTION 1. In Colorado Revised Statutes, add 31-2-110 as
4 follows:

5 **31-2-110. Creation of pilot project - special committee -**
6 **sustainable communities based on affordable housing - district court**
7 **approval - definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS
8 THE CONTEXT OTHERWISE REQUIRES:

9 (a) "APPLICANT" MEANS A NATURAL PERSON OR ENTITY THAT
10 SEEKS APPROVAL OF A PILOT PROJECT BY THE SPECIAL COMMITTEE AND
11 DISTRICT COURT IN ACCORDANCE WITH THIS SECTION BY SUBMITTING A
12 PETITION.

13 (b) "AREA MEDIAN INCOME" MEANS HOUSEHOLD INCOME THAT IS
14 ADJUSTED FOR A FAMILY SIZE THAT IS DETERMINED IN ACCORDANCE WITH
15 GUIDELINES OR OTHER STANDARDS PROMULGATED BY THE UNITED STATES
16 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

17 (c) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

18 (d) "PILOT PROJECT" MEANS A ONE-TIME PROJECT FOR APPROVAL
19 BY THE SPECIAL COMMITTEE AND A STATE DISTRICT COURT OF A
20 MUNICIPAL INCORPORATION TO FACILITATE THE CREATION OF A MODEL
21 FOR A SUSTAINABLE COMMUNITY WITH SIGNIFICANT AFFORDABLE
22 HOUSING IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

23 (e) "SIGNIFICANT AFFORDABLE HOUSING" MEANS NOT LESS THAN
24 THREE THOUSAND HOUSING UNITS THAT ARE PRICED FOR RENTAL OR
25 PURCHASE AT NOT LESS THAN TWENTY-FIVE PERCENT BELOW THE MEDIAN
26 PRICE FOR HOUSING UNITS IN THE IMMEDIATE MARKET AREA OR THE
27 COUNTY IN WHICH THE UNITS ARE LOCATED AND NOT LESS THAN
28 ONE-FOURTH OF WHICH UNITS ARE MADE AVAILABLE FOR PERSONS IN
29 HOUSEHOLDS WHOSE INCOME IS AT SIXTY PERCENT OR LESS OF THE AREA
30 MEDIAN INCOME.

31 (f) "SPECIAL COMMITTEE" MEANS THE THREE-PERSON COMMITTEE
32 FORMED IN ACCORDANCE WITH SUBSECTION (3)(b)(I) OF THIS SECTION.

33 (g) "SUSTAINABLE COMMUNITY" MEANS A COMMUNITY THAT HAS
34 BEEN PLANNED TO ACHIEVE THE FOLLOWING GOALS, WITHOUT
35 LIMITATION: NET ZERO ENERGY USE; NET ZERO WASTE; ON-SITE
36 WASTEWATER TREATMENT; ON-SITE RECYCLING; A REDUCTION OF AT
37 LEAST SEVENTY-FIVE PERCENT IN WATER USAGE COMPARED WITH OTHER
38 COMMUNITIES IN THE IMMEDIATE MARKET AREA OR WITHIN THE COUNTY
39 IN WHICH THE COMMUNITY IS LOCATED; AN ALL LEED COMMUNITY; AND
40 UNIVERSAL DESIGN.

1 (h) "UNIVERSAL DESIGN" IS THE DESIGN AND COMPOSITION OF AN
2 ENVIRONMENT SO THAT IT CAN BE ACCESSED, UNDERSTOOD, AND USED TO
3 THE GREATEST EXTENT POSSIBLE BY ALL PEOPLE REGARDLESS OF THEIR
4 AGE, SIZE, ABILITY, OR DISABILITY.

5 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ON SOLELY
6 A ONE-TIME BASIS WITHIN THE STATE, A STATE DISTRICT COURT SHALL
7 WAIVE ALL REQUIREMENTS FOR THE APPROVAL OF A MUNICIPAL
8 INCORPORATION THAT ARE NOT OTHERWISE MET BY AN APPLICANT IF THE
9 PETITION FILED BY THE APPLICANT IS APPROVED BY THE SPECIAL
10 COMMITTEE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

11 (3) (a) THE APPLICANT COMMENCES THE PROCESS FOR ACQUIRING
12 A WAIVER UNDER THIS SECTION BY FILING A PETITION FOR A WAIVER OF
13 MUNICIPAL INCORPORATION REQUIREMENTS WITH THE SPECIAL
14 COMMITTEE. TO THE EXTENT PRACTICABLE, THE APPLICATION MUST
15 CONTAIN ALL OF THE INFORMATION THAT IS REQUIRED IN CONNECTION
16 WITH THE ORGANIZATION OF A SERVICE PLAN PREPARED BY A PROPOSED
17 SPECIAL DISTRICT IN ACCORDANCE WITH SECTION 32-1-202 (2). THE
18 SPECIAL COMMITTEE MAY REQUEST ADDITIONAL INFORMATION FROM A
19 APPLICANT AS WILL ENABLE IT TO MAKE AN APPROPRIATE DETERMINATION
20 UNDER THIS SECTION.

21 (b) (I) NOT LATER THAN JULY 1, 2018, A SPECIAL COMMITTEE
22 SHALL BE FORMED TO REPRESENT THE GOVERNOR, THE PRESIDENT OF THE
23 SENATE, AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES IN
24 CONNECTION WITH THE CREATION AND ADMINISTRATION OF THE PILOT
25 PROJECT. THE GOVERNOR, PRESIDENT OF THE SENATE, AND SPEAKER OF
26 THE HOUSE OF REPRESENTATIVES SHALL EACH APPOINT ONE MEMBER OF
27 THE SPECIAL COMMITTEE. THE GOVERNOR'S APPOINTMENT MUST BE AN
28 EMPLOYEE OF THE DEPARTMENT OF LOCAL AFFAIRS WITH EXPERIENCE IN
29 MUNICIPAL OPERATIONS. THE PRESIDENT'S APPOINTMENT MUST BE AN
30 OFFICER OR EMPLOYEE OF, OR OTHERWISE AFFILIATED WITH, AN
31 INTERNATIONAL NONPROFIT RESEARCH AND EDUCATION ORGANIZATION
32 THAT UNDERTAKES ADVOCACY, RESEARCH, AND EDUCATION IN SUCH
33 ISSUE AREAS AS SUSTAINABLE AND SMART GROWTH, LAND USE PLANNING
34 AND DEVELOPMENT, MUNICIPAL OPERATIONS, URBAN POLICY,
35 TRANSPORTATION, AND AFFORDABLE HOUSING. THE SPEAKER'S
36 APPOINTMENT MUST BE AN OFFICER OR EMPLOYEE OF, OR OTHERWISE
37 AFFILIATED WITH, A COLORADO NONPROFIT ORGANIZATION THAT
38 EMPHASIZES EDUCATION, OUTREACH, AND ADVOCACY THAT PROMOTES
39 SUSTAINABLE LIVING.

40 (II) THE SPECIAL COMMITTEE SHALL ACCEPT PETITIONS SUBMITTED
41 BY APPLICANTS, CONDUCT THE PUBLIC HEARING REQUIRED BY SUBSECTION
42 (3)(c) OF THIS SECTION, EVALUATE THE MERITS OF THE PROPOSALS
43 SUBMITTED, AND MAKE A FINAL SELECTION, IF AT ALL, FROM AMONG THE

1 PETITIONS SUBMITTED. THE FINAL DETERMINATION OF WHICH PROPOSAL
2 TO APPROVE, OR WHETHER TO APPROVE ANY PROPOSAL AT ALL, LIES WITH
3 THE SPECIAL COMMITTEE IN ITS SOLE DISCRETION. IN MAKING ITS
4 DETERMINATION, THE SPECIAL COMMITTEE SHALL CONSIDER WHETHER
5 AND TO WHAT EXTENT THE PETITIONS SUBMITTED WILL RESULT IN A
6 SUSTAINABLE COMMUNITY, PROMOTE SIGNIFICANT AFFORDABLE HOUSING,
7 AND WILL ADVANCE THE BEST INTERESTS OF THE PEOPLE OF THE STATE.
8 THE DEPARTMENT IS RESPONSIBLE FOR OVERSEEING THE PROCESS
9 DESCRIBED IN THIS SECTION, INCLUDING COORDINATING THE ACTIVITIES
10 OF THE SPECIAL COMMITTEE.

11 (III) EACH APPLICANT SHALL PAY A REASONABLE FEE SET BY THE
12 DEPARTMENT AT A LEVEL ADEQUATE TO COVER ALL COSTS IT INCURS IN
13 OVERSEEING THE PROCESS DESCRIBED IN THIS SECTION, INCLUDING
14 COORDINATING THE ACTIVITIES OF THE SPECIAL COMMITTEE. THE COSTS
15 MUST BE ALLOCATED ON A PRO RATA BASIS BY OR AMONG THE
16 APPLICANTS.

17 (c) UPON THE SUBMISSION OF ALL PETITIONS SUBMITTED TO THE
18 SPECIAL COMMITTEE PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION,
19 THE DEPARTMENT SHALL POST THE PETITIONS SUBMITTED ON THE
20 DEPARTMENT'S WEBSITE EXCLUSIVE OF ANY PROPRIETARY OR
21 CONFIDENTIAL INFORMATION CONTAINED IN THE PETITIONS AS IDENTIFIED
22 BY THE APPLICANT THAT THE DEPARTMENT DETERMINES SHOULD NOT BE
23 DISCLOSED TO THE PUBLIC. DURING THE SUBSEQUENT THIRTY-DAY
24 PERIOD, ANY PERSON MAY SUBMIT COMMENTS TO THE SPECIAL COMMITTEE
25 OR THE DEPARTMENT IN CARE OF THE DEPARTMENT. UPON THE
26 COMPLETION OF THE PUBLIC COMMENT PERIOD, THE SPECIAL COMMITTEE
27 SHALL CONDUCT A PUBLIC HEARING ON THE PETITIONS SUBMITTED DURING
28 WHICH HEARING THE SPECIAL COMMITTEE MAY HEAR ADDITIONAL PUBLIC
29 COMMENTS ON THE PETITIONS.

30 (4) ALL PETITIONS SUBMITTED PURSUANT TO SUBSECTION (3)(a) OF
31 THIS SECTION MUST BE SUBMITTED TO THE SPECIAL COMMITTEE NOT LATER
32 THAN SEPTEMBER 1, 2018. COMMENTS ON THE PETITIONS MUST BE
33 SUBMITTED TO THE SPECIAL COMMITTEE BY OCTOBER 1, 2018. THE PUBLIC
34 HEARING REQUIRED BY SUBSECTION (3)(c) OF THIS SECTION MUST BE HELD
35 NOT LATER THAN NOVEMBER 1, 2018. THE SPECIAL COMMITTEE SHALL
36 APPROVE A PETITION, IF AT ALL, NOT LATER THAN DECEMBER 31, 2018.
37 NOT LATER THAN FEBRUARY 1, 2019, THE APPLICANT WHOSE PETITION
38 WAS APPROVED BY THE SPECIAL COMMITTEE SHALL FILE A PETITION WITH
39 THE STATE DISTRICT COURT FOR THE STATE JUDICIAL DISTRICT EXERCISING
40 JURISDICTION OVER THE LAND AREA THAT IS THE SUBJECT OF THE
41 PETITION. THE DISTRICT COURT SHALL GRANT APPROVAL OF THE PETITION
42 WITHIN THIRTY DAYS OF THE FILING OF THE PETITION.

43 (5) TO MANIFEST ITS APPROVAL OF THE PETITION UNDER

1 SUBSECTION (4) OF THIS SECTION, THE DISTRICT COURT SHALL ENTER AN
2 ORDER FINDING THAT THE PILOT PROJECT MEETS ALL OF THE
3 REQUIREMENTS SPECIFIED IN THIS SECTION, ISSUING THE REQUESTED
4 WAIVER, AND APPROVING THE PILOT PROJECT THAT IS EFFECTIVE AS OF THE
5 DATE OF THE ORDER.

6 (6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

7 (a) UPON THE ENTRY BY A DISTRICT COURT OF AN ORDER ISSUING
8 THE REQUESTED WAIVER AND APPROVING THE PILOT PROJECT IN
9 ACCORDANCE WITH SUBSECTION (5) OF THIS SECTION, THE PILOT PROJECT
10 IS DESIGNATED AS A TOWN PURSUANT TO SECTION 31-1-201 (1)(c) AND AS
11 OF THAT DATE POSSESSES ALL OF THE RIGHTS, POWERS, AND DUTIES
12 DELEGATED TO OR IMPOSED UPON THE TOWNS OF THIS STATE AS PROVIDED
13 BY LAW, INCLUDING WITHOUT LIMITATION ALL RIGHTS, POWERS, AND
14 DUTIES EXERCISED BY A TOWN WITH RESPECT TO LAND USE, ZONING, AND
15 RELATED MATTERS WITHIN ITS TERRITORIAL BOUNDARIES. THE
16 TERRITORIAL BOUNDARIES OF THE TOWN ARE COTERMINOUS WITH THE
17 LAND AREA OF THE PILOT PROJECT AS SPECIFIED IN THE WAIVER
18 APPLICATION.

19 (b) NOT LESS THAN NINETY DAYS AFTER THE DESIGNATION
20 DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION, ONE OR MORE OWNERS
21 OF REAL PROPERTY LOCATED WITHIN THE TERRITORIAL BOUNDARIES OF
22 THE TOWN, ACTING SINGULARLY OR IN COMBINATION, AS APPLICABLE,
23 SHALL APPOINT FIVE INDIVIDUALS TO SERVE AS THE MEMBERS OF A TOWN
24 COMMISSION. THE COMMISSION SERVES AS THE GOVERNING BODY OF THE
25 TOWN AND POSSESSES ALL OF THE POWERS AND DUTIES PROVIDED UNDER
26 LAW BY A TOWN COUNCIL, UNTIL SUCH TIME AS THE TOWN ELECTS A TOWN
27 COUNCIL AND OTHER ELECTIVE OFFICERS IN ACCORDANCE WITH
28 SUBSECTION (6)(c) OF THIS SECTION. THE TERM OF OFFICE OF ALL SUCH
29 COMMISSION MEMBERS IS FOUR YEARS AND MEMBERS MAY SERVE FOR
30 ADDITIONAL FOUR YEAR TERMS; EXCEPT THAT THE TENURE IN OFFICE OF
31 MEMBERS OF THE COMMISSION MAY TERMINATE EARLIER THAN FOUR
32 YEARS UPON THE ELECTION OF THE TOWN COUNCIL AND OTHER ELECTIVE
33 OFFICERS IN ACCORDANCE WITH SUBSECTION (6)(c) OF THIS SECTION, AT
34 WHICH TIME THE COMMISSION CEASES TO EXIST. AN INDIVIDUAL NEED NOT
35 BE A REGISTERED ELECTOR OF THE TOWN IN ORDER TO ACCEPT
36 APPOINTMENT TO THE COMMISSION BUT ANY PERSON SERVING ON THE
37 COMMISSION MUST BE A RESIDENT OF THE STATE.

38 (c) AT SUCH TIME AS THE NUMBER OF RESIDENTS OF THE TOWN
39 EQUALS OR EXCEEDS ONE HUNDRED FIFTY NATURAL PERSONS, THE
40 COMMISSION SHALL HOLD AN ELECTION FOR THE PURPOSE OF ELECTING A
41 TOWN COUNCIL AND OTHER ELECTIVE OFFICERS. TO THE EXTENT
42 PRACTICABLE, THE ELECTION MUST BE CONDUCTED IN ACCORDANCE WITH
43 THE APPLICABLE PROVISIONS OF THIS TITLE 31, INCLUDING WITHOUT

1 LIMITATION THIS ARTICLE 2 AND ARTICLES 1, 4, AND 10 OF THIS TITLE 31.
2 UPON THE ELECTION OF THE TOWN COUNCIL AND OTHER ELECTIVE
3 OFFICERS, THE TOWN COUNCIL BECOMES THE GOVERNING BODY OF THE
4 TOWN AND SUCH COUNCIL MEMBERS AND OTHER ELECTIVE OFFICERS
5 SHALL PERFORM THEIR DUTIES AND RESPONSIBILITIES AS PROVIDED BY
6 LAW.

7 (d) WHERE A TOWN HAS BEEN DESIGNATED AND A TOWN COUNCIL
8 AND OTHER ELECTIVE OFFICERS HAVE BEEN ELECTED IN ACCORDANCE
9 WITH THE REQUIREMENTS OF THIS SECTION, THE FAILURE OF A TOWN TO
10 OPERATE IN ACCORDANCE WITH APPLICABLE LEGAL REQUIREMENTS
11 PERTAINING TO THE GOVERNANCE OF TOWNS WILL RESULT IN THE
12 DISSOLUTION OF THE TOWN AND THE REVERSION OF THE LAND AREA
13 FORMING THE TOWN BACK TO THE COUNTY IN WHICH THE LAND AREA IS
14 LOCATED.

15 (7) UPON DESIGNATION OF THE PILOT PROJECT AS A TOWN
16 PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION, THE TOWN POSSESSES
17 THE SAME AUTHORITY AS ANY OTHER GOVERNMENT IN THE STATE TO
18 COOPERATE WITH OR ENTER INTO A CONTRACT WITH ANY OTHER
19 GOVERNMENT FOR THE PROVISION OF ANY GOODS OR SERVICES TO ASSIST
20 IN THE DEVELOPMENT, MANAGEMENT, OPERATION, OR ADMINISTRATION
21 OF THE TOWN IN ACCORDANCE WITH SECTION 29-1-203.

22 (8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

23 **SECTION 2. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, and safety.

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