

## HB25-1169

## HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Boesenecker

1 Amend the Boesenecker floor amendment (HB1169\_L.015), page 1, line  
2 39, strike "INCOME."." and substitute "INCOME.

3 (2) A SUBJECT JURISDICTION SHALL NOT ALLOW A RESIDENTIAL  
4 DEVELOPMENT CONTAINING DWELLING UNITS THAT WILL BE SOLD TO BE  
5 CONSTRUCTED ON A QUALIFYING PROPERTY UNLESS THE RESIDENTIAL  
6 DEVELOPMENT COMPLIES WITH THE FOLLOWING REQUIREMENTS:

7 (a) IF THE SUBJECT JURISDICTION HAS ADOPTED AN INCLUSIONARY  
8 ZONING ORDINANCE OR OTHER AFFORDABLE HOUSING POLICY THAT  
9 APPLIES TO THE QUALIFYING PROPERTY, THE RESIDENTIAL DEVELOPMENT  
10 MUST COMPLY WITH THE INCLUSIONARY ZONING ORDINANCE OR OTHER  
11 AFFORDABLE HOUSING POLICY; AND

12 (b) IF THE SUBJECT JURISDICTION HAS NOT ADOPTED AN  
13 INCLUSIONARY ZONING ORDINANCE OR OTHER AFFORDABLE HOUSING  
14 POLICY THAT APPLIES TO THE QUALIFYING PROPERTY, THEN AT LEAST  
15 TWENTY PERCENT OF THE DWELLING UNITS SOLD IN THE RESIDENTIAL  
16 DEVELOPMENT MUST HAVE A DESIGNATED IMPUTED INCOME LIMIT BY  
17 HOUSEHOLD SIZE THAT DOES NOT EXCEED ONE HUNDRED FORTY PERCENT  
18 OF THE AREA MEDIAN INCOME.

19 (3) (a) IF A RESIDENTIAL DEVELOPMENT MUST COMPLY WITH  
20 AFFORDABILITY REQUIREMENTS PURSUANT TO THE SUBJECT  
21 JURISDICTION'S DEMONSTRATED HOUSING NEEDS IN ACCORDANCE WITH  
22 SUBSECTION (1)(b)(I) OF THIS SECTION, OR IF A RESIDENTIAL  
23 DEVELOPMENT MUST COMPLY WITH AFFORDABILITY REQUIREMENTS  
24 PURSUANT TO SUBSECTION (1)(b)(II) OF THIS SECTION, THE  
25 AFFORDABILITY REQUIREMENTS MUST BE IMPOSED BY ONE OF THE  
26 FOLLOWING INSTRUMENTS, WHICH MUST REQUIRE THAT THE SUBJECT  
27 JURISDICTION HAS THE RIGHT TO REQUIRE SPECIFIC PERFORMANCE:

28 (I) A DEED RESTRICTION LASTING FOR AT LEAST FORTY YEARS; OR

29 (II) A COVENANT THAT RUNS WITH THE LAND FOR AT LEAST FORTY  
30 YEARS.

31 (b) THE AFFORDABILITY REQUIREMENTS DESCRIBED IN SUBSECTION  
32 (2)(b) OF THIS SECTION MUST BE IMPOSED BY ONE OF THE FOLLOWING  
33 INSTRUMENTS, WHICH MUST REQUIRE THAT THE SUBJECT JURISDICTION  
34 HAS THE RIGHT TO REQUIRE SPECIFIC PERFORMANCE:

35 (I) A DEED RESTRICTION LASTING FOR AT LEAST THIRTY YEARS; OR

36 (II) A COVENANT THAT RUNS WITH THE LAND FOR AT LEAST  
37 THIRTY YEARS."

38 Renumber succeeding C.R.S. sections accordingly."

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