

HOUSE COMMITTEE OF REFERENCE REPORT

February 12, 2025

Chair of Committee

Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

HB25-1093 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

3 **"SECTION 1.** In Colorado Revised Statutes, 29-20-104.2, **amend**
4 (2)(a) as follows:
5 **29-20-104.2. Anti-growth law - preemption - legislative**
6 **declaration - definitions.** (2) As used in this section, unless the context
7 otherwise requires:

8 (a) "Anti-growth law" means a GENERALLY APPLICABLE land use
9 law that explicitly limits either the growth of the population in the
10 governmental entity's jurisdiction or the number of development permits
11 or building permit applications for residential development or the
12 residential component of any mixed use development submitted to,
13 reviewed by, approved by, or issued by a governmental entity for any
14 calendar or fiscal year OR THAT, IN CENSUS URBAN AREAS AS DEFINED BY
15 THE UNITED STATES CENSUS BUREAU, EXPLICITLY DECREASES THE
16 PERMITTED RESIDENTIAL DENSITY OR USES OF LAND TO LESS DENSITY OR
17 FEWER USES THAN WERE ALLOWED UNDER ITS PREVIOUS USAGE WITHOUT
18 ENSURING A CORRESPONDING INCREASE OF RESIDENTIAL DENSITY OR USES
19 ELSEWHERE IN THE JURISDICTION. As used in this subsection (2)(a), "land
20 use law" means any statute, resolution, ordinance, code, rule, regulation,
21 plan, policy, procedure, standard, initiative, guideline, requirement, or law
22 that regulates the use or division of property or any interest in property.

23 **SECTION 2.** In Colorado Revised Statutes, 29-20-203, **add** (3)
24 as follows:

25 **29-20-203. Conditions on land-use approvals.**
26 (3) NOTWITHSTANDING ANY OTHER LAW, AT ANY TIME BEFORE AN
27 ELECTION IS ORDERED PURSUANT TO SECTION 31-11-104, A MUNICIPALITY

1 MAY SEEK A JUDICIAL DETERMINATION AS TO THE LEGALITY OF A
2 PROPOSED LAND USE ORDINANCE THAT RESTRICTS OR LIMITS THE
3 DEVELOPMENT OR USE OF LAND SUBMITTED TO THE LEGISLATIVE BODY
4 PURSUANT TO SECTION 31-11-104 WITH REGARD TO ANY PROVISION OF
5 THE UNITED STATES CONSTITUTION OR THE STATE CONSTITUTION, THIS
6 SECTION, ARTICLE 68 OF TITLE 24, OR SECTION 29-20-104.2. THE OWNERS
7 OF PROPERTY SPECIFICALLY SUBJECT TO THE PROPOSED ORDINANCE AND
8 PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS
9 PURSUANT TO SECTION 31-11-106 (2) SHALL BE ENTITLED TO INTERVENE
10 IN THE PROCEEDING. THE TIME PERIOD TO ADOPT AN INITIATED ORDINANCE
11 OR CALL AN ELECTION PURSUANT TO SECTION 31-11-104 (1) SHALL BE
12 TOLLED DURING THE PENDENCY OF ANY ACTION FILED PURSUANT TO THIS
13 SUBSECTION (3) INCLUDING ANY APPEAL.

14 **SECTION 3. Act subject to petition - effective date.** This act
15 takes effect at 12:01 a.m. on the day following the expiration of the
16 ninety-day period after final adjournment of the general assembly; except
17 that, if a referendum petition is filed pursuant to section 1 (3) of article V
18 of the state constitution against this act or an item, section, or part of this
19 act within such period, then the act, item, section, or part will not take
20 effect unless approved by the people at the general election to be held in
21 November 2026 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor."

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