

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

REVISED

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

LLS NO. 26-0046.01 Caroline Martin x5902

HOUSE BILL 26-1001

HOUSE SPONSORSHIP

Boesenecker and Mabrey, Bacon, Camacho, English, Froelich, Garcia, Goldstein, Jackson, Lindsay, Nguyen, Phillips, Rutinel, Sirota, Stewart R., Story, Woodrow, Zokaie

SENATE SPONSORSHIP

Exum and Gonzales J.,

House Committees

Transportation, Housing & Local Government

Senate Committees

Local Government & Housing

A BILL FOR AN ACT

101 **CONCERNING THE PROMOTION OF RESIDENTIAL DEVELOPMENTS 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, 2027, 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. A qualifying property is real property that contains no more than 5 acres of land and is owned by:

- A nonprofit organization with a demonstrated history of

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.

SENATE
Amended 2nd Reading
March 11, 2026

HOUSE
3rd Reading Unamended
February 6, 2026

HOUSE
Amended 2nd Reading
February 5, 2026

- providing affordable housing;
- A nonprofit organization that provides public transit;
- A nonprofit organization that has entered into an agreement with another nonprofit organization with a demonstrated history of providing affordable housing, provided that the agreement requires the nonprofit organization with a demonstrated history of providing affordable housing to develop a residential development on the property;
- A school district;
- A state college or university;
- A housing authority; or
- A local or regional transit district or a regional transportation authority serving one or more counties.

If a subject jurisdiction requests, as part of an initial development application, that a nonprofit organization with a demonstrated history of providing affordable housing provide documentation that it meets required criteria, the nonprofit organization shall provide the documentation.

A subject jurisdiction shall not:

- Disallow construction of a residential development on a qualifying property on the 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 a qualifying property 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 on a qualifying property 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; on-site landscaping, screening, and buffering requirements; or minimum dwelling units per acre.

Provided that the uses are allowed conditionally or by right within the zoning district in which a qualifying property is located, a subject

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

- Child care; 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.

The bill requires the owner of a qualifying property to notify the county assessor that a subject jurisdiction has allowed the construction of a residential development on a qualifying property within the county.

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

SECTION 1. Short title. The short title of this act is the "Housing Opportunities Made Easier (HOME) Act".

SECTION 2. In Colorado Revised Statutes, 29-35-103, **amend** (2)(a)(I); and **add** (2.5) as follows:

29-35-103. Definitions.

(2) (a) "Administrative approval process" means a process in which:

(I) A development ~~proposal~~ APPLICATION for a specified project is approved, approved with conditions, or denied by local government administrative staff based solely on its compliance with objective standards set forth in local laws; and

(2.5) "AIRPORT INFLUENCE AREA" MEANS AN AREA NEARBY AN AIRPORT THAT A LOCAL GOVERNMENT HAS DESIGNATED AS UNSUITABLE FOR RESIDENTIAL DEVELOPMENT BECAUSE:

- (a) DEVELOPMENT COULD IMPACT AIRPORT OPERATIONS; OR
- (b) AIRPORT NOISE OR SAFETY HAZARDS COULD AFFECT THE AREA.

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

PART 5

1 RESIDENTIAL DEVELOPMENT ON
2 QUALIFYING PROPERTIES

3 **29-35-501. Legislative declaration.**

4 (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

5 (a) COLORADANS ARE OVERWHELMINGLY BURDENED WITH THE
6 COST OF HOUSING. THE NUMBER OF HOUSEHOLDS THAT SPEND MORE THAN
7 THIRTY PERCENT OF THEIR TOTAL INCOME ON RENT OR MORTGAGE
8 PAYMENTS IN COLORADO INCREASED FROM SIX HUNDRED SIXTY-EIGHT
9 THOUSAND ONE HUNDRED IN 2014 TO EIGHT HUNDRED FIFTY THOUSAND
10 EIGHT HUNDRED IN 2024, REPRESENTING THIRTY-FIVE PERCENT OF ALL
11 HOUSEHOLDS.

12 (b) A CONTRIBUTING FACTOR TO THE INCREASE IN COST-BURDENED
13 HOUSEHOLDS IS THAT POPULATION GROWTH HAS OUTPACED NEW HOUSING
14 DEVELOPMENT, RESULTING IN SUPPLY CONSTRAINTS AND ESCALATING
15 COSTS. BETWEEN 2000 AND 2023, RESIDENTIAL PROPERTY VALUES AND
16 RENTAL RATES INCREASED AT RATES EXCEEDING INCOME GROWTH,
17 THEREBY EXERTING CONSIDERABLE FINANCIAL STRAIN ON MANY
18 RESIDENTS. A 2025 RESEARCH BRIEF PUBLISHED BY THE COLORADO STATE
19 DEMOGRAPHY OFFICE TITLED "COLORADO'S HOUSING SHORTFALL: AN
20 ESTIMATE AND REVIEW OF EXISTING STUDIES" ESTIMATED THAT, AS OF
21 2023, AN ADDITIONAL ONE HUNDRED SIX THOUSAND HOUSING UNITS WERE
22 NEEDED TO OVERCOME THE HOUSING SHORTFALL, AND THIRTY-FOUR
23 THOUSAND ONE-HUNDRED UNITS NEEDED TO BE BUILT ANNUALLY TO
24 MAINTAIN THE HOUSING SHORTAGE AT ITS 2023 LEVEL.

25 (c) AS COLORADO GROWS, SO DOES THE CHALLENGE OF PROVIDING
26 AFFORDABLE HOUSING TO RESIDENTS. WHILE LAND THAT IS AVAILABLE
27 FOR NEW HOUSING IN ESTABLISHED COMMUNITIES IS IN SHORT SUPPLY,

1 MANY QUALIFYING ORGANIZATIONS OWN UNDERUTILIZED PROPERTIES
2 WHERE HOUSING COULD BE BUILT.

3 (d) COLORADO URGENTLY NEEDS MORE HOUSING TO MEET THE
4 NEEDS OF A GROWING STATEWIDE POPULATION AND ADDRESS ISSUES
5 DIRECTLY RELATED TO HOUSING, SUCH AS TRANSIT, COMMUTING, THE
6 WORKFORCE, AND THE ENVIRONMENT. PROVIDING OPPORTUNITIES TO
7 CONSTRUCT RESIDENTIAL DEVELOPMENTS ON UNDERUTILIZED LAND IS A
8 MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

9 (e) LOCAL ZONING REGULATIONS OFTEN PREVENT HOUSING FROM
10 BEING DEVELOPED ON VACANT PROPERTIES BY PROHIBITING RESIDENTIAL
11 DEVELOPMENT ON QUALIFYING PROPERTIES OR BY REQUIRING EXTENSIVE
12 REZONING PROCESSES THAT ADD COST AND UNCERTAINTY TO AFFORDABLE
13 HOUSING PROJECTS.

14 (f) THIS HOUSE BILL 26-1001, ENACTED IN 2026, STREAMLINES
15 THE CONSTRUCTION OF AFFORDABLE HOUSING BY PROVIDING A PROCESS
16 THAT ALLOWS RESIDENTIAL DEVELOPMENTS TO BE CONSTRUCTED ON
17 QUALIFYING PROPERTIES AS LONG AS CERTAIN REQUIREMENTS ARE
18 SATISFIED.

19 (g) ACCORDING TO A 2022 ARTICLE PUBLISHED IN THE JOURNAL OF
20 THE AMERICAN PLANNING ASSOCIATION TITLED "DOES DISCRETION
21 DELAY DEVELOPMENT?", RESIDENTIAL PROJECTS THAT WENT THROUGH
22 ADMINISTRATIVE APPROVAL PROCESSES WERE APPROVED TWENTY-EIGHT
23 PERCENT FASTER THAN RESIDENTIAL PROJECTS THAT WENT THROUGH
24 DISCRETIONARY APPROVAL PROCESSES, AND FASTER APPROVAL TIMES
25 REDUCE DEVELOPER COSTS AND THEREFORE HOUSING COSTS. STUDIES
26 HAVE SHOWN THAT HOMEBUILDERS, INCLUDING AFFORDABLE HOUSING
27 DEVELOPERS, WILL AVOID PARCELS THAT NEED TO GO THROUGH A

1 DISCRETIONARY PROCESS.

2 (h) A 2022 RESEARCH PAPER PUBLISHED BY THE FEDERAL
3 RESERVE BANK OF BOSTON TITLED "HOW TO INCREASE HOUSING
4 AFFORDABILITY: UNDERSTANDING LOCAL DETERRENTS TO BUILDING
5 MULTIFAMILY HOUSING" FOUND THAT RELAXING DENSITY RESTRICTIONS,
6 EITHER ALONE OR IN COMBINATION WITH RELAXING MAXIMUM HEIGHT
7 RESTRICTIONS, IS THE MOST EFFECTIVE POLICY REFORM FOR INCREASING
8 THE HOUSING SUPPLY AND REDUCING MULTIFAMILY RENTS AND
9 SINGLE-FAMILY HOME PRICES. THIS PAPER ALSO FOUND THAT EVEN IF
10 MULTIFAMILY ZONING IS ALLOWED, MUNICIPALITIES OFTEN LIMIT THE SIZE
11 OR SHAPE OF BUILDINGS WITH HEIGHT RESTRICTIONS.

12 (i) RESEARCH EXAMINING THREE DECADES OF REZONING
13 DECISIONS IN HENRICO COUNTY, VIRGINIA DEMONSTRATED THAT PUBLIC
14 PARTICIPATION IN RESIDENTIAL REZONING PROCESSES IS
15 OVERWHELMINGLY OPPOSITIONAL, WITH MORE THAN EIGHTY-FIVE
16 PERCENT OF COMMENTERS RAISING CONCERNS ABOUT PERCEIVED
17 NEGATIVE IMPACTS OF NEW DEVELOPMENT RELATED TO DENSITY, SITE
18 DESIGN, AND PARKING. AS A RESULT, LOCAL GOVERNMENTS FREQUENTLY
19 IMPOSE CONDITIONS THAT GO BEYOND BASELINE ZONING STANDARDS TO
20 REDUCE DENSITY. PROHIBITING THE APPLICATION OF THESE MORE
21 RESTRICTIVE STANDARDS TO RESIDENTIAL DEVELOPMENTS ENSURES
22 DEVELOPMENT STANDARDS ARE APPLIED CONSISTENTLY AND
23 OBJECTIVELY, RATHER THAN BEING APPLIED AD HOC IN DISCRETIONARY
24 PROCESSES DRIVEN BY OPPOSITION.

25 (j) HUNDREDS OF THOUSANDS OF COLORADANS HAVE ONE OR
26 MORE DISABILITIES AND THIS NUMBER CONTINUES TO INCREASE AS THE
27 POPULATION AGES. ENSURING FAIR AND ACCESSIBLE HOUSING BENEFITS

1 INDIVIDUALS WITH DISABILITIES AND PROVIDES SAFER WORKING
2 CONDITIONS FOR HOME HEALTH-CARE WORKERS. FEDERAL, STATE, AND
3 LOCAL LAWS THAT PROVIDE ACCESSIBILITY PROTECTIONS SUCH AS THE
4 FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., THE
5 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
6 12101 ET SEQ., AND THE "COLORADO ANTI-DISCRIMINATION ACT", PARTS
7 3 THROUGH 8 OF ARTICLE 34 OF TITLE 24, ARE IMPERATIVE TO INCREASING
8 ACCESSIBLE HOUSING OPPORTUNITIES.

9 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

10 (a) COMMUNITY OPPOSITION AND RESTRICTIVE LOCAL LAND USE
11 POLICIES LIMIT THE HOUSING SUPPLY, IMPACT HOUSING OPTIONS FOR
12 COLORADANS OF LOW AND MODERATE INCOMES, AND RESTRICT THE
13 AVAILABILITY OF WORKFORCE HOUSING, THEREBY AFFECTING
14 EMPLOYMENT GROWTH.

15 (b) WHEN LOCAL GOVERNMENTS RESTRICT HOUSING
16 DEVELOPMENTS WITHIN THEIR JURISDICTIONS, THEY IMPACT NEIGHBORING
17 LOCAL GOVERNMENTS. AN INCREASE IN JOB GROWTH IN ONE COMMUNITY
18 WITHOUT A CORRESPONDING GROWTH IN HOUSING LEADS TO A HOUSING
19 SHORTFALL IN THE COMMUNITY. RESEARCH HAS SHOWN THAT REGIONAL
20 IMBALANCES BETWEEN JOBS AND HOUSING HAVE SIGNIFICANT IMPACTS ON
21 VEHICLE MILES TRAVELED AND COMMUTE TIMES ACROSS JURISDICTIONS,
22 ACCORDING TO STUDIES SUCH AS "WHICH REDUCES VEHICLE TRAVEL
23 MORE: JOBS-HOUSING BALANCE OR RETAIL-HOUSING MIXING?",
24 PUBLISHED IN THE JOURNAL OF THE AMERICAN PLANNING ASSOCIATION.
25 WHEN PEOPLE ARE UNABLE TO LIVE NEAR WHERE THEY WORK, WORKERS'
26 ONLY OPTION IS TO SPEND MORE HOURS ON THE ROAD COMMUTING.
27 LONGER COMMUTES INCREASE VEHICLE TRAFFIC, PUT ADDITIONAL STRAIN

1 ON COLORADO'S ROADS, AND INCREASE POLLUTION.

2 (c) THE AVAILABILITY OF AFFORDABLE HOUSING IS A MATTER OF
3 MIXED STATEWIDE AND LOCAL CONCERN.

4 (d) COLORADO HAS A LEGITIMATE STATE INTEREST IN MANAGING
5 POPULATION AND DEVELOPMENT GROWTH AND ENSURING A STABLE
6 QUALITY AND QUANTITY OF HOUSING FOR COLORADANS, AS THIS IS
7 AMONG THE MOST PRESSING PROBLEMS CURRENTLY FACING COMMUNITIES
8 THROUGHOUT COLORADO.

9 (3) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
10 THIS HOUSE BILL 26-1001, ENACTED IN 2026, IS INTENDED TO:

11 (a) STREAMLINE RESIDENTIAL DEVELOPMENT PROCESSES TO
12 REDUCE HOUSING CONSTRUCTION COSTS WHILE ENSURING SUBJECT
13 JURISDICTIONS ARE ABLE TO APPLY ALL RELEVANT PUBLIC HEALTH AND
14 SAFETY CODES THAT TYPICALLY APPLY TO RESIDENTIAL DEVELOPMENT;

15 (b) ALLOW FLEXIBILITY FOR SUBJECT JURISDICTIONS TO
16 DETERMINE APPROPRIATE SITE DESIGN STANDARDS FOR RESIDENTIAL
17 DEVELOPMENTS BY USING STANDARDS THAT APPLY TO SIMILAR HOUSING
18 PURSUANT TO SECTION 29-35-504 (1)(d). FOR EXAMPLE, IF A SUBJECT
19 JURISDICTION RECEIVES A DEVELOPMENT APPLICATION TO BUILD
20 SINGLE-FAMILY DWELLINGS, THE SUBJECT JURISDICTION MAY APPLY SITE
21 DESIGN STANDARDS THAT ARE CONSISTENT WITH A ZONE DISTRICT THAT
22 ALLOWS SINGLE-FAMILY DWELLINGS BY-RIGHT. IF A SUBJECT JURISDICTION
23 RECEIVES A DEVELOPMENT APPLICATION FOR MULTI-UNIT DWELLINGS, THE
24 SUBJECT JURISDICTION MAY APPLY SITE DESIGN STANDARDS THAT ARE
25 CONSISTENT WITH A ZONE DISTRICT THAT ALLOWS MULTI-UNIT DWELLINGS
26 BY-RIGHT; AND

27 (c) BUILD UPON RECENT LAWS THAT AUTHORIZE AND ENCOURAGE

1 SCHOOL DISTRICTS AND LOCAL GOVERNMENTS TO PROMOTE AFFORDABLE
2 HOUSING, SUCH AS:

3 (I) HOUSE BILL 21-1117, CONCERNING THE ABILITY OF LOCAL
4 GOVERNMENTS TO PROMOTE THE DEVELOPMENT OF NEW AFFORDABLE
5 HOUSING UNITS PURSUANT TO THEIR EXISTING AUTHORITY TO REGULATE
6 LAND USE WITHIN THEIR TERRITORIAL BOUNDARIES;

7 (II) SENATE BILL 24-174, CONCERNING STATE SUPPORT FOR
8 SUSTAINABLE AFFORDABLE HOUSING; AND

9 (III) HOUSE BILL 25-1006, CONCERNING ALLOWING A SCHOOL
10 DISTRICT TO LEASE DISTRICT PROPERTY FOR ANY TERM OF YEARS, WHICH
11 ALLOWS A BOARD OF EDUCATION OF A SCHOOL DISTRICT TO LEASE LAND
12 FOR AFFORDABLE HOUSING FOR ANY TERM OF YEARS IF THE BOARD OF
13 EDUCATION DEVELOPS A POLICY THAT DEFINES AFFORDABLE HOUSING FOR
14 THE PROJECT.

15 (4) THEREFORE, THE GENERAL ASSEMBLY FINDS, DETERMINES, AND
16 DECLARES THAT LOCAL GOVERNMENT POLICIES THAT LIMIT THE
17 CONSTRUCTION OF A DIVERSE RANGE OF HOUSING IN AREAS SERVED BY
18 INFRASTRUCTURE AND THAT EFFECTIVELY CREATE HOUSING SUPPLY
19 SHORTFALLS AND UNSUSTAINABLE DEVELOPMENT PATTERNS, REQUIRE A
20 STATEWIDE SOLUTION.

21 **29-35-502. Definitions.**

22 AS USED IN THIS PART 5, UNLESS THE CONTEXT OTHERWISE
23 REQUIRES:

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

26 (2) "EXEMPT PARCEL" MEANS:

27 (a) A PARCEL THAT IS:

1 (I) NOT SERVED BY A DOMESTIC WATER AND SEWAGE TREATMENT
2 SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);

3 (II) SERVED BY A WELL THAT IS NOT CONNECTED TO A WATER
4 DISTRIBUTION SYSTEM, AS DEFINED IN SECTION 25-9-102 (6); OR

5 (III) SERVED BY A SEPTIC TANK, AS DEFINED IN SECTION
6 25-10-103 (18);

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

10 (I) FEDERAL AVIATION ADMINISTRATION RESTRICTIONS PURSUANT
11 TO 14 CFR 77 OR 49 U.S.C. CHAPTER 471;

12 (II) AN ENVIRONMENTAL COVENANT PURSUANT TO SECTIONS
13 25-15-318 TO 25-15-323; OR

14 (III) FLAMMABLE GAS OVERLAY ZONING DISTRICT RESTRICTIONS;

15 (c) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;

16 (d) A PARCEL THAT IS ZONED OR USED PRIMARILY FOR INDUSTRIAL
17 USE, WHICH, FOR PURPOSES OF THIS SUBSECTION MEANS A BUSINESS USE
18 OR ACTIVITY AT A SCALE GREATER THAN HOME INDUSTRY INVOLVING
19 MANUFACTURING, FABRICATION, MINERAL OR GRAVEL EXTRACTION,
20 ASSEMBLY, WAREHOUSING, OR STORAGE;

21 (e) A PARCEL THAT IS SUBJECT TO AN INTERGOVERNMENTAL
22 AGREEMENT OR ANNEXATION AGREEMENT THAT LIMITS RESIDENTIAL
23 DEVELOPMENT;

24 (f) A PARCEL THAT IS ZONED FOR AGRICULTURAL USE;

25 (g) A PARCEL THAT IS ZONED FOR FORESTRY, NATURAL RESOURCE
26 PRESERVATION, OR OPEN SPACE;

27 (h) A PARCEL THAT IS IN A FLOODWAY OR IN A ONE-

1 HUNDRED-YEAR FLOODPLAIN, AS IDENTIFIED BY THE FEDERAL EMERGENCY
2 MANAGEMENT AGENCY;

3 (i) A PARCEL THAT IS LOCATED WITHIN AN AIRPORT INFLUENCE
4 AREA; OR

5 (j) A HISTORIC PROPERTY THAT IS LOCATED OUTSIDE OF A HISTORIC
6 DISTRICT.

7 (3) "HISTORIC DISTRICT" HAS THE MEANING SET FORTH IN SECTION
8 29-35-402 (10).

9 (4) "HISTORIC PROPERTY" HAS THE MEANING SET FORTH IN
10 SECTION 29-35-402 (11).

11 (5) "NONPROFIT ORGANIZATION" MEANS AN ORGANIZATION
12 AUTHORIZED TO DO BUSINESS IN THE STATE THAT IS EXEMPT FROM
13 TAXATION PURSUANT TO SECTION 501 (a) OF THE FEDERAL "INTERNAL
14 REVENUE CODE OF 1986", 26 U.S.C. SEC. 501, AS AMENDED, AND LISTED
15 AS AN EXEMPT ORGANIZATION IN SECTION 501 (c)(3) OF THE FEDERAL
16 "INTERNAL REVENUE CODE OF 1986", 26 U.S.C. SEC. 501, AS AMENDED.

17 (6) "NONPROFIT ORGANIZATION WITH A DEMONSTRATED HISTORY
18 OF PROVIDING AFFORDABLE HOUSING" MEANS A NONPROFIT
19 ORGANIZATION THAT, WITHIN THE FIVE YEARS PRECEDING THE NONPROFIT
20 ORGANIZATION'S SUBMISSION OF A DEVELOPMENT APPLICATION, HAS:

21 (a) DEVELOPED A PROJECT WHICH HAS RECEIVED A FEDERAL
22 LOW-INCOME HOUSING TAX CREDIT OR A STATE AFFORDABLE HOUSING
23 CREDIT;

24 (b) BEEN AWARDED FUNDING THROUGH THE FEDERAL "HOME
25 INVESTMENT PARTNERSHIPS PROGRAM", 24 CFR 92.1, ET SEQ.;

26 (c) BEEN AWARDED FUNDING TO SUPPORT THE CREATION,
27 PRESERVATION, OR REHABILITATION OF AFFORDABLE HOUSING FROM THE

1 COLORADO DEPARTMENT OF LOCAL AFFAIRS; THE COLORADO HOUSING
2 AND FINANCE AUTHORITY; THE COLORADO OFFICE OF ECONOMIC
3 DEVELOPMENT AND INTERNATIONAL TRADE; OR A LOCAL GOVERNMENT;

4 (d) OWNED PROPERTY THAT IS EXEMPT FROM PROPERTY TAXATION
5 PURSUANT TO SECTION 39-3-113.5;

6 (e) BEEN CERTIFIED AS A COMMUNITY HOUSING DEVELOPMENT
7 ORGANIZATION PURSUANT TO 24 CFR 92.2 AND, TOGETHER WITH THE
8 COLORADO DIVISION OF HOUSING OR A LOCAL GOVERNMENT, IS A PARTY
9 TO A COMMUNITY HOUSING DEVELOPMENT ORGANIZATION OPERATING
10 AGREEMENT;

11 (f) BEEN APPROVED BY THE COLORADO DIVISION OF HOUSING AS
12 AN "APPROVED NONPROFIT ORGANIZATION" PURSUANT TO SECTION
13 39-22-548 AND ENGAGED IN THE DEVELOPMENT OR OPERATIONAL SERVICE
14 OF SUPPORTIVE HOUSING PURSUANT TO SECTION 39-22-548 (2)(h); OR

15 (g) OWNED PROPERTY FOR WHICH THE ORGANIZATION RECEIVED
16 A CERTIFICATE OF OCCUPANCY FOR LONG-TERM AFFORDABLE HOUSING,
17 AND CAN PRODUCE THAT CERTIFICATE OF OCCUPANCY, A RESTRICTED USE
18 COVENANT, OR A SIMILAR RECORDED AGREEMENT THAT ENSURES
19 AFFORDABILITY.

20 ==

21 (7) "QUALIFYING ENTITY" MEANS A:

22 (a) SCHOOL DISTRICT, AS DEFINED IN SECTION 22-30-103;

23 (b) STATE COLLEGE OR UNIVERSITY, AS DEFINED IN SECTION
24 23-2-102;

25 (c) BOARD OF COOPERATIVE SERVICES, AS DEFINED IN SECTION
26 22-5-103;

27 (d) HOUSING AUTHORITY CREATED PURSUANT TO SECTION

1 29-1-204.5, 29-4-204, 29-4-402, OR 29-4-503;

2 (e) LOCAL OR REGIONAL TRANSIT DISTRICT OR A REGIONAL
3 TRANSPORTATION AUTHORITY SERVING ONE OR MORE COUNTIES;

4 (f) NONPROFIT ORGANIZATION WITH A DEMONSTRATED HISTORY
5 OF PROVIDING AFFORDABLE HOUSING; OR

6 (g) NONPROFIT ORGANIZATION THAT HAS ENTERED INTO AN
7 AGREEMENT WITH ANOTHER NONPROFIT ORGANIZATION WITH A
8 DEMONSTRATED HISTORY OF PROVIDING AFFORDABLE HOUSING, PROVIDED
9 THAT THE AGREEMENT REQUIRES THE NONPROFIT ORGANIZATION WITH A
10 DEMONSTRATED HISTORY OF PROVIDING AFFORDABLE HOUSING, OR ITS
11 SUCCESSOR ORGANIZATION, TO DEVELOP A RESIDENTIAL DEVELOPMENT ON
12 THE PROPERTY.

13 (8) "QUALIFYING PROPERTY" MEANS REAL PROPERTY THAT
14 CONTAINS NO MORE THAN FIVE ACRES OF LAND AND IS:

15 (a) OWNED BY A QUALIFYING ENTITY;

16 (b) NOT ADJACENT TO ANOTHER QUALIFYING PROPERTY
17 CONTAINING FIVE OR LESS ACRES THAT WAS PART OF A SUBDIVISION
18 PROCESS THAT OCCURRED WITHIN THE PAST FIVE YEARS; AND

19 (c) WITHIN:

20 (I) A MUNICIPALITY; OR

21 (II) A PORTION OF A COUNTY THAT IS WITHIN A CENSUS
22 DESIGNATED PLACE WITH A POPULATION OF FIVE THOUSAND OR MORE, AS
23 REPORTED IN THE MOST RECENT DECENNIAL CENSUS, THAT IS ALSO WITHIN
24 A THREE-MILE AREA EXTENDING IN ANY DIRECTION FROM ANY POINT IN A
25 MUNICIPALITY, AS DESCRIBED IN SECTION 31-12-105 (1)(e)(I).

26 (9) "RESIDENTIAL DEVELOPMENT" MEANS A DEVELOPMENT:

27 (a) WITH ONE OR MORE STRUCTURES THAT CONTAIN PERMANENT

1 DWELLING UNITS;

2 (b) THAT DOES NOT CONTAIN ANY TEMPORARY HOUSING OR
3 SHELTER SPACE; AND

4 (c) THAT HAS A PRIMARY PURPOSE OF RESIDENTIAL USE.

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

7 (11) "SUBJECT JURISDICTION" MEANS A LOCAL GOVERNMENT THAT
8 HAD A POPULATION GREATER THAN TWO THOUSAND PEOPLE AS OF THE
9 LAST UNITED STATES CENSUS.

10 (12) "TRANSFERABLE DEVELOPMENT RIGHTS PROGRAM" MEANS AN
11 ENACTED LOCAL LAND USE PROGRAM THAT AUTHORIZES THE TRANSFER OR
12 SALE OF REAL PROPERTY DEVELOPMENT RIGHTS AS PART OF A LAND USE
13 PLANNING STRATEGY THAT AIMS TO ACHIEVE CONSERVATION, GROWTH
14 MANAGEMENT, AFFORDABLE HOUSING, OR OTHER POLICY OBJECTIVES.

15 **29-35-503. Residential developments on qualifying properties.**

16 (1) **Residential developments on qualifying properties.** EXCEPT
17 AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, ON OR AFTER
18 DECEMBER 31, 2027, SUBJECT TO AN ADMINISTRATIVE APPROVAL PROCESS
19 AND IN ACCORDANCE WITH THIS PART 5, A SUBJECT JURISDICTION SHALL
20 ALLOW A RESIDENTIAL DEVELOPMENT TO BE CONSTRUCTED ON A
21 QUALIFYING PROPERTY IF THE QUALIFYING PROPERTY DOES NOT CONTAIN
22 AN EXEMPT PARCEL; EXCEPT THAT, IF ON DECEMBER 31, 2027, A SUBJECT
23 JURISDICTION IS ACTIVELY IN THE PROCESS OF UPDATING THE SUBJECT
24 JURISDICTION'S ZONING OR DEVELOPMENT CODE TO COMPLY WITH THE
25 REQUIREMENTS OF THIS PART 5, THE SUBJECT JURISDICTION SHALL
26 COMPLETE THE UPDATES AND SHALL COMPLY WITH ALL REQUIREMENTS OF
27 THIS PART 5 BY JUNE 31, 2028.

1 **(2) Verification of nonprofit status.** A SUBJECT JURISDICTION
2 MAY REQUEST, AS PART OF AN INITIAL DEVELOPMENT APPLICATION, THAT
3 A NONPROFIT ORGANIZATION WITH A DEMONSTRATED HISTORY OF
4 PROVIDING AFFORDABLE HOUSING PROVIDE DOCUMENTATION THAT IT
5 MEETS ANY ONE OF THE CRITERIA LISTED IN SECTION 29-35-502 (6). THE
6 NONPROFIT ORGANIZATION SHALL PROVIDE THE REQUESTED
7 DOCUMENTATION BUT IS NOT REQUIRED TO PROVIDE DOCUMENTATION OF
8 MORE THAN ONE OF THE CRITERIA LISTED IN SECTION 29-35-502 (6) TO BE
9 VERIFIED BY THE SUBJECT JURISDICTION.

10 **(3) Subject jurisdiction administrative practices.** NOTHING IN
11 THIS SECTION PREVENTS A SUBJECT JURISDICTION FROM:

12 (a) APPLYING AND ENFORCING INFRASTRUCTURE STANDARDS IN
13 LOCAL LAW DURING THE ADMINISTRATIVE APPROVAL PROCESS, INCLUDING
14 STANDARDS RELATED TO UTILITIES, TRANSPORTATION, OR PUBLIC WORKS
15 CODES;

16 (b) APPLYING AND ENFORCING A LOCALLY ADOPTED LIFE SAFETY
17 CODE, INCLUDING A BUILDING, FIRE, WILDFIRE RESILIENCY, UTILITY, OR
18 STORMWATER CODE;

19 (c) APPLYING AND ENFORCING REGULATIONS RELATED TO HUMAN
20 AND ENVIRONMENTAL HEALTH AND SAFETY, INCLUDING OIL AND GAS
21 SETBACKS, FLOODPLAIN REGULATIONS, AND AIRPORT INFLUENCE AREAS;

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

26 (e) REQUIRING A STATEMENT BY A WATER OR WASTEWATER
27 SERVICE PROVIDER REGARDING THE PROVIDER'S CAPACITY TO SERVICE THE

1 PROPERTY AS A CONDITION OF ALLOWING A RESIDENTIAL DEVELOPMENT;

2 (f) APPLYING AND ENFORCING INCLUSIONARY ZONING
3 ORDINANCES, DEED RESTRICTIONS, COMMUNITY BENEFIT AGREEMENTS,
4 DEVELOPMENT AGREEMENTS, OR OTHER AFFORDABLE HOUSING POLICIES
5 OR STANDARDS IN ACCORDANCE WITH SECTION 29-20-104;

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

11 (h) ENACTING OR APPLYING A LOCAL LAW CONCERNING A
12 SHORT-TERM RENTAL, AS THAT TERM IS DEFINED IN SECTION 29-35-402
13 (19), OF A DWELLING UNIT ON A QUALIFYING PROPERTY;

14 (i) ENACTING OR APPLYING A LOCAL LAW THAT REQUIRES
15 NOTIFYING THE PUBLIC REGARDING A DEVELOPMENT APPLICATION OR
16 SOLICITING AND COLLECTING FEEDBACK FROM RESIDENTS OF THE SUBJECT
17 JURISDICTION;

18 (j) APPLYING LAWS AND POLICIES TO A QUALIFYING PROPERTY
19 PURSUANT TO ACCEPTED HOUSING NEEDS ASSESSMENTS AND ACCEPTED
20 HOUSING ACTION PLANS THAT ENCOURAGE THE DEVELOPMENT OF A RANGE
21 OF HOUSING TYPES IN ACCORDANCE WITH PART 37 OF ARTICLE 32 OF TITLE
22 24;

23 (k) OFFERING FUNDING, FINANCING INCENTIVES, OR DEVELOPMENT
24 INCENTIVES THAT MAY REQUIRE APPROVAL IN A PUBLIC HEARING TO A
25 DEVELOPER OF A RESIDENTIAL DEVELOPMENT, IF THE FUNDING OR
26 INCENTIVES WOULD LEAD TO THE DEVELOPMENT OF A GREATER AMOUNT
27 OF AFFORDABLE HOUSING UNITS THAN THE AMOUNT OF AFFORDABLE

1 HOUSING UNITS THAT WOULD BE DEVELOPED IN THE ABSENCE OF THE
2 FUNDING OR INCENTIVES AND THE DEVELOPER OF THE RESIDENTIAL
3 DEVELOPMENT IS NOT REQUIRED TO ACCEPT THE FUNDING OR INCENTIVES;

4 (l) REQUIRING COMMON LAW OR STATUTORY DEDICATIONS OF
5 INTEREST IN LAND ASSOCIATED WITH A RESIDENTIAL DEVELOPMENT ON A
6 QUALIFYING PROPERTY TO BE ACCEPTED BY THE LEGISLATIVE BODY OF A
7 LOCAL GOVERNMENT;

8 (m) APPLYING AND ENFORCING SUBDIVISION REGULATIONS;

9 (n) EXERCISING THE SUBJECT JURISDICTION'S RIGHT OF FIRST
10 REFUSAL IN ACCORDANCE WITH SECTION 29-4-1202; OR

11 (o) APPLYING THE DESIGN STANDARDS AND PROCEDURES OF A
12 HISTORIC DISTRICT TO A QUALIFYING PROPERTY THAT IS LOCATED IN A
13 HISTORIC DISTRICT, INCLUDING A STANDARD OR PROCEDURE RELATED TO
14 DEMOLITION.

15 **(4) School district administrative practices.** NOTHING IN THIS
16 SECTION PREVENTS A SCHOOL DISTRICT FROM CONSTRUCTING,
17 PURCHASING, OR REMODELING A TEACHERAGE PURSUANT TO SECTION
18 22-32-110 (1)(d), OR FROM USING ANY OF THE PROCESSES DESCRIBED IN
19 SECTION 22-32-124 REGARDING BUILDINGS AND STRUCTURES.

20 **(5) Transferable development rights program.** A SUBJECT
21 JURISDICTION IS NOT REQUIRED TO ALLOW A RESIDENTIAL DEVELOPMENT
22 ON A QUALIFYING PROPERTY IN ACCORDANCE WITH SUBSECTION (1) OF
23 THIS SECTION IF THE SUBJECT JURISDICTION IMPLEMENTS A TRANSFERABLE
24 DEVELOPMENT RIGHTS PROGRAM ON THE QUALIFYING PROPERTY, AND THE
25 TRANSFERABLE DEVELOPMENT RIGHTS PROGRAM INCLUDES A POLICY FOR
26 AFFORDABLE RESIDENT HOUSING THAT IS RESTRICTED IN OWNERSHIP AND
27 OCCUPANCY IN PERPETUITY BY A DEED RESTRICTION, COVENANT, OR A

1 MECHANISM PROVIDED IN SECTION 29-35-103 (16)(b).

2

3 **29-35-504. Qualifying property requirements for a subject**
4 **jurisdiction - allowable uses.**

5 (1) A SUBJECT JURISDICTION SHALL NOT:

6 (a) DISALLOW CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT
7 ON A QUALIFYING PROPERTY ON THE BASIS OF HEIGHT IF THE TALLEST
8 STRUCTURE IN THE RESIDENTIAL DEVELOPMENT IS NO MORE THAN THREE
9 STORIES OR THIRTY-EIGHT FEET TALL, UNLESS:

10 (I) THE SUBJECT JURISDICTION IS SERVED BY A FIRE PROTECTION
11 DISTRICT, FIRE DEPARTMENT, OR FIRE AUTHORITY WHOSE AERIAL
12 APPARATUS IS UNABLE TO SERVE A STRUCTURE THAT IS THREE STORIES
13 TALL; OR

14 (II) THE QUALIFYING PROPERTY IS LOCATED IN A HISTORIC
15 DISTRICT THAT DOES NOT ALLOW RESIDENTIAL STRUCTURES THAT ARE
16 THREE STORIES TALL;

17 (b) 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 COMPLIES WITH THE
20 HEIGHT REQUIREMENTS:

21 (I) OF THE ZONING DISTRICT IN WHICH THE RESIDENTIAL
22 DEVELOPMENT WILL BE BUILT; OR

23 (II) THAT APPLY TO ANY PARCEL ZONED TO ALLOW FOR
24 RESIDENTIAL DEVELOPMENT THAT IS CONTIGUOUS TO THE QUALIFYING
25 PROPERTY ON WHICH THE RESIDENTIAL DEVELOPMENT WILL BE BUILT;

26 (c) DISALLOW CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT
27 ON A QUALIFYING PROPERTY BASED ON THE NUMBER OF DWELLING UNITS

1 THE RESIDENTIAL DEVELOPMENT WILL CONTAIN, EXCEPT IN ACCORDANCE
2 WITH ONE OF THE STANDARDS LISTED IN SUBSECTION (1)(d) OF THIS
3 SECTION; OR

4 (d) APPLY SITE DESIGN STANDARDS TO A RESIDENTIAL
5 DEVELOPMENT ON A QUALIFYING PROPERTY THAT ARE MORE RESTRICTIVE
6 THAN THE SITE DESIGN STANDARDS THAT THE SUBJECT JURISDICTION
7 APPLIES TO SIMILAR HOUSING CONSTRUCTED WITHIN THE SUBJECT
8 JURISDICTION, INCLUDING SITE DESIGN STANDARDS RELATED TO:

- 9 (I) STRUCTURE SETBACKS FROM PROPERTY LINES;
- 10 (II) LOT COVERAGE OR OPEN SPACE;
- 11 (III) ON-SITE PARKING REQUIREMENTS;
- 12 (IV) NUMBERS OF BEDROOMS IN A MULTIFAMILY RESIDENTIAL
13 DEVELOPMENT;
- 14 (V) ON-SITE LANDSCAPING, SCREENING, AND BUFFERING
15 REQUIREMENTS;
- 16 (VI) SOLAR ACCESS;
- 17 (VII) MINIMUM DWELLING UNITS PER ACRE; OR
- 18 (VIII) OTHER OBJECTIVE SETBACK STANDARDS THAT APPLY TO
19 RESIDENTIAL DWELLINGS, INCLUDING SETBACKS FROM OIL AND GAS
20 FACILITIES, OIL AND GAS OPERATIONS, STREAM CORRIDORS, RIPARIAN
21 AREAS, WETLANDS, AND SENSITIVE WILDLIFE HABITATS.

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

- 26 (a) CHILD CARE; AND
- 27 (b) THE PROVISION OF RECREATIONAL, SOCIAL, OR EDUCATIONAL

1 SERVICES PROVIDED BY COMMUNITY ORGANIZATIONS FOR USE BY THE
2 RESIDENTS OF THE RESIDENTIAL DEVELOPMENT AND THE SURROUNDING
3 COMMUNITY.

4

5 **29-35-505. Authority of institutions of higher education**
6 **preserved.**

7 NOTHING IN THIS PART 5 IS INTENDED TO ABROGATE OR LIMIT THE
8 AUTHORITY OF AN INSTITUTION OF HIGHER EDUCATION TO MAKE
9 DECISIONS REGARDING THE USE OF OR DISPOSITION OF THE INSTITUTION'S
10 PROPERTY, OR TO CREATE ADDITIONAL BUILDING CODE COMPLIANCE
11 OBLIGATIONS FOR AN INSTITUTION OF HIGHER EDUCATION BEYOND THOSE
12 ALREADY REQUIRED BY SECTION 24-30-1303.

13 **29-35-506. Published guidance in verification of nonprofit**
14 **status.**

15 ON OR BEFORE DECEMBER 31, 2027, THE DEPARTMENT OF LOCAL
16 AFFAIRS SHALL PUBLISH GUIDANCE TO ASSIST SUBJECT JURISDICTIONS IN
17 VERIFYING THE STATUS OF A NONPROFIT ORGANIZATION WITH A
18 DEMONSTRATED HISTORY OF PROVIDING AFFORDABLE HOUSING IN
19 ACCORDANCE WITH SECTION 29-35-503 (2).

20 **SECTION 4. Safety clause.** The general assembly finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety or for appropriations for
23 the support and maintenance of the departments of the state and state
24 institutions.