

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0890.01 Pierce Lively x2059

SENATE BILL 23-213

SENATE SPONSORSHIP

Moreno, Exum, Gonzales, Hansen, Jaquez Lewis, Priola

HOUSE SPONSORSHIP

Jodeh and Woodrow,

Senate Committees

Local Government & Housing
Appropriations

House Committees

Transportation, Housing & Local Government
Appropriations

A BILL FOR AN ACT

101 **CONCERNING STATE LAND USE REQUIREMENTS, AND, IN CONNECTION**
102 **THEREWITH, MAKING AN APPROPRIATION.**

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>.)

Housing needs planning. The executive director of the department of local affairs (director) shall, no later than December 31, 2024, and every 5 years thereafter, issue methodology for developing statewide, regional, and local housing needs assessments. The statewide housing needs assessment must determine existing statewide housing stock and current and future housing needs. The regional housing needs

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
April 28, 2023

SENATE
Amended 2nd Reading
April 27, 2023

assessments must allocate the addressing of housing needs identified in the statewide housing needs assessment to regions of the state. Similarly, the local housing needs assessments must allocate the addressing of the housing needs allocated in the regional housing needs assessment to localities in the relevant region.

The director shall, no later than December 31, 2024, issue guidance on creating a housing needs plan for both a rural resort job center municipality and an urban municipality. Following this guidance, no later than December 31, 2026, and every 5 years thereafter, a rural resort job center municipality and an urban municipality shall develop a housing needs plan and submit that plan to the department of local affairs (department). A housing needs plan must include, among other things, descriptions of how the plan was created, how the municipality will address the housing needs it was assigned in the local housing needs assessment, affordability strategies the municipality has selected to address its local housing needs assessment, an assessment of displacement risk and any strategies selected to address identified risks, and how the locality will comply with other housing requirements in this bill.

The director shall, no later than December 31, 2024, develop and publish a menu of affordability strategies to address housing production, preservation, and affordability. Rural resort job center municipalities and urban municipalities shall identify at least 2 of these strategies that they intend to implement in their housing plan, and urban municipalities with a transit-oriented area must identify at least 3.

The director shall, no later than December 31, 2024, develop and publish a menu of displacement mitigation measures. This menu must, among other things, provide guidance for how to identify areas at the highest risk for displacement and identify displacement mitigation measures that a locality may adopt. An urban municipality must identify which of these measures it intends to implement in its housing plan to address any areas it identifies as at an elevated risk for displacement.

The director shall, no later than March 31, 2024, publish a report that identifies strategic growth objectives that will incentivize growth in transit-oriented areas and infill areas and guide growth at the edges of urban areas. The multi-agency advisory committee shall, no later than March 31, 2024, submit a report to the general assembly concerning the strategic growth objectives.

The bill establishes a multi-agency advisory committee and requires that committee to conduct a public comment and hearing process on and provide recommendations to the director on:

- Methodologies for developing statewide, regional, and local housing needs assessments;
- Guidance for creating housing needs plans;
- Developing a menu of affordability strategies;

- Developing a menu of displacement mitigation measures;
- Identifying strategic growth objectives; and
- Developing reporting guidance and templates.

A county or municipality within a rural resort region shall participate in a regional housing needs planning process. This process must encourage participating counties and municipalities to identify strategies that, either individually or through intergovernmental agreements, address the housing needs assigned to them. A report on this process must be submitted to the department. Further, within 6 months of completing this process, a rural resort job center municipality shall submit a local housing needs plan to the department. Once a year, both rural resort job centers and urban municipalities shall report to the department on certain housing data.

A multi-agency group created in the bill and the division of local government within the department shall provide assistance to localities in complying with the requirements of this bill. This assistance must include technical assistance and a grant program.

Accessory dwelling units. The director shall promulgate an accessory dwelling unit model code that, among other things, requires accessory dwelling units to be allowed as a use by right in any part of a municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a municipality does not adopt the accessory dwelling unit model code, the municipality shall adhere to accessory dwelling unit minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow accessory dwelling units as a use by right in any part of the municipality where the municipality allows single-unit detached dwellings as a use by right;
- Only adopt or enforce local laws concerning accessory dwelling units that use objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning accessory dwelling units that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of accessory dwelling units infeasible.

Middle housing. The director shall promulgate a middle housing model code that, among other things, requires middle housing to be allowed as a use by right in any part of a rural resort job center municipality or a tier one urban municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this

model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the middle housing model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow middle housing as a use by right in certain areas;
- Only adopt or enforce local laws concerning middle housing that use objective standards and procedures;
- Allow properties on which middle housing is allowed to be split by right using objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning middle housing that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of middle housing infeasible.

Transit-oriented areas. The director shall promulgate a transit-oriented area model code that, among other things, imposes minimum residential density limits for multifamily residential housing and mixed-income multifamily residential housing and allows these developments as a use by right in the transit-oriented areas of tier one urban municipalities. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a tier one urban municipality does not adopt the transit-oriented model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Create a zoning district within a transit-oriented area in which multifamily housing meets a minimum residential density limit and is allowed as a use by right; and
- Not apply standards that make the permitting, siting, or construction of multifamily housing in transit-oriented areas infeasible.

Key corridors. The director shall promulgate a key corridor model code that applies to key corridors in rural resort job center municipalities and tier one urban municipalities. The model code must, among other things, include requirements for:

- The percentage of units in mixed-income multifamily residential housing that must be reserved for low- and moderate-income households;
- Minimum residential density limits for multifamily

- residential housing; and
- Mixed-income multifamily residential housing that must be allowed as a use by right in key corridors.

The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the key corridor model code, the municipality shall adhere to key corridor minimum standards promulgated by the director and developed by the department. These minimum standards, among other things, must identify a net residential zoning capacity for a municipality and must require a municipality to:

- Allow multifamily residential housing within key corridors that meets the net residential zoning capacity as a use by right;
- Not apply standards that make the permitting, siting, or construction of multifamily housing in certain areas infeasible; and
- Not adopt, enact, or enforce local laws that make satisfying the required minimum residential density limits infeasible.

The committee shall provide recommendations to the director on promulgating these minimum standards. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Adoption of model codes and minimum standards. A relevant municipality shall adopt either the model code or local laws that satisfy the minimum standards concerning accessory dwelling units, middle housing, transit-oriented areas, and key corridors. Furthermore, a municipality shall submit a report to the department demonstrating that it has done so. If a municipality fails to adopt either the model code or local laws that satisfy the minimum standards by a specified deadline, the relevant model code immediately goes into effect, and municipalities shall then approve any proposed projects that meet the standards in the model code using objective procedures. However, a municipality may apply to the department for a deadline extension for a deficiency in water or wastewater infrastructure or supply.

Additional provisions. The bill also:

- Requires the advisory committee on factory-built structures and tiny homes to produce a report on the opportunities and barriers in state law concerning the building of manufactured homes, mobile homes, and tiny homes;
- Removes the requirements that manufacturers of factory-built structures comply with escrow requirements of down payments and provide a letter of credit, certificate of deposit issued by a licensed financial institution, or

- surety bond issued by an authorized insurer;
- Prohibits a planned unit development resolution or ordinance for a planned unit with a residential use from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors in a way not allowed by this bill;
- Prohibits a local government from enacting or enforcing residential occupancy limits that differ based on the relationships of the occupants of a dwelling;
- Modifies the content requirements for a county and municipal master plan, requires counties and municipalities to adopt or amend master plans as part of an inclusive process, and requires counties and municipalities to submit master plans to the department;
- Allows a municipality to sell and dispose of real property and public buildings for the purpose of providing property to be used as affordable housing, without requiring the sale to be submitted to the voters of the municipality;
- Requires the approval process for manufactured and modular homes to be based on objective standards and administrative review equivalent to the approval process for site-built homes;
- Prohibits a municipality from imposing more restrictive standards on manufactured and modular homes than the municipality imposes on site-built homes;
- Prohibits certain municipalities from imposing minimum square footage requirements for residential units in the approval of residential dwelling unit construction permits;
- Requires certain entities to submit to the Colorado water conservation board (board) a completed and validated water loss audit report pursuant to guidelines that the board shall adopt;
- Allows the board to make grants from the water efficiency grant program cash fund to provide water loss audit report validation assistance to covered entities;
- Allows the board and the Colorado water resources and power development authority to consider whether an entity has submitted a required audit report in deciding whether to release financial assistance to the entity for the construction of a water diversion, storage, conveyance, water treatment, or wastewater treatment facility;
- Prohibits a unit owners' association from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors;
- Requires the department of transportation to ensure that the

- prioritization criteria for any grant program administered by the department are consistent with state strategic growth objectives, so long as doing so does not violate federal law;
- Requires any regional transportation plan that is created or updated to address and ensure consistency with state strategic growth objectives;
 - Requires that expenditures for local and state multimodal projects from the multimodal transportation options fund are only to be made for multimodal projects that the department determines are consistent with state strategic growth objectives; and
 - For state fiscal year 2023-24, appropriates \$15,000,000 from the general fund to the housing plans assistance fund and makes the department responsible for the accounting related to the appropriation.
-

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

2 **SECTION 1. Legislative declaration.** (1) (a) (I) The general
3 assembly finds and declares that:

4 (A) Colorado housing is currently among the most expensive in
5 the nation. In 2021, Colorado had the sixth highest median home values
6 and the fourth highest median gross rent but only the tenth highest median
7 income, according to the state demographer;

8 (B) Between 2010 and 2021, the percentage of Coloradans
9 making less than seventy-five thousand dollars a year who were housing
10 cost-burdened, meaning they spend more than thirty percent of their
11 income on housing needs, increased from fifty-four percent to sixty-one
12 percent, and, for renters making less than seventy-five thousand dollars
13 a year, that percentage increased from fifty-nine percent to seventy-three
14 percent, according to the American Community Survey;

15 (C) Colorado's housing supply has not kept pace with population
16 growth. Between 2010 and 2020, the state added one hundred twenty-six
17 thousand fewer housing units than in the prior decade, despite the

1 population increasing by a similar amount in each decade. The state has
2 an unmet housing need, as of 2022, of between sixty-five thousand and
3 ninety thousand units, according to the state demographer;

4 (D) Many cities restrict the development of more compact
5 affordable home types, such as accessory dwelling units, townhomes,
6 duplexes, and multifamily homes, on most of their residential land;

7 (E) Older adults represent the fastest growing segment of
8 Colorado's population and have diverse housing needs that are not being
9 adequately met in the current housing market, including the need for more
10 accessible and affordable housing units built with universal design and
11 located within age-friendly communities. The housing and land use
12 policies of the state must be informed by the findings and
13 recommendations of the strategic action plan on aging, developed
14 pursuant to section 24-32-3406, prior to the repeal of that section, and the
15 lifelong Colorado initiative created in section 26-11-302, including the
16 eight realms of livable and age-friendly communities.

17 (F) The ten largest municipalities in the Denver metropolitan area
18 allow single-unit detached dwellings as a use by right on over eighty-five
19 percent of their residential land, compared to allowing as a use by right
20 an estimated twenty-four percent of their residential land for accessory
21 dwelling units, thirty-three percent of their residential land for
22 townhomes, thirty-one percent of their residential land for duplexes up to
23 quadplexes, and thirty-five percent of their residential land for
24 multifamily homes, according to publicly available zoning data;

25 (G) The ten largest municipalities in the Denver metropolitan area
26 require a minimum lot size of over five thousand square feet on more than
27 half of their residential land, according to publicly available zoning data;

1 (H) These types of common zoning practices make it difficult to
2 build more affordable home types and have historically been used to
3 exclude low-income residents and renters;

4 (I) To stabilize housing prices and ensure development of housing
5 to meet the state's growing need, the state must increase its housing
6 supply to address the unmet housing need from the past decade and plan
7 for future household growth; and

8 (J) Displacement from low-income neighborhoods has occurred
9 in Colorado under current land use regulations as housing rents and prices
10 have increased faster than wages, which has fundamentally changed the
11 demographics of some areas. These pressures have led to both direct
12 displacement of individual households from homes they can no longer
13 afford and indirect displacement as the result of changes in the
14 neighborhood population as low-income residents move out and the
15 vacated units are no longer affordable to similar households. As the state
16 and local governments seek to increase housing options and affordability,
17 it is essential to take steps to mitigate further displacement and enable
18 residents to stay in their neighborhoods if they wish.

19 (II) Therefore, the general assembly finds, determines and
20 declares that the lack of housing is a critical problem that threatens the
21 economic, environmental, and social quality of life in Colorado.

22 (b) (I) The general assembly finds and declares that:

23 (A) The consequences of land use policies that limit housing
24 supply and diversity include a lack of housing that is affordable to
25 Coloradans of low and moderate incomes, a lack of housing to support
26 employment growth, an imbalance in jobs and housing, segregated and
27 unequal communities, reduced mobility and long commutes, reduced

1 options for older adults to age in their community of choice, loss of open
2 space and agricultural land, high water usage, and increased greenhouse
3 gas and air pollution;

4 (B) When a local government's policies reduce and limit the
5 supply of housing, neighboring local governments are also affected by
6 more people seeking affordable housing; and

7 (C) People are not able to live near where they work, leading to
8 longer commutes, putting additional strain on Colorado's roads, and
9 increasing pollution.

10 (II) Therefore, the general assembly finds, determines, and
11 declares that the lack of housing supply and unsustainable development
12 patterns are partially caused by local government policies that effectively
13 limit the construction of a diverse range of housing types in areas already
14 served by infrastructure or in close proximity to jobs and public transit.

15 (c) (I) The general assembly further finds and declares that the
16 general assembly and the people of Colorado have made historic
17 investments in affordable housing, including the following:

18 (A) In 2021 and 2022, the general assembly approved close to one
19 billion dollars for affordable housing investments funded primarily by the
20 federal "American Rescue Plan Act of 2021", Pub.L. 117-2, and the
21 general fund; and

22 (B) In the November 2022 election, Colorado voters approved
23 Proposition 123, which will dedicate an estimated three hundred million
24 dollars per year to affordable housing.

25 (II) Therefore, the general assembly finds, determines, and
26 declares that, coupled with historic investments in affordable housing,
27 reforms to local land use regulations can accelerate an increase in housing

1 supply that is affordable at all income levels and accessible for people of
2 all ages and abilities.

3 (A) National studies, such as the article "Relationships between
4 Density and per Capita Municipal Spending in the United States",
5 published in Urban Science, have found that lower density communities
6 have higher government capital and maintenance costs for water, sewer,
7 and transportation infrastructure, and lower property and sales tax
8 revenues. These increased costs are often borne by both state and local
9 governments.

10 (B) A study for a rural resort municipality in Colorado found that
11 doubling the average residential density for future growth would save
12 thirty-one percent in capital and maintenance costs over twenty years.

13 (2) The general assembly finds and declares that the availability
14 of affordable housing is a matter of mixed statewide and local concern.
15 Therefore, it is the intent of the general assembly in enacting this act to:

16 (a) Create a more consistent ability statewide to develop a variety
17 of housing types, limit the ability of local governments to reduce density
18 or render infeasible housing development projects that can address the
19 state's housing shortage for all parts of the income spectrum, and support
20 more fiscally and environmentally sustainable development patterns;

21 (b) Improve regional collaboration and outcomes by reducing the
22 ability of individual local governments' land use restrictions to negatively
23 influence regional concerns such as housing affordability, open space,
24 traffic, and air pollution; and

25 (c) Increase housing supply, allow more compact development,
26 encourage more affordable housing, encourage more environmentally and
27 fiscally sustainable development patterns, encourage housing patterns that

1 conserve water resources, and encourage housing units that are located in
2 close proximity to public transit, places of employment, and everyday
3 needs.

4 (3) In finding and declaring that land use policies that affect
5 housing supply are matters of mixed statewide and local concern, the
6 general assembly finds and declares that there is a need for uniformity in
7 policies that affect housing supply because:

8 (a) The state has an interest in planning for future growth. The
9 state demographer estimates that between 2023 and 2030 the state will
10 add an average of thirty-five thousand households per year, and that
11 between 2030 and 2040 the state will add an additional twenty-nine
12 thousand six hundred households per year. According to the state
13 demographer, households headed by a household age sixty-five and above
14 are expected to increase by 197,000 from 2020 to 2030, meaning over
15 half of the growth in households across the state is expected to be
16 households over sixty-five.

17 (b) Housing supply impacts housing affordability. Housing prices
18 are typically higher when housing supply is restricted by local land use
19 regulations in the metropolitan region, according to studies such as the
20 National Bureau of Economic Research's working papers "Regulation and
21 Housing Supply", "The Impact of Zoning on Housing Affordability", and
22 "The Impact of Local Residential Land Use Restrictions on Land Values
23 Across and Within Single Family Housing Markets".

24 (c) Increasing housing supply moderates price increases and
25 improves housing affordability across all incomes, according to studies
26 such as "The Economic Implications of Housing Supply" in the Journal
27 of Economic Perspectives and "Supply Skepticism: Housing Supply and

1 Affordability" in Housing Policy Debate;

2 (d) Academic research such as "The Impact of Building
3 Restrictions on Housing Affordability" in the Federal Reserve Bank of
4 New York Economic Policy Review has identified zoning and other land
5 use controls as a primary driver of rising housing costs in the most
6 expensive housing markets;

7 (e) Local land use regulations influence what types of housing are
8 built throughout the state and can restrict more affordable housing
9 options;

10 (f) Between 2000 and 2019, over seventy percent of homes built
11 in Colorado were single-unit detached dwellings, while less than three
12 percent of homes were duplexes to quadplexes, and less than twenty-five
13 percent of homes were homes in multifamily buildings with five or more
14 units, according to the American Community Survey;

15 (g) Middle housing and multifamily housing types are more
16 affordable than detached dwellings, in part because land costs are shared
17 between more households;

18 (h) In 2019, Colorado duplexes and larger multifamily housing
19 units cost between fourteen to forty-three percent less to own, and
20 between nine to twenty-six percent less to rent, than single-unit detached
21 dwellings depending on the type of housing, according to the American
22 Community Survey;

23 (i) Proposed market-rate and affordable housing projects are
24 routinely delayed or denied due to discretionary and subjective political
25 processes and land use regulations that limit denser development either
26 directly or indirectly;

27 (j) According to a 2022 article titled "Does Discretion Delay

1 Development?", in the American Planning Association Journal,
2 residential projects using by-right approval processes are approved
3 twenty-eight percent faster than those using discretionary approval
4 processes, and faster approval times reduce developer costs and therefore
5 housing costs;

6 (k) Compact housing types such as duplexes, townhomes, and
7 multifamily homes also use significantly less energy for heating, cooling,
8 and electricity than detached dwellings, which saves residents money and
9 results in lower emissions;

10 (l) In Colorado, household energy savings range from forty
11 percent less for townhomes to seventy percent less for larger multifamily
12 homes compared to single-unit detached dwellings, according to
13 residential housing stock data from the National Renewable Energy
14 Laboratory;

15 (m) The state has an interest in ensuring economic mobility by
16 increasing affordable housing opportunities throughout the state:

17 (I) Researchers have demonstrated that restrictive local land use
18 regulations help explain segregation income within metropolitan areas,
19 which leads to disparate incomes and access to opportunities;

20 (II) In Colorado, households with the lowest incomes experienced
21 the highest rates of housing cost burden, according to the American
22 Community Survey;

23 (III) Housing costs can dictate the quality of a child's education,
24 and the highest performing schools are located in areas with the highest
25 housing costs;

26 (IV) According to a Brookings Institution report entitled "Housing
27 Costs, Zoning, and Access to High Scoring Schools" that analyzed the

1 one hundred largest metropolitan areas in the United States, housing costs
2 an average of two and four-tenths times as much near a high-scoring
3 public school than near a low-scoring one. The same study found that
4 metro areas with the least restrictive zoning have housing cost gaps
5 between high-scoring and low-scoring schools that are sixty-three percent
6 lower than metro areas with the most restrictive zoning.

7 (V) Researchers have also found that upward mobility is
8 significantly greater in more compact development areas than in low
9 density areas, primarily due to better job accessibility by multiple
10 transportation modes, according to the study "Does urban sprawl hold
11 down upward mobility?", published in the journal of Landscape and
12 Urban Planning.

13 (VI) Nationwide, cities with the highest housing costs and lowest
14 vacancy rates experience the highest rates of homelessness, according to
15 a report by the Urban Institute, "Unsheltered Homelessness Trends,
16 Characteristics, and Homeless Histories". These indicators explain a
17 greater portion of the variation in regional rates of homelessness than
18 other commonly assumed factors, such as poverty rate, substance use, or
19 mental illness, according to a study in the European Journal of Housing
20 Policy, "The Economics of Homelessness: The Evidence from North
21 America".

22 (VII) Through legislation such as House Bill 21-1266 and Senate
23 Bill 21-272, the state has made significant efforts to identify
24 disproportionately impacted communities and to prioritize benefits to
25 these communities;

26 (VIII) Researchers in the article "Housing Constraints and Spatial
27 Misallocation", in the American Economic Journal, found that restrictions

1 on new housing supply in high productivity places limit the number of
2 workers who have access to jobs in those places, which over the past
3 several decades they estimate has lowered aggregate economic growth in
4 the United States by thirty-six percent;

5 (IX) Researchers in the study "Unaffordable Housing and Local
6 Employment Growth", published by the Federal Reserve Bank of Boston,
7 found that metropolitan areas in the United States and counties with lower
8 housing affordability experience significantly less employment growth;
9 and

10 (X) Within regions, national surveys have found that a lack of
11 affordable housing within a reasonable commuting distance impacts
12 businesses' ability to attract and retain workers, according to a literature
13 review conducted by the Center for Housing Policy; and

14 (n) The state has an interest in advancing efficient water use, and
15 local government decisions that encourage dispersed, low density
16 development negatively affect the state's water supply:

17 (I) Efficient water use is essential for creating vibrant
18 communities that balance water supply and demand needs to create a
19 sustainable urban landscape, according to the vision laid out in the
20 Colorado water plan;

21 (II) Compact infill development reduces water demand and
22 infrastructure costs through shorter pipes that reduce losses, less
23 landscaped space per unit, and better use of existing infrastructure; and

24 (III) Compared to a single-unit detached dwelling, accessory
25 dwelling units use twenty-two percent less water, small multifamily
26 homes sixty-three percent less, and larger multifamily homes eighty-six
27 percent less, based on data from Denver and Aurora water users analyzed

1 for the Colorado water and growth dialogue Final Report in 2018.

2 (4) (a) The general assembly finds and declares that there is an
3 extraterritorial impact when local governments enact local ordinances that
4 have impacts that cross jurisdictional lines because:

5 (I) Local restrictions on housing push people further from their
6 work and increase driving commute times;

7 (II) Communities with the most restrictive local land use
8 regulations often enable job growth while limiting the ability of housing
9 growth to keep pace, which affects the pace of housing development in
10 neighboring jurisdictions. This results in regional imbalances between
11 jobs and housing that researchers have found have a significant impact on
12 vehicle miles traveled and commute times, according to studies such as
13 "Which Reduces Vehicle Travel More: Jobs-Housing Balance or
14 Retail-Housing Mixing?", published in the Journal of the American
15 Planning Association.

16 (III) In the ten rural resort municipalities with the highest jobs to
17 housing ratios in the state, over ninety percent of workers commute from
18 other jurisdictions, according to housing data from the 2020 federal
19 decennial Census and jobs and commuting data from the Longitudinal
20 Employer-Household Dynamics Origin-Destination Employment Dataset
21 from the Census;

22 (IV) The ten rural resort municipalities with the highest jobs to
23 housing ratios in the state added eighteen percent fewer housing units per
24 capita and their commute times for workers were seventeen percent
25 longer on average than jurisdictions in rural resort counties as a whole,
26 according to data from the 2020 federal decennial Census, American
27 Community Survey, and the Longitudinal Employer-Household Dynamics

1 Origin-Destination Employment Dataset from the Census;

2 (V) Nationwide, the number of jobs within the typical commute
3 distance for residents in major metropolitan areas has declined over time
4 according to a report by the Brookings Institution titled "The Growing
5 Distance Between People and Jobs in Metropolitan America";

6 (VI) Coloradans drive more miles per person than they used to, in
7 part due to dispersed, low-density development patterns, putting stress on
8 transportation infrastructure and increasing household costs;

9 (VII) Since 1981, per capita vehicle miles traveled in Colorado
10 have risen by over twenty percent according to data from the Federal
11 Highway Administration;

12 (VIII) High transportation costs impact low-income households
13 in particular, with households making less than forty-thousand dollars per
14 year in the western United States spending over twenty-four percent of
15 their income on transportation, when spending more than fifteen percent
16 of income on transportation is considered cost burdened, according to
17 data from the Bureau of Labor Statistics Consumer Expenditure Surveys;
18 and

19 (IX) In Colorado, households in more dense areas, census tracts
20 with more than four thousand units per square mile or about fifteen units
21 per acre, drive twenty percent less than the state average, and higher
22 density areas, census tracts with more than ten thousand units per square
23 mile or about forty units per acre, drive forty percent less than the state
24 average, according to data from the 2017 National Household Travel
25 Survey; and

26 (b) The increase in vehicle traffic due to local land use restrictions
27 also has an environmental extraterritorial impact:

1 (I) Vehicle traffic, which increases when land use patterns are
2 more dispersed, contributes twenty percent of nitrogen oxides emissions,
3 a key ozone precursor, according to the Executive Summary of the
4 Moderate Area Ozone SIP for the 2015 Ozone NAAQS by the Regional
5 Air Quality Council;

6 (II) The United States environmental protection agency has
7 classified the Denver Metro/North Front Range area as being in severe
8 non-attainment for ozone and ground level ozone, which has serious
9 impacts on human health, particularly for vulnerable populations;

10 (III) According to the greenhouse gas pollution reduction
11 roadmap, published by the Colorado energy office and dated January 14,
12 2021, the transportation sector is the single largest source of greenhouse
13 gas pollution in Colorado;

14 (IV) Nearly sixty percent of the greenhouse gas emissions from
15 the transportation sector come from light-duty vehicles, the majority of
16 cars and trucks that Coloradans drive every day;

17 (V) As part of the greenhouse gas pollution reduction roadmap,
18 a strategic action plan to achieve legislatively adopted targets of reducing
19 greenhouse gas pollution economy-wide by fifty percent below 2005
20 levels by 2030 and ninety percent by 2050, the state committed to
21 reducing emissions from the transportation sector by forty-one percent by
22 2030 from a 2005 baseline;

23 (VI) The Greenhouse Gas Transportation Planning Standard
24 adopted by the Transportation Commission in 2021 set a target to reduce
25 transportation greenhouse gas emissions through the transportation
26 planning process by one million five hundred thousand tons by 2030;

27 (VII) Local government land use decisions that require a

1 minimum amount of parking spaces beyond what is necessary to meet
2 market demand increase vehicle miles traveled and associated greenhouse
3 gas emissions. According to the UCLA Institute of Transportation Studies
4 article titled "What Do Residential Lotteries Show Us About
5 Transportation Choices", higher amounts of free parking provided in
6 residential developments cause higher rates of vehicle ownership, higher
7 rates of vehicle miles traveled, and less frequent transit use.

8 (VIII) Local government land use decisions that require a
9 minimum amount of parking spaces increase the cost of new residential
10 projects, which increases housing costs. According to the Regional
11 Transportation District study "Residential Parking in Station Areas: A
12 Study of Metro Denver", structured parking spaces in the Denver
13 metropolitan areas cost twenty-five thousand dollars each to build in
14 2020, and use space which would otherwise be used for revenue
15 generating residential units, decreasing the profitability of residential
16 development. As a result, parking requirements may discourage
17 developers from building new residential projects, or, if they do move
18 forward with projects, force them to recoup the costs of building
19 excessive parking by increasing housing prices.

20 (5) (a) Local land use policies that encourage dispersed, low
21 density development have an impact on open space and agricultural land,
22 and exposure to climate hazards outside of their jurisdictional limits:

23 (I) A study of urbanized areas in the United States, "The Effect of
24 Land-Use Controls on the Spatial Size of U.S. Urbanized Areas", in the
25 Journal of Regional Science, found that the presence of density
26 restrictions such as minimum lot sizes and floor area ratio limits result in
27 larger urbanized areas;

1 (II) Enabling denser housing near transit and in already developed
2 areas can limit continued loss of agricultural and natural lands;

3 (III) Between 1982 and 2017, Colorado lost over twenty-five
4 percent of its agricultural cropland, according to data from the National
5 Resources Inventory published by the United States department of
6 agriculture, and, over the same time period, the size of urban and built-up
7 areas grew faster than the population by over one hundred percent
8 compared to eighty-three percent;

9 (IV) Encouraging growth in infill locations is an important
10 strategy for minimizing wildfire risk by limiting the growth of households
11 in fire-prone areas; and

12 (V) Between 2012 and 2017, the number of people living in the
13 wildland-urban interface increased by nearly fifty percent according to the
14 Colorado state forest service.

15 (b) Therefore, the general assembly finds, determines and declares
16 that local government land use decisions that limit housing and encourage
17 dispersed low-density development impact local and state government
18 fiscal health and the business community.

19 **SECTION 2.** In Colorado Revised Statutes, add article 33 to title
20 29 as follows:

21 **ARTICLE 33**

22 **State Land Use Requirements For Affordable Housing**

23 **PART 1**

24 **HOUSING NEEDS PLANNING**

25 **29-33-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY
26 HEREBY FINDS, DETERMINES, AND DECLARES THAT:

27 (a) COLORADO LACKS A COORDINATED PROCESS TO SET GOALS,

1 DEVELOP SOLUTIONS, AND TRACK PROGRESS TOWARDS MEETING
2 STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS;

3 (b) CONSISTENT INFORMATION ABOUT STATEWIDE, REGIONAL, AND
4 LOCAL HOUSING NEEDS IS ESSENTIAL IN DEVELOPING EQUITABLE AND
5 EFFECTIVE HOUSING POLICIES AND STRATEGIES AND IMPROVING EFFORTS
6 TO INCREASE HOUSING AFFORDABILITY OVER TIME;

7 (c) HOUSING MARKETS EXPAND BEYOND THE BORDERS OF
8 INDIVIDUAL LOCAL GOVERNMENTS, AND INFORMATION IS REQUIRED ON A
9 LOCAL, REGIONAL, AND STATEWIDE SCALE TO MAKE A HOLISTIC PLAN FOR
10 ADDRESSING HOUSING NEEDS;

11 (d) ALTHOUGH SOME LOCAL GOVERNMENTS WORK TO ASSESS AND
12 ADDRESS HOUSING NEEDS, THESE LOCAL GOVERNMENTS USE DIFFERENT
13 METHODOLOGIES, DO THIS WORK AT DIFFERENT TIMES, AND LACK
14 REGIONAL COORDINATION;

15 (e) ALTHOUGH SOME LOCAL GOVERNMENTS WORK TO BECOME
16 AGE-FRIENDLY COMMUNITIES, THESE LOCAL GOVERNMENTS USE
17 DIFFERENT APPROACHES TO ADDRESS OLDER ADULT HOUSING NEEDS, AND
18 MANY LOCAL GOVERNMENTS DO NOT SPECIFICALLY PLAN FOR STRATEGIES
19 TO ADDRESS OLDER ADULT HOUSING NEEDS. OLDER ADULTS REPRESENT
20 THE FASTEST GROWING SEGMENT OF COLORADO'S POPULATION AND HAVE
21 DIVERSE HOUSING NEEDS. LOCAL GOVERNMENTS THAT DO NOT PLAN TO
22 ADEQUATELY MEET THE NEED FOR MORE ACCESSIBLE AND AFFORDABLE
23 HOUSING UNITS BUILT WITH UNIVERSAL DESIGN AND LOCATED WITHIN AGE
24 FRIENDLY COMMUNITIES, CONTRIBUTE TO AN IMBALANCE IN THE LOCAL,
25 REGIONAL, AND STATEWIDE HOUSING MARKETS.

26 (f) LOCAL GOVERNMENTS THAT DO NOT ALLOW HOUSING SUPPLY
27 TO KEEP PACE WITH HOUSEHOLD AND JOB GROWTH AND CHANGING

1 DEMOGRAPHICS IN THEIR JURISDICTIONS EXPORT THEIR HOUSING NEEDS TO
2 NEIGHBORING COMMUNITIES, CAUSING REGIONAL IMBALANCES THAT
3 IMPACT EQUITY, POLLUTION, INFRASTRUCTURE COSTS, AND QUALITY OF
4 LIFE;

5 (g) REQUIRING LOCAL GOVERNMENTS TO PLAN FOR AND
6 IMPLEMENT STRATEGIES TO MEET AN EQUITABLE AMOUNT OF THEIR
7 REGION'S HOUSING DEMAND WILL HELP MITIGATE THESE IMBALANCES AND
8 THEIR NEGATIVE IMPACTS;

9 (h) THE STATE MANAGES MULTIPLE GRANT-BASED PROGRAMS
10 DESIGNED TO HELP LOCAL GOVERNMENTS ASSESS AND MEET HOUSING
11 NEEDS, AND THESE PROGRAMS WILL BE ABLE TO MORE EFFECTIVELY
12 ADDRESS HOUSING ISSUES WITH MORE COMPREHENSIVE AND CONSISTENT
13 INFORMATION INFORMED BY REGIONAL AND STATEWIDE DATA; AND

14 (i) THE AFFORDABLE HOUSING TRANSFORMATIONAL TASK FORCE
15 ESTABLISHED IN SECTION 24-75-229 (6)(a), IDENTIFIED A STATEWIDE
16 HOUSING NEEDS ASSESSMENT AND PRODUCTION STRATEGY AS A TOP
17 LEGISLATIVE PRIORITY FOR COLORADO IN THE TASK FORCE'S FEBRUARY
18 23, 2022, REPORT TO THE GENERAL ASSEMBLY.

19 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
20 DEVELOPMENT AND USE OF LAND IS A MATTER OF MIXED STATEWIDE AND
21 LOCAL CONCERN.

22 **29-33-102. Definitions.** AS USED IN THIS ARTICLE 33, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES
25 THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC.
26 3601 ET SEQ., AS AMENDED AND INCORPORATES UNIVERSAL DESIGN.

27 (2) "ACCESSORY DWELLING UNIT" MEANS AN INTERNAL,

1 ATTACHED, OR DETACHED RESIDENTIAL DWELLING UNIT THAT:


2 (a) PROVIDES COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE
3 OR MORE PERSONS;

4 (b) IS LOCATED ON THE SAME LOT AS A PROPOSED OR EXISTING
5 PRIMARY RESIDENCE; AND

6 (c) INCLUDES PROVISIONS FOR LIVING, SLEEPING, EATING,
7 COOKING, AND SANITATION.

8 (3) "AFFORDABLE HOUSING" MEANS HOUSING FOR WHICH LOW-
9 AND MODERATE-INCOME HOUSEHOLDS DO NOT SPEND MORE THAN THIRTY
10 PERCENT OF THEIR HOUSEHOLD INCOME ON HOUSING COSTS.

11 (4) "BROWNFIELD DEVELOPMENT" MEANS THE DEVELOPMENT OF
12 BROWNFIELD SITES, AS DEFINED IN SECTION 31-25-103 (3.1).

13 
14 (5) "BUS RAPID TRANSIT" MEANS A BUS-BASED TRANSIT SERVICE
15 THAT INCLUDES AT LEAST THREE OF THE FOLLOWING:

16 (a) SERVICE THAT IS SCHEDULED TO RUN EVERY FIFTEEN MINUTES
17 OR LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS;

18 (b) DEDICATED LANES OR BUSWAYS;

19 (c) TRAFFIC SIGNAL PRIORITY;

20 (d) OFF-BOARD FARE COLLECTION;

21 (e) ELEVATED PLATFORMS; OR

22 (f) ENHANCED STATIONS.

23 (6) "COMMUTER BUS RAPID TRANSIT" MEANS A BUS RAPID TRANSIT
24 SERVICE THAT OPERATES ON A LIMITED-ACCESS HIGHWAY FOR THE
25 MAJORITY OF ITS ROUTE.

26 (7) "COTTAGE CLUSTER" MEANS A GROUPING OF TWO OR MORE
27 DETACHED HOUSING UNITS, EACH HOUSING UNIT HAVING A FOOTPRINT OF

1 NO MORE THAN NINE HUNDRED SQUARE FEET, AND THE GROUPING HAVING
2 A COMMON COURTYARD.

3 (8) "DISCRETIONARY APPROVAL PROCESS" MEANS A DEVELOPMENT
4 APPROVAL PROCESS CONDUCTED PURSUANT TO LOCAL LAW THAT
5 REQUIRES A PUBLIC BODY OR OFFICIAL TO MAKE ONE OR MORE SUBJECTIVE
6 DETERMINATIONS, INCLUDING:

7 (a) EVALUATIONS OF CONSISTENCY OF AN APPLICATION WITH
8 LOCAL PLANS;

9 (b) COMPATIBILITY OR HARMONY OF AN APPLICATION WITH
10 SURROUNDING LAND USES OR DEVELOPMENT;

11 (c) INDIVIDUALIZED EVALUATIONS RELATING TO MITIGATION OF
12 IMPACTS; OR

13 (d) EVALUATION OF AN APPLICATION'S CONSISTENCY WITH PUBLIC
14 WELFARE.

15 (9) "DISPLACEMENT" MEANS THE INVOLUNTARY RELOCATION
16 OF LOW-INCOME RESIDENTS DUE TO:

17 (a) INCREASED RENTS OR NEW DEVELOPMENT RESULTING IN A
18 HIGHER AREA MEDIAN INCOME THAN THE CURRENT NEIGHBORHOOD;

19 (b) DISCRIMINATORY POLICIES OR ACTIONS, SUCH AS BANNING
20 TENANTS WITH HOUSING VOUCHERS, ELIMINATING UNITS LARGE ENOUGH
21 FOR HOUSEHOLDS WITH CHILDREN, OR LAND USE OR ZONING THAT FOSTERS
22 A CHANGE IN THE AVERAGE AREA MEDIAN INCOME OF AN AREA;

23 (c) WIDESPREAD DECREASE IN SOCIAL AND CULTURAL
24 COMMUNITY-SERVING BUSINESSES AND ENTITIES;

25 (d) DETERIORATION OF PHYSICAL CONDITIONS THAT RENDER
26 RESIDENCES UNINHABITABLE; OR

27 (e) INCREASED REAL ESTATE PRICES, RENTS, PROPERTY TAXES,

1 NEW DEVELOPMENT INCLUDING AMENITIES, AND OTHER ECONOMIC
2 FACTORS.

3 (10) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING
4 COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS,
5 INCLUDING PERMANENT PROVISIONS FOR COOKING, EATING, LIVING,
6 SANITATION, AND SLEEPING.

7 (11) "FIXED-RAIL TRANSIT" MEANS PASSENGER RAIL TRANSIT THAT
8 USES AND OCCUPIES A SEPARATE RIGHT-OF-WAY OR RAIL LINE, INCLUDING
9 COMMUTER RAIL AND LIGHT RAIL.

10 (12) "GREENFIELD DEVELOPMENT" MEANS NEW DEVELOPMENT ON
11 LAND THAT HAS NOT BEEN PREVIOUSLY DEVELOPED AND THAT IS EITHER
12 WITHIN A MUNICIPALITY OR OUTSIDE OF A MUNICIPALITY, BUT IS WITHIN
13 A POTENTIAL ANNEXATION AREA.

14 (13) "GREYFIELD DEVELOPMENT" MEANS INFILL, REDEVELOPMENT,
15 OR NEW DEVELOPMENT WITHIN AN EXISTING MUNICIPALITY OR CENSUS
16 URBANIZED AREA ON VACANT, PARTIALLY VACANT, OR UNDERUTILIZED
17 LAND THAT TAKES INTO CONSIDERATION DEVELOPMENT READINESS AND
18 MARKET FACTORS.

19 (14) "HISTORIC DISTRICT" MEANS A DISTRICT ESTABLISHED BY
20 LOCAL LAW THAT MEETS THE DEFINITION OF "DISTRICT" SET FORTH IN 36
21 CFR 60.3 (d).

22 (15) "HISTORIC PROPERTY" MEANS A PROPERTY LISTED ON THE
23 NATIONAL REGISTER OF HISTORIC PLACES, LISTED ON THE COLORADO
24 STATE REGISTER OF HISTORIC PROPERTIES, OR LISTED AS A CONTRIBUTING
25 STRUCTURE OR HISTORIC LANDMARK BY A CERTIFIED LOCAL
26 GOVERNMENT, AS DEFINED IN SECTION 39-22-514.5 (2)(b).

27 (16) "INDUSTRIAL USE" MEANS A BUSINESS USE OR ACTIVITY AT A

1 SCALE GREATER THAN HOME INDUSTRY INVOLVING MANUFACTURING,
2 FABRICATION, ASSEMBLY, WAREHOUSING, OR STORAGE.

3 (17) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
4 CITY, TOWN, TERRITORIAL CITY OR TOWN, CITY AND COUNTY, OR COUNTY
5 AND HOME RULE COUNTY.

6 (18) "LOCAL INCLUSIONARY ZONING ORDINANCE" MEANS A LOCAL
7 LAW ENACTED PURSUANT TO SECTION 29-20-104 (1)(e.5) TO EITHER
8 REQUIRE OR INCENTIVIZE THE CONSTRUCTION OF AFFORDABLE OR
9 REGULATED AFFORDABLE HOUSING UNITS WITHIN MIXED-INCOME
10 DEVELOPMENTS.

11 (19) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY,
12 REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT
13 GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING, BUT NOT
14 LIMITED TO, LAND USE CODES, ZONING CODES, AND SUBDIVISION CODES.

15 (20) "METROPOLITAN PLANNING ORGANIZATION" MEANS A
16 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT
17 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

18 (21) (a) "MIDDLE HOUSING" MEANS A TYPE OF HOUSING THAT
19 INCLUDES BETWEEN TWO AND FOUR SEPARATE UNITS IN:

20 (I) A BUILDING DESIGNED AS A SINGLE STRUCTURE;

21 (II) A TOWNHOME BUILDING; OR

22 (III) A COTTAGE CLUSTER.

23 (b) MUNICIPALITIES MAY DEFINE "MIDDLE HOUSING" TO INCLUDE
24 ADDITIONAL HOUSING TYPES AND EXPANDED HOUSING UNIT AMOUNTS, SO
25 LONG AS THE MUNICIPALITY'S DEFINITION IS NOT MORE RESTRICTIVE THAN
26 THE DEFINITION OF "MIDDLE HOUSING" IN SUBSECTION (20)(a) OF THIS
27 SECTION. THIS MAY INCLUDE AGE RESTRICTED HOUSING, WHICH MEANS

1 HOUSING DEVELOPMENTS FOR OLDER ADULTS THAT HAVE MINIMUM AGE
2 REQUIREMENTS FOR RESIDENCY.

3 (22) "MIXED-INCOME DEVELOPMENT" MEANS HOUSING WHERE
4 SOME OF THE HOUSING UNITS WITHIN A PARTICULAR DEVELOPMENT HAVE
5 RESTRICTED RENTAL OR FOR-SALE RATES THAT ARE AFFORDABLE FOR
6 LOW- AND MODERATE-INCOME HOUSEHOLDS AND SOME OF THE UNITS
7 HAVE HIGHER RENTAL OR FOR-SALE RATES.

8 (23) "MIXED-USE DEVELOPMENT" MEANS A DEVELOPMENT
9 PROJECT THAT INTEGRATES MULTIPLE LAND USE TYPES THAT INCLUDE
10 RESIDENTIAL AND NON-RESIDENTIAL USES.

11 (24) "MULTI-AGENCY ADVISORY COMMITTEE" MEANS THE
12 COMMITTEE ESTABLISHED IN SECTION 29-33-103.

13 (25) "MULTI-AGENCY GROUP" MEANS A GROUP CREATED IN THE
14 DEPARTMENT OF LOCAL AFFAIRS COMPOSED OF STAFF FROM:

15 (a) THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF
16 LOCAL AFFAIRS;

17 (b) THE COLORADO ENERGY OFFICE;

18 (c) THE DEPARTMENT OF NATURAL RESOURCES; AND

19 (d) THE DEPARTMENT OF TRANSPORTATION.

20 (26) "MULTIFAMILY HOUSING" MEANS A BUILDING OR GROUP OF
21 BUILDINGS ON THE SAME LOT WITH SEPARATE LIVING UNITS FOR THREE OR
22 MORE HOUSEHOLDS.

23 (27) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY
24 OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

25 (28) "NET DENSITY" MEANS THE NUMBER OF RESIDENTIAL UNITS
26 PER ACRE OF TOTAL RESIDENTIAL LAND AREA, EXCLUDING LAND OCCUPIED
27 BY PUBLIC RIGHTS-OF-WAY AND ANY RECREATIONAL, CIVIC, COMMERCIAL,

1 AND OTHER NONRESIDENTIAL USES.

2 (29) "OBJECTIVE PROCEDURE" MEANS A DEVELOPMENT REVIEW
3 PROCEDURE OR PROCESS THAT DOES NOT INVOLVE A DISCRETIONARY
4 APPROVAL PROCESS.

5 (30) "OBJECTIVE STANDARD" MEANS A STANDARD THAT BOTH:

6 (a) DOES NOT REQUIRE A PUBLIC BODY OR OFFICIAL TO MAKE A
7 PERSONAL OR SUBJECTIVE JUDGMENT; AND

8 (b) IS UNIFORMLY VERIFIABLE OR ASCERTAINABLE BY REFERENCE
9 TO AN EXTERNAL OR UNIFORM BENCHMARK OR CRITERION THAT IS
10 AVAILABLE AND KNOWABLE BY THE DEVELOPMENT APPLICANT OR
11 PROPONENT AND THE PUBLIC BODY OR OFFICIAL PRIOR TO THE
12 DEVELOPMENT APPLICANT OR PROPONENT'S FILING OF A DEVELOPMENT
13 PROPOSAL.

14 (31) "POPULATION" MEANS THE CURRENT POPULATION AS
15 REPORTED BY THE STATE DEMOGRAPHY OFFICE.

16 (32) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE
17 HOUSING THAT:

18 (a) IS CREATED OR SUPPORTED BY PUBLIC SUBSIDIES, LOCAL
19 INCLUSIONARY ZONING ORDINANCES, OR OTHER REGULATIONS OR
20 PROGRAMS;

21 (b) RESTRICTS OR LIMITS RENTAL OR SALE PRICE; AND

22 (c) RESTRICTS RESIDENT INCOME LEVELS TO LOW- TO
23 MODERATE-INCOME HOUSEHOLD LEVELS FOR A SPECIFIED PERIOD.

24 (33) (a) "RURAL RESORT JOB CENTER MUNICIPALITY" MEANS A
25 MUNICIPALITY THAT:

26 (I) IS NOT WITHIN A METROPOLITAN PLANNING ORGANIZATION;

27 (II) HAS A POPULATION OF ONE THOUSAND OR MORE;

1 (III) HAS AT LEAST ONE THOUSAND TWO HUNDRED JOBS
2 ACCORDING TO THE MOST RECENT UNITED STATES CENSUS BUREAU
3 LONGITUDINAL EMPLOYER-HOUSEHOLD DYNAMICS ORIGIN-DESTINATION
4 EMPLOYMENT STATISTICS;

5 (IV) HAS A MINIMUM JOBS-TO-POPULATION RATIO OF SIXTY-FOUR
6 HUNDREDTHS; AND

7 (V) HAS A TRANSIT STOP SERVICED BY A TRANSIT AGENCY THAT
8 SERVES AT LEAST TWO MUNICIPALITIES AND WITH SERVICE THAT INCLUDES
9 AN AVERAGE OF AT LEAST TWENTY TRIPS PER DAY BETWEEN THE
10 MUNICIPALITY AND OTHER MUNICIPALITIES, AS OF JANUARY 1, 2023.

11 (b) FOR PURPOSES OF THIS SUBSECTION (30), "TRANSIT AGENCY"
12 MEANS AN ENTITY THAT IS BOTH:

13 (I) A REGIONAL SERVICE AUTHORITY PROVIDING SURFACE
14 TRANSPORTATION PURSUANT TO PART 1 OF ARTICLE 7 OF TITLE 32, A
15 REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6
16 OF ARTICLE 4 OF TITLE 43, OR ANY OTHER POLITICAL SUBDIVISION OF THE
17 STATE, PUBLIC ENTITY, OR NONPROFIT CORPORATION PROVIDING MASS
18 TRANSPORTATION SERVICES TO THE GENERAL PUBLIC; AND

19 (II) ELIGIBLE TO RECEIVE MONEY UNDER A GRANT AUTHORIZED BY
20 49 U.S.C. SEC. 5307 OR 49 U.S.C. SEC. 5311.

21 (34) "SHORT-TERM RENTAL" MEANS THE RENTAL OF A LODGING
22 UNIT FOR LESS THAN THIRTY DAYS. AS USED IN THIS SUBSECTION (31),
23 "LODGING UNIT" MEANS ANY PROPERTY OR PORTION OF A PROPERTY THAT
24 IS AVAILABLE FOR LODGING; EXCEPT THAT THE TERM EXCLUDES A HOTEL
25 UNIT. LOCAL GOVERNMENTS MAY APPLY THEIR OWN DEFINITION OF
26 "SHORT-TERM RENTAL" FOR THE PURPOSES OF THIS ARTICLE 33.

27 (35) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED

1 BUILDING WITH A SINGLE DWELLING UNIT AND ON A SINGLE LOT.

2 (36) "STANDARD EXEMPT PARCEL" MEANS A PARCEL THAT:

3 (a) LIES ENTIRELY OUTSIDE OF AN AREA THAT IS DESIGNATED AS

4 AN URBANIZED AREA BY THE MOST RECENT FEDERAL DECENNIAL CENSUS;

5 (b) IS NOT SERVED BY A DOMESTIC WATER AND SEWAGE

6 TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);

7 (c) IS IN AN AGRICULTURAL, FORESTRY, NATURAL RESOURCE

8 PRESERVATION, OR OPEN SPACE ZONING DISTRICT;

9 (d) IS A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC

10 DISTRICT; OR

11 (e) IS IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN,

12 AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

13 (37) "STRATEGIC GROWTH AREA" MEANS AN AREA IDENTIFIED

14 PURSUANT TO SECTION 29-33-108 (2)(a) THAT HAS THE POTENTIAL FOR

15 GROWTH AND CHARACTERISTICS THAT MAKE IT A PRIORITY AREA FOR

16 GROWTH IN RELATION TO THE GOALS OF THIS SENATE BILL 23-213.

17 (38) "STRATEGIC GROWTH AND HOUSING MIX ANALYSIS" MEANS

18 A COMPREHENSIVE ANALYSIS THAT IDENTIFIES STRATEGIC GROWTH AREAS,

19 AS DEFINED IN SECTION 29-33-108 (2)(a), THAT CAN BOTH ACCOMMODATE

20 THE HOUSING NEEDS IDENTIFIED IN HOUSING NEEDS ASSESSMENTS AND BE

21 UTILIZED IN THE STRATEGIC GROWTH ELEMENT OF MASTER PLANS, AS

22 DEFINED IN SECTION 31-23-206.

23 (39) "TIER ONE URBAN MUNICIPALITY" MEANS EITHER:

24 (a) A MUNICIPALITY THAT:

25 (I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT

26 HAS A POPULATION OF ONE MILLION OR MORE;

27 (II) HAS AT LEAST TEN PERCENT OF ITS LAND WITHIN AN AREA

1 THAT IS DESIGNATED AS AN URBANIZED AREA BY THE MOST RECENT
2 FEDERAL DECENNIAL CENSUS WITH A POPULATION GREATER THAN
3 SEVENTY-FIVE THOUSAND; AND

4 (III) HAS A POPULATION OF AT LEAST ONE THOUSAND; OR

5 (b) A MUNICIPALITY THAT:

6 (I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT
7 HAS A POPULATION OF LESS THAN ONE MILLION; AND

8 (II) HAS A POPULATION OF AT LEAST TWENTY-FIVE THOUSAND.

9 (40) "TIER TWO URBAN MUNICIPALITY" MEANS A MUNICIPALITY
10 THAT DOES NOT SATISFY THE DEFINITION OF A TIER ONE URBAN
11 MUNICIPALITY AND:

12 (a) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION;

13 (b) HAS A POPULATION OF BETWEEN FIVE THOUSAND AND
14 TWENTY-FIVE THOUSAND; AND

15 (c) IS IN A COUNTY WITH A POPULATION OF TWO HUNDRED FIFTY
16 THOUSAND OR MORE.

17 (41) "TOWNHOME" MEANS A SINGLE-UNIT DWELLING UNIT
18 CONSTRUCTED IN A GROUP OF ATTACHED UNITS IN WHICH EACH UNIT
19 EXTENDS FROM FOUNDATION TO ROOF AND HAS OPEN SPACE ON AT LEAST
20 TWO SIDES.

21 (42) "TRANSIT-ORIENTED AREA" MEANS AN AREA WHERE ALL
22 PARCELS HAVE AT LEAST TWENTY-FIVE PERCENT OF THEIR AREA WITHIN
23 ONE-HALF MILE OF AN EXISTING FIXED-RAIL TRANSIT STATION. FOR THE
24 PURPOSES OF THIS SUBSECTION (38), A FIXED-RAIL TRANSIT STATION IS A
25 FIXED-RAIL TRANSIT SERVICE BOARDING AND EXITING LOCATION OR
26 STATION FOR THE GENERAL PUBLIC.

27 (43) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED

1 AND CONSTRUCTED THAT IS SAFE AND ACCESSIBLE FOR EVERYONE,
2 REGARDLESS OF AGE, PHYSICAL ABILITY, OR STATURE.

3 (44) "URBAN BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID
4 TRANSIT SERVICE THAT OPERATES ON A SURFACE STREET FOR THE
5 MAJORITY OF ITS ROUTE.

6 (45) "URBAN MUNICIPALITY" MEANS BOTH A TIER ONE AND A TIER
7 TWO URBAN MUNICIPALITY.

8 (46) "USE BY RIGHT" MEANS A LAND USE, THE DEVELOPMENT OF
9 WHICH PROCEEDS UNDER OBJECTIVE STANDARDS SET FORTH IN ZONING OR
10 OTHER LOCAL LAWS, AND THAT DOES NOT HAVE A DISCRETIONARY
11 APPROVAL PROCESS.

12 **29-33-103. Multi-agency advisory committee - rural resort**
13 **area committee - urban area advisory committee.** (1) THERE IS
14 HEREBY CREATED IN THE DEPARTMENT OF LOCAL AFFAIRS THE
15 MULTI-AGENCY ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS
16 THE COMMITTEE.

17 (2) THE COMMITTEE IS A TYPE 2 ENTITY, AS DEFINED IN SECTION
18 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND
19 FUNCTIONS UNDER THE DEPARTMENT OF LOCAL AFFAIRS.

20 (3)(a) THE COMMITTEE CONSISTS OF FIFTEEN VOTING MEMBERS AS
21 FOLLOWS:

22 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
23 AFFAIRS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

24 (II) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY OFFICE,
25 OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

26 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
27 TRANSPORTATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

1 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
2 RESOURCES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

3 (V) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
4 AGRICULTURE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

5 (VI) THE DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT,
6 OR THE DIRECTOR'S DESIGNEE;

7 (VII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
8 A METROPOLITAN PLANNING ORGANIZATION WHO IS APPOINTED BY THE
9 SPEAKER OF THE HOUSE OF REPRESENTATIVES;

10 (VIII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
11 A METROPOLITAN PLANNING ORGANIZATION WHO IS APPOINTED BY THE
12 MINORITY LEADER OF THE SENATE;

13 (IX) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE
14 PLANNING, IS A STAFF-LEVEL REPRESENTATIVE FROM A TIER ONE URBAN
15 MUNICIPALITY, AND IS APPOINTED BY THE PRESIDENT OF THE SENATE;

16 (X) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE
17 PLANNING, IS A STAFF-LEVEL REPRESENTATIVE FROM TIER TWO URBAN
18 MUNICIPALITY, AND IS APPOINTED BY THE GOVERNOR;

19 (XI) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE
20 PLANNING, IS A STAFF-LEVEL REPRESENTATIVE FROM A RURAL RESORT JOB
21 CENTER MUNICIPALITY, AND IS APPOINTED BY THE GOVERNOR;

22 (XII) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE
23 PLANNING, IS A STAFF-LEVEL REPRESENTATIVE FROM A RURAL RESORT JOB
24 CENTER MUNICIPALITY, AND IS APPOINTED BY THE SPEAKER OF THE HOUSE
25 OF REPRESENTATIVES;

26 (XIII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE
27 FROM A COUNTY WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE;

1 (XIV) ONE MEMBER WHO IS A COMMUNITY REPRESENTATIVE WITH
2 HOUSING EXPERTISE WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE;
3 AND

4 (XV) ONE MEMBER WHO REPRESENTS SPECIAL DISTRICTS AND IS
5 APPOINTED BY THE MINORITY LEADER OF THE HOUSE OF
6 REPRESENTATIVES.

7 (b) INITIAL APPOINTMENTS TO THE COMMITTEE MUST BE MADE NO
8 LATER THAN SEPTEMBER 1, 2023.

9 (c) WHEN MAKING APPOINTMENTS TO THE MULTI-AGENCY
10 ADVISORY COMMITTEE, REASONABLE EFFORTS MUST BE MADE TO APPOINT
11 MEMBERS WHO REFLECT THE GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY
12 OF THE ENTIRE STATE.

13 (4) EACH MEMBER OF THE COMMITTEE WHO IS APPOINTED
14 PURSUANT TO SUBSECTION (3) OF THIS SECTION SERVES AT THE PLEASURE
15 OF THE OFFICIAL WHO APPOINTED THE MEMBER. THE TERM OF
16 APPOINTMENT IS FOUR YEARS; EXCEPT THAT THE TERM OF EACH MEMBER
17 INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (3)(a)(VII),
18 (3)(a)(IX), (3)(a)(XI), (3)(a)(XIII), AND (3)(a)(XV) OF THIS SECTION IS
19 TWO YEARS AND THE TERM OF EACH MEMBER INITIALLY APPOINTED
20 PURSUANT TO SUBSECTIONS (3)(a)(VIII), (3)(a)(X), (3)(a)(XII), AND
21 (3)(a)(XIV) IS ONE YEAR. NO APPOINTED MEMBER OF THE COMMITTEE
22 SHALL SERVE MORE THAN TWO CONSECUTIVE TERMS.

23 (5) (a) THE GOVERNOR SHALL CALL THE FIRST MEETING OF THE
24 COMMITTEE NO LATER THAN OCTOBER 1, 2023.

25 (b) THE COMMITTEE SHALL ELECT A CHAIR FROM AMONG ITS
26 MEMBERS TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS, AS
27 DETERMINED BY THE COMMITTEE. A MEMBER IS NOT ELIGIBLE TO SERVE

1 AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

2 (c) THE COMMITTEE SHALL MEET AT LEAST THREE TIMES EVERY
3 YEAR. THE CHAIR MAY CALL SUCH ADDITIONAL MEETINGS AS ARE
4 NECESSARY FOR THE COMMITTEE TO COMPLETE ITS DUTIES.

5 (6) THE COMMITTEE SHALL COMPLETE ITS DUTIES AS REQUIRED BY
6 THIS ARTICLE 33.

7 (7) UPON REQUEST BY THE COMMITTEE, THE DEPARTMENT OF
8 LOCAL AFFAIRS SHALL PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF
9 SERVICES AS MAY BE NECESSARY TO IMPLEMENT THIS SECTION.

10 (8) (a) THERE IS CREATED AS PART OF THE MULTI-AGENCY
11 ADVISORY COMMITTEE THE RURAL RESORT AREA SUBCOMMITTEE.

12 (b) THE RURAL RESORT AREA SUBCOMMITTEE CONSISTS OF AT
13 LEAST ONE OF THE MEMBERS OF THE MULTI-AGENCY COMMITTEE
14 APPOINTED PURSUANT TO SUBSECTION (3)(a)(X) OR (3)(a)(XI) OF THIS
15 SECTION, WHO SHALL SERVE AS THE CHAIR OF THE SUBCOMMITTEE, THE
16 TWO MEMBERS OF THE TASK FORCE CONCERNING AFFORDABLE HOUSING
17 AND HOMELESSNESS ESTABLISHED IN SECTION 29-33-118 (1) APPOINTED
18 PURSUANT TO SECTION 29-33-118 (2)(b)(II) AND (2)(b)(IV), AND TEN
19 OTHER MEMBERS AS FOLLOWS:

20 (I) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
21 A COUNTY CONTAINING A RURAL RESORT JOB CENTER, APPOINTED BY THE
22 GOVERNOR;

23 (II) TWO MEMBERS WHO ARE STAFF-LEVEL REPRESENTATIVES
24 FROM TWO DIFFERENT RURAL RESORT JOB CENTERS, APPOINTED BY THE
25 PRESIDENT OF THE SENATE;

26 (III) ONE MEMBER WHO HAS A BACKGROUND IN AFFORDABLE
27 HOUSING ADVOCACY WITH EXPERIENCE IN A RURAL RESORT JOB CENTER,

1 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

2 (IV) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
3 A HOUSING AUTHORITY SERVING A RURAL RESORT JOB CENTER, APPOINTED
4 BY THE GOVERNOR;

5 (V) ONE MEMBER WHO HAS A BACKGROUND IN NOT-FOR-PROFIT OR
6 FOR-PROFIT HOUSING DEVELOPMENT IN RURAL RESORT JOB CENTERS,
7 APPOINTED BY THE GOVERNOR;

8 (VI) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVES FROM
9 UTILITY SERVICE PROVIDERS THAT PROVIDE SERVICES TO RURAL RESORT
10 JOB CENTERS, INCLUDING BUT NOT LIMITED TO WATER, WASTEWATER, AND
11 ELECTRIC UTILITIES, APPOINTED BY THE MINORITY LEADER OF THE SENATE;

12 (VII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
13 UTILITY SERVICE PROVIDERS THAT PROVIDE SERVICES TO RURAL RESORT
14 JOB CENTERS, INCLUDING BUT NOT LIMITED TO WATER, WASTEWATER, AND
15 ELECTRIC UTILITIES, APPOINTED BY THE MINORITY LEADER OF THE HOUSE
16 OF REPRESENTATIVES;

17 (VIII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE
18 FROM A TRANSIT AGENCY THAT PROVIDES SERVICES TO A RURAL RESORT
19 JOB CENTER OR THAT WORKS AS A TRANSPORTATION PLANNER IN A RURAL
20 RESORT JOB CENTER, APPOINTED BY THE GOVERNOR; AND

21 (IX) ONE MEMBER WHO IS A RECREATION INDUSTRY EMPLOYER,
22 HOSPITALITY INDUSTRY EMPLOYER, OR OTHER EMPLOYER WHO EMPLOYS
23 AT LEAST SEVENTY-FIVE EMPLOYEES WHO WORK IN RURAL RESORT JOB
24 CENTERS, APPOINTED BY THE GOVERNOR.

25 (c) IN ACCORDANCE WITH SECTION 29-33-109, THE RURAL RESORT
26 AREA SUBCOMMITTEE SHALL DEVELOP RECOMMENDATIONS TO PRESENT
27 TO THE MULTI-AGENCY COMMITTEE CONCERNING MATTERS RELATED TO

1 RURAL RESORT JOB CENTER MUNICIPALITIES. PRIOR TO FINALIZING ANY
2 RECOMMENDATIONS, THE RURAL RESORT AREA SUBCOMMITTEE SHALL
3 PROVIDE A DRAFT OF THE RECOMMENDATIONS TO ALL RURAL RESORT
4 AREA JOB CENTER MUNICIPALITIES, ALLOW AT LEAST A SIXTY-DAY PUBLIC
5 COMMENT PERIOD, AND HOLD A PUBLIC HEARING ON THE
6 RECOMMENDATIONS DURING THE COMMENT PERIOD.

7 (9) (a) THERE IS CREATED AS PART OF THE MULTI-AGENCY
8 ADVISORY COMMITTEE THE URBAN AREA SUBCOMMITTEE.

9 (b) THE URBAN AREA SUBCOMMITTEE CONSISTS OF AT LEAST ONE
10 OF THE MEMBERS OF THE MULTI-AGENCY COMMITTEE APPOINTED
11 PURSUANT TO SUBSECTIONS (3)(a)(VII), (3)(a)(VIII), (3)(a)(IX), AND
12 (3)(a)(X) OF THIS SECTION, WHO SHALL SERVE AS THE CHAIR OF THE
13 SUBCOMMITTEE, THE TWO MEMBERS OF THE TASK FORCE CONCERNING
14 AFFORDABLE HOUSING AND HOMELESSNESS ESTABLISHED IN SECTION
15 29-33-118 (1) APPOINTED PURSUANT TO SECTION 29-33-118 (2)(b)(I) AND
16 (2)(b)(III), AND TEN OTHER MEMBERS AS FOLLOWS:

17 (I) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
18 A COUNTY CONTAINING AN URBAN MUNICIPALITY, APPOINTED BY THE
19 GOVERNOR;

20 (II) TWO MEMBERS WHO ARE STAFF-LEVEL REPRESENTATIVES
21 FROM TWO DIFFERENT TIER ONE URBAN MUNICIPALITIES, APPOINTED BY
22 THE PRESIDENT OF THE SENATE;

23 (III) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
24 A TIER TWO URBAN MUNICIPALITY, APPOINTED BY THE SPEAKER OF THE
25 HOUSE OF REPRESENTATIVES;

26 (IV) ONE MEMBER WHO HAS A BACKGROUND IN AFFORDABLE
27 HOUSING ADVOCACY SERVING AN AREA WITHIN A URBAN MUNICIPALITY

1 METROPOLITAN PLANNING ORGANIZATION REGION, APPOINTED BY THE
2 GOVERNOR;

3 (V) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
4 A HOUSING AUTHORITY SERVING AN AREA WITHIN A METROPOLITAN
5 PLANNING ORGANIZATION REGION, APPOINTED BY THE GOVERNOR;

6 (VI) ONE MEMBER WHO HAS A BACKGROUND IN NOT-FOR-PROFIT
7 OR FOR-PROFIT HOUSING DEVELOPMENT WITHIN A METROPOLITAN
8 PLANNING ORGANIZATION REGION, APPOINTED BY THE GOVERNOR;

9 (VII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
10 UTILITY SERVICE PROVIDERS THAT PROVIDE SERVICES WITHIN A
11 METROPOLITAN PLANNING ORGANIZATION REGION, INCLUDING BUT NOT
12 LIMITED TO WATER, WASTEWATER, AND ELECTRIC UTILITIES APPOINTED BY
13 THE MINORITY LEADER OF THE HOUSE;

14 (VIII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE
15 FROM UTILITY SERVICE PROVIDERS THAT PROVIDE SERVICES WITHIN A
16 METROPOLITAN PLANNING ORGANIZATION REGION, INCLUDING BUT NOT
17 LIMITED TO WATER, WASTEWATER, AND ELECTRIC UTILITIES, APPOINTED
18 BY THE MINORITY LEADER OF THE SENATE; AND

19 (IX) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
20 A TRANSIT AGENCY THAT PROVIDES SERVICES WITHIN A TIER ONE OR TIER
21 TWO MUNICIPALITY OR IS A TRANSPORTATION PLANNER WITH A
22 METROPOLITAN PLANNING ORGANIZATION, APPOINTED BY THE GOVERNOR.

23 (c) IN ACCORDANCE WITH SECTION 29-33-109, THE URBAN AREA
24 SUBCOMMITTEE SHALL DEVELOP RECOMMENDATIONS TO PRESENT TO THE
25 MULTI-AGENCY COMMITTEE CONCERNING MATTERS RELATED TO URBAN
26 MUNICIPALITIES. PRIOR TO FINALIZING ANY RECOMMENDATIONS, THE
27 URBAN AREA SUBCOMMITTEE SHALL PROVIDE A DRAFT OF THE

1 RECOMMENDATION TO ALL URBAN MUNICIPALITIES, ALLOW AT LEAST A
2 SIXTY-DAY PUBLIC COMMENT PERIOD, AND HOLD A PUBLIC HEARING ON
3 THE RECOMMENDATIONS DURING THE COMMENT PERIOD.

4 **29-33-104. Housing needs assessments - methodology.**

5 (1)(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
6 SHALL ISSUE A METHODOLOGY FOR DEVELOPING STATEWIDE, REGIONAL,
7 AND LOCAL HOUSING NEEDS ASSESSMENTS.

8 (b) THE MULTI-AGENCY ADVISORY COMMITTEE, IN CONSULTATION
9 WITH THE STATE DEMOGRAPHY OFFICE, SHALL, AS PART OF THE PUBLIC
10 COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION 29-33-109 (2),
11 DEVELOP RECOMMENDATIONS TO PROVIDE TO THE EXECUTIVE DIRECTOR
12 OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE METHODOLOGY
13 FOR DEVELOPING STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS
14 ASSESSMENTS.

15 (2) THE METHODOLOGY FOR DEVELOPING HOUSING NEEDS
16 ASSESSMENTS MAY INCLUDE:

17 (a) FOR THE STATEWIDE HOUSING NEEDS ASSESSMENT, METHODS
18 TO:

19 (I) ESTIMATE EXISTING HOUSING STOCK;

20 (II) CONDUCT A HOUSING SHORTAGE ANALYSIS;

21 (III) DETERMINE THE NEED FOR ACCESSORY DWELLING UNITS;

22 (IV) ESTIMATE THE HOUSING NECESSARY TO ACCOMMODATE THE
23 DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE STATE
24 DEMOGRAPHY OFFICE, CATEGORIZED BY HOUSEHOLD SIZE; HOUSEHOLD
25 TYPE, INCLUDING FOR SUPPORTIVE, FOR-SALE, AND RENTAL HOUSING; AND
26 INCOME LEVEL, INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME,
27 LOW-INCOME, MODERATE-INCOME, AND MIDDLE-INCOME HOUSEHOLDS AS

1 DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
2 DEVELOPMENT;

3 (V) ENSURE LOCAL GOVERNMENT INPUT AND COORDINATION; AND

4 (VI) ASSESS AND PROVIDE DATA REGARDING ANY HOME
5 OWNERSHIP OR RENTAL HOUSING INEQUITIES IMPACTING POPULATIONS
6 THAT MAY HAVE BEEN HISTORICALLY EXCLUDED FROM HOME OWNERSHIP
7 OR RENTAL HOUSING OPPORTUNITIES. THIS DATA MAY INCLUDE, BUT IS
8 NOT LIMITED TO, HOUSING STATUS BY VETERAN STATUS, GENDER, AGE,
9 FAMILY STATUS, INCOME, RACE AND ETHNICITY, AND SPEAKING ENGLISH
10 LESS THAN VERY WELL.

11 (b) FOR REGIONAL HOUSING NEEDS ASSESSMENTS, METHODS TO:

12 (I) ASSESS REGIONAL HOUSING NEEDS FOR EACH REGION, BASED
13 ON:


14 (A) EXISTING AND PROJECTED HOUSING SHORTAGES AND
15 SURPLUSES FOR DIFFERENT HOUSEHOLD TYPES AND INCOME LEVELS,
16 INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME, LOW-INCOME,
17 MODERATE-INCOME, AND MIDDLE-INCOME HOUSEHOLDS AS DEFINED BY
18 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
19 DEVELOPMENT;

20 (B) EXISTING HOUSING DIVERSITY AND STOCK;

21 (C) CURRENT JOBS BY INCOME LEVEL;

22 (D) FUTURE POPULATION AND JOB GROWTH PROJECTIONS; AND

23 (E) DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE
24 STATE DEMOGRAPHY OFFICE; AND

25 
26 (II) DESIGNATE REGIONS BASED ON THE BOUNDARIES OF
27 METROPOLITAN PLANNING ORGANIZATIONS, RURAL REGIONS, AND RURAL

1 RESORT REGIONS. THE DESIGNATION OF RURAL REGIONS AND RURAL
2 RESORT REGIONS MUST BE BASED ON REGIONAL COMMUTING PATTERNS
3 AMONG OTHER FACTORS.

4 (c) FOR LOCAL HOUSING NEEDS ASSESSMENTS, METHODS TO
5 ASSESS LOCAL HOUSING NEEDS FOR EACH LOCAL GOVERNMENT, ALIGNED
6 WITH REGIONAL AND STATE HOUSING NEEDS ASSESSMENTS, BASED ON:

7 (I) THE CURRENT PROPORTION OF THE LOCALITY'S POPULATION IN
8 DIFFERENT HOUSEHOLD INCOME LEVELS, INCLUDING EXTREMELY
9 LOW-INCOME, VERY LOW-INCOME, LOW-INCOME, MODERATE-INCOME, AND
10 MIDDLE-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED STATES
11 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

12 (II) THE LOCALITY'S CURRENT MEDIAN INCOME;

13 (III) THE LOCALITY'S JOB-HOUSING BALANCE, INCLUDING THE
14 AVAILABILITY OF HOUSING AFFORDABLE TO LOW-INCOME WORKERS IN THE
15 LOCALITY;

16 (IV) THE LOCALITY'S POPULATION AND DEMOGRAPHICS;

17 (V) MEASURES OF LOCAL RESOURCES IN THE LOCALITY;

18 (VI) VACANCY RATES IN THE LOCALITY;

19 (VII) MEASURES OF HOMELESSNESS AND HOUSING INSTABILITY IN
20 THE LOCALITY; AND

21 (VIII) DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE
22 STATE DEMOGRAPHY OFFICE.

23 (3) (a) NO LATER THAN DECEMBER 31, 2024, AND EVERY SIX
24 YEARS THEREAFTER, IN ACCORDANCE WITH THE METHODOLOGIES FOR
25 DEVELOPING HOUSING NEEDS ASSESSMENTS, THE EXECUTIVE DIRECTOR OF
26 THE DEPARTMENT OF LOCAL AFFAIRS, WITH INPUT FROM THE
27 MULTI-AGENCY ADVISORY COMMITTEE, SHALL PRODUCE STATEWIDE,

1 REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS WITH TWENTY-YEAR
2 PLANNING FORECASTS.

3 (b) EACH OF THE ASSESSMENTS MUST INCLUDE FOR THE RELEVANT
4 AREA, BASED ON STATE DEMOGRAPHIC DATA DURING THE TWENTY-YEAR
5 PLANNING PERIOD, ESTIMATES OF:

6 (I) HOUSING NEEDS IN THE AREA SORTED BY INCOME LEVELS,
7 INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME, LOW-INCOME,
8 MODERATE-INCOME, AND MIDDLE-INCOME HOUSEHOLDS AS DEFINED BY
9 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
10 DEVELOPMENT; AND UNIT TYPES, INCLUDING ACCESSIBLE UNITS,
11 SUPPORTIVE HOUSING, FOR-SALE HOUSING AND RENTAL HOUSING;

12 (II) THE NUMBER OF HOUSEHOLDS IN THE AREA;

13 (III) THE NUMBER OF JOBS IN THE AREA BY ANNUAL SALARY OR
14 WAGE;

15 (IV) THE AREA'S POPULATION AND DEMOGRAPHICS; AND

16 (V) THE AREA'S EXISTING HOUSING STOCK.

17 (c) MUNICIPALITIES THAT ARE REQUIRED TO COMPLETE HOUSING
18 NEEDS PLANS MUST USE THE LOCAL AND REGIONAL HOUSING NEEDS
19 ASSESSMENTS TO INFORM THEIR HOUSING NEEDS PLANS.

20 **29-33-105. Urban municipality housing needs plans - guidance**
21 **- definition. (1) (a) NO LATER THAN DECEMBER 31, 2024, THE EXECUTIVE**
22 **DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL ISSUE GUIDANCE**
23 **FOR CREATING A HOUSING NEEDS PLAN.**

24 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
25 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
26 29-33-109 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS

1 CONCERNING GUIDANCE FOR CREATING A HOUSING NEEDS PLAN.

2

3 (2) (a) NO LATER THAN DECEMBER 31, 2026, AND EVERY SIX
4 YEARS THEREAFTER, IN ACCORDANCE WITH THE GUIDANCE FOR CREATING
5 A HOUSING NEEDS PLAN, EVERY URBAN MUNICIPALITY SHALL DEVELOP,
6 ADOPT, AND SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS A HOUSING
7 NEEDS PLAN. THE DEPARTMENT OF LOCAL AFFAIRS SHALL POST THE
8 SUBMITTED PLANS PUBLICLY ON ITS WEBSITE.

9 (b) BEFORE ADOPTING AND SUBMITTING A HOUSING NEEDS PLAN,
10 AN URBAN MUNICIPALITY SHALL PUBLISH THE MOST RECENT DRAFT OF ITS
11 HOUSING NEEDS PLAN AND PROVIDE NOTICE OF A PUBLIC COMMENT PERIOD
12 FOR THE RECEIPT OF WRITTEN COMMENTS CONCERNING THE PLAN. THE
13 URBAN MUNICIPALITY MAY ALSO CHOOSE TO HOLD A PUBLIC HEARING ON
14 THE PLAN.

15 (c) ON OR BEFORE JUNE 30, 2024, AND ON OR BEFORE JUNE 30
16 EVERY SIX YEARS THEREAFTER, AN URBAN MUNICIPALITY WITH A
17 POPULATION OF LESS THAN TWENTY-FIVE THOUSAND AND AN ANNUAL
18 MEDIAN HOUSEHOLD INCOME OF LESS THAN FIFTY-FIVE THOUSAND
19 DOLLARS NEED NOT SUBMIT A HOUSING NEEDS PLAN TO THE DEPARTMENT
20 OF LOCAL AFFAIRS, IF THE MUNICIPALITY INSTEAD SENDS A LETTER TO THE
21 DEPARTMENT IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT
22 INDICATING THAT THE MUNICIPALITY DOES NOT INTEND TO SUBMIT A
23 HOUSING NEEDS PLAN.

24 (3) A HOUSING NEEDS PLAN MUST INCLUDE:

25 (a) A NARRATIVE DESCRIPTION OF THE STAKEHOLDER
26 ENGAGEMENT CONDUCTED DURING THE DEVELOPMENT OF THE HOUSING
27 NEEDS PLAN;

1 (b) AN ANALYSIS OF HOW THE URBAN MUNICIPALITY WILL PROVIDE
2 A REALISTIC OPPORTUNITY FOR DEVELOPMENT THAT WILL ADDRESS ITS
3 LOCAL HOUSING NEEDS ASSESSMENT, INCLUDING THE DEMONSTRATED
4 HOUSING NEEDS FOR PERSONS OF DIFFERENT AGES, FAMILY STATUS AND
5 SIZE, AND INCOME LEVELS, OVER THE NEXT TWENTY YEARS WITH AN
6 EQUITABLE DISTRIBUTION OF HOUSING WITHIN THE JURISDICTION;

7 (c) A HOUSING NEEDS IMPLEMENTATION PLAN, WHICH MUST
8 DESCRIBE THE STRATEGIES THAT THE URBAN MUNICIPALITY WILL PURSUE
9 TO MEET ITS DEMONSTRATED HOUSING NEEDS, INCLUDING THE
10 IDENTIFICATION OF HOUSING RESOURCES AND CHANGES TO LOCAL LAWS;

11 (d) AN ANALYSIS OF ADDITIONAL FUNDING NEEDED TO IMPLEMENT
12 THE HOUSING PLAN;

13 (e) A DESCRIPTION OF AND AN IMPLEMENTATION PLAN FOR AT
14 LEAST ONE STRATEGY THAT THE URBAN MUNICIPALITY ADOPTS FROM THE
15 MENU OF AFFORDABLE DEVELOPMENT AND AT LEAST ONE STRATEGY FROM
16 THE MENU OF LONG-TERM AFFORDABILITY STRATEGIES DESCRIBED IN
17 SECTION 29-33-106. THESE STRATEGIES MUST BOTH ADDRESS HOUSING
18 NEEDS AND MAKE PROGRESS TOWARD MEETING DEMONSTRATED HOUSING
19 NEEDS FOR LOW- AND MODERATE-INCOME HOUSEHOLDS AS DEFINED BY
20 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
21 AND HOUSING TYPES IDENTIFIED IN THE LOCAL HOUSING NEEDS
22 ASSESSMENT;

23 (f) IN THE CASE OF AN URBAN MUNICIPALITY WITH A
24 TRANSIT-ORIENTED AREA, AT LEAST TWO STRATEGIES FROM THE LIST OF
25 AFFORDABLE DEVELOPMENT STRATEGIES IN SECTION 29-33-106 (1) AND
26 AT LEAST ONE STRATEGY FROM THE LIST OF LONG-TERM AFFORDABILITY
27 STRATEGIES IN SECTION 29-33-106 (2); AND

1 (g) A NARRATIVE ANALYSIS OF ANY AREA AT ELEVATED RISK OF
2 RESIDENTIAL DISPLACEMENT THAT THE URBAN MUNICIPALITY HAS
3 IDENTIFIED AND A DESCRIPTION OF AND IMPLEMENTATION PLAN FOR ANY
4 STRATEGIES FROM THE MENU OF DISPLACEMENT MITIGATION MEASURES
5 DESCRIBED IN SECTION 29-33-107, THAT THE URBAN MUNICIPALITY WILL
6 USE TO MITIGATE IDENTIFIED DISPLACEMENT RISKS IN THESE AREAS.

7 (4) WHEN UPDATING ITS MASTER PLAN, AN URBAN MUNICIPALITY
8 SHALL INCLUDE ITS MOST RECENT HOUSING NEEDS PLAN OR INFORMATION
9 FROM THAT ANALYSIS IN ITS MASTER PLAN.

10 (5) AN URBAN MUNICIPALITY THAT ADOPTED A PLAN TO ADDRESS
11 LOCAL HOUSING NEEDS PRIOR TO THE EFFECTIVE DATE OF THIS SECTION
12 MAY, RATHER THAN DEVELOPING AND ADOPTING A NEW HOUSING NEEDS
13 PLAN PURSUANT TO SUBSECTION (3) OF THIS SECTION, UPDATE ITS
14 EXISTING PLAN TO ADDRESS ADDITIONAL NEEDS IDENTIFIED IN THE LOCAL
15 HOUSING NEEDS ASSESSMENT BEYOND WHAT THE MUNICIPALITY'S
16 EXISTING PLAN TO ADDRESS LOCAL HOUSING NEEDS INCLUDES, AND ANY
17 REQUIREMENTS IN SECTION 29-33-105 (4) NOT ALREADY INCLUDED IN THE
18 MUNICIPALITY'S EXISTING PLAN.

19 (6) (a) A COUNTY, METROPOLITAN PLANNING ORGANIZATION, OR
20 MUNICIPALITY WITHIN A REGION DEFINED IN THE REGIONAL HOUSING
21 NEEDS ASSESSMENT MAY PARTICIPATE IN A REGIONAL HOUSING NEEDS
22 PLANNING PROCESS.

23 (b) THE COUNTIES, METROPOLITAN PLANNING ORGANIZATION, OR
24 MUNICIPALITIES THAT PARTICIPATE IN A PLANNING PROCESS:

25 (I) MAY UTILIZE DATA AND INFORMATION FROM A RELEVANT
26 REGIONAL HOUSING NEEDS ASSESSMENT THAT IS NO MORE THAN FIVE
27 YEARS OLD TO INFORM THEIR REGIONAL PLANNING PROCESS;

1 (II) ARE ENCOURAGED TO INCORPORATE STRATEGIC GROWTH
2 OBJECTIVES AS DEFINED IN SECTION 29-33-108 IN THE REGIONAL
3 PLANNING PROCESS; AND

4 (III) ARE ENCOURAGED TO IDENTIFY HOUSING PRODUCTION
5 STRATEGIES AND COMMITMENTS THAT ADDRESS THE HOUSING NEEDS
6 IDENTIFIED IN LOCAL HOUSING NEEDS ASSESSMENTS THROUGH THE
7 ADOPTION OF INTERJURISDICTIONAL STRATEGIES AND AFFORDABILITY
8 STRATEGIES IDENTIFIED IN SECTION 29-33-106.

9 (c) IF NO EXISTING REGIONAL PLAN EXISTS, A GROUP OF COUNTIES,
10 A METROPOLITAN PLANNING ORGANIZATION, OR MUNICIPALITIES MAY
11 REQUEST THAT THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION
12 29-33-103 (9) FACILITATE THE CREATION OF A REGIONAL PLANNING
13 PROCESS.

14 (d) A REGIONAL HOUSING NEEDS PLANNING PROCESS MAY BE LED
15 BY A REGIONAL ENTITY AND MUST ENCOURAGE PARTICIPATING COUNTIES,
16 METROPOLITAN PLANNING ORGANIZATIONS, AND MUNICIPALITIES TO
17 IDENTIFY STRATEGIES THAT IMPROVE COORDINATION BETWEEN ENTITIES
18 TO MEET THE HOUSING NEEDS IDENTIFIED FOR THOSE LOCAL
19 GOVERNMENTS IN THE REGIONAL AND LOCAL HOUSING NEEDS
20 ASSESSMENTS.

21 ■ ■
22 **(7) Strategic growth and housing mix analysis.** (a) THE
23 MULTI-AGENCY COMMITTEE CREATED IN SECTION 29-33-103 SHALL
24 PROVIDE GUIDANCE FOR THE COMPLETION OF A STRATEGIC GROWTH AND
25 HOUSING MIX ANALYSIS.

26 (b) IN COMPLETING A STRATEGIC GROWTH AND HOUSING MIX
27 ANALYSIS, A METROPOLITAN PLANNING ORGANIZATION OR A

1 MUNICIPALITY MUST:

2 (I) COMPREHENSIVELY IDENTIFY AREAS THAT CAN BE DEVELOPED
3 OR REDEVELOPED AND THAT QUALIFY AS STRATEGIC GROWTH AREAS;

4 (II) PRIORITIZE STRATEGIC GROWTH AREAS WITHIN EXISTING
5 CENSUS URBANIZED AREAS, AND INCLUDE GUIDANCE FOR THE LOCATION
6 OF MIDDLE AND MULTIFAMILY HOUSING THAT SUPPORTS THE GOALS OF
7 SENATE BILL 23-213 WHICH INCLUDE BUT ARE NOT LIMITED TO MEETING
8 THE STATE'S HOUSING NEEDS FOR PEOPLE OF ALL INCOME LEVELS, AGE,
9 AND FAMILY STATUS AND REDUCING TRANSPORTATION-RELATED CLIMATE
10 AND AIR QUALITY IMPACTS;

11 (III) DEVELOP SCENARIOS THAT EVALUATE THE IMPACTS OF
12 PRIORITIZING GROWTH IN STRATEGIC GROWTH AREAS IN COMPARISON TO
13 RECENT AND EXISTING GROWTH PATTERNS. METROPOLITAN PLANNING
14 ORGANIZATIONS AND MUNICIPALITIES MAY UTILIZE PREVIOUS SCENARIO
15 ANALYSES IN SATISFYING THIS SUBSECTION (8)(b)(III).

16 (IV) EVALUATE THE EXISTING ZONING AND DENSITY PERMITTED
17 WITHIN STRATEGIC GROWTH AREAS; AND

18 (V) USE A METHOD THAT ALLOWS A MUNICIPALITY TO EFFICIENTLY
19 UTILIZE THE INFORMATION IN THE STRATEGIC GROWTH AND HOUSING MIX
20 ANALYSIS IN THE DEVELOPMENT OF THE STRATEGIC GROWTH ELEMENT OF
21 THE MUNICIPALITY'S MASTER PLAN, REQUIRED PURSUANT TO SECTION
22 31-23-206.

23 (c) (I) ON OR BEFORE DECEMBER 31, 2025, A METROPOLITAN
24 PLANNING ORGANIZATION WITH A POPULATION OF TWO HUNDRED FIFTY
25 THOUSAND OR MORE SHALL, IN CONSULTATION WITH THE RELEVANT
26 COUNTIES AND MUNICIPALITIES, COMPLETE A STRATEGIC GROWTH AND
27 HOUSING MIX ANALYSIS.

1 (II) ON OR BEFORE DECEMBER 31, 2025, A MUNICIPALITY WITH A
2 POPULATION OF FIFTY THOUSAND OR MORE THAT IS WITHIN A
3 METROPOLITAN PLANNING ORGANIZATION WITH A POPULATION OF LESS
4 THAN TWO HUNDRED FIFTY THOUSAND SHALL COMPLETE A STRATEGIC
5 GROWTH AND HOUSING MIX ANALYSIS.

6 **29-33-106. Menu of urban municipality affordability and**
7 **accessibility strategies. (1) IN ORDER TO SUPPORT AFFORDABILITY AND**
8 **ADVANCE MEETING THE HOUSING NEEDS OF LOW-INCOME,**
9 **MODERATE-INCOME, AND MEDIUM-INCOME HOUSEHOLDS, AS DEFINED BY**
10 **THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN**
11 **DEVELOPMENT, THE MENU OF AFFORDABILITY STRATEGIES FOR AN URBAN**
12 **MUNICIPALITY MUST INCLUDE BOTH AFFORDABLE DEVELOPMENT**
13 **STRATEGIES AND LONG-TERM AFFORDABILITY STRATEGIES. THE**
14 **AFFORDABLE DEVELOPMENT STRATEGIES INCLUDED IN THE MENU OF**
15 **AFFORDABILITY STRATEGIES FOR AN URBAN MUNICIPALITY MUST INCLUDE**
16 **THE FOLLOWING:**

17 (a) IMPLEMENTATION OF A LOCAL INCLUSIONARY ZONING
18 ORDINANCE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS
19 29-20-104 (e.5) AND (e.7);

20 (b) THE CREATION OF A PROGRAM TO PRIORITIZE DEVELOPMENT
21 PERMITS AND SUBSIDIZE OR OTHERWISE REDUCE IMPACT FEES OR OTHER
22 SIMILAR DEVELOPMENT CHARGES FOR REGULATED AFFORDABLE HOUSING
23 DEVELOPMENT WHERE APPLICABLE;

24 (c) THE CREATION OF AN EXPEDITED DEVELOPMENT REVIEW
25 PROCESS FOR REGULATED AFFORDABLE HOUSING DEVELOPMENTS;


26 (d) THE ESTABLISHMENT OF A DENSITY BONUS PROGRAM THAT
27 GRANTS INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT BEYOND

1 WHAT IS REQUIRED BY THIS ARTICLE 33 TO INCREASE THE CONSTRUCTION
2 OF REGULATED AFFORDABLE HOUSING UNITS;

3 (e) ENABLING REGULATED AFFORDABLE HOUSING AS A USE BY
4 RIGHT IN HOUSING TYPES AND AREAS BEYOND WHAT IS REQUIRED BY THIS
5 ARTICLE 33, SUCH AS ADDITIONAL ZONE DISTRICTS, HIGHER ALLOWED
6 DENSITIES, OR OTHER APPROACHES THAT ARE CONSISTENT WITH THE
7 GOALS OF INCREASING AND PRESERVING HOUSING AFFORDABILITY,
8 SUPPLY, AND HOUSING UNIT TYPE DIVERSITY;

9 (f) THE ESTABLISHMENT OF A POLICY OR PLAN TO LEVERAGE
10 MUNICIPALLY OWNED, SOLD, OR MANAGED LAND FOR REGULATED
11 AFFORDABLE HOUSING DEVELOPMENT;

12 (g) THE ELIMINATION OF LOCAL PARKING REQUIREMENTS FOR
13 REGULATED AFFORDABLE HOUSING;

14 
15 (h) THE PRIORITIZED APPLICATION OF KEY CORRIDOR AND
16 TRANSIT-ORIENTED AREA ZONING DISTRICTS IN THE MUNICIPALITY'S
17 HIGHEST-INCOME CENSUS TRACTS;

18 (i) ESTABLISHING A POLICY TO ALIGN INFRASTRUCTURE
19 STRATEGIES WITH THE REGULATED AFFORDABLE HOUSING NEEDS
20 IDENTIFIED IN THE RELEVANT LOCAL HOUSING NEEDS ASSESSMENT.
21 POLICIES MAY INCLUDE THE PRIORITIZATION OF UTILITIES, COST
22 EXEMPTIONS, AND DISCOUNTS;

23 (j) ESTABLISHING HOUSING AND LAND USE POLICIES INFORMED BY
24 THE FINDINGS AND RECOMMENDATIONS OF THE STRATEGIC ACTION PLAN
25 ON AGING, DEVELOPED PURSUANT TO SECTION 24-32-3406, AND THE
26 LIFELONG COLORADO INITIATIVE CREATED PURSUANT TO SECTION
27 26-11-302, INCLUDING THE EIGHT REALMS OF LIVABLE AND AGE FRIENDLY

1 COMMUNITIES; AND

2 (k) ANY OTHER STRATEGIES PROPOSED BY A LOCAL GOVERNMENT
3 OR THE MULTI-AGENCY ADVISORY COMMITTEE THAT ARE APPROVED BY
4 THE DEPARTMENT OF LOCAL AFFAIRS AND THAT SUPPORT EQUAL OR
5 GREATER AFFORDABILITY AND ACCESSIBILITY CONSISTENT WITH THE
6 NEEDS IDENTIFIED IN THE RELEVANT LOCAL HOUSING NEEDS ASSESSMENT.

7 (2) THE LONG-TERM AFFORDABILITY STRATEGIES INCLUDED IN THE
8 MENU OF AFFORDABILITY STRATEGIES FOR AN URBAN MUNICIPALITY MUST
9 INCLUDE THE FOLLOWING:

10 (a) THE ESTABLISHMENT OF A DEDICATED LOCAL REVENUE SOURCE
11 FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT, SUCH AS
12 INSTITUTING A LINKAGE FEE ON NEW DEVELOPMENTS;

13 (b) THE REGULATION OF SHORT-TERM RENTALS, SECOND HOMES,
14 OR OTHER VACANT UNITS IN A WAY THAT PROMOTES THE MAXIMUM USE
15 OF LOCAL HOUSING STOCK FOR LOCAL HOUSING NEEDS AS DETERMINED
16 THROUGH A HOUSING NEEDS ASSESSMENT. THIS REGULATION MAY
17 INCLUDE EXACTING A VACANCY FEE ON UNDERUTILIZED UNITS.

18 (c) MAKING COMMITMENT TO AND REMAINING ELIGIBLE FOR THE
19 STATE AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102 (1);

20 (d) PRESERVING AFFORDABILITY OF BOTH REGULATED AND
21 UNREGULATED HOUSING THROUGH INTERVENTIONS SUCH AS CAPITAL
22 INVESTMENTS IN PROPERTY RESTORATION OR REHABILITATION, LOCAL
23 RIGHT OF FIRST REFUSAL PROGRAMS, OR PROGRAMS THAT TRANSITION
24 EXISTING HOUSING STOCK TO REGULATED AFFORDABLE HOUSING;

25 (e) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM TO
26 FACILITATE INVESTMENT IN LAND BANKING OR COMMUNITY LAND TRUSTS;

27 (f) THE ESTABLISHMENT OF AN AFFORDABLE HOMEOWNERSHIP

1 STRATEGY SUCH AS:

2 (I) THE ACQUISITION OR PRESERVATION OF DEED RESTRICTIONS ON
3 CURRENT HOUSING UNITS;

4 (II) THE ESTABLISHMENT OF AN INCENTIVE PROGRAM TO
5 ENCOURAGE REALTORS TO WORK WITH PROSPECTIVE LOW-INCOME AND
6 MINORITY HOMEBUYERS; OR

7 (III) THE ESTABLISHMENT OF AN AFFORDABLE RENT-TO-OWN
8 PROGRAM; AND

9 (g) PRIORITIZING THE USE OF MUNICIPALLY OWNED DEVELOPABLE
10 LAND FOR AFFORDABLE HOUSING DEVELOPMENT, INCLUDING
11 AFFORDABILITY DEED RESTRICTIONS OF AT LEAST SEVENTY-FIVE YEARS.

12 (3) URBAN MUNICIPALITIES SHALL DEMONSTRATE THE ADOPTION
13 OF THE NUMBER OF THE AFFORDABILITY STRATEGIES SPECIFIED IN SECTION
14 29-33-105 (4)(d)(I) AND SUBMIT A REPORT DETAILING THESE STRATEGIES
15 TO THE DEPARTMENT OF LOCAL AFFAIRS NO LATER THAN JUNE 30, 2025.
16 IN DETERMINING WHICH STRATEGIES TO ADOPT, AN URBAN MUNICIPALITY
17 SHALL CONSIDER PREVIOUS PLANS ADDRESSING HOUSING NEEDS OR OTHER
18 AVAILABLE DATA TO INFORM THE SELECTION OF STRATEGIES TO ADDRESS
19 KNOWN HOUSING NEEDS.

20 (4) NOTWITHSTANDING SECTION 29-33-105 (4)(d)(I), AN URBAN
21 MUNICIPALITY MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL
22 AFFAIRS CONCERNING AFFORDABILITY STRATEGIES THAT THE
23 MUNICIPALITY HAS ADOPTED OUTSIDE OF THOSE LISTED IN THIS SECTION,
24 OR THAT THE MUNICIPALITY ADOPTED PRIOR TO THE EFFECTIVE DATE OF
25 THIS SECTION, AND THE IMPACT OF THOSE STRATEGIES. THE DEPARTMENT
26 MAY DETERMINE WHETHER THOSE STRATEGIES MAY QUALIFY AS
27 AFFORDABILITY STRATEGIES FOR PURPOSES OF SECTION 29-33-105

1 (4)(d)(I).

2

3 **29-33-107. Displacement risk assessment and mitigation**

4 **strategies. (1) Displacement risk assessment and mitigation**

5 **strategies guidelines. (a) NO LATER THAN DECEMBER 31, 2024, THE**

6 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL

7 DEVELOP GUIDANCE FOR MUNICIPALITIES TO CONDUCT A DISPLACEMENT

8 RISK ASSESSMENT AND IMPLEMENT DISPLACEMENT MITIGATION

9 STRATEGIES AND SHALL PROVIDE GUIDANCE REGARDING THE NUMBER OF

10 STRATEGIES THAT MUST BE SELECTED, BASED ON THE RESULTS OF THE

11 DISPLACEMENT RISK ASSESSMENT, TO SUPPORT URBAN MUNICIPALITIES

12 AND RURAL RESORT JOB CENTER MUNICIPALITIES IN PREVENTING

13 DISPLACEMENT AS PART OF THE REQUIRED HOUSING NEEDS PLAN

14 PURSUANT TO SECTION 29-33-105.

15 (b) THE DISPLACEMENT RISK ASSESSMENT, DISPLACEMENT

16 MITIGATION STRATEGIES, AND NUMBER OF DISPLACEMENT MITIGATION

17 STRATEGIES MUST PROVIDE ADEQUATE GUIDANCE AND TOOLS FOR

18 MUNICIPALITIES TO PREVENT DISPLACEMENT OF LOW-INCOME

19 HOUSEHOLDS FROM AREAS AT HIGH RISK FOR DISPLACEMENT. IN

20 DEVELOPING THIS GUIDANCE, THE EXECUTIVE DIRECTOR OF THE

21 DEPARTMENT OF LOCAL AFFAIRS SHALL CONSULT WITH THE

22 MULTI-AGENCY ADVISORY COMMITTEE AND PROVIDE A METHOD TO

23 RECEIVE INPUT FROM THE LEGISLATIVE OVERSIGHT COMMITTEE CREATED

24 IN 29-32-117. THE GUIDANCE MUST INCLUDE HOW RURAL RESORT JOB

25 CENTERS SHOULD INCORPORATE REGIONAL WORKFORCE AND COMMUTING

26 PATTERN CONSIDERATIONS IN THEIR DISPLACEMENT RISK ASSESSMENT

27 AND IMPLEMENTATION OF DISPLACEMENT MITIGATION MEASURES.

1 **(2) Displacement risk assessment.** (a) A DISPLACEMENT RISK
2 ASSESSMENT MUST CONSIDER:

3 **(I) GEOGRAPHY AS DETERMINED WITH FEEDBACK GATHERED FROM**
4 **THE RESIDENTS OF THE COMMUNITY IN ADDITION TO DATA ANALYZED AT**
5 **THE CENSUS TRACT LEVEL OR SIMILAR GEOGRAPHIC SCALE FOR WHICH**
6 **THERE IS DATA AVAILABLE;**

7 **(II) INFORMATION FROM NEIGHBORHOOD-LEVEL EARLY WARNING**
8 **AND RESPONSE SYSTEMS THAT CAN HELP MUNICIPALITIES AND**
9 **COMMUNITY ADVOCATES ANTICIPATE FUTURE DISPLACEMENT DUE TO**
10 **RISING HOUSING COSTS;**

11 **(III) BASELINE CENSUS DATA AND OTHER DATA POINTS THAT ARE**
12 **UPDATED ON A FREQUENT BASIS;**

13 **(IV) QUALITATIVE AND QUANTITATIVE INDICATORS OF:**

14 **(A) NEIGHBORHOOD CHANGE INCLUDING DEMOGRAPHIC AND**
15 **ECONOMIC CHANGE RELATED TO RESIDENTS AND BUSINESSES IN THE**
16 **NEIGHBORHOOD; AND**

17 **(B) GENTRIFICATION, WHICH REFERS TO INCREASED ECONOMIC**
18 **ACTIVITY OR VALUE IN A NEIGHBORHOOD, OFTEN DRIVEN BY PUBLIC AND**
19 **PRIVATE INVESTMENT IN INFRASTRUCTURE AND AMENITIES, THAT LEADS**
20 **TO AN INCREASE IN THE NEIGHBORHOOD AREA MEDIAN INCOME AND**
21 **PROPERTY VALUES THAT IS OFTEN ACCOMPANIED BY A DISPLACEMENT OF**
22 **LOW-INCOME RESIDENTS AND COMMUNITY SERVICING BUSINESSES AND**
23 **INSTITUTIONS; AND**

24 **(V) DISPLACEMENT, AS DEFINED IN SECTION 29-33-102 (9).**
25 **DISPLACEMENT IS DISTINCT FROM RESIDENTIAL MOBILITY, WHICH**
26 **INCLUDES VOLUNTARY HOUSEHOLD MOVEMENT.**

27 **(b) THE GUIDANCE FOR A DISPLACEMENT RISK ASSESSMENT MAY**

1 INCLUDE THE FOLLOWING QUANTITATIVE FACTORS THAT CAN BE USED TO
2 IDENTIFY RISKS FOR DISPLACEMENT AT THE CENSUS TRACT OR OTHER
3 SIMILAR GEOGRAPHIC SCALE FOR WHICH DATA IS AVAILABLE:

4 (I) THE PERCENTAGE OF HOUSEHOLDS THAT ARE EXTREMELY
5 LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME, AS DEFINED BY THE
6 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

7 (II) THE PERCENTAGE OF RESIDENTS WHO ARE RENTERS;

8 (III) THE PERCENTAGE OF COST-BURDENED HOUSEHOLDS DEFINED
9 AS SPENDING MORE THAN THIRTY PERCENT OF THE RESIDENT'S INCOME ON
10 HOUSING NEEDS;

11 (IV) THE NUMBER OF ADULTS WHO ARE TWENTY-FIVE YEARS OF
12 AGE OR OLDER AND HAVE NOT EARNED AT LEAST A HIGH SCHOOL
13 DIPLOMA;

14 (V) THE PERCENTAGE OF HOUSEHOLDS IN WHICH THE PRIMARY
15 LANGUAGE THAT IS SPOKEN IS A LANGUAGE OTHER THAN ENGLISH;

16 (VI) THE PERCENTAGE OF RESIDENTS WHO WERE BORN OUTSIDE OF
17 THE UNITED STATES ACCORDING TO PUBLICLY AVAILABLE STATE AND
18 FEDERAL INFORMATION;

19 (VII) THE EMPLOYMENT RATE;

20 (VIII) THE PERCENTAGE OF WORKERS WHO LIVE WITHIN A
21 TEN-MILE RADIUS OF AN URBAN MUNICIPALITY OR A TWENTY-MILE RADIUS
22 OF A RURAL RESORT JOB CENTER;

23 (IX) THE PERCENTAGE OF HOUSEHOLDS THAT DO NOT HAVE
24 INTERNET ACCESS;

25 (X) THE PERCENTAGE OF HOUSING STOCK BUILT PRIOR TO 1970;

26 (XI) INSTITUTIONAL INVESTOR REAL ESTATE ACTIVITY IN THE
27 FOR-SALE MARKET WHERE THIS INFORMATION IS READILY AVAILABLE;

1 (XII) CHANGE IN LAND PRICES, RENTAL PRICES, PROPERTY VALUES,
2 AND OTHER REAL ESTATE AND HOUSING INDICATORS;

3 (XIII) THE NUMBER OF RENTERS WHO WERE LEGALLY EVICTED FOR
4 NONPAYMENT OF RENT IN THE PRIOR CALENDAR YEAR FOR ALL AREAS
5 WHERE THIS INFORMATION IS READILY AVAILABLE;

6 (XIV) THE NUMBER OF COLORADO-OWNED AND
7 COLORADO-OPERATED SMALL BUSINESSES WITH TEN EMPLOYEES OR
8 FEWER WHERE THIS INFORMATION IS READILY AVAILABLE; AND

9 (XV) THE CHANGE IN THE NUMBER OF COLORADO-OWNED AND
10 COLORADO-OPERATED SMALL BUSINESSES WITH TEN EMPLOYEES OR
11 FEWER OVER FIVE YEARS WHERE THIS INFORMATION IS READILY
12 AVAILABLE.

13 (c) IN DEVELOPING A DISPLACEMENT RISK ASSESSMENT, URBAN
14 MUNICIPALITIES AND RURAL RESORT JOB CENTER MUNICIPALITIES MUST
15 ALSO CONDUCT INCLUSIVE COMMUNITY ENGAGEMENT WITH RESIDENTS OF
16 AREAS IDENTIFIED AS BEING AT ELEVATED RISK FOR DISPLACEMENT TO
17 ADDRESS ADDITIONAL QUALITATIVE INDICATORS OF DISPLACEMENT.

18 (3) **Displacement mitigation strategies.** (a) THE GOALS OF
19 DISPLACEMENT MITIGATION STRATEGIES ARE TO ENSURE THAT:

20 (I) VULNERABLE HOMEOWNERS AND RENTERS IN NEIGHBORHOODS
21 EXPERIENCING GENTRIFICATION ARE NOT DISPLACED FROM THEIR CURRENT
22 HOMES AND NEIGHBORHOODS;

23 (II) THE EXISTING AFFORDABLE HOUSING STOCK, BOTH SUBSIDIZED
24 AND UNSUBSIDIZED, IN GENTRIFYING NEIGHBORHOODS IS PRESERVED SO
25 THAT DWELLING UNITS ARE IN GOOD CONDITION WHILE REMAINING
26 AFFORDABLE TO LOW TO MODERATE -INCOME RESIDENTS;

27 (III) CITY PLANNING AND LAND USE DECISIONS INCORPORATE

1 INCLUSIVE AND EQUITABLE DISPLACEMENT MITIGATION STRATEGIES, AND
2 LOW-INCOME PERSONS AND COMMUNITIES OF COLOR ARE EMPOWERED TO
3 PARTICIPATE EARLY AND MEANINGFULLY IN LAND USE DECISIONS THAT
4 SHAPE THEIR HOMES, NEIGHBORHOODS, AND COMMUNITIES;

5 (IV) NEW AFFORDABLE HOUSING OPTIONS ARE CREATED TO SERVE
6 CURRENT AND FUTURE VULNERABLE HOUSEHOLDS IN NEIGHBORHOODS
7 EXPERIENCING GENTRIFICATION;

8 (V) VULNERABLE RESIDENTS ARE ABLE TO REMAIN OR RETURN
9 TO THEIR COMMUNITIES BY ACCESSING THE NEW AFFORDABLE HOUSING
10 OPPORTUNITIES IN THEIR NEIGHBORHOODS; AND

11 (VI) AN EQUAL OR GREATER AMOUNT OF AFFORDABLE HOUSING
12 IS PROVIDED IN AREAS IDENTIFIED AS AT-RISK OF DISPLACEMENT BASED ON
13 THE DISPLACEMENT RISK ASSESSMENT.

14 (b) EACH OF THE DISPLACEMENT MITIGATION STRATEGIES MUST BE
15 ABLE TO BE INCORPORATED BY URBAN MUNICIPALITIES AND RURAL
16 RESORT JOB CENTER MUNICIPALITIES INTO THE MUNICIPALITY'S HOUSING
17 NEEDS PLAN AS REQUIRED BY SECTION 29-33-105. THIS MENU OF
18 DISPLACEMENT MITIGATION STRATEGIES MUST INCLUDE:

19 (I) GUIDANCE AND RECOMMENDATIONS FOR HOW A LOCAL
20 GOVERNMENT SHALL INCORPORATE THE DISPLACEMENT RISK ASSESSMENT
21 REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION INTO A HOUSING
22 NEEDS PLAN;

23 (II) LONG-TERM DISPLACEMENT MITIGATION MEASURES FROM
24 WHICH MUNICIPALITIES MUST CHOOSE TO ADDRESS AREAS IDENTIFIED IN
25 THE DISPLACEMENT RISK ASSESSMENT REQUIRED BY SUBSECTION (2) OF
26 THIS SECTION, WHICH MAY INCLUDE:

27 (A) DEVELOPING A PROGRAM TO OFFER TECHNICAL ASSISTANCE

1 AND FINANCIAL SUPPORT FOR COMMUNITY ORGANIZATIONS TO DEVELOP
2 INDEPENDENT COMMUNITY LAND TRUSTS;

3 (B) LOCAL GOVERNMENT PLANNING FOR ACQUISITION AND
4 REHABILITATING OF NATURALLY OCCURRING AFFORDABLE RENTALS,
5 EITHER TO ENTER INTO A LAND TRUST OR TO INCLUDE AFFORDABILITY
6 DEED RESTRICTIONS;

7 (C) IMPLEMENTING LOCAL RIGHT OF FIRST REFUSAL FOR EXPIRING
8 REGULATED AFFORDABLE HOUSING UNITS, PRIORITIZE LOCAL FUNDS
9 TOWARD AFFORDABLE UNIT PRESERVATION, OR IMPLEMENTING OR
10 CONTINUING DEED RESTRICTED AFFORDABLE HOUSING UNITS.

11 (D) REQUIRING MULTIFAMILY DEVELOPERS WHO BUILD NEW
12 LARGE MULTIFAMILY DEVELOPMENTS IN AREAS AT RISK OF
13 DISPLACEMENT, AS IDENTIFIED BY THE DISPLACEMENT RISK ASSESSMENT,
14 TO CREATE A COMMUNITY BENEFITS AGREEMENT WITH AFFECTED
15 POPULATIONS IN CLOSE PROXIMITY TO THE DEVELOPMENT; AND

16 (E) PROVIDING A PRIORITIZATION POLICY FOR CURRENT RESIDENTS
17 IN NEW REGULATED AFFORDABLE HOUSING DEVELOPMENTS FOR THE FIRST
18 FEW MONTHS OF WHEN UNITS ARE LEASED AFTER CONSTRUCTION;

19 (III) SHORT-TERM DISPLACEMENT MITIGATION MEASURES FROM
20 WHICH LOCAL GOVERNMENTS SHALL CHOOSE, WHICH MAY INCLUDE:

21 (A) THE CREATION OF A LOCALLY FUNDED AND ADMINISTERED
22 RENTAL AND MORTGAGE ASSISTANCE PROGRAM;

23 (B) THE CREATION OF AN EVICTION AND FORECLOSURE NO-COST
24 LEGAL REPRESENTATION PROGRAM;

25 (C) THE ESTABLISHMENT OF A HOUSING COUNSELING AND
26 NAVIGATION PROGRAM; AND

27 (D) THE CREATION OF A PROPERTY TAX AND DOWN PAYMENT

1 ASSISTANCE PROGRAM; AND

2 (E) ANY OTHER STRATEGIES PROPOSED BY A LOCAL GOVERNMENT
3 OR THE MULTI-AGENCY ADVISORY COMMITTEE THAT ARE APPROVED BY
4 THE DEPARTMENT OF LOCAL AFFAIRS AND THAT SUPPORT THE GOALS OF
5 THIS SECTION.

6 (c) MUNICIPALITIES SHALL ADOPT A MINIMUM NUMBER OF
7 SHORT-TERM AND LONG-TERM DISPLACEMENT MITIGATION STRATEGIES AS
8 DETERMINED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
9 AFFAIRS. MUNICIPALITIES MAY NOT COUNT THE SAME STRATEGY
10 TOWARDS SATISFYING BOTH THE MINIMUM NUMBER OF REQUIRED
11 STRATEGIES PURSUANT TO THE MENU OF AFFORDABILITY STRATEGIES
12 REQUIRED BY SECTION 29-33-106 AND THIS SUBSECTION (3).

13 (4) **Assessment and strategies.** NO LATER THAN DECEMBER 31,
14 2025, AND EVERY SIX YEARS THEREAFTER, IN ACCORDANCE WITH THE
15 GUIDANCE FOR CREATING A DISPLACEMENT RISK ASSESSMENT AND THE
16 SELECTION OF DISPLACEMENT MITIGATION STRATEGIES, EVERY URBAN
17 MUNICIPALITY AND RURAL RESORT JOB CENTER MUNICIPALITY SHALL
18 DEVELOP, ADOPT, AND SUBMIT A DISPLACEMENT RISK ASSESSMENT AND A
19 DESCRIPTION OF THE EVIDENCE-BASED DISPLACEMENT MITIGATION
20 STRATEGIES IT SELECTED TO THE DEPARTMENT OF LOCAL AFFAIRS AS PART
21 OF A HOUSING NEEDS PLAN REQUIRED UNDER SECTION 29-33-105. THE
22 STRATEGIES THAT A MUNICIPALITY SELECTS MUST BE EVIDENCE-BASED
23 AND INFORMED BY ITS DISPLACEMENT RISK ASSESSMENT AND THE MEDIAN
24 INCOME OF AREAS IDENTIFIED AS AT RISK OF DISPLACEMENT. AN URBAN
25 MUNICIPALITY AND RURAL RESORT JOB CENTER MUNICIPALITY SHALL
26 PROVIDE SUPPORTING INFORMATION AND A NARRATIVE TO DEMONSTRATE
27 HOW THE STRATEGIES WILL MITIGATE DISPLACEMENT AS IDENTIFIED IN THE

1 DISPLACEMENT RISK ASSESSMENT. THE DEPARTMENT OF LOCAL AFFAIRS
2 SHALL POST THE SUBMITTED PLANS PUBLICLY ON ITS WEBSITE.

3 (5) **Public comment.** BEFORE ADOPTING AND SUBMITTING A FINAL
4 DISPLACEMENT RISK ASSESSMENT AND MAKING A FINAL SELECTION OF
5 DISPLACEMENT MITIGATION STRATEGIES, AN URBAN MUNICIPALITY AND
6 A RURAL RESORT JOB CENTER MUNICIPALITY SHALL PUBLISH THE MOST
7 RECENT DRAFT OF ITS DISPLACEMENT RISK ASSESSMENT AND THE
8 DISPLACEMENT MITIGATION STRATEGIES IT SELECTED AND ENGAGE IN A
9 PUBLIC COMMENT PROCESS PURSUANT TO 29-33-105 (3)(b) AND 29-33-111
10 (5)(b)(II).

11 (6) **Prior displacement efforts.** BY JANUARY 1, 2025, URBAN
12 MUNICIPALITIES AND RURAL RESORT JOB CENTER MUNICIPALITIES MAY
13 SUBMIT EVIDENCE-BASED MITIGATION STRATEGIES LINKED TO
14 DISPLACEMENT RISK ASSESSMENTS AND THE IMPACT OF THE MEASURES
15 THAT THE MUNICIPALITY ADOPTED PRIOR TO THE EFFECTIVE DATE OF THIS
16 SECTION TO THE DEPARTMENT OF LOCAL AFFAIRS. THE DEPARTMENT MAY
17 DETERMINE WHETHER THOSE STRATEGIES QUALIFY AS A DISPLACEMENT
18 MITIGATION LONG-TERM OR SHORT-TERM MEASURE TO SATISFY THE
19 NUMBER OF MEASURES THAT MUST BE ADOPTED PURSUANT TO
20 SUBSECTION (1)(a) OF THIS SECTION.

21 (7) **Technical assistance.** THE DEPARTMENT OF LOCAL AFFAIRS
22 SHALL PROVIDE TECHNICAL ASSISTANCE AND FUNDING TO SUPPORT TIER
23 ONE AND TIER TWO URBAN MUNICIPALITIES AND RURAL RESORT JOB
24 CENTER MUNICIPALITIES IN CONDUCTING A DISPLACEMENT ASSESSMENT
25 AND IN IDENTIFYING DISPLACEMENT MITIGATION STRATEGIES TO ADDRESS
26 THE RISK OF DISPLACEMENT IN THE AREAS AT THE HIGHEST RISK OF
27 DISPLACEMENT.

1 **29-33-108. Strategic growth objectives - reporting.** (1) (a) No
2 LATER THAN MARCH 31, 2024, THE EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH A REPORT THAT
4 IDENTIFIES MULTI-AGENCY IMPLEMENTATION PRINCIPLES TO ACHIEVE
5 STRATEGIC GROWTH OBJECTIVES. THE EXECUTIVE DIRECTOR SHALL
6 UPDATE THIS REPORT EVERY SIX YEARS.

7 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
8 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
9 29-33-109 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
10 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
11 CONCERNING THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS
12 SECTION.

13 (2) STRATEGIC GROWTH OBJECTIVES SERVE AS BROAD GUIDANCE
14 TO STATE AGENCIES AND OTHER ENTITIES ENGAGED IN THE
15 IMPLEMENTATION OF SENATE BILL 23-213, ARE INTENDED TO AID IN
16 REACHING THE HOUSING AND LAND USE GOALS OF SENATE BILL 23-213 AS
17 IDENTIFIED IN SUBSECTION (4) OF THIS SECTION, AND ARE TO BE UTILIZED
18 IN DEVELOPING MULTI-AGENCY IMPLEMENTATION PRINCIPLES FOR
19 STRATEGIC GROWTH OBJECTIVES. STRATEGIC GROWTH OBJECTIVES MUST
20 BE DRAFTED IN A WAY THAT, AT A MINIMUM:

21 (a) DEFINES STRATEGIC GROWTH AREAS AS AREAS WITHIN
22 EXISTING CENSUS URBANIZED AREAS THAT INCLUDE AREAS:

23 (I) WITHIN KEY CORRIDORS AND TRANSIT-ORIENTED AREAS;
24 (II) THAT ARE VACANT, PARTIALLY VACANT, AND UNDERUTILIZED
25 LAND;

26 (III) THAT CAN ACCOMMODATE INFILL DEVELOPMENT,
27 REDEVELOPMENT, AND NEW DEVELOPMENT;

1 (IV) THAT INCLUDE GREYFIELD DEVELOPMENT AND BROWNFIELD
2 DEVELOPMENT;

3 (V) THAT INCLUDE A VARIETY OF HOUSING TYPES AT DENSITY
4 LEVELS THAT SUPPORT FREQUENT TRANSIT SERVICE, FOR BOTH EXISTING
5 AND FUTURE TRANSIT CORRIDORS;

6 (VI) THAT INCLUDE MIDDLE HOUSING AND MULTIFAMILY HOUSING
7 IN EXISTING OR FUTURE WALKABLE MIXED-USE NEIGHBORHOODS AND
8 CENTERS;

9 (VII) WITH SUFFICIENT WATER SUPPLIES AND ALLOCATIONS TO
10 SUPPORT AFFORDABLE AND WATER-EFFICIENT DESIGN; AND

11 (VIII) THAT PROVIDE OPPORTUNITIES TO IMPLEMENT WATER
12 CONSERVATION AND OTHER STATE WATER PLAN GOALS;

13 (b) ALLOWS FOR AREAS BEYOND AN EXISTING CENSUS URBANIZED
14 AREA TO BE CONSIDERED A STRATEGIC GROWTH AREA, IF THE AREA IS
15 EXPERIENCING GROWTH AND MEETS THE CRITERIA IN SUBSECTIONS
16 (2)(a)(V), (2)(a)(VI), (2)(a)(VII), AND (2)(a)(VIII) OF THIS SECTION;

17 (c) REQUIRES STATE AGENCIES TO CONSIDER THE DIFFERENT
18 CONTEXTS AND NEEDS OF STRATEGIC GROWTH AREAS IN RURAL, RURAL
19 RESORT, AND URBAN AREAS OF THE STATE;

20 (d) PROMOTES INVESTMENTS THAT SUPPORT STRATEGIC GROWTH
21 AREAS;

22 (e) STREAMLINES AGENCY PERMITTING PROCESSES TO SUPPORT
23 STRATEGIC GROWTH AREAS AND IDENTIFY METHODS TO ALIGN THE STATE
24 AGENCY FUNDING PROGRAMS WITH STRATEGIC GROWTH OBJECTIVES;

25 (f) REQUIRES PROJECT PRIORITIZATION PROCESSES AND GRANT
26 PROGRAMS TO SUPPORT STRATEGIC GROWTH AREAS;

27 (g) IDENTIFIES STEPS TO SUPPORT STRATEGIC GROWTH OBJECTIVES

1 WHEN UPDATING PLANNING DOCUMENTS;

2 (h) IDENTIFIES METRICS AND STANDARDS TO DEFINE AND SUPPORT

3 WALKABLE MIXED-USE DEVELOPMENT, SAFE ACCESS TO TRANSIT, AND

4 COMPLETE STREETS;

5 (i) ALLOWS FOR THE IDENTIFICATION OF NEW STRATEGIC GROWTH

6 OBJECTIVES AS NEEDED DURING THE IMPLEMENTATION OF THE

7 MULTI-AGENCY IMPLEMENTATION PRINCIPLES IDENTIFIED IN SUBSECTION

8 (1)(a) OF THIS SECTION; AND

9 (j) IDENTIFIES REDUCED PARKING MINIMUMS IN STRATEGIC

10 GROWTH AREAS.

11 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL

12 AFFAIRS MAY IDENTIFY AND DEFINE ADDITIONAL STRATEGIC GROWTH

13 OBJECTIVES BEYOND THOSE IDENTIFIED IN SUBSECTION (2) OF THIS

14 SECTION.

15 (4) FOR THE PURPOSES OF THIS SECTION, THE HOUSING AND LAND

16 USE GOALS OF THIS SENATE BILL 23-213 INCLUDE:

17 (a) PLANNING FOR FUTURE GROWTH;

18 (b) INCREASING HOUSING AFFORDABILITY AND ACCESSIBILITY;

19 (c) INCREASING ECONOMIC MOBILITY;

20 (d) STRENGTHENING ECONOMIC DEVELOPMENT AND JOB GROWTH

21 PATTERNS;

22 (e) BALANCING REGIONAL JOBS AND HOUSING;

23 (f) ALIGNING WATER SUPPLY AND HOUSING PLANNING;

24 (g) WATER CONSERVATION

25 (h) REDUCING AIR POLLUTION AND GREENHOUSE GAS EMISSIONS

26 AND

27 (i) PRESERVING OPEN SPACE AND AGRICULTURAL LAND.

1 **29-33-109. Public comment and hearing process.** (1) IN
2 DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE
4 MULTI-AGENCY ADVISORY COMMITTEE CREATED IN SECTION 29-33-103
5 (1), RURAL RESORT AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103
6 (8), OR THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103
7 (9), SHALL CONDUCT A PUBLIC COMMENT AND HEARING PROCESS ABOUT:
8 (a) DEVELOPING METHODOLOGY FOR THE DEVELOPMENT OF
9 STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS
10 PURSUANT TO SECTION 29-33-104;
11 (b) CREATING A HOUSING NEEDS PLAN PURSUANT TO SECTION
12 29-33-105;
13 (c) DEVELOPING A MENU OF AFFORDABILITY STRATEGIES THAT
14 INCLUDES STRATEGIES TO ADDRESS HOUSING PRODUCTION,
15 PRESERVATION, AND AFFORDABILITY PURSUANT TO SECTION 29-33-106;
16 (d) DEVELOPING A MENU OF DISPLACEMENT MITIGATION
17 MEASURES FOR URBAN MUNICIPALITIES PURSUANT TO SECTION 29-33-107;
18 (e) PUBLISHING A REPORT THAT IDENTIFIES STRATEGIC GROWTH
19 OBJECTIVES PURSUANT TO SECTION 29-33-108; AND
20 (f) DEVELOPING REPORTING GUIDANCE AND TEMPLATES FOR
21 RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES
22 PURSUANT TO SECTION 29-33-113.
23 (2) TO CONDUCT THE PUBLIC COMMENT AND HEARING PROCESS
24 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE MULTI-AGENCY
25 ADVISORY COMMITTEE CREATED IN SECTION 29-33-103 (1), RURAL RESORT
26 AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8), OR THE URBAN
27 AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103 (9), SHALL:

1 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
2 HEARINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
3 COMMENT ON THE SUBJECT OF THE HEARING;

4 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
5 SUBJECT OF THE HEARING;

6 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
7 GOVERNMENTS AND REGIONAL PLANNING AGENCIES;

8 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, RACIAL EQUITY
9 AND HOMELESSNESS PREVENTION, AFFORDABLE HOUSING, FAIR HOUSING,
10 PLANNING AND ZONING, AND RELATED FIELDS; AND

11 (e) ENSURE ACCESSIBILITY TO THE COMMENT AND HEARING
12 PROCESS BY PROVIDING TRANSLATED MATERIALS AND INTERPRETATION
13 SERVICES, PROVIDING AT LEAST ONE OF THE HEARINGS IN PERSON, AND
14 CONDUCTING OUTREACH TO ENCOURAGE PARTICIPATION FROM
15 UNDERREPRESENTED COMMUNITIES.

16 **29-33-110. Natural and agricultural land priorities report.**

17 (1) NO LATER THAN DECEMBER 31, 2024, THE OFFICE OF CLIMATE
18 PREPAREDNESS CREATED IN SECTION 24-38.8-102 (1) SHALL CONSULT
19 WITH THE DEPARTMENT OF AGRICULTURE, THE DIVISION OF PARKS AND
20 WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES, THE
21 OUTDOOR RECREATION INDUSTRY OFFICE IN THE OFFICE OF ECONOMIC
22 DEVELOPMENT, THE COLORADO TOURISM OFFICE, THE MULTI-AGENCY
23 GROUP, AND EXPERTS IN RELATED FIELDS TO DEVELOP A REPORT THAT
24 IDENTIFIES INTERJURISDICTIONAL PRIORITIES THAT METROPOLITAN
25 PLANNING ORGANIZATIONS SHOULD APPLY TO ACHIEVE:

26 (a) CONNECTIVITY TO OPEN SPACE, WILDLIFE HABITAT, AND OTHER
27 PRIORITY LANDSCAPES; ■■■

1 (b) PRESERVATION OF AGRICULTURAL LAND, HISTORIC AND
2 CULTURAL RESOURCES, URBAN PARKS AND GREEN SPACES, EXURBAN OPEN
3 SPACE, RECREATIONAL RESOURCES, WILDLIFE HABITATS, AND ECOSYSTEMS
4 WITH THE GREATEST NEED FOR CONSERVATION AND MITIGATING HAZARDS;
5 AND

6 (c) IDENTIFICATION OF BEST PRACTICES, TOOLS AND RESOURCES
7 RELATED TO SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION.

8 (2) THE REPORT MUST INTEGRATE AND INCLUDE INFORMATION
9 FROM RELEVANT EXISTING AND UNDER DEVELOPMENT STATE PLANS,
10 INCLUDING THE DIVISION OF PARKS AND WILDLIFE'S STATE WILDLIFE
11 ACTION PLAN, THAT ADDRESS CONSERVATION, RECREATION, AND CLIMATE
12 ADAPTATION, AND MUST BE UPDATED TO INCORPORATE RESULTS OF NEW
13 PLANS, DATA, OR ANALYSES THAT ARE COMPLETED AFTER THE INITIAL
14 COMPLETION OF THE REPORT.

15 (3) THE DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH THE
16 REPORT AND MAKE IT AVAILABLE AS A RESOURCE FOR LOCAL
17 GOVERNMENTS FOR USE IN DEVELOPING MASTER PLANS PURSUANT TO
18 SECTIONS 30-28-106 AND 31-23-206 AS APPLICABLE.

19 **29-33-111. Rural resort job center municipalities - existing**
20 **plans to address local housing needs - menu of affordability strategies**
21 **- regional housing needs planning process. (1) Existing plans to**
22 **address local housing needs. A RURAL RESORT JOB CENTER**
23 **MUNICIPALITY THAT ADOPTS A PLAN TO ADDRESS LOCAL HOUSING NEEDS**
24 **PRIOR TO THE EFFECTIVE DATE OF THIS SECTION MAY, RATHER THAN**
25 **DEVELOPING AND ADOPTING A NEW HOUSING NEEDS PLAN PURSUANT TO**
26 **SUBSECTION (3)(b) OF THIS SECTION, UPDATE ITS EXISTING PLAN TO**
27 **ADDRESS ADDITIONAL NEEDS IDENTIFIED IN THE LOCAL HOUSING NEEDS**

1 ASSESSMENT BEYOND WHAT THE MUNICIPALITY'S EXISTING PLAN TO
2 ADDRESS LOCAL HOUSING NEEDS INCLUDES, AND ANY REQUIREMENTS IN
3 SECTION 29-33-105 (4) NOT ALREADY INCLUDED IN THE MUNICIPALITY'S
4 EXISTING PLAN TO ADDRESS LOCAL HOUSING NEEDS.

5 (2) Rural resort job center municipality planning goals. In
6 ORDER TO SUPPORT AFFORDABILITY AND ADVANCE MEETING THE HOUSING
7 NEEDS OF LOW- AND MODERATE-INCOME HOUSEHOLDS, AS DEFINED BY
8 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
9 DEVELOPMENT, THE MENU OF AFFORDABILITY STRATEGIES FOR A RURAL
10 RESORT JOB CENTER MUNICIPALITY MUST INCLUDE BOTH AFFORDABLE
11 DEVELOPMENT STRATEGIES AND LONG-TERM AFFORDABILITY STRATEGIES.
12 THE AFFORDABLE DEVELOPMENT STRATEGIES INCLUDED IN THE MENU OF
13 AFFORDABILITY STRATEGIES FOR A RURAL RESORT JOB CENTER
14 MUNICIPALITY MUST INCLUDE THE FOLLOWING:

15 (a) A STRATEGY DEFINED BY THE RURAL RESORT JOB CENTER
16 MUNICIPALITY THAT SETS PARAMETERS FOR THE CONSTRUCTION AND
17 PERMITTING OF ACCESSORY DWELLING UNITS WITH AFFORDABILITY
18 PROTECTIONS THAT MEET THE RURAL RESORT JOB CENTER MUNICIPALITY'S
19 HOUSING AFFORDABILITY NEEDS;

20 (b) A STRATEGY DEFINED BY THE RURAL RESORT JOB CENTER
21 MUNICIPALITY THAT SETS PARAMETERS FOR THE CONSTRUCTION AND
22 PERMITTING OF MIDDLE HOUSING AND MULTIFAMILY HOUSING THAT:

23 (I) IS WITHIN A WALKABLE DISTANCE OF TRANSIT STOPS, WHEN
24 POSSIBLE;

25 (II) INCORPORATES AFFORDABILITY PROTECTIONS SUCH AS DEED
26 RESTRICTIONS AND SHORT-TERM RENTAL RESTRICTIONS AS IDENTIFIED BY
27 THE RURAL RESORT JOB CENTER MUNICIPALITY; AND

1 (III) PROVIDES HOUSING THAT MEETS THE RURAL RESORT JOB
2 CENTER MUNICIPALITY'S DEMONSTRATED HOUSING AFFORDABILITY NEEDS
3 AND SHORTAGES, TAKING INTO CONSIDERATION REGIONAL WORKFORCE
4 COMMUTING TRENDS;

5 (c) IMPLEMENTING A LOCAL INCLUSIONARY ZONING ORDINANCE IN
6 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 29-20-104 (e.5) AND
7 (e.7);

8 (d) THE CREATION OF A PROGRAM TO PRIORITIZE DEVELOPMENT
9 PERMITS AND SUBSIDIZE OR OTHERWISE REDUCE IMPACT FEES OR OTHER
10 SIMILAR DEVELOPMENT CHARGES FOR REGULATED AFFORDABLE HOUSING
11 DEVELOPMENT WHERE APPLICABLE;

12 (e) CREATING AN EXPEDITED DEVELOPMENT REVIEW PROCESS FOR
13 REGULATED AFFORDABLE HOUSING DEVELOPMENTS;

14 (f) ESTABLISHING A DENSITY BONUS PROGRAM THAT ALLOWS
15 INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT TO INCREASE THE
16 CONSTRUCTION OF REGULATED AFFORDABLE HOUSING UNITS;

17 (g) ENABLING REGULATED AFFORDABLE HOUSING AS A USE BY
18 RIGHT IN HOUSING TYPES AND AREAS CONSISTENT WITH THE GOALS OF
19 INCREASING HOUSING AFFORDABILITY, SUPPLY, AND HOUSING UNIT TYPE
20 DIVERSITY;

21 (h) ESTABLISHING A POLICY OR PLAN TO LEVERAGE
22 MUNICIPALLY-OWNED LAND FOR THE DEVELOPMENT OF REGULATED
23 AFFORDABLE HOUSING;

24 (i) ESTABLISHING A DEDICATED LOCAL REVENUE SOURCE FOR THE
25 DEVELOPMENT OF REGULATED AFFORDABLE HOUSING;

26 ■
27 (j) REDUCING OR ELIMINATING LOCAL PARKING REQUIREMENTS

1 FOR AFFORDABLE HOUSING;

2

3 (k) ADOPTING A POLICY THAT RESULTS IN NON-CONSTRUCTION
4 SOLUTIONS TO INCREASE REGULATED AFFORDABLE HOUSING, INCLUDING
5 THE:

6 (I) ACQUISITION OF DEED RESTRICTIONS ON EXISTING
7 MARKET-RATE HOUSING UNITS;

8 (II) PRESERVATION OF EXISTING DEED RESTRICTIONS; OR

9 (III) PROGRAMS TO DISINCENTIVE THE USE OF HOMES AS
10 NON-PRIMARY RESIDENCES;

11 (l) ADOPTING A REGIONAL HOUSING NEEDS PLAN WITH
12 MULTI-JURISDICTIONAL COMMITMENTS TO MEET IDENTIFIED HOUSING
13 TARGETS TO INCREASE THE SUPPLY OF AFFORDABLE HOUSING;

14 (m) ESTABLISHING A POLICY TO ALIGN INFRASTRUCTURE
15 STRATEGIES WITH THE REGULATED AFFORDABLE HOUSING NEEDS
16 IDENTIFIED IN THE RELEVANT LOCAL HOUSING NEEDS ASSESSMENT.
17 POLICIES MAY INCLUDE THE PRIORITIZATION OF UTILITIES, COST
18 EXEMPTIONS, AND DISCOUNTS.

19 (n) ADOPTING A STRATEGY PROPOSED BY EITHER A LOCAL
20 GOVERNMENT OR THE MULTI-AGENCY ADVISORY COMMITTEE, AND THAT
21 IS APPROVED BY THE DEPARTMENT OF LOCAL AFFAIRS, THAT SUPPORTS
22 EQUAL OR GREATER HOUSING AFFORDABILITY CONSISTENT WITH THE
23 NEEDS IDENTIFIED IN THE RELEVANT LOCAL HOUSING NEEDS ASSESSMENT;

24 AND

25 (o) ADOPTING A POLICY OR REGULATORY TOOL THAT INCENTIVIZES
26 THE PROMOTION OF AFFORDABLE HOUSING DEVELOPMENT AS IDENTIFIED
27 IN SECTION 24-32-130 (3).

1 (3) THE LONG-TERM AFFORDABILITY STRATEGIES INCLUDED IN THE
2 MENU OF AFFORDABILITY STRATEGIES FOR A RURAL RESORT JOB CENTER
3 MUNICIPALITY MUST INCLUDE THE FOLLOWING:

4 (a) THE ESTABLISHMENT OF A DEDICATED LOCAL REVENUE SOURCE
5 FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT, SUCH AS
6 INSTITUTING A LINKAGE FEE ON NEW DEVELOPMENTS;

7 (b) THE REGULATION OF SHORT-TERM RENTALS, SECOND HOMES,
8 OR OTHER VACANT UNITS IN A WAY THAT PROMOTES THE MAXIMUM USE
9 OF LOCAL HOUSING STOCK FOR LOCAL HOUSING NEEDS AS DETERMINED
10 THROUGH A HOUSING NEEDS ASSESSMENT. THIS REGULATION MAY
11 INCLUDE EXACTING A VACANCY FEE ON UNDERUTILIZED UNITS.

12 (c) MAKING COMMITMENT TO AND REMAINING ELIGIBLE FOR THE
13 STATE AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102 (1);

14 (d) THE ESTABLISHMENT OF AN AFFORDABLE HOMEOWNERSHIP
15 STRATEGY SUCH AS:

16 (I) THE ACQUISITION OF PRESERVATION OF DEED RESTRICTIONS ON
17 CURRENT HOUSING UNITS;

18 (II) THE ESTABLISHMENT OF AN INCENTIVE PROGRAM TO
19 ENCOURAGE REALTORS TO WORK WITH PROSPECTIVE LOW-INCOME AND
20 MINORITY HOMEBUYERS; OR

21 (III) THE ESTABLISHMENT OF AN AFFORDABLE RENT-TO-OWN
22 PROGRAM;

23 (e) PRIORITIZING THE USE OF MUNICIPALLY OWNED DEVELOPABLE
24 LAND FOR AFFORDABLE HOUSING DEVELOPMENT, INCLUDING
25 AFFORDABILITY DEED RESTRICTIONS OF AT LEAST SEVENTY-FIVE YEARS;

26 (f) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM TO
27 FACILITATE INVESTMENT IN LAND BANKING OR COMMUNITY LAND TRUSTS;

1 AND

2 (g) PRESERVING AFFORDABILITY OF BOTH REGULATED AND
3 UNREGULATED HOUSING THROUGH INTERVENTIONS SUCH AS CAPITAL
4 INVESTMENTS IN PROPERTY RESTORATION OR REHABILITATION, LOCAL
5 RIGHT OF FIRST REFUSAL PROGRAMS, OR PROGRAMS THAT TRANSITION
6 EXISTING HOUSING STOCK TO REGULATED AFFORDABLE HOUSING.

7 (4) (a) A RURAL RESORT JOB CENTER MUNICIPALITY MUST
8 ADOPT AT LEAST TWO STRATEGIES FROM THE LIST OF AFFORDABLE
9 DEVELOPMENT STRATEGIES IN SUBSECTION (2) OF THIS SECTION AND AT
10 LEAST ONE STRATEGY FROM THE LIST OF LONG-TERM AFFORDABILITY
11 STRATEGIES IN SUBSECTION (3) OF THIS SECTION. IN DETERMINING WHICH
12 STRATEGIES TO ADOPT, A RURAL RESORT JOB CENTER MUNICIPALITY SHALL
13 CONSIDER PREVIOUS PLANS ADDRESSING HOUSING NEEDS, THE LOCAL AND
14 REGIONAL HOUSING NEEDS ASSESSMENTS, AND OTHER AVAILABLE DATA
15 TO INFORM THE SELECTION OF STRATEGIES TO ADDRESS KNOWN HOUSING
16 NEEDS.

17 (b) NOTWITHSTANDING SUBSECTION (4)(a) OF THIS SECTION, A
18 RURAL RESORT JOB CENTER MUNICIPALITY MAY SUBMIT EVIDENCE TO THE
19 DEPARTMENT OF LOCAL AFFAIRS CONCERNING AFFORDABILITY
20 STRATEGIES THAT THE MUNICIPALITY HAS ADOPTED OUTSIDE OF THOSE
21 LISTED IN THIS SECTION, OR THAT THE MUNICIPALITY ADOPTED PRIOR TO
22 THE EFFECTIVE DATE OF THIS SECTION, AND THE IMPACT OF THOSE
23 STRATEGIES. THE DEPARTMENT MAY DETERMINE WHETHER THOSE
24 STRATEGIES QUALIFY AS AFFORDABILITY STRATEGIES FOR PURPOSES OF
25 SUBSECTION (4)(a) OF THIS SECTION.

26 (5) Regional housing needs planning process. (a) (I) A COUNTY
27 OR MUNICIPALITY WITHIN A REGION DEFINED IN THE REGIONAL HOUSING

1 NEEDS ASSESSMENT MAY PARTICIPATE IN A REGIONAL HOUSING NEEDS
2 PLANNING PROCESS.

3 (II) THE COUNTIES OR MUNICIPALITIES THAT PARTICIPATE IN A
4 PLANNING PROCESS:

5 (A) MAY UTILIZE DATA AND INFORMATION FROM A RURAL RESORT
6 REGIONAL HOUSING NEEDS ASSESSMENT THAT IS NO MORE THAN FIVE
7 YEARS OLD TO INFORM THEIR PARTICIPATION IN THE PLANNING PROCESS;

8 (B) ARE ENCOURAGED TO INCORPORATE STRATEGIC GROWTH
9 OBJECTIVES AS DEFINED IN SECTION 29-33-108 IN THE PLANNING PROCESS;

10 AND

11 (C) ARE ENCOURAGED TO IDENTIFY STRATEGIES THAT ADDRESS
12 THE HOUSING NEEDS IDENTIFIED IN LOCAL AND REGIONAL HOUSING NEEDS
13 ASSESSMENTS THROUGH THE ADOPTION OF INTERJURISDICTIONAL
14 STRATEGIES AND AFFORDABILITY STRATEGIES FROM THE MENU IN
15 SUBSECTION (2) OF THIS SECTION.

16 (III) IF NO EXISTING REGIONAL PLAN EXISTS, A GROUP OF COUNTIES
17 OR MUNICIPALITIES MAY REQUEST THAT THE RURAL RESORT AREA
18 SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8) FACILITATE THE
19 CREATION OF A REGIONAL PLANNING PROCESS.

20 (IV) A REGIONAL HOUSING NEEDS PLANNING PROCESS MAY BE LED
21 BY A REGIONAL ENTITY AND MUST ENCOURAGE PARTICIPATING COUNTIES
22 AND MUNICIPALITIES TO IDENTIFY STRATEGIES THAT IMPROVE
23 COORDINATION BETWEEN ENTITIES TO MEET THE HOUSING NEEDS
24 IDENTIFIED FOR THOSE LOCAL GOVERNMENTS IN THE REGIONAL AND
25 LOCAL HOUSING NEEDS ASSESSMENTS.

26 (V) BY DECEMBER 31, 2024, THE RURAL RESORT AREA
27 SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8) SHALL ISSUE A REPORT

1 TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON
2 THE STATUS, OPPORTUNITIES, AND CHALLENGES OF REGIONAL PLANNING
3 IN THE RURAL RESORT REGIONS, INCLUDING THE CONNECTION BETWEEN
4 HOUSING AND TRANSPORTATION AND REGIONAL EQUITY IN REGARDS TO
5 COMMUNITIES THAT HOUSE THE WORKFORCE AND THOSE THAT ARE RURAL
6 RESORT JOB CENTER MUNICIPALITIES.

7 (b) (I) NO LATER THAN DECEMBER 31, 2026, AND EVERY SIX
8 YEARS THEREAFTER, A RURAL RESORT JOB CENTER MUNICIPALITY SHALL
9 DEVELOP, ADOPT, AND SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS A
10 HOUSING NEEDS PLAN. THE HOUSING NEEDS PLAN MUST INCLUDE THE
11 FOLLOWING:

12 (A) A NARRATIVE DESCRIPTION OF THE STAKEHOLDER
13 ENGAGEMENT CONDUCTED DURING THE DEVELOPMENT OF THE HOUSING
14 NEEDS PLAN;

15 (B) AN ANALYSIS OF HOW THE RURAL RESORT JOB CENTER
16 MUNICIPALITY WILL ADDRESS LOCAL HOUSING NEEDS AS IDENTIFIED FROM
17 A REGIONAL HOUSING ASSESSMENT, AND THE LOCAL HOUSING NEEDS
18 ASSESSMENT, INCLUDING DEMONSTRATED HOUSING NEEDS FOR PERSONS
19 OF DIFFERENT INCOME LEVELS, OVER THE NEXT TWENTY YEARS WITH AN
20 EQUITABLE DISTRIBUTION OF HOUSING WITHIN THE MUNICIPALITY;

21 (C) A NARRATIVE ANALYSIS OF ANY AREA AT ELEVATED RISK OF
22 RESIDENTIAL DISPLACEMENT THAT THE RURAL RESORT JOB CENTER
23 MUNICIPALITY HAS IDENTIFIED, AT THE DISCRETION OF EACH
24 MUNICIPALITY, AND A DESCRIPTION OF AN IMPLEMENTATION PLAN FOR
25 ANY DISPLACEMENT MITIGATION MEASURES THAT THE RURAL RESORT JOB
26 CENTER HAS CONSIDERED AS OPTIONS AND DECIDED TO USE, AT THE
27 DISCRETION OF EACH MUNICIPALITY, TO MITIGATE IDENTIFIED

1 DISPLACEMENT RISKS IN THESE AREAS;

2 (D) A DEFINITION OF AFFORDABILITY IN ADDRESSING HOUSING
3 NEEDS, INCLUDING WORKFORCE HOUSING. THIS DEFINITION MUST BE
4 BASED ON THE HOUSING NEEDS ASSESSMENT AND INCLUDE RELEVANT
5 AREA MEDIAN INCOME CLASSIFICATIONS, AND MAY INCLUDE INCOME
6 LEVELS OF ALL FULL-TIME RESIDENTS WHOSE HOUSING NEEDS ARE NOT
7 MET. IF THE RURAL RESORT JOB CENTER MUNICIPALITY HAS A PREEXISTING
8 DEFINITION OF AFFORDABILITY THAT IS SUPPORTED BY THE OUTCOMES OF
9 THE MOST RECENT HOUSING NEEDS ASSESSMENT, THEN IT MAY RELY ON
10 AND REPORT THAT DEFINITION; AND

11 (E) AN IMPLEMENTATION PLAN THAT DESCRIBES HOW THE RURAL
12 RESORT JOB CENTER MUNICIPALITY WILL COMPLY WITH ANY SELECTED
13 AFFORDABILITY STRATEGIES FROM SECTION 29-33-111 (2).

14 (II) BEFORE ADOPTING AND SUBMITTING A HOUSING NEEDS PLAN,
15 A RURAL RESORT JOB CENTER MUNICIPALITY SHALL PUBLISH THE MOST
16 RECENT DRAFT OF ITS HOUSING NEEDS PLAN AND PROVIDE NOTICE OF A
17 PUBLIC COMMENT PERIOD FOR THE RECEIPT OF WRITTEN COMMENTS
18 CONCERNING THE PLAN. THE RURAL RESORT JOB CENTER MUNICIPALITY
19 MAY ALSO CHOOSE TO HOLD A PUBLIC HEARING ON THE PLAN.

20 (III) THE DEPARTMENT OF LOCAL AFFAIRS SHALL POST THE
21 HOUSING NEEDS PLANS SUBMITTED BY RURAL RESORT JOB CENTER
22 MUNICIPALITIES PUBLICLY ON THE DEPARTMENT OF LOCAL AFFAIRS
23 WEBSITE.

24 **29-33-112. Water supply forecast. (1) NO LATER THAN JUNE 30,**
25 **2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS**
26 **IN CONSULTATION WITH THE COLORADO WATER CONSERVATION BOARD**
27 **AND THE DIVISION OF WATER RESOURCES SHALL SUBMIT A JOINT REPORT**

1 TO THE GENERAL ASSEMBLY UTILIZING DATA AND ANALYSES FROM THE
2 MOST RECENT COLORADO WATER PLAN AND BASIN IMPLEMENTATION
3 PLANS THAT CONSIDERS THE FOLLOWING:

4 (a) THE AVAILABILITY AND SUFFICIENCY OF WATER SUPPLIES PER
5 BASIN TO PROVIDE FOR ANTICIPATED POPULATION GROWTH;

6 (b) A FRAMEWORK TO GUIDE INVESTMENTS IN WATER
7 CONSERVATION FOR PUBLIC WATER PROVIDERS; AND

8 (c) A RANGE OF POLICY OPTIONS TO MAXIMIZE EFFICIENCY OF
9 EXISTING WATER SUPPLY AND MINIMIZE THE IMPACT OF POPULATION
10 GROWTH ON OTHER SECTORS OR REGIONS.

11 (2) THE DIRECTOR SHALL CONSULT WATER PROVIDERS IN THE
12 PREPARATION OF THE REPORT.

13 **29-33-113. Technical assistance - housing plans assistance**
14 **fund - definition.** (1) THE DIVISION OF LOCAL GOVERNMENT WITHIN THE
15 DEPARTMENT OF LOCAL AFFAIRS SHALL PROVIDE TECHNICAL ASSISTANCE
16 MATERIALS, BRIEFINGS, CONSULTING SERVICES, TEMPLATES, TOOLS,
17 TRAININGS, WEBINARS, OR OTHER GUIDANCE TO AID LOCAL GOVERNMENTS
18 AND METROPOLITAN PLANNING ORGANIZATIONS IN UPDATING LOCAL LAWS
19 AND OTHERWISE COMPLYING WITH THIS ARTICLE 33.

20 (2) TO ASSIST LOCAL GOVERNMENTS IN COMPLYING WITH THIS
21 ARTICLE 33, THE DIVISION OF LOCAL GOVERNMENT WITHIN THE
22 DEPARTMENT OF LOCAL AFFAIRS, WITH THE SUPPORT OF THE
23 MULTI-AGENCY GROUP, SHALL PROVIDE TECHNICAL ASSISTANCE FUNDING
24 THROUGH EITHER A GRANT PROGRAM OR THE PROVISION OF CONSULTANT
25 SERVICES THROUGH SUBJECT JURISDICTIONS OR BOTH A GRANT PROGRAM
26 AND PROVISION OF CONSULTANT SERVICES. THE DIVISION OF LOCAL
27 GOVERNMENT MAY ALSO PROVIDE TECHNICAL ASSISTANCE FUNDING

1 THROUGH A METROPOLITAN PLANNING ORGANIZATION, COUNTY, OR OTHER
2 REGIONAL ENTITY. BEGINNING JANUARY 1, 2026, AND EVERY YEAR
3 THEREAFTER, THE DEPARTMENT OF LOCAL AFFAIRS SHALL PROVIDE A
4 REPORT ON THE ASSISTANCE REQUESTED BY LOCAL GOVERNMENTS
5 PURSUANT TO THIS SECTION, WHETHER OR NOT ADEQUATE STATE FUNDING
6 IS AVAILABLE TO MEET THE ASSISTANCE REQUESTED BY LOCAL
7 GOVERNMENTS, AND ANY ADDITIONAL RESOURCES THAT LOCAL
8 GOVERNMENTS HAVE IDENTIFIED THAT WOULD HELP COMPLETE .
9 HOUSING NEEDS PLANS.

10 (3) (a) THE HOUSING PLANS ASSISTANCE FUND IS CREATED IN THE
11 STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL
12 ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND FOR
13 IMPLEMENTATION OF THE GRANT PROGRAM, AND GIFTS, GRANTS, OR
14 DONATIONS CREDITED TO THE FUND. THE STATE TREASURER SHALL CREDIT
15 ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT
16 OF MONEY IN THE HOUSING PLANS ASSISTANCE CASH FUND TO THE FUND.

17 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
18 ASSEMBLY, THE DEPARTMENT OF LOCAL AFFAIRS MAY EXPEND MONEY
19 FROM THE FUND FOR THE PURPOSES OF PROVIDING TECHNICAL ASSISTANCE
20 AND IMPLEMENTING A GRANT PROGRAM PURSUANT TO SUBSECTIONS (1)
21 AND (2) OF THIS SECTION.

22 **29-33-114. Reporting requirements.** (1) (a) NO LATER THAN
23 DECEMBER 31, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
24 LOCAL AFFAIRS SHALL DEVELOP REPORTING GUIDANCE AND TEMPLATES
25 FOR RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN
26 MUNICIPALITIES.

27 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF

1 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
2 29-33-109 (2), PROVIDE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR
3 OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
4 OF REPORTING GUIDANCE AND TEMPLATES FOR RURAL RESORT JOB CENTER
5 MUNICIPALITIES AND URBAN MUNICIPALITIES.

6 (2) AT A MINIMUM, RURAL RESORT JOB CENTER MUNICIPALITIES
7 AND URBAN MUNICIPALITIES SHALL REPORT, NO LATER THAN DECEMBER
8 31, 2026, AND NO LATER THAN DECEMBER 31 OF EACH YEAR THEREAFTER,
9 IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
10 AFFAIRS, THE FOLLOWING HOUSING DATA FOR THE PREVIOUS CALENDAR
11 YEAR TO THE DEPARTMENT OF LOCAL AFFAIRS:

12 (a) THE NUMBER OF PERMITS THAT THE MUNICIPALITY ISSUED FOR
13 NEW HOUSING UNITS CATEGORIZED BY THE NUMBER OF UNITS IN EACH
14 STRUCTURE TYPE;

15 (b) THE NUMBER OF NEW HOUSING UNITS CATEGORIZED BY THE
16 NUMBER OF UNITS IN EACH STRUCTURE TYPE, IN THE MUNICIPALITY
17 FOR WHICH A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED, A FINAL
18 INSPECTION HAS BEEN COMPLETED, OR OTHER VERIFICATION EXISTS THAT
19 THE PROJECT IS COMPLETE AND SUITABLE FOR OCCUPANCY;

20 (c) TIMEFRAMES TO COMPLETE RESIDENTIAL PERMIT REVIEWS BY
21 HOUSING TYPE;

22 (d) WORKFORCE ASSIGNED TO DEVELOPMENT REVIEW BY POSITION
23 TYPE;

24 (e) THE IMPLEMENTATION STATUS OF THE STRATEGIES IDENTIFIED
25 IN THE MUNICIPALITY'S HOUSING NEEDS PLAN;

26 (f) THE NUMBER OF DWELLING UNIT PERMITS ISSUED FOR
27

1 TRANSIT-ORIENTED COMMUNITIES, IF APPLICABLE;

2 (g) ZONING INFORMATION THAT MAY INCLUDE GEOSPATIAL DATA
3 SPECIFYING ZONING DISTRICTS, ALLOWED USES AND DENSITIES, AND
4 OTHER DATA IN A STANDARD FORMAT; AND

5 (h) THE NUMBER OF INTERGOVERNMENTAL AGREEMENTS THAT
6 THE MUNICIPALITY HAS IN PLACE TO ADDRESS ITS LOCAL AND REGIONAL
7 HOUSING NEEDS ASSESSMENTS AND A DESCRIPTION OF THESE
8 AGREEMENTS.

9 (3) AFTER RECEIVING THE REPORTS FROM THE RURAL RESORT JOB
10 CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES PURSUANT TO
11 SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
12 SHALL PUBLISH AN ANALYSIS ON A PUBLICLY AVAILABLE DASHBOARD
13 THAT INCLUDES ALL OF THE INFORMATION IN THE REPORTS.

14 **29-33-115. Compliance.** NO LATER THAN JUNE 30, 2027, THE
15 DEPARTMENT OF LOCAL AFFAIRS SHALL CONDUCT A COMPLIANCE REVIEW
16 AND APPROVE HOUSING NEEDS PLANS OR PROVIDE FEEDBACK TO RURAL
17 RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES AS
18 NEEDED. THE SUBMISSION OF A COMPLIANT HOUSING NEEDS PLAN MUST BE
19 CONSIDERED IN THE IMPLEMENTATION OF STRATEGIC GROWTH
20 OBJECTIVES.

21 **29-33-116. Statewide summit.** (1) NO LATER THAN APRIL 15,
22 2024, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS,
23 IN COORDINATION WITH A MEMBERSHIP ASSOCIATION OF MUNICIPALITIES,
24 A MEMBERSHIP ASSOCIATION OF COUNTIES, AND A MEMBERSHIP
25 ASSOCIATION OF SPECIAL DISTRICTS, SHALL HOLD BOTH A STATEWIDE
26 SUMMIT AND AT LEAST SIX REGIONAL MEETINGS THROUGHOUT THE STATE.

27 (2) PARTICIPANTS AT THE SUMMIT AND REGIONAL MEETINGS

1 SHALL:

2 (a) DISCUSS THE ISSUES OF LAND USE, HOUSING AVAILABILITY AND
3 AFFORDABILITY, WATER AVAILABILITY, AND TRANSPORTATION; AND

4 (b) DEVELOP REGIONAL AND STATEWIDE SOLUTIONS FOR
5 ADDRESSING THE ISSUES DISCUSSED AT THE SUMMIT AND REGIONAL
6 MEETINGS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

7 (3) NO LATER THAN SEPTEMBER 15, 2024, THE EXECUTIVE
8 DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL REPORT ON THE
9 RESULTS OF THE SUMMIT AND REGIONAL MEETINGS TO THE SENATE LOCAL
10 GOVERNMENT AND HOUSING COMMITTEE AND THE HOUSE OF
11 REPRESENTATIVES TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT
12 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

13 (4) AT LEAST FOUR OF THE REGIONAL MEETINGS MUST BE HELD
14 OUTSIDE OF THE DENVER REGIONAL COUNCIL OF GOVERNMENTS' AREA.

15 (5) THE SUMMIT AND REGIONAL MEETINGS MUST INCLUDE
16 REPRESENTATIVES FROM:

17 (a) LOCAL GOVERNMENTS;

18 (b) CHAMBERS OF COMMERCE;

19 (c) AFFORDABLE HOUSING GROUPS;

20 (d) INFRASTRUCTURE AND SERVICE PROVIDERS;

21 (e) WATER PROVIDERS;

22 (f) THE AGRICULTURAL SECTOR;

23 (g) HOMEBUILDERS;

24 (h) ENVIRONMENTAL GROUPS;

25 (i) ECONOMIC DEVELOPMENT PROFESSIONALS;

26 (j) TRANSPORTATION EXPERTS;

27 (k) TRIBAL GOVERNMENTS; AND

1 (l) OTHER STAKEHOLDERS AS NECESSARY TO PROVIDE DIVERSE
2 PERSPECTIVES ON THE ISSUES DISCUSSED AT THE SUMMIT AND REGIONAL
3 MEETINGS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

4 **29-33-117. Legislative oversight committee concerning**
5 **affordable housing and homelessness - creation - duties. (1) Creation.**

6 (a) THERE IS CREATED A LEGISLATIVE OVERSIGHT COMMITTEE
7 CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS, WHICH IS
8 REFERRED TO IN THIS SECTION AS THE "COMMITTEE".

9 (b) THE COMMITTEE CONSISTS OF SIX MEMBERS AS FOLLOWS:

10 (I) THE PRESIDENT OF THE SENATE SHALL APPOINT TWO SENATORS
11 TO SERVE ON THE COMMITTEE, AND THE MINORITY LEADER OF THE SENATE
12 SHALL APPOINT ONE SENATOR TO SERVE ON THE COMMITTEE; AND

13 (II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
14 APPOINT THREE REPRESENTATIVES TO SERVE ON THE COMMITTEE, NO
15 MORE THAN TWO OF WHOM ARE MEMBERS OF THE SAME POLITICAL PARTY.

16 (c) AS SOON AS PRACTICABLE AFTER THE CONVENING DATE OF THE
17 SECOND REGULAR SESSION OF THE SEVENTY-FOURTH GENERAL ASSEMBLY,
18 BUT NO LATER THAN THE END OF THE LEGISLATIVE SESSION, THE SPEAKER,
19 THE PRESIDENT, AND THE MINORITY LEADER OF THE SENATE SHALL EACH
20 APPOINT MEMBERS TO THE COMMITTEE PURSUANT TO SUBSECTION (1)(b)
21 OF THIS SECTION. THEREAFTER, THE TERMS OF MEMBERS APPOINTED OR
22 REAPPOINTED BY THE SPEAKER, THE PRESIDENT, AND THE MINORITY
23 LEADER OF THE SENATE EXPIRE ON THE CONVENING DATE OF THE FIRST
24 REGULAR SESSION OF THE NEXT GENERAL ASSEMBLY, AND ALL
25 SUBSEQUENT APPOINTMENTS AND REAPPOINTMENTS BY THE SPEAKER, THE
26 PRESIDENT, AND THE MINORITY LEADER OF THE SENATE MUST BE MADE AS
27 SOON AS PRACTICABLE AFTER THE CONVENING DATE, BUT NO LATER THAN

1 THE END OF THE LEGISLATIVE SESSION.

2 (d) THE PERSON MAKING THE ORIGINAL APPOINTMENT OR
3 REAPPOINTMENT SHALL FILL ANY VACANCY BY APPOINTMENT FOR THE
4 REMAINDER OF AN UNEXPIRED TERM. MEMBERS APPOINTED OR
5 REAPPOINTED SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY
6 AND CONTINUE IN OFFICE UNTIL THE MEMBER'S SUCCESSOR IS APPOINTED.

7 (e) THE PRESIDENT OF THE SENATE SHALL SELECT THE FIRST CHAIR
8 OF THE COMMITTEE, AND THE SPEAKER OF THE HOUSE OF
9 REPRESENTATIVES SHALL SELECT THE FIRST VICE-CHAIR. THE CHAIR AND
10 VICE-CHAIR SHALL ALTERNATE ANNUALLY THEREAFTER BETWEEN THE
11 TWO HOUSES.

12 (f) THE CHAIR AND VICE-CHAIR OF THE COMMITTEE MAY
13 ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES AS ARE NECESSARY
14 FOR THE OPERATION OF THE COMMITTEE AND, IN COLLABORATION WITH
15 THE TASK FORCE CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS
16 CREATED IN SECTION 29-33-117, GUIDELINES AND EXPECTATIONS FOR
17 ONGOING COLLABORATION WITH THE TASK FORCE.

18 (g) (I) MEMBERS OF THE COMMITTEE MAY RECEIVE PAYMENT OF
19 PER DIEM AND REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES
20 AUTHORIZED PURSUANT TO SECTION 2-2-307.

21 (II) THE DIRECTOR OF RESEARCH OF THE LEGISLATIVE COUNCIL
22 AND THE DIRECTOR OF THE OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL
23 SUPPLY STAFF ASSISTANCE TO THE COMMITTEE AS THEY DEEM
24 APPROPRIATE, WITHIN EXISTING APPROPRIATIONS.

25 (2) Duties. (a) (I) THE COMMITTEE SHALL MEET AT LEAST THREE,
26 BUT NO MORE THAN SIX, TIMES EACH YEAR AND AT SUCH OTHER TIMES AS
27 IT DEEMS NECESSARY. ALL MEETINGS OF THE COMMITTEE ARE OPEN TO

1 THE PUBLIC AND MUST BE RECORDED.

2 (II) EACH COMMITTEE MEMBER SHALL ANNUALLY EITHER ATTEND
3 OR CALL INTO AT LEAST ONE REGULAR TASK FORCE CONCERNING
4 AFFORDABLE HOUSING AND HOMELESSNESS MEETING. COMMITTEE
5 MEMBERS ARE ENCOURAGED TO ATTEND SEPARATE MEETINGS AND INFORM
6 THE REST OF THE COMMITTEE ABOUT THE CURRENT WORK OF THE TASK
7 FORCE.

8 (b) THE COMMITTEE IS RESPONSIBLE FOR THE OVERSIGHT OF THE
9 TASK FORCE CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS
10 CREATED IN SECTION 29-33-117, AND SHALL SUBMIT ANNUAL REPORTS
11 PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION TO THE GENERAL
12 ASSEMBLY REGARDING THE TASK FORCE'S FINDINGS AND
13 RECOMMENDATIONS. IN ADDITION, THE COMMITTEE MAY RECOMMEND
14 LEGISLATIVE CHANGES THAT ARE TREATED AS BILLS RECOMMENDED BY
15 AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY
16 INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT
17 RULES OF THE GENERAL ASSEMBLY.

18 (c) (I) ON OR BEFORE JANUARY 15 OF EACH YEAR, THE COMMITTEE
19 IS REQUIRED TO SUBMIT A REPORT TO THE GENERAL ASSEMBLY AND MAKE
20 SUCH REPORT PUBLICLY AVAILABLE ON ITS WEBSITE; HOWEVER, DURING
21 ANY INTERIM IN WHICH THE GENERAL ASSEMBLY HAS SUSPENDED INTERIM
22 COMMITTEE ACTIVITIES, THE COMMITTEE IS NOT REQUIRED TO SUBMIT
23 SUCH A REPORT. THE ANNUAL REPORT MUST BRIEFLY SUMMARIZE THE
24 STUDY ISSUES, RECOMMENDATIONS CONSIDERED, AND ANY ACTIONS
25 TAKEN BY THE COMMITTEE AND THE TASK FORCE DURING THE PREVIOUS
26 YEAR.

27 (II) THE REPORT MUST COMPLY WITH THE PROVISIONS OF SECTION

1 24-1-117 (9). NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
2 REQUIREMENT IN THIS SECTION TO REPORT TO THE GENERAL ASSEMBLY
3 CONTINUES INDEFINITELY.

4 (d) AS NECESSARY, THE COMMITTEE MAY REQUEST PUBLIC
5 TESTIMONY AND TESTIMONY AND REPORTS FROM STATE AGENCIES.

6 (3) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027.
7 BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW, ALONG
8 WITH SECTION 29-33-117, IN ACCORDANCE WITH SECTION 24-34-104.

9 **29-33-118. Task force concerning affordable housing and**
10 **homelessness - creation - membership - duties. (1) Creation. THERE**
11 **IS CREATED A TASK FORCE CONCERNING AFFORDABLE HOUSING AND**
12 **HOMELESSNESS, WHICH IS REFERRED TO IN THIS SECTION AS THE "TASK**
13 **FORCE". THE TASK FORCE CONSISTS OF TWENTY-FIVE MEMBERS APPOINTED**
14 **AS PROVIDED IN SUBSECTION (2) OF THIS SECTION AND ANY STAFF SUPPORT**
15 **AS PROVIDED FOR IN SECTION 29-33-117.**

16 **(2) Membership - terms. (a) THE FOLLOWING NINE MEMBERS**
17 **MUST BE APPOINTED ON OR BEFORE AUGUST 1, 2024:**

18 **(I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL**
19 **AFFAIRS SHALL APPOINT ONE MEMBER TO REPRESENT THE DIVISION OF**
20 **HOUSING;**

21 **(II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL**
22 **AFFAIRS SHALL APPOINT ONE MEMBER TO REPRESENT THE DIVISION OF**
23 **HOUSING'S OFFICE OF HOMELESSNESS INITIATIVES;**

24 **(III) THE EXECUTIVE DIRECTOR OF THE COLORADO HOUSING AND**
25 **FINANCE AUTHORITY SHALL APPOINT ONE MEMBER TO REPRESENT THE**
26 **AUTHORITY;**

27 **(IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH**

1 CARE POLICY AND FINANCING SHALL APPOINT ONE MEMBER TO REPRESENT
2 THE DEPARTMENT;

3 (V) THE COMMISSIONER OF THE BEHAVIORAL HEALTH
4 ADMINISTRATION SHALL APPOINT ONE MEMBER REPRESENTING THE
5 BEHAVIORAL HEALTH ADMINISTRATION;

6 (VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
7 CORRECTIONS SHALL APPOINT ONE MEMBER TO REPRESENT THE
8 DEPARTMENT;

9 (VII) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
10 EDUCATION SHALL APPOINT ONE MEMBER TO REPRESENT THE
11 DEPARTMENT;

12 (VIII) THE GOVERNOR SHALL APPOINT ONE MEMBER TO REPRESENT
13 EITHER THE DEPARTMENT OF LABOR AND EMPLOYMENT OR THE
14 DEPARTMENT OF HUMAN SERVICES; AND

15 (IX) THE GOVERNOR SHALL APPOINT ONE MEMBER TO REPRESENT
16 EITHER THE COLORADO ENERGY OFFICE OR THE OFFICE OF ECONOMIC
17 DEVELOPMENT AND INTERNATIONAL TRADE.

18 (b) THE CHAIR AND VICE-CHAIR OF THE LEGISLATIVE OVERSIGHT
19 COMMITTEE CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS
20 CREATED IN SECTION 29-33-116, REFERRED TO IN THIS SECTION AS THE
21 "COMMITTEE", SHALL APPOINT SIXTEEN ADDITIONAL MEMBERS.
22 COMMITTEE STAFF ARE RESPONSIBLE FOR PUBLICLY ANNOUNCING
23 VACANCIES FOR THE FOLLOWING POSITIONS, AND REQUESTING
24 CANDIDATES SUBMIT A LETTER OF INTEREST FOR THE SPECIFIC POSITION,
25 SO THAT THE LETTERS OF INTEREST ARE DUE NO LATER THAN ONE WEEK
26 AFTER THE EFFECTIVE DATE OF THIS SECTION. THE LEGISLATIVE
27 OVERSIGHT COMMITTEE, BY MAJORITY VOTE, SHALL APPROVE THE

1 APPOINTMENTS FOR THESE POSITIONS. THE TASK FORCE MEMBERS TO BE
2 APPOINTED PURSUANT TO THIS SUBSECTION (2)(b) INCLUDE:

3 (I) ONE MEMBER WHO REPRESENTS A HOMELESS SERVICES
4 PROVIDER IN AN URBAN AREA;

5 (II) ONE MEMBER WHO REPRESENTS A HOMELESS SERVICES
6 PROVIDER IN A RURAL OR RURAL RESORT AREA;

7 (III) ONE MEMBER WHO REPRESENTS A FOR-PROFIT DEVELOPER OF
8 AFFORDABLE RENTAL HOUSING;

9 (IV) ONE MEMBER WHO REPRESENTS A NOT-FOR-PROFIT
10 DEVELOPER OF AFFORDABLE RENTAL HOUSING;

11 (V) ONE MEMBER WHO REPRESENTS A FOR-PROFIT DEVELOPER OF
12 AFFORDABLE FOR-SALE HOUSING OR IS A REPRESENTATIVE OF AN
13 ASSOCIATION OF MARKET RATE HOUSING DEVELOPERS;

14 (VI) ONE MEMBER WHO REPRESENTS A NOT-FOR-PROFIT
15 DEVELOPER OF AFFORDABLE FOR-SALE HOUSING;

16 (VII) ONE MEMBER WHO REPRESENTS A PROVIDER OF SUPPORTIVE
17 HOUSING OR SUPPORTIVE SERVICES;

18 (VIII) ONE MEMBER WHO REPRESENTS AN OPERATOR OF
19 MULTIFAMILY AFFORDABLE HOUSING;

20 (IX) ONE MEMBER FROM A LOCAL GOVERNMENT IN AN URBAN
21 AREA;

22 (X) ONE MEMBER FROM A LOCAL GOVERNMENT IN A RURAL AREA;

23 (XI) ONE MEMBER FROM A LOCAL GOVERNMENT IN A RURAL
24 RESORT AREA;

25 (XII) ONE MEMBER WHO REPRESENTS AN AFFORDABLE HOUSING
26 ADVOCACY ORGANIZATION;

27 (XIII) ONE MEMBER WHO REPRESENTS EITHER A HOMELESSNESS

1 ADVOCACY ORGANIZATION OR AN ANTI-POVERTY ADVOCACY
2 ORGANIZATION;

3 (XIV) ONE MEMBER WITH LIVED EXPERIENCE OF HOMELESSNESS
4 WHO IS LIVING IN PERMANENT SUPPORTIVE HOUSING AT THE TIME OF THEIR
5 APPOINTMENT;

6 (XV) ONE MEMBER WHO, AT THE TIME OF THEIR APPOINTMENT, IS
7 LIVING IN AFFORDABLE RENTAL HOUSING THAT IS RESTRICTED TO EIGHTY
8 PERCENT OR LESS OF AREA MEDIAN INCOME; AND

9 (XVI) ONE MEMBER WHO, AT THE TIME OF THEIR APPOINTMENT,
10 IS LIVING IN AFFORDABLE RENTAL HOUSING THAT IS RESTRICTED TO ONE
11 HUNDRED AND TWENTY PERCENT OR LESS OF AREA MEDIAN INCOME.

12 (c) BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION,
13 MEMBERS APPOINTED TO THE TASK FORCE PURSUANT TO SUBSECTION
14 (2)(b) OF THIS SECTION SHALL SERVE NO MORE THAN THREE CONSECUTIVE
15 TWO-YEAR TERMS, WITH THE APPOINTING AUTHORITY'S APPROVAL FOR
16 EACH SPECIFIC TERM. WITH THE APPOINTING AUTHORITY'S APPROVAL, A
17 MEMBER OF THE TASK FORCE WHO IS SERVING ON THE TASK FORCE AS OF
18 THE EFFECTIVE DATE OF THIS SECTION IS CONSIDERED TO BE BEGINNING
19 THE MEMBER'S FIRST TWO-YEAR TERM.

20 (d) (I) A VACANCY OCCURRING IN A POSITION THAT IS APPOINTED
21 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MUST BE FILLED AS
22 SOON AS POSSIBLE BY THE INITIAL APPOINTING OFFICIAL. IN ADDITION, THE
23 INITIAL APPOINTING OFFICIAL MAY REMOVE AND REPLACE ANY
24 APPOINTMENT THE OFFICIAL MADE TO THE TASK FORCE MADE PURSUANT
25 TO SUBSECTION (2)(a) OF THIS SECTION.

26 (II) A VACANCY OCCURRING IN A POSITION FILLED BY THE CHAIR
27 AND VICE-CHAIR OF THE COMMITTEE PURSUANT TO SUBSECTION (2)(b) OF

1 THIS SECTION MUST BE FILLED AS SOON AS POSSIBLE BY THE CHAIR AND
2 VICE-CHAIR OF THE COMMITTEE IN ACCORDANCE WITH THE LIMITATIONS
3 SPECIFIED IN SUBSECTION (2)(b) OF THIS SECTION. IN ADDITION, THE CHAIR
4 AND VICE-CHAIR OF THE COMMITTEE MAY REMOVE AND REPLACE ANY
5 APPOINTMENT TO THE TASK FORCE MADE PURSUANT TO SUBSECTION (2)(b)
6 OF THIS SECTION.

7 (e) IN MAKING APPOINTMENTS TO THE TASK FORCE, THE
8 APPOINTING AUTHORITIES SHALL ENSURE THAT THE MEMBERSHIP OF THE
9 TASK FORCE INCLUDES PERSONS WHO HAVE EXPERIENCE WITH OR
10 INTEREST IN THE STUDY AREAS OF THE TASK FORCE AS SET FORTH IN
11 SUBSECTION (3) OF THIS SECTION; PERSONS WHO REFLECT THE ETHNIC,
12 CULTURAL, AND GENDER DIVERSITY OF THE STATE; PERSONS
13 REPRESENTING OF ALL AREAS OF THE STATE; AND, TO THE EXTENT
14 PRACTICABLE, PERSONS WITH DISABILITIES.

15 (f) (I) ALL TASK FORCE MEMBERS ARE EXPECTED TO SEEK INPUT
16 FROM THE VARIOUS NETWORKS OR ORGANIZATIONAL STRUCTURES OF THE
17 BODY THEY REPRESENT, IF ANY. EVERY APPOINTING OFFICER IS
18 ENCOURAGED TO NOMINATE A REPRESENTATIVE WHO CAN PARTICIPATE IN
19 MAKING TASK FORCE SUBJECT MATTER EXPERT RECOMMENDATIONS, YET
20 STILL APPROPRIATELY REPRESENT THE RELEVANT STATE AGENCY.

21 (II) IN ORDER TO ADVANCE THE WORK OF THE TASK FORCE, TASK
22 FORCE MEMBERS ARE ENCOURAGED TO PARTICIPATE IN DECISION-MAKING,
23 WITH THE UNDERSTANDING THAT INDIVIDUAL VOTES ON TASK FORCE
24 ISSUES ARE BASED ON SUBJECT MATTER EXPERTISE AND DO NOT COMMIT
25 REPRESENTATIVE AGENCIES OR ORGANIZATIONS TO ANY POSITION OR
26 ACTION. TASK FORCE MEMBERS SHALL ADHERE TO ANY AGREED UPON
27 PROCEDURAL RULES AND GUIDELINES.

1 (g) MEMBERS OF THE TASK FORCE SERVE WITHOUT
2 COMPENSATION. HOWEVER, MEMBERS OF THE TASK FORCE APPOINTED
3 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION MAY RECEIVE
4 REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES ASSOCIATED
5 WITH THEIR DUTIES ON THE TASK FORCE.

6 (3) Issues for study. (a) THE TASK FORCE SHALL TRACK THE
7 IMPLEMENTATION OF, IMPACTS OF, AND STATE EXPENDITURES
8 CONCERNING THIS ARTICLE 33 AND LEGISLATION RELATED TO THE FINAL
9 REPORT OF THE AFFORDABLE HOUSING TRANSFORMATIONAL TASK FORCE
10 FROM FEBRUARY 2020, AND PROPOSITION 123 AS APPROVED BY
11 COLORADO VOTERS DURING THE 2022 GENERAL ELECTION.

12 (b) THE TASK FORCE SHALL EVALUATE, REVIEW, AND MAKE
13 RECOMMENDATIONS ON AFFORDABLE HOUSING AND HOMELESSNESS
14 POLICIES.

15 (c) IN EVALUATING THE ISSUES SET FORTH IN SUBSECTION (3)(b)
16 OF THIS SECTION, THE TASK FORCE SHALL SPECIFICALLY CONSIDER THE
17 FOLLOWING RELATED ISSUES, INCLUDING:

18 (I) STATEWIDE HOUSING NEEDS AND GAPS AS IDENTIFIED BY THE
19 STATE, REGIONAL, AND HOUSING NEEDS ASSESSMENT REQUIRED IN
20 SECTION 29-33-104, INCLUDING ANY LOCAL, REGIONAL, OR STATE PLANS
21 DERIVED FROM THESE ASSESSMENTS;

22 (II) BEST PRACTICES FOR AND BARRIERS TO AFFORDABLE HOUSING
23 PRODUCTION AND PRESERVATION INCLUDING DEVELOPMENT AND
24 LONG-TERM AFFORDABILITY STRATEGIES AND DISPLACEMENT MITIGATION
25 MEASURES AS DESCRIBED IN SECTIONS 29-33-106 AND 29-33-107;

26 (III) BEST PRACTICES FOR STABILIZING CURRENTLY HOUSED
27 INDIVIDUALS AT RISK OF ENTERING HOMELESSNESS;

1 (IV) STATEWIDE HOMELESSNESS ANALYSIS AS CONDUCTED BY A
2 CONTRACTOR SELECTED BY THE OFFICE OF HOMELESS INITIATIVES WITHIN
3 THE DEPARTMENT OF LOCAL AFFAIRS;

4 (V) BEST PRACTICES FOR RESOLVING AND PREVENTING
5 HOMELESSNESS;

6 (VI) THE ADMINISTRATION BY THE DIVISION OF HOUSING WITHIN
7 THE DEPARTMENT OF LOCAL AFFAIRS AND THE COLORADO HOUSING AND
8 FINANCE AUTHORITY OF STATE AND FEDERAL FUNDS RELATED TO
9 HOUSING;

10 (VII) THE IMPACT OF HOUSING AND HOMELESSNESS ON STATE
11 AGENCIES;

12 (VIII) THE IMPACT AND PROGRESS OF ANY LAND USE REFORMS,
13 INCLUDING THOSE IN THIS SECTION, ON HOUSING AVAILABILITY AND
14 AFFORDABILITY INCLUDING REVIEW AND RESPONSE TO ANY
15 RECOMMENDATIONS, ANALYSES, ASSESSMENTS, REPORTS, AND PLANS
16 THAT ARE RELEASED BY THE MULTI-AGENCY COMMITTEE CREATED IN
17 SECTION 29-33-103 AND USED TO IMPLEMENT LONG-TERM AND
18 DEVELOPMENT AFFORDABILITY STRATEGIES AND DISPLACEMENT
19 MITIGATION MEASURES; AND

20 (IX) A SUMMARY OF ALL EXEMPTION REQUESTS TO AND
21 RESPONSES FROM THE DEPARTMENT OF LOCAL AFFAIRS FROM ANY
22 REQUIREMENTS OF THIS ARTICLE 33.

23 (d) THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (3) DO NOT
24 PROHIBIT THE TASK FORCE, AT ANY TIME DURING ITS EXISTENCE, FROM
25 REQUESTING PERMISSION FROM THE COMMITTEE TO STUDY, PRESENT
26 FINDINGS, AND MAKE RECOMMENDATIONS ON ANY ISSUE RELATED TO THE
27 SCOPE OF THE TASK FORCE AND OVERSIGHT COMMITTEE.

1 (e) AS NECESSARY, THE TASK FORCE MAY REQUEST TESTIMONY
2 AND REPORTS FROM STATE AGENCIES AND THE MULTI-AGENCY COMMITTEE
3 AND SUBCOMMITTEES CREATED IN SECTION 29-33-103, AS APPROVED BY
4 THE COMMITTEE.

5 (4) Additional duties of the task force. THE TASK FORCE SHALL
6 ANNUALLY DELIVER POLICY AND LEGISLATIVE RECOMMENDATIONS TO THE
7 COMMITTEE PURSUANT TO THIS SECTION. IN ADDITION, THE TASK FORCE
8 SHALL:

9 (a) ON OR BEFORE AUGUST 1 OF EACH YEAR, SELECT A CHAIR AND
10 VICE-CHAIR FROM AMONG ITS MEMBERS;

11 (b) MEET AT LEAST SIX TIMES EACH YEAR, OR MORE OFTEN AS
12 DIRECTED BY THE CHAIR OF THE COMMITTEE, AND SUCH MEETINGS MUST
13 BE BOTH OPEN TO THE PUBLIC AND RECORDED;

14 (c) ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES FOR THE
15 OPERATION OF THE TASK FORCE AND FOR COLLABORATION WITH THE
16 COMMITTEE;

17 (d) DESIGNATE SPECIFIC TASK FORCE MEMBERS RESPONSIBLE FOR
18 COLLABORATING WITH AND OBTAINING INPUT FROM OTHER GROUPS, TASK
19 FORCES, OR STATEWIDE INITIATIVES THAT COMPLEMENT OR RELATE TO
20 THE TASK FORCE'S IDENTIFIED AREAS OF STUDY;

21 (e) CREATE NO MORE THAN THREE SUBCOMMITTEES AS NEEDED TO
22 CARRY OUT THE DUTIES OF THE TASK FORCE. THE SUBCOMMITTEES MAY
23 CONSIST, IN PART, OF PERSONS WHO ARE NOT MEMBERS OF THE TASK
24 FORCE. SUCH PERSONS MAY VOTE ON ISSUES BEFORE THE SUBCOMMITTEE
25 BUT ARE NOT ENTITLED TO A VOTE AT TASK FORCE MEETINGS.

26 (f) STUDY THE IMPLEMENTATION OF COMMITTEE LEGISLATION
27 PASSED BY THE GENERAL ASSEMBLY;

1 (g) UPON REQUEST BY A COMMITTEE MEMBER, PROVIDE
2 EVIDENCE-BASED FEEDBACK ON THE POTENTIAL BENEFITS OR
3 CONSEQUENCES OF A LEGISLATIVE OR OTHER POLICY PROPOSAL NOT
4 DIRECTLY AFFILIATED WITH OR GENERATED BY THE TASK FORCE. THE
5 FEEDBACK MUST BE DELIVERED WITHIN TWO WEEKS TO THE ENTIRE
6 COMMITTEE AND REMAIN AS CONCISE AS POSSIBLE WHILE CAPTURING ANY
7 AVAILABLE EVIDENCE. IF THE TASK FORCE CANNOT IDENTIFY EVIDENCE TO
8 EFFECTIVELY INFORM A RESPONSE, THE FEEDBACK WILL INDICATE A LACK
9 OF EVIDENCE AND REPORT ON ANY ACTIONS TAKEN.

10 (h) (I) ON OR BEFORE AUGUST 1 OF EACH YEAR, PREPARE AND
11 SUBMIT TO THE COMMITTEE, A REPORT THAT, AT A MINIMUM, INCLUDES:

12 (A) ISSUES STUDIED BY THE TASK FORCE, AS WELL AS FINDINGS
13 FOR LEGISLATIVE OR OTHER RECOMMENDATIONS;

14 (B) LEGISLATIVE OR POLICY PROPOSALS OF THE TASK FORCE THAT
15 IDENTIFY THE POLICY ISSUES INVOLVED, THE AGENCIES RESPONSIBLE FOR
16 THE IMPLEMENTATION OF THE CHANGES, AND THE FUNDING SOURCES
17 REQUIRED FOR IMPLEMENTATION;

18 (C) A SUMMARY OF TASK FORCE MEETING ACTIVITIES AND
19 DISCUSSIONS;

20 (D) ANY EVIDENCE-BASED FEEDBACK PROVIDED TO THE
21 COMMITTEE PURSUANT TO SUBSECTION (4)(g) OF THIS SECTION; AND

22 (E) A SUMMARY OF EFFORTS MADE TO COMMUNICATE,
23 COLLABORATE, OR COORDINATE WITH OTHER GROUPS, TASK FORCES, OR
24 STATE INITIATIVES.

25 (II) THE TASK FORCE MAY POST THE REPORT ON THE COMMITTEE'S
26 WEBSITE.

27 (5) Coordination. THE TASK FORCE MAY WORK WITH OTHER

1 GROUPS, TASK FORCES, OR STATEWIDE INITIATIVES THAT ARE PURSUING
2 ISSUES AND POLICY INITIATIVES SIMILAR TO THOSE ADDRESSED IN
3 SUBSECTION (3) OF THIS SECTION. THE TASK FORCE MAY DEVELOP
4 RELATIONSHIPS WITH OTHER TASK FORCES, COMMITTEES, AND
5 ORGANIZATIONS TO LEVERAGE EFFICIENT POLICY-MAKING OPPORTUNITIES
6 THROUGH COLLABORATIVE EFFORTS.

7 (6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE
8 TASK FORCE IS NOT REQUIRED TO MEET, SUBMIT ANNUAL POLICY AND
9 LEGISLATIVE RECOMMENDATIONS, OR SUBMIT AN ANNUAL REPORT TO THE
10 COMMITTEE DURING ANY INTERIM IN WHICH THE GENERAL ASSEMBLY HAS
11 SUSPENDED INTERIM COMMITTEE ACTIVITIES.

12 (7) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2027.
13 BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW ALONG
14 WITH SECTION 29-33-116 IN ACCORDANCE WITH SECTION 24-34-104.

15 **PART 2**

16 **ACCESSORY DWELLING UNITS**

17 **29-33-201. Legislative declaration.** (1) (a) THE GENERAL
18 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

19 (I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT
20 ACCESSORY DWELLING UNIT DEVELOPMENT;

21 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

22 (III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
23 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
24 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
25 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
26 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
27 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE

1 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
2 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
3 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
4 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
5 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
6 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
7 AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.

8 (IV) MORE PERMISSIVE LOCAL GOVERNMENT ACCESSORY
9 DWELLING UNIT REGULATIONS CAN HELP INCREASE HOUSING SUPPLY AND
10 STABILIZE HOUSING COSTS;

11 (V) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE
12 COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED
13 NEIGHBORHOODS WITH MINIMAL IMPACTS TO THE INFRASTRUCTURE AND
14 ALSO SUPPLY NEW HOUSING WITHOUT ADDED NEW DISPERSED
15 LOW-DENSITY HOUSING;

16 (VI) RELATIVE TO DISPERSED LOW-DENSITY DEVELOPMENT,
17 COMPACT INFILL DEVELOPMENT, INCLUDING ACCESSORY DWELLING UNIT
18 DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS,
19 INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION
20 COSTS;

21 (VII) ACCESSORY DWELLING UNITS PROVIDE FINANCIAL BENEFITS
22 TO HOMEOWNERS;

23 (VIII) ACCESSORY DWELLING UNITS GENERATE RENTAL INCOME TO
24 HELP HOMEOWNERS COVER MORTGAGE PAYMENTS OR OTHER COSTS,
25 WHICH CAN BE IMPORTANT FOR OLDER HOMEOWNERS ON FIXED INCOMES;

26 (IX) ACCESSORY DWELLING UNITS CAN PROVIDE FAMILIES WITH
27 OPTIONS FOR INTERGENERATIONAL LIVING ARRANGEMENTS THAT ENABLE

1 CHILD OR ELDER CARE AND AGING IN PLACE; AND

2 (X) ACCESSORY DWELLING UNITS USE SIGNIFICANTLY LESS
3 ENERGY FOR HEATING AND COOLING THAN SINGLE-UNIT DETACHED
4 DWELLINGS BECAUSE OF THEIR SMALLER SIZE, WHICH REDUCES
5 HOUSEHOLD ENERGY COSTS AND GREENHOUSE GAS EMISSIONS.

6 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
7 INCREASED SUPPLY OF HOUSING THROUGH ACCESSORY DWELLING UNITS
8 IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

9 **29-33-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
10 CONTEXT OTHERWISE REQUIRES:

11 (1) "ELIGIBLE PARCEL" MEANS A PARCEL, EXCLUDING A STANDARD
12 EXEMPT PARCEL, ON WHICH A SINGLE-UNIT DETACHED DWELLING IS
13 ALLOWED AS A USE BY RIGHT.

14 (2) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS
15 ESTABLISHED IN SECTION 29-33-205.

16 (3) "MODEL CODE" MEANS THE MODEL CODE PROMULGATED BY
17 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
18 PURSUANT TO SECTION 29-33-204.

19 (4) "SUBJECT JURISDICTION" MEANS AN URBAN MUNICIPALITY.

20 **29-33-203. Applicability - exemptions.** (1) THE REQUIREMENTS
21 OF THIS PART 2 APPLY ONLY IN A SUBJECT JURISDICTION.

22 (2) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
23 LAWS ADOPTED PURSUANT TO THIS PART 2 ONLY APPLY TO PARCELS THAT
24 ARE NOT STANDARD EXEMPT PARCELS.

25 **29-33-204. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
26 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
27 PROMULGATE AN ACCESSORY DWELLING UNIT MODEL CODE.

1 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
2 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
3 OF LOCAL AFFAIRS CONCERNING THE MODEL CODE.

4 (2) IN DEVELOPING RECOMMENDATIONS CONCERNING THE MODEL
5 CODE, THE MULTI-AGENCY COMMITTEE SHALL:

6 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
7 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
8 COMMENT ON THE MODEL CODE;

9 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
10 MODEL CODE;

11 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
12 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

13 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, RACIAL EQUITY
14 AND HOMELESSNESS PREVENTION, AFFORDABLE HOUSING, FAIR HOUSING,
15 PLANNING, ZONING, AND RELATED FIELDS.

16 (3) THE MODEL CODE MUST, AT A MINIMUM:

17 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT AS AN
18 ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF
19 THE MUNICIPALITY WHERE THE MUNICIPALITY ALLOWS SINGLE-UNIT
20 DETACHED DWELLINGS AS A USE BY RIGHT; AND

21 (b) ESTABLISH OBJECTIVE STANDARDS FOR ALL OF THE ELEMENTS
22 ADDRESSED IN THE MINIMUM STANDARDS.

23 (4) THE MODEL CODE MUST INCLUDE A REQUIREMENT THAT
24 SUBJECT JURISDICTIONS MAY NOT REQUIRE NEW OFF-STREET VEHICLE
25 PARKING IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING OF AN
26 ACCESSORY DWELLING UNIT.

27 **29-33-205. Minimum standards.** (1) NOTWITHSTANDING ANY

1 LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT
2 ADOPT THE MODEL CODE SHALL:

3 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT AS AN
4 ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF
5 THE MUNICIPALITY WHERE THE MUNICIPALITY ALLOWS SINGLE-UNIT
6 DETACHED DWELLINGS AS A USE BY RIGHT;

7 (b) ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING
8 ACCESSORY DWELLING UNIT LAND USE THAT USE OBJECTIVE STANDARDS
9 AND OBJECTIVE PROCEDURES;

10 (c) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING
11 SINGLE-UNIT DETACHED DWELLING TO CREATE AN ACCESSORY DWELLING
12 UNIT SO LONG AS THE ADDITION OR CONVERSION DOES NOT INCREASE
13 NONCONFORMANCE WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS
14 LOCAL LAWS ALLOW FOR SUCH AN INCREASE IN NONCONFORMANCE; AND

15 (d) ALLOW ACCESSORY DWELLING UNIT SIZES BETWEEN FIVE
16 HUNDRED AND EIGHT HUNDRED SQUARE FEET. SUBJECT JURISDICTIONS
17 MAY ADDITIONALLY PERMIT SMALLER OR LARGER ACCESSORY DWELLING
18 UNITS AT THEIR DISCRETION.

19 (2) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
20 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
21 NOT:

22 (a) APPLY STANDARDS CONCERNING ARCHITECTURAL STYLE,
23 BUILDING MATERIALS, OR LANDSCAPING THAT ARE MORE RESTRICTIVE
24 THAN THE STANDARDS THAT THE SUBJECT JURISDICTION APPLIES TO A
25 SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT;

26 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT MAKE THE
27 PERMITTING, APPROVAL OF, SITING, OR CONSTRUCTION OF AN ACCESSORY

1 DWELLING UNIT PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT;

2 (c) IMPOSE A REQUIREMENT ON AN ACCESSORY DWELLING UNIT
3 THAT IS CONTINGENT UPON THE PRIMARY RESIDENCE ON THE SAME LOT
4 BEING OWNER-OCCUPIED;

5 (d) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE TO
6 AN ACCESSORY DWELLING UNIT IN A MANNER THAT INTERFERES WITH THE
7 INTENT OF THIS PART 2;

8 (e) REQUIRE NEW OFF-STREET VEHICLE PARKING IN CONNECTION
9 WITH THE CONSTRUCTION OR THE PERMITTING OF AN ACCESSORY
10 DWELLING UNIT; OR

11 (f) REQUIRE SIDE OR REAR SETBACKS FOR AN ACCESSORY
12 DWELLING UNIT GREATER THAN THE MINIMUM SIDE SETBACK REQUIRED
13 FOR A SINGLE-UNIT DETACHED DWELLING OR THE SETBACK REQUIRED FOR
14 OTHER ACCESSORY BUILDINGS IN THE SAME ZONING DISTRICT, UNLESS
15 SUCH A SETBACK IS NECESSARY TO COMPLY WITH PUBLIC HEALTH OR
16 SAFETY STANDARDS.

17 (3) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
18 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
19 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

20 **29-33-206. Adoption of model codes - satisfaction of minimum**
21 **standards - reporting.** (1) NO LATER THAN JUNE 30, 2025, A SUBJECT
22 JURISDICTION SHALL EITHER:

23 (a) ADOPT LOCAL LAWS CONCERNING ACCESSORY DWELLING UNITS
24 THAT SATISFY THE MINIMUM STANDARDS ESTABLISHED IN SECTION
25 29-33-205; OR

26 (b) ADOPT THE MODEL CODE.

27 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE

1 REQUIREMENT OF SUBSECTION (1) OF THIS SECTION BEFORE DECEMBER 31,
2 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR ALL
3 ELIGIBLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT DENY OR
4 CONDITION APPROVAL OF AN APPLICATION FOR AN ACCESSORY DWELLING
5 UNIT ON ANY ELIGIBLE PARCEL ON ANY BASIS THAT IS INCONSISTENT WITH
6 THE MODEL CODE, AS SPECIFIED IN SECTION 29-33-303, IN THE SUBJECT
7 JURISDICTION AND REMAINS IN EFFECT UNTIL THE DEPARTMENT OF LOCAL
8 AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS ADOPTED
9 LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

10 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
11 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
12 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT
13 JURISDICTION'S ACCESSORY DWELLING UNIT DECISIONS SHALL BE
14 CONSISTENT WITH THE MODEL CODE AND THE SUBJECT JURISDICTION
15 SHALL:

16 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER AN
17 ACCESSORY DWELLING PROJECT SATISFIES THE MODEL CODE AND APPROVE
18 SUCH A PROJECT IF IT SATISFIES THE MODEL CODE; AND

19 (b) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
20 CONTRAVENE THE MODEL CODE.

21 (4) A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL LAWS IN
22 EFFECT THAT MEET THE MINIMUM STANDARDS ESTABLISHED IN SECTION
23 29-33-205 NEED NOT UPDATE THEIR LOCAL LAWS, AND MAY SUBMIT
24 EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS DEMONSTRATING SUCH
25 COMPLIANCE.

26 (5) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
27 MAY NOTIFY THE DEPARTMENT OF LOCAL AFFAIRS THAT AN EXEMPTION OR

1 AN EXTENSION IS NECESSARY FROM THE REQUIREMENTS OF SUBSECTION
2 (1) OF THIS SECTION.

3 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
4 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
5 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
6 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
7 EXPECTS SUCH SERVICES TO BECOME DEFICIENT IN THE NEXT FIVE YEARS.
8 AS USED IN THIS SUBSECTION (5)(b), "DEFICIENT" MEANS, IN REFERENCE
9 TO THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
10 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
11 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
12 APPLICABLE, ISSUES CONCERNING:

- 13 (I) WATER SUPPLY;
- 14 (II) WASTEWATER TREATMENT CAPACITY;
- 15 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION
16 CAPACITY; OR
- 17 (IV) STORMWATER MANAGEMENT CAPACITY.

18 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
19 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (5)(b) OF THIS
20 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
21 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
22 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
23 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
24 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN INCLUDED
25 IN THE NOTICE.

26 (d) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
27 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION

1 (5).

2 (6) (a) NO LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION
3 SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN A FORM AND
4 MANNER DETERMINED BY THE DEPARTMENT OF LOCAL AFFAIRS, A REPORT
5 DEMONSTRATING EVIDENCE OF COMPLIANCE WITH EITHER THE MODEL
6 CODE OR MINIMUM STANDARDS.

7 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
8 SUBSECTION (6)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
9 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
10 REPORT AND PROVIDE FEEDBACK TO A SUBJECT JURISDICTION. THE
11 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
12 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
13 LOCAL LAWS AND RE-SUBMIT A REPORT.

14 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
15 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
16 IMMEDIATELY IN THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
17 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
18 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

19 **29-33-207. Subject jurisdiction restrictions.** (1) NOTHING IN
20 THIS PART 2 PREVENTS A LOCAL GOVERNMENT FROM:

21 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
22 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
23 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED
24 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

25 (b) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE
26 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES, IN
27 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5, OR THE

1 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF
2 PART 2 OF ARTICLE 20 OF TITLE 29;

3 (c) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF AN
4 ACCESSORY DWELLING UNIT;

5 (d) ALLOWING THE CONSTRUCTION OF, OR ISSUING PERMITS FOR
6 THE CONSTRUCTION OF, A SINGLE-UNIT DETACHED DWELLING IN AN AREA
7 ZONED FOR SINGLE-UNIT DETACHED DWELLINGS;

8 (e) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
9 DISTRICT TO A PARCEL ON WHICH AN ACCESSORY DWELLING UNIT IS
10 ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO
11 DEMOLITION; OR

12 (f) APPLYING AND ENFORCING LOCALLY ADOPTED BUILDING AND
13 FIRE CODES.

14 PART 3

15 CORRIDORS AND CENTERS REQUIREMENTS

16 **29-22-301. Legislative declaration.** (1) (a) THE GENERAL
17 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

18 (I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT DENSER
19 MULTIFAMILY HOUSING DEVELOPMENT NEAR FREQUENT TRANSIT SERVICE
20 AND IN COMMERCIAL AND INSTITUTIONAL AREAS;

21 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

22 (III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
23 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
24 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
25 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
26 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
27 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE

1 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
2 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
3 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
4 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
5 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
6 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
7 AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.

8 (IV) MULTIFAMILY HOUSING IS TYPICALLY MORE AFFORDABLE
9 THAN SINGLE-UNIT DWELLINGS, AND LIVING NEAR TRANSIT, JOBS, AND
10 SERVICES ENABLES HOUSEHOLDS TO SAVE ON TRANSPORTATION COSTS BY
11 OWNING FEWER VEHICLES. IN 2019, COLORADO MULTIFAMILY UNITS COST
12 BETWEEN FOURTEEN AND FORTY-THREE PERCENT LESS TO RENT,
13 DEPENDING ON THE SIZE OF THE BUILDING, COMPARED TO SINGLE-UNIT
14 DETACHED DWELLINGS, ACCORDING TO THE AMERICAN COMMUNITY
15 SURVEY.

16 (V) THE TERNER CENTER FOR HOUSING INNOVATION AT THE
17 UNIVERSITY OF CALIFORNIA BERKELEY FOUND IN ITS REPORT
18 "RESIDENTIAL REDEVELOPMENT OF COMMERCIAL ZONED LAND IN
19 CALIFORNIA" THAT THERE IS A SIGNIFICANT POTENTIAL FOR RESIDENTIAL
20 DEVELOPMENT IN COMMERCIAL ZONED AREAS, THAT MANY
21 COMMERCIAL ZONE DISTRICTS DO NOT ALLOW RESIDENTIAL
22 DEVELOPMENT, AND THAT ALLOWING USE BY RIGHT RESIDENTIAL
23 DEVELOPMENT IN COMMERCIAL ZONE DISTRICTS CAN ENCOURAGE
24 ADDITIONAL HOUSING SUPPLY;

25 (VI) ACCORDING TO THE NATIONAL ASSOCIATION OF REALTORS
26 IN ITS REPORT "ANALYSIS AND CASE STUDIES ON OFFICE-TO-HOUSING
27 CONVERSIONS", OVER FIVE MILLION SEVEN HUNDRED THOUSAND SQUARE

1 FEET OF OFFICE SPACE BECAME UNOCCUPIED IN THE DENVER
2 METROPOLITAN REAL ESTATE MARKET BETWEEN 2020 AND 2021, THE
3 DENVER MARKET COULD POTENTIALLY ADD OVER TWO THOUSAND NEW
4 RESIDENTIAL UNITS FROM OFFICE TO RESIDENTIAL CONVERSIONS IF IT
5 CONVERTED TWENTY PERCENT OF CURRENTLY VACANT OFFICE SPACE, AND
6 ONE OF THE MAJOR BARRIERS TO CONVERSIONS IS RESTRICTIVE LOCAL
7 LAND USE REGULATIONS THAT REQUIRE DISCRETIONARY APPROVALS;

8 (VII) ACCORDING TO THE NOTRE DAME LAW SCHOOL, IN THE
9 ARTICLE "SHELLS OF THE STORES THEY ONCE WERE: RETURNING VACANT
10 RETAIL PROPERTY TO PRODUCTIVE USE IN THE MIDST OF THE RETAIL
11 APOCALYPSE", UNITED STATES RETAILERS HAVE BEEN CLOSING BRICK
12 AND MORTAR LOCATIONS IN LARGE NUMBERS SINCE AT LEAST 2017,
13 LEAVING BEHIND VACANT COMMERCIAL BUILDINGS AND PROPERTIES THAT
14 POSE PROBLEMS FOR PUBLIC HEALTH AND SAFETY, REDUCE LOCAL TAX
15 REVENUE, AND LEAD TO THE FLIGHT OF OTHER RETAIL BUSINESSES.
16 VACANT COMMERCIAL PROPERTIES PROVIDE OPPORTUNITIES FOR
17 RESIDENTIAL AND MIXED-USE REDEVELOPMENT, BOTH THROUGH
18 ADAPTIVE REUSE OF EXISTING BUILDINGS, AND THROUGH NEW
19 DEVELOPMENT, AND, ACCORDING TO THE LOCAL GOVERNMENT
20 COMMISSION IN COOPERATION WITH THE UNITED STATES
21 ENVIRONMENTAL PROTECTION AGENCY, IN THE JOINT REPORT "CREATING
22 GREAT NEIGHBORHOODS: DENSITY IN YOUR COMMUNITY", INCREASED
23 RESIDENTIAL DENSITY IS ASSOCIATED WITH THE ECONOMIC SUCCESS OF
24 NEARBY BUSINESSES AND CONTRIBUTES TO THE REVITALIZATION OF
25 NEIGHBORHOODS.

26 (VIII) MEETING HOUSING DEMAND THROUGH COMPACT INFILL
27 DEVELOPMENT CLOSE TO JOBS, SERVICES, AND TRANSIT DECREASES THE

1 NEED FOR NEW DISPERSED, LOW-DENSITY HOUSING. RELATIVE TO
2 DISPERSED, LOW-DENSITY DEVELOPMENT, COMPACT INFILL HOUSING
3 DEVELOPMENT, INCLUDING MULTIFAMILY HOUSING DEVELOPMENT,
4 REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, INFRASTRUCTURE
5 COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION COSTS.

6 (IX) HOUSING WITH ACCESS TO FREQUENT TRANSIT ALLOWS
7 RESIDENTS TO TRAVEL TO WORK AND SERVICES WITHOUT DRIVING OR
8 WHILE DRIVING LESS, WHICH REDUCES HOUSEHOLD TRANSPORTATION
9 COSTS, GREENHOUSE GAS EMISSIONS, AND AIR POLLUTION. ANALYSES OF
10 TRANSIT-ORIENTED DEVELOPMENTS HAVE FOUND RESIDENTS TAKE AN
11 AVERAGE OF FORTY-FOUR PERCENT FEWER VEHICLE TRIPS, ACCORDING TO
12 THE ARTICLE "VEHICLE TRIP REDUCTION IMPACTS OF TRANSIT-ORIENTED
13 HOUSING" IN THE JOURNAL OF PUBLIC TRANSPORTATION. AND,
14 ACCORDING TO THE CALIFORNIA AIR RESOURCES BOARD REPORTS
15 "IMPACT OF JOBS-HOUSING BALANCE ON PASSENGER VEHICLE USE AND
16 GREENHOUSE GAS EMISSIONS" AND "IMPACTS OF LAND-USE MIX ON
17 PASSENGER VEHICLE USE AND GREENHOUSE GAS EMISSIONS",
18 CO-LOCATING RESIDENCES, JOBS, AND SERVICES ALSO REDUCES
19 HOUSEHOLD VEHICLE MILES TRAVELED.

20 (X) MULTIFAMILY HOUSING USES SIGNIFICANTLY LESS ENERGY FOR
21 HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED
22 DWELLINGS DUE TO MULTIFAMILY HOUSING HAVING ATTACHED WALLS
23 AND SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND
24 GREENHOUSE GAS EMISSIONS. IN COLORADO, HOUSEHOLD ENERGY
25 DEMAND ON AVERAGE IS SEVENTY PERCENT LESS FOR MULTIFAMILY
26 HOUSING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS, ACCORDING
27 TO THE NATIONAL RENEWABLE ENERGY LABORATORY RE STOCK

1 ANALYSIS TOOL.

2 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
3 INCREASED HOUSING SUPPLY IN TRANSIT-ORIENTED AREAS AND KEY
4 CORRIDORS IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

5 **29-33-302. Applicability - transit-oriented areas model code -**
6 **transit-oriented areas minimum standards - adoption of model code**
7 **or minimum standards - definitions. (1) Definitions.** AS USED IN THIS
8 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 (a) "ELIGIBLE PARCEL" MEANS A PARCEL THAT IS NOT:

10 (I) A STANDARD EXEMPT PARCEL;

11 (II) PART OF A PARCEL THAT INCLUDES LAND THAT IS A PARK AND
12 OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2);

13 (III) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;

14 OR

15 (IV) ON A SITE THAT IS:

16 (A) CURRENTLY USED FOR AN INDUSTRIAL USE;

17 (B) CURRENTLY ALLOWS INDUSTRIAL USES;

18 (C) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
19 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN;

20 (D) OWNED BY, USED AS, OR OPERATED BY AN AIRPORT; OR

21 (E) CURRENTLY USED AS A MOBILE HOME PARK, AS DEFINED IN
22 SECTION 38-12-201.5 (6).

23 (b) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS FOR
24 TRANSIT-ORIENTED AREAS ESTABLISHED IN SUBSECTION (4) OF THIS
25 SECTION.

26 (c) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY
27 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET

1 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF
2 THE AREA MEDIAN INCOME.

3 (d) "MODEL CODE" MEANS THE TRANSIT-ORIENTED AREAS MODEL
4 CODE PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT
5 TO SUBSECTION (3) OF THIS SECTION.

6 (e) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN
7 MUNICIPALITY OR COUNTY THAT CONTAINS A TRANSIT-ORIENTED AREA.

8 (2) **Applicability.** (a) THE REQUIREMENTS OF THIS SECTION ONLY
9 APPLY TO AN ELIGIBLE PARCEL IN A TRANSIT-ORIENTED AREA IN A SUBJECT
10 JURISDICTION.

11 (b) IF A TRANSIT-ORIENTED AREA IS LOCATED WITHIN MULTIPLE
12 JURISDICTIONS, A SUBJECT JURISDICTION NEED ONLY MEET THE
13 REQUIREMENTS OF THIS SECTION IN THE PARTS OF A TRANSIT-ORIENTED
14 AREA LOCATED WITHIN THE SUBJECT JURISDICTION.

15 (c) WHERE THE REQUIREMENTS OF THIS SECTION APPLY TO
16 PARCELS OR LOTS TO WHICH PART 2 OF THIS ARTICLE 33 OR SECTION
17 29-33-303 ALSO APPLY, THE REQUIREMENTS OF THIS SECTION SHALL
18 SUPERSEDE ANY CONFLICTING REQUIREMENTS OF PART 2 OF THIS ARTICLE
19 33 OR SECTION 29-33-303.

20 (3) **Model code.** (a) (I) NO LATER THAN JUNE 30, 2024, THE
21 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
22 PROMULGATE A TRANSIT-ORIENTED AREA MODEL CODE.

23 (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
24 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
25 OF LOCAL AFFAIRS ON THE TRANSIT-ORIENTED AREA MODEL CODE
26 PURSUANT TO SECTION 29-33-305.

27 (b) AT A MINIMUM, THE MODEL CODE MUST INCLUDE:

1 (I) A REQUIREMENT THAT SUBJECT JURISDICTIONS MAY NOT
2 REQUIRE NEW OFF-STREET PARKING WITHIN TRANSIT-ORIENTED AREAS FOR
3 ANY USES IN CONJUNCTION WITH A MIXED-INCOME MULTIFAMILY HOUSING
4 DEVELOPMENT;

5 (II) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
6 MIXED-USE DEVELOPMENT WITH COMMERCIAL USES ON THE FIRST FLOOR
7 IN CONJUNCTION WITH MIXED-INCOME MULTIFAMILY HOUSING WITH A NET
8 DENSITY OF UP TO AT LEAST SIXTY UNITS PER ACRE; AND

9 (III) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
10 MIXED-INCOME MULTIFAMILY HOUSING OF UP TO AT LEAST SIXTY UNITS
11 PER ACRE NET DENSITY AS A USE BY RIGHT ON ELIGIBLE PARCELS IN
12 TRANSIT-ORIENTED AREAS.

13 (c) NOTHING IN THIS MODEL CODE SHALL PREVENT A SUBJECT
14 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN
15 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,
16 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS THE SUBJECT
17 JURISDICTION HAS ADOPTED A LOCAL INCLUSIONARY ZONING ORDINANCE
18 THAT APPLIES IN TRANSIT-ORIENTED AREAS.

19 (d) REGULATED AFFORDABLE HOUSING UNITS IN MIXED-INCOME
20 MULTIFAMILY HOUSING DEVELOPMENTS MUST BE SIMILAR IN SIZE TO THE
21 OTHER UNITS IN THE DEVELOPMENT.

22 (4) **Minimum standards.** (a) (I) NOTWITHSTANDING ANY LOCAL
23 LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT
24 THE MODEL CODE SHALL CREATE OR UPDATE A ZONING DISTRICT WITHIN
25 EACH TRANSIT-ORIENTED IN WHICH MULTIFAMILY HOUSING IS ALLOWED
26 AS A USE BY RIGHT AND A MINIMUM AVERAGE NET DENSITY OF UP TO AT
27 LEAST FORTY UNITS OF MULTIFAMILY HOUSING PER ACRE IS ALLOWED.

1 SUBJECT JURISDICTIONS MAY ESTABLISH SUBDISTRICTS WITHIN THESE
2 ZONING DISTRICTS THAT ALLOW A DIFFERENT NET DENSITY OF
3 MULTIFAMILY HOUSING DEVELOPMENT SO LONG AS EACH DISTRICT OR
4 SUBDISTRICT ALLOWS AN AVERAGE NET DENSITY OF MULTIFAMILY
5 HOUSING OF UP TO AT LEAST FORTY UNITS PER ACRE. THE MINIMUM AREA
6 OF THE ZONING DISTRICT OR SUBDISTRICT MUST IN TOTAL BE GREATER
7 THAN OR EQUAL TO FIFTY PERCENT OF THE AREA OF ELIGIBLE PARCELS IN
8 EACH TRANSIT-ORIENTED AREA IN A SUBJECT JURISDICTION. A SUBJECT
9 JURISDICTION MAY CHOOSE TO INCLUDE PARCELS THAT WOULD OTHERWISE
10 NOT QUALIFY AS ELIGIBLE PARCELS WHEN CALCULATING THE AREA OF
11 ELIGIBLE PARCELS IN EACH TRANSIT-ORIENTED AREA IN A SUBJECT
12 JURISDICTION. A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL LAWS
13 IN EFFECT THAT ESTABLISH A ZONING DISTRICT OR DISTRICTS THAT MEET
14 THE MINIMUM STANDARDS NEED NOT UPDATE THEIR LOCAL LAWS AND
15 MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS
16 DEMONSTRATING SUCH COMPLIANCE.

17 (II) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
18 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY
19 MEET THE AVERAGE NET DENSITY ESTABLISHED IN THE MINIMUM
20 STANDARDS BY ADOPTING LOCAL LAWS APPLICABLE TO A ZONING DISTRICT
21 COVERING AREAS OUTSIDE OF TRANSIT-ORIENTED AREAS SO LONG AS
22 THE ZONING DISTRICT IS AT LEAST THE SAME SIZE AS THE ELIGIBLE
23 PARCELS IN THE TRANSIT-ORIENTED AREA IF:

24 (A) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; AND

25 (B) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
26 AREAS FOR TRANSIT-COMPATIBLE USE IN ADJACENT AREAS, OR UTILIZES
27 ALTERNATE MEASUREMENT METHODS FOR DETERMINING THE EXTENT OF

1 A TRANSIT-ORIENTED AREA SUCH AS WALKING DISTANCE FROM TRANSIT
2 STATIONS. ESTABLISHED PLANNING AREAS MUST INCLUDE PLANS TO
3 ADDRESS ANY DEFICIENCIES IN PEDESTRIAN AND BICYCLE ACCESS; AND,
4 IN DETERMINING THE LOCATION OF ZONING DISTRICTS FOR
5 TRANSIT-ORIENTED AREAS, A SUBJECT JURISDICTION SHALL CONSIDER THE
6 DISPLACEMENT RISK ASSESSMENT COMPLETED PURSUANT TO SECTION
7 29-33-107.

8 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
9 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
10 NOT REQUIRE NEW OFF-STREET VEHICLE PARKING WITHIN
11 TRANSIT-ORIENTED AREAS FOR ANY USE IN CONJUNCTION WITH A
12 MULTIFAMILY HOUSING DEVELOPMENT PERMIT.

13 (c) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
14 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
15 ONLY ADOPT AND ENFORCE LOCAL LAWS CONCERNING MULTIFAMILY
16 HOUSING IN TRANSIT-ORIENTED AREAS THAT USE OBJECTIVE STANDARDS
17 AND OBJECTIVE PROCEDURES.

18 (d) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
19 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
20 CODE ESTABLISHED PURSUANT TO THIS SECTION, UTILIZING A PUBLIC
21 HEARING AND COMMENT PROCESS.

22 **(5) Adoption of model code or minimum standards.** (a) (I) NO
23 LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION SHALL:

24 (A) ADOPT LOCAL LAWS CONCERNING TRANSIT-ORIENTED AREAS
25 THAT SATISFY THE MINIMUM STANDARDS; OR

26 (B) ADOPT THE MODEL CODE.

27 (b) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE

1 REQUIREMENTS OF SUBSECTION (5)(a)(I) OF THIS SECTION BEFORE
2 DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY
3 FOR ALL ELIGIBLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT
4 DENY OR CONDITION APPROVAL OF AN APPLICATION FOR A MIXED-INCOME
5 MULTIFAMILY HOUSING PROJECT ON AN ELIGIBLE PARCEL ON A BASIS THAT
6 IS INCONSISTENT WITH THE MODEL CODE, AS SPECIFIED IN SUBSECTION (3)
7 OF THIS SECTION, UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES
8 THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH
9 THE MINIMUM STANDARDS.

10 (c) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
11 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
12 PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, THE DECISIONS OF THE
13 SUBJECT JURISDICTION SHALL BE CONSISTENT WITH THE MODEL CODE AND
14 THE SUBJECT JURISDICTION SHALL:

15 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
16 MIXED-INCOME MULTIFAMILY HOUSING PROJECT SATISFIES THE MODEL
17 CODE AND, IF THE SUBJECT JURISDICTION DETERMINES THAT THE PROJECT
18 SATISFIES THE MODEL CODE, THE SUBJECT JURISDICTION SHALL APPROVE
19 THE PROJECT; AND

20 (II) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
21 CONTRAVENE THE MODEL CODE.

22 (6) **Subject jurisdiction restrictions.** NOTHING IN THIS PART 3,
23 THE MODEL CODE, OR THE MINIMUM STANDARDS PREVENTS A LOCAL
24 GOVERNMENT FROM:

25 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
26 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
27 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED

1 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

2 (b) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE
3 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES, IN
4 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5, OR THE
5 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF
6 PART 2 OF ARTICLE 20 OF TITLE 29;

7 (c) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN
8 TRANSIT-ORIENTED AREAS IN ACCORDANCE WITH THE REQUIREMENTS OF
9 SECTION 29-20-104 (1)(e.5) AND (1)(e.7) AND SUBJECT TO PART 2 OF
10 ARTICLE 20 OF TITLE 29;

11 (d) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
12 HOUSING IN TRANSIT-ORIENTED AREAS;

13 (e) PERMITTING MIXED-USE DEVELOPMENT IN A
14 TRANSIT-ORIENTED AREA;

15 (f) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A
16 TRANSIT-ORIENTED AREA; OR

17 (g) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
18 DISTRICT TO A PARCEL IN A TRANSIT-ORIENTED AREA ON WHICH HOUSING
19 IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO
20 DEMOLITION.

21 **29-33-303. Applicability - key corridors model code - key**
22 **corridors minimum standards - adoption of model code or minimum**
23 **standards - definitions. (1) Definitions. AS USED IN THIS SECTION,**
24 **UNLESS THE CONTEXT OTHERWISE REQUIRES:**

25 (a) "ELIGIBLE PARCEL" MEANS A PARCEL, EXCLUDING PARCELS
26 DESCRIBED IN SECTION 29-33-303 (2)(b) ON WHICH COMMERCIAL,
27 INSTITUTIONAL, RESIDENTIAL, OR MIXED USES ARE PERMITTED USES BY

1 RIGHT.

2 (b) "KEY CORRIDORS" MEANS THE AREAS DESCRIBED IN SECTION
3 29-33-303 (2)(a).

4 (c) "MINIMUM STANDARDS" MEANS THE KEY CORRIDOR MINIMUM
5 STANDARDS ESTABLISHED IN SUBSECTION (5) OF THIS SECTION.

6 (d) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY
7 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET
8 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF
9 THE AREA MEDIAN INCOME.

10 (e) "MODEL CODE" MEANS THE KEY CORRIDORS MODEL CODE
11 PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO
12 SUBSECTION (4) OF THIS SECTION.

13 (f) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN
14 MUNICIPALITY.

15 (2) **Applicability.** (a) ELIGIBLE PARCELS IN THE FOLLOWING AREAS
16 SHALL BE INCLUDED WITHIN KEY CORRIDOR AREAS:

17 (I) AREAS WITHIN ONE-HALF MILE OF A BUS STOP ON A LIMITED
18 ACCESS HIGHWAY SERVED BY AN EXISTING OR PLANNED COMMUTER BUS
19 RAPID TRANSIT SERVICE; AND

20 (II) AREAS WITHIN ONE-QUARTER MILE OF A:

21 (A) BUS STOP NOT ON A LIMITED ACCESS HIGHWAY SERVED BY AN
22 EXISTING OR PLANNED COMMUTER BUS RAPID TRANSIT SERVICE;

23 (B) ROADWAY SERVED BY AN EXISTING OR PLANNED URBAN BUS
24 RAPID TRANSIT SERVICE;

25 (C) ROADWAY SERVED BY A BUS ROUTE THAT IS SCHEDULED TO
26 RUN EVERY FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY
27 SERVICE HOURS, AND THAT IS AT LEAST ONE MILE LONG; AND

1 (D) BUS STOP SERVED BY A BUS ROUTE THAT IS SCHEDULED TO
2 RUN EVERY FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY
3 SERVICE HOURS, IS AT LEAST ONE MILE LONG, AND THAT RUNS ON A
4 LIMITED ACCESS HIGHWAY.

5 (b) KEY CORRIDORS SHALL BE DESIGNATED BASED ON:

6 (I) EXISTING TRANSIT SERVICE LEVELS AS OF JANUARY 1, 2023;

7 (II) AN URBAN BUS RAPID TRANSIT SERVICE OR COMMUTER BUS
8 RAPID TRANSIT SERVICE THAT IS IDENTIFIED WITHIN A METROPOLITAN
9 PLANNING ORGANIZATION'S LONG RANGE TRANSPORTATION PLAN
10 ADOPTED PRIOR TO JANUARY 1, 2023, AND PLANNED FOR COMPLETION ON
11 OR BEFORE DECEMBER 31, 2030; EXCEPT THAT, THE MULTI-AGENCY
12 ADVISORY COMMITTEE MAY DETERMINE THAT A SPECIFIC SEGMENT OF
13 SUCH A SERVICE ROUTE SHOULD NOT BE DESIGNATED AS A KEY CORRIDOR
14 BASED ON STRATEGIC GROWTH OBJECTIVES AND MAY REMOVE SUCH
15 SEGMENT OF A SERVICE ROUTE FROM KEY CORRIDOR DESIGNATION ON OR
16 BEFORE JANUARY 1, 2024; AND

17 (III) TRANSIT SERVICE LEVELS PLANNED AND APPROVED BY THE
18 BOARD OF A TRANSIT AGENCY AS OF JANUARY 1, 2023, FOR
19 IMPLEMENTATION BEFORE JANUARY 1, 2028.

20 (3) (a) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR
21 THE MODEL CODE IS OTHERWISE IN EFFECT, THE MODEL CODE SHALL APPLY
22 TO ALL ELIGIBLE PARCELS.

23 (b) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
24 LAWS ADOPTED PURSUANT TO THIS SECTION ONLY APPLY TO PARCELS
25 THAT ARE NOT:

26 (I) A STANDARD EXEMPT PARCEL;

27 (II) THE PORTION OF A PARCEL THAT INCLUDES LAND THAT IS A

1 PARK AND OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2);
2 (III) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;
3 OR
4 (IV) ON A SITE THAT IS:
5 (A) CURRENTLY USED FOR AN INDUSTRIAL USE;
6 (B) CURRENTLY ALLOWS INDUSTRIAL USES;
7 (C) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
8 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN;
9 (D) OWNED BY, USED BY, OR OPERATED BY AN AIRPORT; OR
10 (E) CURRENTLY USED AS A MOBILE HOME PARK, AS DEFINED IN
11 SECTION 38-12-201.5 (6).
12 (4) **Model code.** (a) (I) NO LATER THAN JUNE 30, 2024, THE
13 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
14 PROMULGATE A KEY CORRIDOR MODEL CODE.
15 (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
16 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
17 OF LOCAL AFFAIRS ON THE MODEL CODE PURSUANT TO SECTION 29-33-305.
18 (b) AT A MINIMUM, THE MODEL CODE MUST INCLUDE:
19 (I) A REQUIREMENT THAT A SUBJECT JURISDICTION ALLOW
20 MIXED-INCOME MULTIFAMILY HOUSING AS A USE BY RIGHT IN KEY
21 CORRIDORS WITH DENSITIES UP TO AT LEAST:
22 (A) FORTY DWELLING UNITS PER ACRE NET DENSITY ON ELIGIBLE
23 PARCELS IN KEY CORRIDORS DUE TO THEIR PROXIMITY TO COMMUTER BUS
24 RAPID TRANSIT SERVICE OR URBAN BUS RAPID TRANSIT SERVICE; AND
25 (B) THIRTY DWELLING UNITS PER ACRE NET DENSITY FOR ALL
26 OTHER ELIGIBLE PARCELS.
27 (II) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW

1 MIXED-USE DEVELOPMENT WITH COMMERCIAL USES ON THE FIRST FLOOR
2 IN CONJUNCTION WITH MIXED-INCOME MULTIFAMILY HOUSING.

3 (c) NOTHING IN THIS MODEL CODE SHALL PREVENT A SUBJECT
4 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN
5 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,
6 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS THE SUBJECT
7 JURISDICTION HAS ADOPTED A LOCAL INCLUSIONARY ZONING ORDINANCE
8 THAT APPLIES IN KEY CORRIDOR AREAS.

9 (d) REGULATED AFFORDABLE HOUSING UNITS WITHIN
10 MIXED-INCOME MULTIFAMILY HOUSING DEVELOPMENTS MUST BE SIMILAR
11 IN SIZE TO THE OTHER UNITS IN THE DEVELOPMENT.

12 (e) THE MODEL CODE MUST NOT ALLOW MINIMUM OFF-STREET
13 VEHICLE PARKING REQUIREMENTS IN CONNECTION WITH THE
14 CONSTRUCTION OR PERMITTING OF MIXED-INCOME MULTIFAMILY HOUSING
15 IN KEY CORRIDORS THAT ARE GREATER THAN ONE-HALF OF A VEHICLE
16 PARKING SPACE PER DWELLING UNIT, WHICH MAY BE ROUNDED UP IN THE
17 CASE OF AN ODD NUMBER OF DWELLING UNITS.

18 (5) **Minimum standards.** (a) NOTWITHSTANDING ANY LOCAL LAW
19 TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT THE
20 MODEL CODE SHALL CREATE OR UPDATE A ZONING DISTRICT OR DISTRICTS
21 WITHIN KEY CORRIDORS IN WHICH MULTIFAMILY HOUSING IS ALLOWED AS
22 A USE BY RIGHT. A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL
23 LAWS IN EFFECT THAT ESTABLISH A ZONING DISTRICT OR DISTRICTS THAT
24 MEET THE MINIMUM STANDARDS NEED NOT UPDATE LOCAL LAWS, AND
25 MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS
26 DEMONSTRATING SUCH COMPLIANCE.

27 (b) (I) THE MINIMUM AREA OF THE ZONING DISTRICT OR DISTRICTS

1 REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION AND ALLOWED BY
2 SUBSECTION (5)(d) OF THIS SECTION MUST IN TOTAL BE GREATER THAN OR
3 EQUAL TO THE GREATER OF:

4 (A) TWENTY-FIVE PERCENT OF THE AREA OF ELIGIBLE PARCELS IN
5 KEY CORRIDORS IN THE SUBJECT JURISDICTION; OR

6 (B) TEN PERCENT OF THE TOTAL AREA OF ELIGIBLE PARCELS IN THE
7 SUBJECT JURISDICTION.

8 (II) A SUBJECT JURISDICTION MAY CHOOSE TO INCLUDE PARCELS
9 THAT ARE NOT ELIGIBLE PARCELS IN THE CALCULATION OF THE AREA OF
10 ELIGIBLE PARCELS IN KEY CORRIDORS IN THE SUBJECT JURISDICTION.

11 (c) WITHIN THE ZONING DISTRICT OR DISTRICTS REQUIRED BY
12 SUBSECTION (5)(a) OF THIS SECTION, A SUBJECT JURISDICTION SHALL
13 ALLOW MULTIFAMILY HOUSING AS A USE BY RIGHT AT AN AVERAGE NET
14 DENSITY OF UP TO AT LEAST TWENTY-FIVE DWELLING UNITS PER ACRE.

15 (d) A SUBJECT JURISDICTION MAY ESTABLISH MULTIPLE ZONING
16 DISTRICTS THAT ALLOW DIFFERENT NET DENSITIES OF MULTIFAMILY
17 HOUSING IF THE AVERAGE NET DENSITY REQUIREMENT IN SUBSECTION
18 (5)(c) OF THIS SECTION IS MET ACROSS THE ZONING DISTRICT OR DISTRICTS
19 REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION. SUBJECT JURISDICTIONS
20 ARE ENCOURAGED TO LOCATE DISTRICTS IN CENTERS OR ALONG
21 CORRIDORS THAT ARE PLANNED FOR MIXED-USE, WALKABLE AREAS.

22 (e) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
23 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY
24 MEET THE AVERAGE NET DENSITY REQUIREMENTS ESTABLISHED IN THE
25 MINIMUM STANDARDS BY ADOPTING LOCAL LAWS APPLICABLE TO A
26 ZONING DISTRICT OR DISTRICTS COVERING AREAS OUTSIDE OF KEY
27 CORRIDORS IF THE ZONING DISTRICT OR DISTRICTS SATISFY THE AREA

1 REQUIREMENTS OF SUBSECTION (5)(b) OF THIS SECTION AND:

2 (I) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; AND

3 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
4 AREAS FOR TRANSIT-COMPATIBLE DEVELOPMENT, OR MIXED-USE,
5 WALKABLE CENTERS, IN OTHER STRATEGIC GROWTH AREAS, OR UTILIZES
6 ALTERNATE MEASUREMENT METHODS FOR DETERMINING THE EXTENT OF
7 A KEY CORRIDOR SUCH AS WALKING DISTRICT FROM TRANSIT STATIONS.

8 FOR THE PURPOSES OF THIS SUBSECTION (5)(e)(II):

9 (A) ESTABLISHED PLANNING AREAS MUST INCLUDE PLANS TO
10 ADDRESS ANY DEFICIENCIES IN PEDESTRIAN AND BICYCLE ACCESS; AND

11 (B) IN DETERMINING THE LOCATION OF ZONING DISTRICTS FOR KEY
12 CORRIDORS, A SUBJECT JURISDICTION SHALL CONSIDER THE DISPLACEMENT
13 RISK ASSESSMENT COMPLETED PURSUANT TO SECTION 29-33-107.

14 (f) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
15 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
16 NOT, IN THE ZONING DISTRICTS ESTABLISHED PURSUANT TO SUBSECTION
17 (5)(a) OF THIS SECTION, APPLY MINIMUM OFF-STREET VEHICLE PARKING
18 REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING
19 OF MULTIFAMILY HOUSING IN KEY CORRIDORS THAT ARE GREATER THAN
20 ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE
21 ROUNDED UP IN THE CASE OF AN ODD NUMBER OF DWELLING UNITS.

22 (g) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
23 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
24 ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING MULTIFAMILY
25 HOUSING IN KEY CORRIDORS THAT USE OBJECTIVE STANDARDS AND
26 OBJECTIVE PROCEDURES.

27 (h) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES

1 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
2 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

3 **(6) Adoption of a model code and minimum standards.** (a) NO
4 LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION SHALL:

5 (I) ADOPT LOCAL LAWS CONCERNING KEY CORRIDORS THAT
6 SATISFY THE MINIMUM STANDARDS; OR

7 (II) ADOPT THE MODEL CODE.

8 (b) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
9 REQUIREMENTS OF SUBSECTION (6)(a) OF THIS SECTION BEFORE
10 DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY
11 FOR ALL ELIGIBLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT
12 DENY OR CONDITION APPROVAL OF AN APPLICATION FOR A MIXED-INCOME
13 MULTIFAMILY HOUSING PROJECT ON AN ELIGIBLE PARCEL ON A BASIS THAT
14 IS INCONSISTENT WITH THE MODEL CODE, AS SPECIFIED IN SUBSECTION (4)
15 OF THIS SECTION, UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES
16 THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH
17 THE MINIMUM STANDARDS.

18 (c) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
19 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
20 PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION, THE DECISIONS OF THE
21 SUBJECT JURISDICTION SHALL BE CONSISTENT WITH THE MODEL CODE AND
22 THE SUBJECT JURISDICTION SHALL:

23 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
24 MIXED-INCOME MULTIFAMILY HOUSING PROJECT SATISFIES THE MODEL
25 CODE AND, IF THE SUBJECT JURISDICTION DETERMINES THAT THE PROJECT
26 SATISFIES THE MODEL CODE, THE SUBJECT JURISDICTION SHALL APPROVE
27 THE PROJECT; AND

1 (II) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
2 CONTRAVENE THE MODEL CODE.

3 (7) **Subject jurisdiction restrictions.** (a) NOTHING IN THIS PART
4 3, THE MODEL CODE, OR THE MINIMUM STANDARDS PREVENTS A SUBJECT
5 JURISDICTION FROM:

6 (I) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
7 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
8 12101 ET SEQ., AS AMENDED, OR OTHERWISE PROVIDING PARKING SIGNED
9 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

10 (II) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE
11 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES, IN
12 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5, OR THE
13 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF
14 PART 2 OF ARTICLE 20 OF TITLE 29;

15 (III) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN
16 KEY CORRIDORS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
17 29-20-104 (1)(e.5) AND (1)(e.7) AND SUBJECT TO PART 2 OF ARTICLE 20
18 OF TITLE 29;

19 (IV) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
20 HOUSING IN KEY CORRIDORS;

21 (V) PERMITTING MIXED-USE DEVELOPMENT IN A KEY CORRIDOR;

22 (VI) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A KEY
23 CORRIDOR; OR

24 (VII) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
25 DISTRICT TO A PARCEL IN A KEY CORRIDOR ON WHICH HOUSING IS
26 ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO
27 DEMOLITION.

1 **29-33-304. Public comment and hearing process.** (1) IN
2 DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE
4 MULTI-AGENCY ADVISORY COMMITTEE CREATED IN SECTION 29-33-103
5 (1), RURAL RESORT AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103
6 (8), AND THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION
7 29-33-103 (9), SHALL CONDUCT A PUBLIC COMMENT AND HEARING
8 PROCESS CONCERNING THE CREATION OF:

9 (a) A MODEL CODE FOR TRANSIT-ORIENTED AREAS PURSUANT TO
10 SECTION 29-33-302 (3)(a)(I); AND

11 (b) A KEY CORRIDOR MODEL CODE PURSUANT TO SECTION
12 29-33-303 (4)(a).

13 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
14 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON EACH
15 MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:

16 (a) PROVIDE PUBLIC NOTICE OF AND HOLD AT LEAST TWO PUBLIC
17 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
18 COMMENT ON THE MODEL CODE;

19 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
20 MODEL CODE;

21 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
22 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

23 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, RACIAL EQUITY
24 AND HOMELESSNESS PREVENTION, AFFORDABLE HOUSING, FAIR HOUSING,
25 PLANNING, ZONING, AND RELATED FIELDS.

26 **29-33-305. Exemption or extension.** (1) NO LATER THAN JUNE
27 30, 2024, A SUBJECT JURISDICTION MAY NOTIFY THE DEPARTMENT OF

1 LOCAL AFFAIRS THAT AN EXEMPTION OR AN EXTENSION IS NECESSARY
2 FROM THE REQUIREMENTS OF SECTION 29-33-302 (5) OR 29-33-303 (6).

3 (2) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
4 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
5 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
6 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
7 EXPECTS SUCH SERVICES TO BECOME DEFICIENT IN THE NEXT FIVE YEARS.
8 AS USED IN THIS SUBSECTION (2), "DEFICIENT" MEANS, IN REFERENCE TO
9 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
10 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
11 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
12 APPLICABLE, ISSUES CONCERNING:

- 13 (a) WATER SUPPLY;
- 14 (b) WASTEWATER TREATMENT CAPACITY;
- 15 (c) WATER DISTRIBUTION AND WASTEWATER COLLECTION
16 CAPACITY; OR
- 17 (d) STORMWATER MANAGEMENT CAPACITY.

18 (3) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
19 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (2) OF THIS
20 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
21 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
22 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
23 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
24 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN INCLUDED
25 IN THE NOTICE.

26 (4) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
27 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SECTION.

1 (5) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO
2 SUBJECT JURISDICTIONS WITH BOTH A POPULATION OF LESS THAN
3 TWENTY-FIVE THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME
4 OF LESS THAN FIFTY-FIVE THOUSAND DOLLARS, IF THE SUBJECT
5 JURISDICTION SENDS A LETTER TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
6 A FORM AND MANNER DETERMINED BY THE DEPARTMENT, INDICATING
7 THAT THE SUBJECT JURISDICTION DOES NOT INTEND TO COMPLY WITH THIS
8 SECTION.

9 (6) (a) A SUBJECT JURISDICTION MAY PROPOSE ALTERNATIVE
10 DATES IN LIEU OF THE DEADLINES IN THIS PART 3 TO THE DEPARTMENT OF
11 LOCAL AFFAIRS FOR APPROVAL IF THE PROPOSAL DEMONSTRATES A PLAN
12 FOR AND PROGRESS TOWARDS ACHIEVING COMPLIANCE WITH THIS PART 3.
13 A SUBMITTED PROPOSAL FOR ALTERNATIVE DATES MUST INCLUDE:

14 (I) A DESCRIPTION OF WORK ALREADY UNDERWAY, IF ANY, TO
15 COMPLY WITH THE MINIMUM STANDARDS SET FORTH IN THIS PART 3; AND

16 (II) PROPOSED ALTERNATIVE DATES FOR COMPLIANCE WITH THE
17 MINIMUM STANDARDS SET FORTH IN THIS PART 3.

18 (b) THE DEPARTMENT OF LOCAL AFFAIRS MAY ISSUE GUIDANCE AS
19 NECESSARY TO IMPLEMENT THIS SUBSECTION (6).

20 **29-33-306. Report.** (1) (a) NO LATER THAN JUNE 30, 2025, A
21 SUBJECT JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL
22 AFFAIRS, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT,
23 REPORTS DEMONSTRATING EVIDENCE OF COMPLIANCE WITH EITHER THE
24 MODEL CODES REQUIRED BY SECTIONS 29-33-302 (3) AND 29-33-303 (4)
25 OR THE MINIMUM STANDARDS SET FORTH IN SECTIONS 29-33-302 (4) AND
26 29-33-303 (5).

27 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN

1 SUBSECTION (1) (a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
2 SHALL REVIEW AND APPROVED THE SUBMITTED REPORT OR REJECT THE
3 REPORT AND PROVIDE FEEDBACK TO A SUBJECT JURISDICTION. THE
4 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A SUBJECT JURISDICTION AN
5 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
6 LOCAL LAWS AND RESUBMIT A REPORT.

7 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
8 JURISDICTION'S REPORT, THE RELEVANT MODEL CODE GOES INTO EFFECT
9 IMMEDIATELY IN THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
10 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
11 ADOPTED LAWS THAT COMPLY WITH THE RELEVANT MINIMUM STANDARDS.

12 (2) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROVIDE TECHNICAL
13 ASSISTANCE OR FUNDING TO METROPOLITAN PLANNING ORGANIZATIONS
14 AND SUBJECT JURISDICTIONS TO ADOPT MINIMUM STANDARDS FOR
15 TRANSIT-ORIENTED AREAS AND KEY CORRIDORS THAT SUPPORT REGIONAL
16 PLANNING GOALS.

17 **SECTION 3.** In Colorado Revised Statutes, 24-32-705, add (8)
18 as follows:

19 **24-32-705. Functions of division. (8)** THE DIVISION SHALL
20 CONSULT WITH THE MULTI-AGENCY ADVISORY COMMITTEE CREATED IN
21 SECTION 29-33-103 ON FACTORY-BUILT STRUCTURES AND TINY HOMES
22 CREATED IN SECTION 24-32-3305 (3), TO PRODUCE A REPORT NO LATER
23 THAN JUNE 30, 2024, ON THE OPPORTUNITIES AND BARRIERS IN CURRENT
24 STATE LAWS AND REGULATIONS CONCERNING THE BUILDING OF
25 MANUFACTURED HOMES, MODULAR HOMES, AND TINY HOMES.

26 **SECTION 4.** In Colorado Revised Statutes, 24-32-3303, amend
27 (1)(c) as follows:

1 **24-32-3303. Division of housing - powers and duties - rules.**

2 (1) The division has the following powers and duties pursuant to this part
3 33:

4 (c) To review and approve quality assurance representatives that
5 intend to perform FINAL CONSTRUCTION PLAN REVIEWS, inspections, and
6 issue insignia of approval pursuant to this part 33;

7 **SECTION 5.** In Colorado Revised Statutes, 24-34-104, add
8 (28)(a)(XI) as follows:

9 **24-34-104. General assembly review of regulatory agencies**
10 **and functions for repeal, continuation, or reestablishment - legislative**
11 **declaration - repeal.** (28) (a) The following agencies, functions, or
12 both, are scheduled for repeal on September 1, 2027:

13 (XI) THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING
14 AFFORDABLE HOUSING AND HOMELESSNESS CREATED IN SECTION
15 29-33-116 AND THE TASK FORCE CONCERNING AFFORDABLE HOUSING AND
16 HOMELESSNESS CREATED IN SECTION 29-33-117.

17 **SECTION 6.** In Colorado Revised Statutes, 24-48.5-101, add (8)
18 as follows:

19 **24-48.5-101. Colorado office of economic development -**
20 **creation - duties - report - consideration of strategic growth**
21 **objectives required.** (8) (a) TO THE EXTENT PRACTICABLE, THE OFFICE
22 OF ECONOMIC DEVELOPMENT MUST PRIORITIZE GRANTS AND INCENTIVES
23 THAT ALIGN WITH STRATEGIC GROWTH OBJECTIVES AND STRATEGIC
24 GROWTH AREAS.

25 (b) The office of economic development must coordinate with the
26 economic development commission created pursuant to 24-46-102 and
27 the multi-agency advisory committee created pursuant to 29-33-103 to

1 establish strategic growth objectives that align statewide housing,
2 transportation, and economic development goals. the economic
3 development commission must provide initial strategic growth objectives
4 in their annual report to the general assembly by November 1, 2024, and
5 in subsequent annual reports provide an update on investments that align
6 with the established strategic growth objectives and strategic growth
7 areas.

8 **SECTION 7.** In Colorado Revised Statutes, 24-67-105, **add** (5.5)
9 as follows:

10 **24-67-105. Standards and conditions for planned unit**
11 **development - definitions.** (5.5) (a) AS USED IN THIS SUBSECTION (5.5),
12 UNLESS THE CONTEXT OTHERWISE REQUIRES:

13 (1) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET
14 FORTH IN SECTION 29-33-102 (2).

15 (2) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN
16 SECTION 29-33-303 (1) (b).

17 (3) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
18 FORTH IN SECTION 29-33-102 (41).

19 (b) A PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE
20 ADOPTED PURSUANT TO THIS ARTICLE 67, IF THE PLANNED UNIT
21 DEVELOPMENT HAS A RESIDENTIAL USE, MUST NOT RESTRICT THE
22 PERMITTING OF ACCESSORY DWELLING UNITS, HOUSING IN
23 TRANSIT-ORIENTED AREAS, OR HOUSING IN KEY CORRIDORS IN THE
24 JURISDICTIONS AND AREAS TO WHICH ARTICLE 33 OF TITLE 29 APPLIES IN
25 ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF TITLE 29.

26 (c) ANY PROVISION OF A PLANNED UNIT DEVELOPMENT APPROVED
27 PRIOR TO THE ADOPTION OF SUBSECTION (5.5)(a) OF THIS SECTION, AND

1 WHICH FAILS TO CONFORM TO THE REQUIREMENTS OF THAT SUBSECTION
2 (5.5)(a), SHALL BE DEEMED SUPERSEDED BY THE ADOPTION OF A LOCAL
3 LAW OR IMPLEMENTATION OF A MODEL CODE PURSUANT TO ARTICLE 33 OF
4 TITLE 29. NOTWITHSTANDING THIS SUBSECTION (5.5)(b), A LOCAL
5 GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY SUCH
6 PLANNED UNIT DEVELOPMENT.

7 **SECTION 8.** In Colorado Revised Statutes, add 29-20-110 as
8 follows:

9 **29-20-110. Local government residential occupancy limits -**
10 **definitions.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT
11 OCCUPANCY LIMITS AND THE INCREASED AVAILABILITY OF HOUSING IS A
12 MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

13 (2) BEGINNING JANUARY 1, 2024, NOTWITHSTANDING ANY OTHER
14 PROVISION TO THE CONTRARY, A LOCAL GOVERNMENT SHALL NOT ENACT
15 OR ENFORCE RESIDENTIAL OCCUPANCY LIMITS THAT DIFFER BASED ON THE
16 RELATIONSHIPS OF THE OCCUPANTS OF A DWELLING. HOWEVER, IF A
17 MUNICIPALITY HAS AN INSTITUTION OF HIGHER EDUCATION WITHIN ITS
18 BOUNDARIES, AND THE NUMBER OF PEOPLE ENROLLED IN THAT
19 INSTITUTION OF HIGHER EDUCATION DURING THE ACADEMIC YEAR IS
20 EQUAL TO OR GREATER THAN TWENTY-FIVE PERCENT OF THE
21 MUNICIPALITY'S RESIDENTIAL POPULATION, THAT MUNICIPALITY MAY
22 ENACT OR ENFORCE RESIDENTIAL OCCUPANCY LIMITS ON MORE THAN FIVE
23 UNRELATED PEOPLE LIVING IN ONE DWELLING.

24 (3) NOTHING IN THIS SECTION PREVENTS A LOCAL GOVERNMENT
25 FROM ESTABLISHING RESIDENTIAL OCCUPANCY LIMITS FOR DWELLING
26 UNITS FOR SHORT-TERM RENTALS, AS DEFINED IN SECTION 29-33-102 (35).

27 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

2 (a) "DWELLING" MEANS ANY IMPROVED REAL PROPERTY, OR
3 PORTION THEREOF, THAT IS USED OR INTENDED TO BE USED AS A
4 RESIDENCE.

5 (b) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
6 CITY, TOWN, TERRITORIAL CITY OR TOWN, CITY AND COUNTY, OR COUNTY
7 OR HOME RULE COUNTY.

8 **SECTION 9.** In Colorado Revised Statutes, 30-28-106, **repeal**
9 **and reenact, with amendments, (3)(a); and add (3)(a.5), (8), (9),**
10 **(10), and (11) as follows:**

11 **30-28-106. Adoption of master plan - contents. (3) (a) THE**
12 MASTER PLAN OF A COUNTY OR REGION, WITH THE ACCOMPANYING MAPS,
13 PLATS, CHARTS, AND DESCRIPTIVE AND EXPLANATORY MATTER, MUST
14 SHOW THE COUNTY OR REGIONAL PLANNING COMMISSION'S
15 RECOMMENDATIONS FOR THE DEVELOPMENT OF THE TERRITORY COVERED
16 BY THE PLAN. THE MASTER PLAN OF A COUNTY OR REGION IS AN ADVISORY
17 DOCUMENT TO GUIDE LAND DEVELOPMENT DECISIONS; HOWEVER, THE
18 PLAN OR ANY PART THEREOF MAY BE MADE BINDING BY INCLUSION IN THE
19 COUNTY'S OR REGION'S ADOPTED SUBDIVISION, ZONING, PLATTING,
20 PLANNED UNIT DEVELOPMENT, OR OTHER SIMILAR LAND DEVELOPMENT
21 REGULATIONS AFTER SATISFYING NOTICE, DUE PROCESS, AND HEARING
22 REQUIREMENTS FOR LEGISLATIVE OR QUASI-JUDICIAL PROCESSES AS
23 APPROPRIATE. A MASTER PLAN ADOPTED OR AMENDED ON OR AFTER JUNE
24 30, 2025, MUST INCLUDE:

25 (I) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
26 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
27 REPORT CREATED IN SECTION 29-33-110;

1 (II) A HOUSING ELEMENT;

2 (III) FOR COUNTIES WITH A POPULATION OF GREATER THAN TWO
3 HUNDRED FIFTY THOUSAND, A STRATEGIC GROWTH ELEMENT THAT MUST
4 INCLUDE;

5 (A) THE INFORMATION RELEVANT TO THE COUNTY CONTAINED IN
6 THE REGIONAL STRATEGIC GROWTH AND HOUSING MIX ANALYSIS
7 CONDUCTED PURSUANT TO SECTION 29-33-105 (8)(a) AND AN ANALYSIS
8 OF HOW THE COUNTY IS INCLUDING THIS INFORMATION IN THE MASTER
9 PLAN;

10 (B) THE IDENTIFICATION OF ADDITIONAL LOCAL STRATEGIC
11 GROWTH AREAS;

12 (C) THE IDENTIFICATION OF TRANSPORTATION, UTILITY, AND
13 OTHER INFRASTRUCTURE GAPS AND INFRASTRUCTURE PROJECTS,
14 PREFERABLY WITHIN A CAPITAL IMPROVEMENT PLAN, THAT WOULD
15 ENABLE STRATEGIC GROWTH AREAS TO BE DEVELOPED OR REDEVELOPED;
16 AND

17 (D) THE IDENTIFICATION OF ZONING REFINEMENTS AND DENSITIES
18 NECESSARY TO ACCOMMODATE THE HOUSING NEEDS INCLUDED IN
19 HOUSING NEEDS ASSESSMENTS, AND TO MEET STRATEGIC GROWTH
20 OBJECTIVES FOR STRATEGIC GROWTH AREAS.

21 (IV) (A) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE
22 AND SUITABLE SUPPLY OF WATER;

23 (B) IN COMPLETING A WATER SUPPLY ELEMENT, THE PLANNING
24 COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR
25 USE WITHIN THE COUNTY OR REGION TO ENSURE COORDINATION ON WATER
26 SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT MUST
27 IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS

1 OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED
2 OR IDENTIFIED IN THE PLANNING PROCESS;

3 (C) THE WATER SUPPLY ELEMENT MUST INCLUDE WATER
4 CONSERVATION POLICIES, TO BE DETERMINED BY THE COUNTY, WHICH
5 MAY INCLUDE GOALS AND ACTIONS SPECIFIED IN THE STATE WATER PLAN
6 ADOPTED PURSUANT TO SECTION 37-60-106.3 AND MAY INCLUDE POLICIES
7 TO IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER PLAN
8 GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING
9 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND
10 ZONING CHANGES.

11 (D) THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION
12 24-1-125 MAY HIRE AND EMPLOY ONE FULL-TIME EMPLOYEE TO PROVIDE
13 EDUCATIONAL RESOURCES AND ASSISTANCE TO COUNTIES THAT INCLUDE
14 WATER CONSERVATION POLICIES IN THEIR MASTER PLANS AS DESCRIBED
15 IN SUBSECTION (3)(a)(IV)(C) OF THIS SECTION.

16 (a.5) AFTER CONSIDERATION OF EACH OF THE FOLLOWING, WHERE
17 APPLICABLE OR APPROPRIATE, THE MASTER PLAN MAY INCLUDE:

18 (I) THE GENERAL LOCATION, CHARACTER, AND EXTENT OF
19 EXISTING, PROPOSED, OR PROJECTED STREETS OR ROADS, RIGHTS-OF-WAY,
20 VIADUCTS, BRIDGES, WATERWAYS, WATERFRONTS, PARKWAYS,
21 HIGHWAYS, MASS TRANSIT ROUTES AND CORRIDORS, AND ANY
22 TRANSPORTATION PLAN PREPARED BY ANY METROPOLITAN PLANNING
23 ORGANIZATION THAT COVERS ALL OR A PORTION OF THE COUNTY OR
24 REGION AND THAT THE COUNTY OR REGION HAS RECEIVED NOTIFICATION
25 OF OR, IF THE COUNTY OR REGION IS NOT LOCATED IN AN AREA COVERED
26 BY A METROPOLITAN PLANNING ORGANIZATION, ANY TRANSPORTATION
27 PLAN PREPARED BY THE DEPARTMENT OF TRANSPORTATION THAT THE

1 COUNTY OR REGION HAS RECEIVED NOTIFICATION OF AND THAT APPLIES TO
2 THE COUNTY OR REGION;

3 (II) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
4 INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR
5 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS,
6 PLAYGROUNDS, FORESTS, RESERVATIONS, SQUARES, PARKS, AIRPORTS,
7 AVIATION FIELDS, MILITARY INSTALLATIONS, AND OTHER PUBLIC WAYS,
8 GROUND, OPEN SPACES, TRAILS, AND DESIGNATED FEDERAL, STATE, AND
9 LOCAL WILDLIFE AREAS. FOR PURPOSES OF THIS SECTION, "MILITARY
10 INSTALLATION" HAS THE SAME MEANING AS SPECIFIED IN SECTION
11 29-20-105.6 (2)(b).

12 (III) THE GENERAL LOCATION AND EXTENT OF PUBLIC UTILITIES,
13 TERMINALS, CAPITAL FACILITIES, AND TRANSFER FACILITIES, WHETHER
14 PUBLICLY OR PRIVATELY OWNED, FOR WATER, LIGHT, POWER, SANITATION,
15 TRANSPORTATION, COMMUNICATION, HEAT, AND OTHER PURPOSES, AND
16 ANY PROPOSED OR PROJECTED NEEDS FOR CAPITAL FACILITIES AND
17 UTILITIES, INCLUDING THE PRIORITIES, ANTICIPATED COSTS, AND FUNDING
18 PROPOSALS FOR SUCH FACILITIES AND UTILITIES;

19 (IV) THE ACCEPTANCE, WIDENING, REMOVAL, EXTENSION,
20 RELOCATION, NARROWING, VACATION, ABANDONMENT, MODIFICATION, OR
21 CHANGE OF USE OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
22 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
23 OF OTHER COUNTIES, REGIONS, OR MUNICIPALITIES, GROUND, OPEN
24 SPACES, BUILDINGS, PROPERTIES, UTILITIES, OR TERMINALS, REFERRED TO
25 IN SUBSECTIONS (1)(a.5)(I) THROUGH (1)(a.5)(IV) OF THIS SECTION;

26 (V) METHODS FOR ASSURING ACCESS TO APPROPRIATE CONDITIONS
27 FOR SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING

1 GEOTHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
2 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
3 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
4 GENERATION;

5 (VI) THE GENERAL CHARACTER, LOCATION, AND EXTENT OF
6 COMMUNITY CENTERS, TOWNSITES, HOUSING DEVELOPMENTS, WHETHER
7 PUBLIC OR PRIVATE, THE EXISTING, PROPOSED, OR PROJECTED LOCATION
8 OF RESIDENTIAL NEIGHBORHOODS AND SUFFICIENT LAND FOR FUTURE
9 HOUSING DEVELOPMENT FOR THE EXISTING AND PROJECTED ECONOMIC
10 AND OTHER NEEDS OF ALL CURRENT AND ANTICIPATED RESIDENTS OF THE
11 COUNTY OR REGION, AND URBAN CONSERVATION OR REDEVELOPMENT
12 AREAS. IF A COUNTY OR REGION HAS ENTERED INTO A REGIONAL PLANNING
13 AGREEMENT, SUCH AGREEMENT MAY BE INCORPORATED BY REFERENCE
14 INTO THE MASTER PLAN.

15 (VII) THE GENERAL SOURCE AND EXTENT OF FORESTS,
16 AGRICULTURAL AREAS, FLOOD CONTROL AREAS, AND OPEN DEVELOPMENT
17 AREAS FOR PURPOSES OF CONSERVATION, FOOD AND WATER SUPPLY,
18 SANITARY AND DRAINAGE FACILITIES, FLOOD CONTROL, OR THE
19 PROTECTION OF URBAN DEVELOPMENT;

20 (VIII) A LAND CLASSIFICATION AND UTILIZATION PROGRAM;

21 (IX) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS
22 TO ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED
23 INCREMENTS OF TIME. THE COUNTY OR REGION MAY BASE THESE
24 PROJECTIONS UPON DATA FROM THE DEPARTMENT OF LOCAL AFFAIRS AND
25 UPON THE COUNTY'S OR REGION'S LOCAL OBJECTIVES.

26 (X) THE LOCATION OF AREAS CONTAINING STEEP SLOPES,
27 GEOLOGICAL HAZARDS, ENDANGERED OR THREATENED SPECIES,

1 WETLANDS, FLOODPLAINS, FLOODWAYS, AND FLOOD RISK ZONES, HIGHLY
2 ERODIBLE LAND OR UNSTABLE SOILS, AND WILDFIRE HAZARDS. FOR
3 PURPOSES OF DETERMINING THE LOCATION OF SUCH AREAS, THE PLANNING
4 COMMISSION SHALL CONSIDER THE FOLLOWING SOURCES FOR GUIDANCE:

5 (A) THE COLORADO GEOLOGICAL SURVEY FOR DEFINING AND
6 MAPPING GEOLOGICAL HAZARDS;

7 (B) THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE
8 UNITED STATES DEPARTMENT OF THE INTERIOR AND THE PARKS AND
9 WILDLIFE COMMISSION CREATED IN SECTION 33-9-101, FOR LOCATING
10 AREAS INHABITED BY ENDANGERED OR THREATENED SPECIES;

11 (C) THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE
12 UNITED STATES FISH AND WILDLIFE SERVICE NATIONAL WETLANDS
13 INVENTORY FOR DEFINING AND MAPPING WETLANDS;

14 (D) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
15 DEFINING AND MAPPING FLOODPLAINS, FLOODWAYS, AND FLOOD RISK
16 ZONES;

17 (E) THE NATURAL RESOURCES CONSERVATION SERVICE OF THE
18 UNITED STATES DEPARTMENT OF AGRICULTURE FOR DEFINING AND
19 MAPPING UNSTABLE SOILS AND HIGHLY ERODIBLE LAND; AND

20 (F) THE COLORADO STATE FOREST SERVICE FOR LOCATING
21 WILDFIRE HAZARD AREAS.

22 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
23 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH RELEVANT
24 ENTITIES TO ENSURE THAT THE ADOPTION OR AMENDING OF THE MASTER
25 PLAN IS AN INCLUSIVE PROCESS.

26 
27 (9) NOT LESS THAN SIXTY DAYS PRIOR TO ADOPTING OR AMENDING

1 THE MASTER PLAN, A COUNTY OR REGIONAL PLANNING COMMISSION SHALL
2 SUBMIT THE MASTER PLAN TO THE DIVISION OF LOCAL GOVERNMENT IN
3 THE DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL
4 GOVERNMENT SHALL REVIEW THESE MASTER PLANS AND MAY PROVIDE
5 COMMENTS TO THE COUNTY OR COMMISSION. THE DIVISION SHALL
6 PROVIDE COMMENTS IN WRITING DESCRIBING THE EXTENT TO WHICH THE
7 MASTER PLAN MEETS OR DOES NOT MEET THE REQUIREMENTS OF THIS
8 SECTION. THE DEPARTMENT OF LOCAL AFFAIRS MAY HIRE AND EMPLOY
9 ONE FULL-TIME EMPLOYEE TO PROVIDE EDUCATIONAL RESOURCES AND
10 ASSISTANCE TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS
11 SECTION.

12 (10) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR AMENDING
13 THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE MASTER PLAN TO
14 THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL
15 AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW THE
16 MASTER PLAN TO ENSURE THE MASTER PLAN COMPLIES WITH THE
17 REQUIREMENTS OF THIS SECTION. THE DIVISION OF LOCAL GOVERNMENT
18 SHALL PUBLISH AND MAINTAIN A DATABASE OF ADOPTED AND AMENDED
19 MASTER PLANS THAT HAVE BEEN SUBMITTED IN ACCORDANCE WITH THIS
20 SECTION; AND

21 (11) A COUNTY SUBJECT TO THIS SECTION SHALL REVIEW AND, IF
22 NEEDED, REVISE ITS MASTER PLAN TO ENSURE THE MASTER PLAN COMPLIES
23 WITH THE REQUIREMENTS OF THIS SECTION AT LEAST EVERY TEN YEARS.
24 A COUNTY MAY UTILIZE EXISTING PLANNING INFORMATION AND ANALYSIS
25 TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION (11) IF THE
26 INFORMATION OR ANALYSIS IS NOT MORE THAN FIVE YEARS OLD.

27 **SECTION 10.** In Colorado Revised Statutes, 31-15-713, add

1 (1)(d) as follows:

2 **31-15-713. Power to sell public works - real property.** (1) The
3 governing body of each municipality has the power:

4 (d) NOTWITHSTANDING SUBSECTIONS (1)(a) AND (1)(b) OF THIS
5 SECTION, TO SELL AND DISPOSE OF, BY ORDINANCE, ANY PUBLIC BUILDING
6 OR REAL PROPERTY OWNED BY A MUNICIPALITY THAT IS HELD FOR
7 GOVERNMENT PURPOSES OTHER THAN PARK PURPOSES, IF THE SALE AND
8 DISPOSITION OF THE PUBLIC BUILDING OR REAL PROPERTY IS FOR THE
9 PURPOSE OF PROVIDING PROPERTY TO BE USED FOR THE DEVELOPMENT OF
10 AFFORDABLE HOUSING, AS THE TERM IS DEFINED IN SECTION 29-33-102 (3).
11 THE GOVERNING BODY SHALL DETERMINE THE TERMS AND CONDITIONS OF
12 THE SALE AND DISPOSITION AT A REGULAR OR SPECIAL MEETING AND
13 SHALL MAKE THESE TERMS AND CONDITIONS PUBLICLY AVAILABLE.

14 **SECTION 11.** In Colorado Revised Statutes, 31-23-301, amend
15 (5)(b)(I)(A) and (5)(b)(I)(B); add (5)(a)(III), (5)(a)(IV), (5)(a)(V),
16 (5)(b)(I.5), and (5)(c) as follows

17 **31-23-301. Grant of power.** (5) (a) As used in this subsection
18 (5), unless the context otherwise requires:

19 (III) "MANUFACTURED HOME" HAS THE SAME MEANING AS SET
20 FORTH IN SECTION 24-32-3302 (20).

21 (IV) "MODULAR HOME" HAS THE SAME MEANING AS SET FORTH IN
22 SECTION 24-32-3302 (25).

23 (b) (I) No municipality may have or enact zoning regulations,
24 subdivision regulations, or any other regulation affecting development
25 that exclude or have the effect of excluding homes from the municipality
26 that are:

27 (A) Homes certified by the division of housing created in section

1 24-32-704 or a party authorized to act on its behalf; THE APPROVAL
2 PROCESSES OF MODULAR HOMES SHALL BE BASED ON OBJECTIVE
3 STANDARDS, AS DEFINED IN SECTION 29-33-102 (27), AND
4 ADMINISTRATIVE REVIEW THAT ARE EQUIVALENT TO THAT REQUIRED FOR
5 SITE-BUILT HOMES, UNLESS A MUNICIPALITY REGULATES SITE-BUILT
6 HOMES THROUGH A DISCRETIONARY REVIEW PROCESS, AS DEFINED IN
7 SECTION 29-33-102 (9), IN WHICH CASE A MUNICIPALITY MAY USE AN
8 EQUIVALENT REVIEW PROCESS FOR A MODULAR HOME AND A SITE-BUILT
9 HOME;

10 (B) Homes certified by the United States department of housing
11 and urban development through its office of manufactured housing
12 programs, a successor agency, or a party authorized to act on its behalf.

13 THE APPROVAL PROCESSES OF MANUFACTURED HOMES SHALL BE BASED
14 ON OBJECTIVE STANDARDS AND ADMINISTRATIVE REVIEW THAT ARE
15 EQUIVALENT TO THAT REQUIRED FOR SITE-BUILT HOMES, UNLESS A
16 MUNICIPALITY REGULATES SITE-BUILT HOMES THROUGH A DISCRETIONARY
17 REVIEW PROCESS, AS DEFINED IN SECTION 29-33-102 (9), IN WHICH CASE
18 A MUNICIPALITY MAY USE AN EQUIVALENT REVIEW PROCESS FOR A
19 MANUFACTURED HOME AND A SITE-BUILT HOME. or

20 (b) (I.5) A MUNICIPALITY SHALL NOT IMPOSE MORE RESTRICTIVE
21 STANDARDS ON MANUFACTURED AND MODULAR HOMES THAN THOSE THE
22 MUNICIPALITY APPLIES TO SITE BUILT HOMES IN THE SAME RESIDENTIAL
23 ZONES. RESTRICTIVE STANDARDS INCLUDE ZONING REGULATIONS,
24 SUBDIVISION REGULATIONS, AND ANY OTHER REGULATION AFFECTING
25 DEVELOPMENT SUCH AS REQUIREMENTS RELATING TO:

26 (A) PERMANENT FOUNDATIONS;

27 (B) MINIMUM FLOOR SPACE;

1 (C) HOME SIZE OR SECTIONAL REQUIREMENTS;

2 (D) IMPROVEMENT LOCATION STANDARDS;

3 (E) SIDE YARD STANDARDS; AND

4 (F) SETBACK STANDARDS.

5 (c) FOR PURPOSES OF SUBSECTION (5)(b) OF THIS SECTION, THE
6 GENERAL ASSEMBLY FINDS AND DECLARES THAT CREATING ADDITIONAL
7 HOUSING BY ALLOWING MANUFACTURED HOMES AND MODULAR HOMES IS
8 A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

9 **SECTION 12.** In Colorado Revised Statutes, 31-23-301, **add (6)**
10 **as follows:**

11 **31-23-301. Grant of power. (6)** NEITHER A TIER ONE URBAN
12 MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (33) OR A TIER TWO
13 URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (34) SHALL
14 IMPOSE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL
15 UNITS IN THE APPROVAL OF RESIDENTIAL DWELLING UNIT CONSTRUCTION
16 PERMITS UNLESS DOING SO IS NECESSARY FOR HEALTH AND SAFETY IN THE
17 URBAN MUNICIPALITY.

18 **SECTION 13.** In Colorado Revised Statutes, 31-23-206, **repeal**
19 **and reenact, with amendments, (1); and add (1.5), (8), (9), (10), and**
20 **(11) as follows:**

21 **31-23-206. Master plan. (1)** IT IS THE DUTY OF THE COMMISSION
22 TO MAKE AND ADOPT A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT
23 OF THE MUNICIPALITY, INCLUDING ANY AREAS OUTSIDE ITS BOUNDARIES,
24 SUBJECT TO THE APPROVAL OF THE GOVERNMENTAL BODY HAVING
25 JURISDICTION THEREOF, THAT IN THE COMMISSION'S JUDGMENT BEAR
26 RELATION TO THE PLANNING OF THE MUNICIPALITY. THE MASTER PLAN OF
27 A MUNICIPALITY IS AN ADVISORY DOCUMENT TO GUIDE LAND

1 DEVELOPMENT DECISIONS; HOWEVER, THE PLAN OR ANY PART THEREOF
2 MAY BE MADE BINDING BY INCLUSION IN THE MUNICIPALITY'S ADOPTED
3 SUBDIVISION, ZONING, PLATTING, PLANNED UNIT DEVELOPMENT, OR OTHER
4 SIMILAR LAND DEVELOPMENT REGULATIONS AFTER SATISFYING NOTICE,
5 DUE PROCESS, AND HEARING REQUIREMENTS FOR LEGISLATIVE OR
6 QUASI-JUDICIAL PROCESSES AS APPROPRIATE. WHEN A COMMISSION
7 DECIDES TO ADOPT A MASTER PLAN, THE COMMISSION SHALL CONDUCT
8 PUBLIC HEARINGS, AFTER NOTICE OF SUCH PUBLIC HEARINGS HAS BEEN
9 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
10 MUNICIPALITY IN A MANNER SUFFICIENT TO NOTIFY THE PUBLIC OF THE
11 TIME, PLACE, AND NATURE OF THE PUBLIC HEARING, PRIOR TO FINAL
12 ADOPTION OF A MASTER PLAN IN ORDER TO ENCOURAGE PUBLIC
13 PARTICIPATION IN AND AWARENESS OF THE DEVELOPMENT OF SUCH PLAN
14 AND SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS
15 THROUGHOUT THE PROCESS OF DEVELOPING THE PLAN. THE PLAN,
16 ADOPTED OR AMENDED ON OR AFTER JUNE 30, 2025, WITH THE
17 ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE MATTER, MUST
18 INCLUDE:

19 (a) A HOUSING ELEMENT THAT USES BEST AVAILABLE DATA, SUCH
20 AS THE MOST RECENT LOCAL HOUSING NEEDS PLAN CREATED PURSUANT
21 TO SECTION 29-33-104 OR OTHER RECENT HOUSING ANALYSES;

22 (b) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
23 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
24 REPORT CREATED IN SECTION 29-33-110;

25 (c) A STRATEGIC GROWTH ELEMENT THAT MUST INCLUDE:

26 (I) THE INFORMATION RELEVANT TO THE MUNICIPALITY
27 CONTAINED IN THE REGIONAL STRATEGIC GROWTH AND HOUSING MIX

1 ANALYSIS CONDUCTED PURSUANT TO SECTION 29-33-105 (8)(c) AND AN
2 ANALYSIS OF HOW THE MUNICIPALITY IS INCLUDING THIS INFORMATION IN
3 THE MASTER PLAN;

4 (II) THE IDENTIFICATION OF ADDITIONAL LOCAL STRATEGIC
5 GROWTH AREAS;

6 (III) THE IDENTIFICATION OF TRANSPORTATION, UTILITY, AND
7 OTHER INFRASTRUCTURE GAPS AND INFRASTRUCTURE PROJECTS,
8 PREFERABLY WITHIN A CAPITAL IMPROVEMENT PLAN, THAT WOULD
9 ENABLE STRATEGIC GROWTH AREAS TO BE DEVELOPED OR REDEVELOPED;

10 AND

11 (IV) THE IDENTIFICATION OF ZONING REFINEMENTS AND DENSITIES
12 NECESSARY TO ACCOMMODATE THE HOUSING NEEDS INCLUDED IN
13 HOUSING NEEDS ASSESSMENTS, AND TO MEET STRATEGIC GROWTH
14 OBJECTIVES FOR STRATEGIC GROWTH AREAS.

15 (d) (I) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE
16 AND SUITABLE SUPPLY OF WATER;

17 (II) IN COMPLETING THE WATER SUPPLY ELEMENT, THE PLANNING
18 COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR
19 USE WITHIN THE MUNICIPALITY TO ENSURE COORDINATION ON WATER
20 SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT MUST
21 IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS
22 OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED
23 OR IDENTIFIED IN THE PLANNING PROCESS;

24 (III) THE WATER SUPPLY ELEMENT MUST INCLUDE WATER
25 CONSERVATION POLICIES, TO BE DETERMINED BY THE MUNICIPALITY,
26 WHICH MAY INCLUDE GOALS AND ACTIONS SPECIFIED IN THE STATE WATER
27 PLAN ADOPTED PURSUANT TO SECTION 37-60-106.3 AND MAY INCLUDE

1 POLICIES TO IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER
2 PLAN GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING
3 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND
4 ZONING CHANGES;

5 (IV) THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION
6 24-1-125 MAY HIRE AND EMPLOY ONE FULL-TIME EMPLOYEE TO PROVIDE
7 EDUCATIONAL RESOURCES AND ASSISTANCE TO MUNICIPALITIES THAT
8 INCLUDE WATER CONSERVATION POLICIES IN THEIR MASTER PLANS AS
9 DESCRIBED IN SUBSECTION (1)(d)(III) OF THIS SECTION;

10 (V) NOTHING IN THIS SUBSECTION (1)(d) SHALL BE CONSTRUED TO
11 SUPERSEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF
12 WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS, THE RIGHT TO
13 BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER
14 WATER USE AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR,
15 REPLACEMENT, OR USE OF ANY WATER FACILITY.

16 (e) THE MOST RECENT VERSION OF THE PLAN REQUIRED BY
17 SECTION 31-12-105 (1)(e) OR A SIMILAR ELEMENT ANALYZING AND
18 MAKING A PLAN FOR AREAS OF POTENTIAL GROWTH WITHIN THREE MILES
19 OF THE MUNICIPAL BOUNDARY.

20 (1.5) AFTER CONSULTATION ON EACH OF THE FOLLOWING, WHERE
21 APPLICABLE OR APPROPRIATE, THE MASTER PLAN MAY INCLUDE:

22 (a) THE GENERAL SOURCE, CHARACTER, AND EXTENT OF EXISTING,
23 PROPOSED, OR PROJECTED STREETS, ROADS, RIGHTS-OF-WAY, BRIDGES,
24 WATERWAYS, WATERFRONTS, PARKWAYS, HIGHWAYS, MASS TRANSIT
25 ROUTES AND CORRIDORS, AND ANY TRANSPORTATION PLAN PREPARED BY
26 ANY METROPOLITAN PLANNING ORGANIZATION THAT COVERS ALL OR A
27 PORTION OF THE MUNICIPALITY AND THAT THE MUNICIPALITY HAS

1 RECEIVED NOTIFICATION OF OR, IF THE MUNICIPALITY IS NOT LOCATED IN
2 AN AREA COVERED BY A METROPOLITAN PLANNING ORGANIZATION, ANY
3 TRANSPORTATION PLAN PREPARED BY THE DEPARTMENT OF
4 TRANSPORTATION THAT THE MUNICIPALITY HAS RECEIVED NOTIFICATION
5 OF AND THAT COVERS ALL OR A PORTION OF THE MUNICIPALITY;

6 (b) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
7 INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR
8 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS,
9 PLAYGROUNDS, SQUARES, PARKS, AIRPORTS, AVIATION FIELDS, MILITARY
10 INSTALLATIONS, AND OTHER PUBLIC WAYS, GROUNDS, OPEN SPACES,
11 TRAILS, AND DESIGNATED FEDERAL, STATE, AND LOCAL WILDLIFE AREAS.
12 FOR PURPOSES OF THIS SECTION, "MILITARY INSTALLATION" HAS THE SAME
13 MEANING AS SPECIFIED IN SECTION 29-20-105.6 (2)(b).

14 (c) THE GENERAL LOCATION AND EXTENT OF PUBLIC UTILITIES
15 TERMINALS, CAPITAL FACILITIES, AND TRANSFER FACILITIES, WHETHER
16 PUBLICLY OR PRIVATELY OWNED OR OPERATED, FOR WATER, LIGHT,
17 SANITATION, TRANSPORTATION, COMMUNICATION, POWER, AND OTHER
18 PURPOSES, AND ANY PROPOSED OR PROJECTED NEEDS FOR CAPITAL
19 FACILITIES AND UTILITIES, INCLUDING THE PRIORITIES, ANTICIPATED
20 COSTS, AND FUNDING PROPOSALS FOR SUCH FACILITIES AND UTILITIES;

21 (d) THE ACCEPTANCE, REMOVAL, RELOCATION, WIDENING,
22 NARROWING, VACATING, ABANDONMENT, MODIFICATION, CHANGE OF USE,
23 OR EXTENSION OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
24 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
25 OF OTHER MUNICIPALITIES, COUNTIES, OR REGIONS, GROUNDS, OPEN
26 SPACES, BUILDINGS, PROPERTY, UTILITY, OR TERMINALS, REFERRED TO IN
27 SUBSECTIONS (1.5) (a) THROUGH (a) OF THIS SECTION AND SUBSECTION

1 (1)(d) OF THIS SECTION;

2 (e) A ZONING PLAN FOR THE CONTROL OF THE HEIGHT, AREA, BULK,
3 LOCATION, AND USE OF BUILDINGS AND PREMISES. SUCH A ZONING PLAN
4 MAY PROTECT AND ASSURE ACCESS TO APPROPRIATE CONDITIONS FOR
5 SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING
6 GEOTHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
7 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
8 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
9 GENERATION; HOWEVER, REGULATIONS AND RESTRICTIONS OF THE HEIGHT,
10 NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES, AND
11 THE HEIGHT AND LOCATION OF TREES AND OTHER VEGETATION SHALL NOT
12 APPLY TO EXISTING BUILDINGS, STRUCTURES, TREES, OR VEGETATION
13 EXCEPT FOR NEW GROWTH ON SUCH VEGETATION.

14 (f) THE GENERAL CHARACTER, LOCATION, AND EXTENT OF
15 COMMUNITY CENTERS, HOUSING DEVELOPMENTS, WHETHER PUBLIC OR
16 PRIVATE, THE EXISTING, PROPOSED, OR PROJECTED LOCATION OF
17 RESIDENTIAL NEIGHBORHOODS AND SUFFICIENT LAND FOR FUTURE
18 HOUSING DEVELOPMENT FOR THE EXISTING AND PROJECTED ECONOMIC
19 AND OTHER NEEDS OF ALL CURRENT AND ANTICIPATED RESIDENTS OF THE
20 MUNICIPALITY, AND REDEVELOPMENT AREAS. IF A MUNICIPALITY HAS
21 ENTERED INTO A REGIONAL PLANNING AGREEMENT, SUCH AGREEMENT
22 MAY BE INCORPORATED BY REFERENCE INTO THE MASTER PLAN.

23 (g) A MASTER PLAN FOR THE EXTRACTION OF COMMERCIAL
24 MINERAL DEPOSITS PURSUANT TO SECTION 34-1-304;

25 (h) A PLAN FOR THE LOCATION AND PLACEMENT OF PUBLIC
26 UTILITIES THAT FACILITATES THE PROVISION OF SUCH UTILITIES TO ALL
27 EXISTING, PROPOSED, OR PROJECTED DEVELOPMENTS IN THE

1 MUNICIPALITY;

2 (i) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS TO
3 ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED INCREMENTS
4 OF TIME. THE MUNICIPALITY MAY BASE THESE PROJECTIONS UPON DATA
5 FROM THE DEPARTMENT OF LOCAL AFFAIRS AND UPON THE MUNICIPALITY'S
6 LOCAL OBJECTIVES.

7 (j) THE AREAS CONTAINING STEEP SLOPES, GEOLOGICAL HAZARDS,
8 ENDANGERED OR THREATENED SPECIES, WETLANDS, FLOODPLAINS,
9 FLOODWAYS, AND FLOOD RISK ZONES, HIGHLY ERODIBLE LAND OR
10 UNSTABLE SOILS, AND WILDFIRE HAZARDS. FOR PURPOSES OF
11 DETERMINING THE LOCATION OF SUCH AREAS, THE PLANNING COMMISSION
12 SHALL CONSIDER THE FOLLOWING SOURCES FOR GUIDANCE:

13 (I) THE COLORADO GEOLOGICAL SURVEY FOR DEFINING AND
14 MAPPING GEOLOGICAL HAZARDS;

15 (II) THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE
16 UNITED STATES DEPARTMENT OF THE INTERIOR AND THE PARKS AND
17 WILDLIFE COMMISSION CREATED IN SECTION 33-9-101, FOR LOCATING
18 AREAS INHABITED BY ENDANGERED OR THREATENED SPECIES;

19 (III) THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE
20 UNITED STATES FISH AND WILDLIFE SERVICE NATIONAL WETLANDS
21 INVENTORY FOR DEFINING AND MAPPING WETLANDS;

22 (IV) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
23 DEFINING AND MAPPING FLOODPLAINS, FLOODWAYS, AND FLOOD RISK
24 ZONES;

25 (V) THE NATURAL RESOURCES CONSERVATION SERVICE OF THE
26 UNITED STATES DEPARTMENT OF AGRICULTURE FOR DEFINING AND
27 MAPPING UNSTABLE SOILS AND HIGHLY ERODIBLE LAND; AND

1 (VI) THE COLORADO STATE FOREST SERVICE FOR LOCATING
2 WILDFIRE HAZARD AREAS.

3 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
4 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH RELEVANT
5 ENTITIES TO ENSURE THAT THE ADOPTING OR AMENDING OF THE MASTER
6 PLAN IS AN INCLUSIVE PROCESS.

7 (9) NOT LESS THAN SIXTY DAYS PRIOR TO ADOPTING OR
8 AMENDING THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE
9 MASTER PLAN TO THE DIVISION OF LOCAL GOVERNMENT IN THE
10 DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT
11 SHALL REVIEW THESE MASTER PLANS TO ENSURE THEY COMPLY WITH THE
12 REQUIREMENTS OF THIS SECTION. THE DIVISION SHALL PROVIDE
13 COMMENTS IN WRITING DESCRIBING THE EXTENT TO WHICH THE MASTER
14 PLAN MEETS OR DOES NOT MEET THE REQUIREMENTS OF THIS SECTION. THE
15 DEPARTMENT OF LOCAL AFFAIRS MAY HIRE AND EMPLOY ONE FULL-TIME
16 EMPLOYEE TO PROVIDE EDUCATIONAL RESOURCES AND ASSISTANCE TO
17 ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

18 (10) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR AMENDING
19 THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE MASTER PLAN TO
20 THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL
21 AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW THE
22 MASTER PLAN TO ENSURE IT COMPLIES WITH THE REQUIREMENTS OF THIS
23 SECTION. THE DIVISION OF LOCAL GOVERNMENT SHALL PUBLISH AND
24 MAINTAIN A DATABASE OF ADOPTED AND AMENDED MASTER PLANS THAT
25 HAVE BEEN SUBMITTED IN ACCORDANCE WITH THIS SECTION.

26 (11) AN URBAN MUNICIPALITY, AS DEFINED IN SECTION 29-33-102
27 (40), SUBJECT TO THIS SECTION SHALL REVIEW AND, IF NEEDED, REVISE ITS

1 MASTER PLAN TO ENSURE THE PLAN COMPLIES WITH THE REQUIREMENTS
2 OF THIS SECTION AT LEAST EVERY TEN YEARS. AN URBAN MUNICIPALITY
3 MAY UTILIZE EXISTING PLANNING INFORMATION AND ANALYSIS TO SATISFY
4 THE REQUIREMENTS OF THIS SUBSECTION (11), SO LONG AS THE
5 INFORMATION OR ANALYSIS IS NOT MORE THAN FIVE YEARS OLD.

6 **SECTION 14.** In Colorado Revised Statutes, 38-33.3-106.5, add
7 (3) and (4) as follows:

8 **38-33.3-106.5. Prohibition contrary to public policy - patriotic,**
9 **political, or religious express - public rights-of-way - fire prevention**
10 **- renewable energy generation devices - affordable housing - drought**
11 **prevention measure - child care - definitions.**

12 (3) (a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,
13 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE
14 CONTRARY, AN ASSOCIATION SHALL NOT PROHIBIT ACCESSORY DWELLING
15 UNITS, HOUSING IN TRANSIT-ORIENTED AREAS, AND HOUSING IN KEY
16 CORRIDORS IN THE JURISDICTIONS AND AREAS TO WHICH ARTICLE 33 OF
17 TITLE 29 APPLIES. ANY SUCH PROHIBITION ON THE PERMITTING OF
18 ACCESSORY DWELLING UNITS, HOUSING IN TRANSIT-ORIENTED AREAS, AND
19 HOUSING IN KEY CORRIDORS IS VOID AS A MATTER OF PUBLIC POLICY IN
20 ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF TITLE 29.

21 (b) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT
22 OTHERWISE REQUIRES:

23 (I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET
24 FORTH IN SECTION 29-33-102 (2).

25 (II) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN
26 SECTION 29-33-303 (1) (b).

27 (III) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET

1 FORTH IN SECTION 29-33-102 (41).

2 (c) SUBSECTION (3)(a) OF THIS SECTION SHALL NOT APPLY TO
3 REASONABLE RESTRICTIONS ON ACCESSORY DWELLING UNITS. AS USED IN
4 THIS SUBSECTION (3)(c), "REASONABLE RESTRICTION" MEANS A
5 RESTRICTION THAT DOES NOT UNREASONABLY INCREASE THE COST TO
6 CONSTRUCT, EFFECTIVELY PROHIBIT THE CONSTRUCTION OF, OR
7 EXTINGUISH THE ABILITY TO OTHERWISE CONSTRUCT, AN ACCESSORY
8 DWELLING UNIT CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

9 (4) (a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,
10 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE
11 CONTRARY, AN ASSOCIATION SHALL NOT ENACT OR ENFORCE RESIDENTIAL
12 OCCUPANCY LIMITS THAT DIFFER BASED ON THE RELATIONSHIPS OF THE
13 OCCUPANTS OF A DWELLING.

14 (b) NOTHING IN THIS SECTION PREVENTS AN ASSOCIATION FROM
15 ESTABLISHING RESIDENTIAL OCCUPANCY LIMITS FOR DWELLING UNITS FOR
16 SHORT-TERM RENTALS, AS DEFINED IN SECTION 29-33-102 (35).

17 (c) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT
18 OTHERWISE REQUIRES, "DWELLING" MEANS ANY IMPROVED REAL
19 PROPERTY OR PORTION THEREOF THAT IS USED OR INTENDED TO BE USED
20 AS A RESIDENCE.

21 **SECTION 15.** In Colorado Revised Statutes, 43-1-106, amend
22 (15)(d) as follows:

23 **43-1-106. Transportation commission - powers and duties -**
24 **rules - definitions - efficiency and accountability committee.** (15) In
25 addition to any other duties required by law, the commission shall have
26 the following charges:

27 (d) To study and make recommendations for existing and future

1 transportation systems in Colorado with a focus of such study and
2 recommendations being a ten-year plan for each mode of transportation.
3 Such THE ten-year plan shall MUST be based on what can be reasonably
4 expected to be implemented with the estimated revenues which are likely
5 to be available AND MUST INCLUDE PRIORITIZATION CRITERIA THAT ARE
6 CONSISTENT WITH STATE STRATEGIC GROWTH OBJECTIVES FOR
7 REGIONALLY SIGNIFICANT TRANSPORTATION PROJECTS.

8 **SECTION 16.** In Colorado Revised Statutes, 43-1-113, add (20)
9 as follows:

10 **43-1-113. Funds - budgets - fiscal year - reports and**
11 **publications. (20) BEFORE DECEMBER 31, 2024, OR BEFORE THE NEXT**
12 **REGIONAL TRANSPORTATION PLANNING CYCLE BEGINS, THE DEPARTMENT**
13 **SHALL ENSURE THAT THE PRIORITIZATION CRITERIA FOR ANY GRANT**
14 **PROGRAM ADMINISTERED BY THE DEPARTMENT ARE CONSISTENT WITH**
15 **STATE STRATEGIC GROWTH OBJECTIVES, AS DETERMINED IN SECTION**
16 **29-33-108, SO LONG AS DOING SO DOES NOT VIOLATE FEDERAL LAW. THE**
17 **STATE GROWTH OBJECTIVES MUST BE CLEARLY ARTICULATED IN A**
18 **PROJECT'S REQUIREMENTS OF PROSPECTIVE FUNDING RECIPIENTS.**

19 **SECTION 17.** In Colorado Revised Statutes, 43-1-1103, amend
20 (5)(i) and (5)(j); and add (2.5) and (5)(k) as follows:

21 **43-1-1103. Transportation planning. (2.5) BEGINNING**
22 **DECEMBER 31, 2024, ANY REGIONAL TRANSPORTATION PLAN THAT IS**
23 **CREATED OR UPDATED MUST ADDRESS AND ENSURE CONSISTENCY WITH**
24 **STATE STRATEGIC GROWTH OBJECTIVES AS DETERMINED IN SECTION**
25 **29-33-108.**

26 (5) The department shall integrate and consolidate the regional
27 transportation plans for the transportation planning regions into a

1 comprehensive statewide transportation plan. The formation of the state
2 plan shall be accomplished through a statewide planning process set by
3 rules and regulations promulgated by the commission. The state plan shall
4 address but shall not be limited to the following factors:

- 5 (i) Effective, efficient, and safe freight transport; and
- 6 (j) Reduction of greenhouse gas emissions IN A MANNER
7 SUFFICIENT TO MEET THE STATE'S GOALS, AND REDUCTION OF NEAR-ROAD
8 AIR POLLUTION; AND
- 9 (k) BEGINNING DECEMBER 31, 2024, ADDRESS AND ENSURE
10 CONSISTENCY WITH STATE STRATEGIC GROWTH OBJECTIVES.

11 **SECTION 18.** In Colorado Revised Statutes, 43-4-1103, add
12 (2)(e) as follows:

13 **43-4-1103. Multimodal transportation options fund - creation**
14 **- revenue sources for fund - use of fund. (2) (e) FEE REVENUES FROM**
15 **THE MULTIMODAL TRANSPORTATION OPTIONS FUND GENERATED ON OR**
16 **AFTER JANUARY 1, 2025, AND OTHER STATE FUNDS TRANSFERRED TO THE**
17 **MULTIMODAL TRANSPORTATION OPTIONS FUND ON OR AFTER JULY 1, 2024,**
18 **SHALL ONLY BE MADE FOR MULTIMODAL PROJECTS THAT THE DEPARTMENT**
19 **DETERMINES ARE CONSISTENT WITH STATE STRATEGIC GROWTH**
20 **OBJECTIVES, AS DETERMINED IN SECTION 29-33-108. THE STATE GROWTH**
21 **OBJECTIVES MUST BE CLEARLY ARTICULATED IN A PROJECT'S**
22 **REQUIREMENTS OF PROSPECTIVE FUNDING RECIPIENTS.**

23 **SECTION 19.** In Colorado Revised Statutes, 43-2-147, amend
24 (4) as follows:

25 **43-2-147. Access to public highways - definitions. (4) (a) The**
26 **commission shall adopt a state highway access code, by rule and**
27 **regulation, for the implementation of this section, on or after March 16,**

1 1980. The access code shall address the design and location of driveways
2 and other points of access to public highways. The access code shall be
3 consistent with the authority granted in this section and shall be based
4 upon consideration of existing and projected traffic volumes, the
5 functional classification of public highways, adopted local transportation
6 plans and needs, drainage requirements, the character of lands adjoining
7 the highway, adopted local land use plans and zoning, the type and
8 volume of traffic to use the driveway, other operational aspects of the
9 driveway, the availability of vehicular access from local streets and roads
10 rather than a state highway, and reasonable access by city streets and
11 county roads. THE ACCESS CODE MUST ENSURE THAT ACCESS CONTROL
12 STANDARDS ARE OPTIMIZED TO SUPPORT DENSE HOUSING, WALKABLE AND
13 MULTI-MODAL MIXED-USE CENTERS, AND STRATEGIC GROWTH AREAS,
14 WHILE CONTINUING TO ENSURE THAT BASIC SAFETY STANDARDS ARE MET.

15 (b) ON OR BEFORE JULY 1, 2024, THE COMMISSION SHALL ADOPT
16 INTO THE STATE HIGHWAY ACCESS CODE AN INTERCHANGE APPROVAL
17 PROCESS THAT CONDITIONS APPROVAL FOR CERTAIN INTERCHANGES ON
18 ADOPTION OF TRANSPORTATION DEMAND MANAGEMENT STRATEGIES THAT
19 REDUCE THE AVERAGE DAILY TRAFFIC AT THE ON-RAMPS TO THE
20 INTERCHANGES BY A MINIMUM OF THREE PERCENT RELATIVE TO THE
21 BASELINE AVERAGE DAILY TRAFFIC. THE TRANSPORTATION DEMAND
22 MANAGEMENT STRATEGIES SHALL BE CONSISTENT WITH STRATEGIC
23 GROWTH OBJECTIVES. THIS SUBSECTION (4)(b) SHALL APPLY, AT A
24 MINIMUM, TO INTERCHANGES THAT ARE:

25 (I) NEW INTERCHANGES OR INTERCHANGES MODIFIED WITH
26 IMPROVEMENTS THAT EXPAND TRAFFIC CAPACITY; AND

27 (II) WITHIN METROPOLITAN PLANNING ORGANIZATION

1 BOUNDARIES.

2 **SECTION 20. Appropriation.** (1) For the 2023-24 state fiscal
3 year, \$15,000,000 is appropriated to the housing plans assistance fund
4 created in section 29-33-112 (3)(a), C.R.S. This appropriation is from the
5 general fund. The department of local affairs is responsible for the
6 accounting related to this appropriation.

7 (2) For the 2023-24 state fiscal year, \$15,102,556 is appropriated
8 to the department of local affairs. This appropriation consists of \$102,556
9 from the general fund and \$15,000,000 reappropriated funds from the
10 housing plans assistance fund received under subsection (1) of this
11 section. To implement this act, the department may use this appropriation
12 as follows:

13 (a) \$60,838 general fund for use by the state demography office
14 for program costs, which amount is based on an assumption that the
15 office will require an additional 0.6 FTE;

16 (b) \$37,708 general fund for use by the division of housing for
17 personal services, which amount is based on an assumption that the office
18 will require an additional 0.5 FTE;

19 (c) \$4,010 general fund for use by the division of housing for
20 operating expenses; and

21 (d) \$15,000,000 reappropriated funds from the housing plans
22 assistance fund received under subsection (1) of this section for use by the
23 division of local government for the local land use assistance program,
24 which amount is based on an assumption that the division will require an
25 additional 10.4 FTE. Any money appropriated in this subsection (2)(d)
26 not expended prior to July 1, 2024 is further appropriated for the 2024-25
27 and 2025-26 state fiscal years for the same purpose.

1 (3) For the 2023-24 state fiscal year, \$78,529 is appropriated to
2 the department of natural resources. This appropriation is from the
3 general fund. To implement this act, the department may use this
4 appropriation as follows:

5 (a) \$70,509 for use by the executive director's office for personal
6 services, which amount is based on an assumption that the office will
7 require an additional 0.9 FTE; and

8 (b) \$8,020 for use by the executive director's office for operating
9 expenses.

10 (4) For the 2023-24 state fiscal year, \$27,001 is appropriated to
11 the office of the governor for use by the Colorado energy office. This
12 appropriation is from the general fund and is based on an assumption that
13 the office will require an additional 0.2 FTE. To implement this act, the
14 office may use this appropriation for program administration.

15 **SECTION 21. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.