

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

**REREVISED**

*This Version Includes All Amendments  
Adopted 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.**, Amabile, Ball, Benavidez, Coleman, Cutter, Danielson, Hinrichsen, Jodeh, Kipp, Lindstedt, Marchman, Snyder, Weissman

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**House Committees**

Transportation, Housing & Local Government

**Senate Committees**

Local Government & Housing

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**A BILL FOR AN ACT**

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

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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>.)*

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  
3rd Reading Unamended  
March 12, 2026

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.

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*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.