

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

REVISED

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

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.*

HOUSE
Amended 2nd Reading
May 4, 2023

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.
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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 (c) The general assembly also declares that the development and
20 use of land is a matter of mixed statewide and local concern.

21 **SECTION 2.** In Colorado Revised Statutes, add article 33 to title
22 29 as follows:

23 **ARTICLE 33**

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

25 **PART 1**

26 **HOUSING NEEDS PLANNING**

27 **29-33-101. Legislative declaration. (1) THE GENERAL ASSEMBLY**

1 HEREBY FINDS, DETERMINES, AND DECLARES THAT:

2 (a) COLORADO LACKS A COORDINATED PROCESS TO SET GOALS,
3 DEVELOP SOLUTIONS, AND TRACK PROGRESS TOWARDS MEETING
4 STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS;

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

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

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

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

1 (f) LOCAL GOVERNMENTS THAT DO NOT ALLOW HOUSING SUPPLY
2 TO KEEP PACE WITH HOUSEHOLD AND JOB GROWTH AND CHANGING
3 DEMOGRAPHICS IN THEIR JURISDICTIONS EXPORT THEIR HOUSING NEEDS TO
4 NEIGHBORING COMMUNITIES, CAUSING REGIONAL IMBALANCES THAT
5 IMPACT EQUITY, POLLUTION, INFRASTRUCTURE COSTS, AND QUALITY OF
6 LIFE;

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

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

16 (i) THE AFFORDABLE HOUSING TRANSFORMATIONAL TASK FORCE
17 ESTABLISHED IN SECTION 24-75-229 (6)(a), IDENTIFIED A STATEWIDE
18 HOUSING NEEDS ASSESSMENT AND PRODUCTION STRATEGY AS A TOP
19 LEGISLATIVE PRIORITY FOR COLORADO IN THE TASK FORCE'S FEBRUARY
20 23, 2022, REPORT TO THE GENERAL ASSEMBLY.

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

24 **29-33-102. Definitions.** AS USED IN THIS ARTICLE 33, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES
27 THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC.

1 3601 ET SEQ., AS AMENDED AND INCORPORATES UNIVERSAL DESIGN.

2 (2) "ACCESSORY DWELLING UNIT" MEANS AN INTERNAL,
3 ATTACHED, OR DETACHED RESIDENTIAL DWELLING UNIT THAT:

4 (a) PROVIDES COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE
5 OR MORE PERSONS;

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

8 (c) INCLUDES PROVISIONS FOR LIVING, SLEEPING, EATING,
9 COOKING, AND SANITATION.

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

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

15 [REDACTED]

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

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

20 (b) DEDICATED LANES OR BUSWAYS;

21 (c) TRAFFIC SIGNAL PRIORITY;

22 (d) OFF-BOARD FARE COLLECTION;

23 (e) ELEVATED PLATFORMS; OR

24 (f) ENHANCED STATIONS.

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

1 (7) "COTTAGE CLUSTER" MEANS A GROUPING OF TWO OR MORE
2 DETACHED HOUSING UNITS, EACH HOUSING UNIT HAVING A FOOTPRINT OF
3 NO MORE THAN NINE HUNDRED SQUARE FEET, AND THE GROUPING HAVING
4 A COMMON COURTYARD.

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

9 (a) EVALUATIONS OF CONSISTENCY OF AN APPLICATION WITH
10 LOCAL PLANS;

11 (b) COMPATIBILITY OR HARMONY OF AN APPLICATION WITH
12 SURROUNDING LAND USES OR DEVELOPMENT;

13 (c) INDIVIDUALIZED EVALUATIONS RELATING TO MITIGATION OF
14 IMPACTS; OR

15 (d) EVALUATION OF AN APPLICATION'S CONSISTENCY WITH PUBLIC
16 WELFARE.

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

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

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

25 (c) WIDESPREAD DECREASE IN SOCIAL AND CULTURAL
26 COMMUNITY-SERVING BUSINESSES AND ENTITIES;

27 (d) DETERIORATION OF PHYSICAL CONDITIONS THAT RENDER

1 RESIDENCES UNINHABITABLE; OR

2 (e) INCREASED REAL ESTATE PRICES, RENTS, PROPERTY TAXES,
3 NEW DEVELOPMENT INCLUDING AMENITIES, AND OTHER ECONOMIC
4 FACTORS.

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

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

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

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

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

24 (15) "HISTORIC PROPERTY" MEANS A PROPERTY LISTED ON THE
25 NATIONAL REGISTER OF HISTORIC PLACES, LISTED ON THE COLORADO
26 STATE REGISTER OF HISTORIC PROPERTIES, OR LISTED AS A CONTRIBUTING
27 STRUCTURE OR HISTORIC LANDMARK BY A CERTIFIED LOCAL

1 GOVERNMENT, AS DEFINED IN SECTION 39-22-514.5 (2)(b).

2 (16) "INDUSTRIAL USE" MEANS A BUSINESS USE OR ACTIVITY AT A
3 SCALE GREATER THAN HOME INDUSTRY INVOLVING MANUFACTURING,
4 FABRICATION, ASSEMBLY, WAREHOUSING, OR STORAGE.

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

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

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

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

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

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

23 (II) A TOWNHOME BUILDING; OR

24 (III) A COTTAGE CLUSTER.

25 (b) MUNICIPALITIES MAY DEFINE "MIDDLE HOUSING" TO INCLUDE
26 ADDITIONAL HOUSING TYPES AND EXPANDED HOUSING UNIT AMOUNTS, SO
27 LONG AS THE MUNICIPALITY'S DEFINITION IS NOT MORE RESTRICTIVE THAN

1 THE DEFINITION OF "MIDDLE HOUSING" IN SUBSECTION (20)(a) OF THIS
2 SECTION. THIS MAY INCLUDE AGE RESTRICTED HOUSING, WHICH MEANS
3 HOUSING DEVELOPMENTS FOR OLDER ADULTS THAT HAVE MINIMUM AGE
4 REQUIREMENTS FOR RESIDENCY.

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

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

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

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

17 (a) THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF
18 LOCAL AFFAIRS;

19 (b) THE COLORADO ENERGY OFFICE;

20 (c) THE DEPARTMENT OF NATURAL RESOURCES; AND

21 (d) THE DEPARTMENT OF TRANSPORTATION.

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

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

27 (28) "NET DENSITY" MEANS THE NUMBER OF RESIDENTIAL UNITS

1 PER ACRE OF TOTAL RESIDENTIAL LAND AREA, EXCLUDING LAND OCCUPIED
2 BY PUBLIC RIGHTS-OF-WAY AND ANY RECREATIONAL, CIVIC, COMMERCIAL,
3 AND OTHER NONRESIDENTIAL USES.

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

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

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

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

16 (31) "POPULATION" MEANS THE CURRENT POPULATION AS
17 REPORTED BY THE STATE DEMOGRAPHY OFFICE.

18 (32) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE
19 HOUSING THAT:

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

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

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

26 (33) (a) "RURAL RESORT JOB CENTER MUNICIPALITY" MEANS A
27 MUNICIPALITY THAT:

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

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

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

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

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

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

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

21 (II) ELIGIBLE TO RECEIVE MONEY UNDER A GRANT AUTHORIZED BY
22 49 U.S.C. SEC. 5307 OR 49 U.S.C. SEC. 5311.

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

1 "SHORT-TERM RENTAL" FOR THE PURPOSES OF THIS ARTICLE 33.

2 (35) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED
3 BUILDING WITH A SINGLE DWELLING UNIT AND ON A SINGLE LOT.

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

5 (a) LIES ENTIRELY OUTSIDE OF AN AREA THAT IS DESIGNATED AS
6 AN URBANIZED AREA BY THE MOST RECENT FEDERAL DECENNIAL CENSUS;

7 (b) IS NOT SERVED BY A DOMESTIC WATER AND SEWAGE
8 TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);

9 (c) IS IN AN AGRICULTURAL, FORESTRY, NATURAL RESOURCE
10 PRESERVATION, OR OPEN SPACE ZONING DISTRICT;

11 (d) IS A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC
12 DISTRICT; OR

13 (e) IS IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN,
14 AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

15 (37) "STRATEGIC GROWTH AREA" MEANS AN AREA IDENTIFIED
16 PURSUANT TO SECTION 29-33-108 (2)(a) THAT HAS THE POTENTIAL FOR
17 GROWTH AND CHARACTERISTICS THAT MAKE IT A PRIORITY AREA FOR
18 GROWTH IN RELATION TO THE GOALS OF THIS SENATE BILL 23-213.

19 (38) "STRATEGIC GROWTH AND HOUSING MIX ANALYSIS" MEANS
20 A COMPREHENSIVE ANALYSIS THAT IDENTIFIES STRATEGIC GROWTH AREAS,
21 AS DEFINED IN SECTION 29-33-108 (2)(a), THAT CAN BOTH ACCOMMODATE
22 THE HOUSING NEEDS IDENTIFIED IN HOUSING NEEDS ASSESSMENTS AND BE
23 UTILIZED IN THE STRATEGIC GROWTH ELEMENT OF MASTER PLANS, AS
24 DEFINED IN SECTION 31-23-206.

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

26 (a) A MUNICIPALITY THAT:

27 (I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT

1 HAS A POPULATION OF ONE MILLION OR MORE;
2 (II) HAS AT LEAST TEN PERCENT OF ITS LAND WITHIN AN AREA
3 THAT IS DESIGNATED AS AN URBANIZED AREA BY THE MOST RECENT
4 FEDERAL DECENNIAL CENSUS WITH A POPULATION GREATER THAN
5 SEVENTY-FIVE THOUSAND; AND
6 (III) HAS A POPULATION OF AT LEAST ONE THOUSAND; OR
7 (b) A MUNICIPALITY THAT:
8 (I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT
9 HAS A POPULATION OF LESS THAN ONE MILLION; AND
10 (II) HAS A POPULATION OF AT LEAST TWENTY-FIVE THOUSAND.
11 (40) "TIER TWO URBAN MUNICIPALITY" MEANS A MUNICIPALITY
12 THAT DOES NOT SATISFY THE DEFINITION OF A TIER ONE URBAN
13 MUNICIPALITY AND:
14 (a) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION;
15 (b) HAS A POPULATION OF BETWEEN FIVE THOUSAND AND
16 TWENTY-FIVE THOUSAND; AND
17 (c) IS IN A COUNTY WITH A POPULATION OF TWO HUNDRED FIFTY
18 THOUSAND OR MORE.
19 (41) "TOWNHOME" MEANS A SINGLE-UNIT DWELLING UNIT
20 CONSTRUCTED IN A GROUP OF ATTACHED UNITS IN WHICH EACH UNIT
21 EXTENDS FROM FOUNDATION TO ROOF AND HAS OPEN SPACE ON AT LEAST
22 TWO SIDES.
23 (42) "TRANSIT-ORIENTED AREA" MEANS AN AREA WHERE ALL
24 PARCELS HAVE AT LEAST TWENTY-FIVE PERCENT OF THEIR AREA WITHIN
25 ONE-HALF MILE OF AN EXISTING FIXED-RAIL TRANSIT STATION. FOR THE
26 PURPOSES OF THIS SUBSECTION (38), A FIXED-RAIL TRANSIT STATION IS A
27 FIXED-RAIL TRANSIT SERVICE BOARDING AND EXITING LOCATION OR

1 STATION FOR THE GENERAL PUBLIC.

2 (43) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED
3 AND CONSTRUCTED THAT IS SAFE AND ACCESSIBLE FOR EVERYONE,
4 REGARDLESS OF AGE, PHYSICAL ABILITY, OR STATURE.

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

8 (45) "URBAN MUNICIPALITY" MEANS BOTH A TIER ONE AND A TIER
9 TWO URBAN MUNICIPALITY.

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

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

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

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

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

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

27 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF

- 1 TRANSPORTATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
- 2 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
3 RESOURCES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
- 4 (V) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
5 AGRICULTURE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;
- 6 (VI) THE DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT,
7 OR THE DIRECTOR'S DESIGNEE;
- 8 (VII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
9 A METROPOLITAN PLANNING ORGANIZATION WHO IS APPOINTED BY THE
10 SPEAKER OF THE HOUSE OF REPRESENTATIVES;
- 11 (VIII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
12 A METROPOLITAN PLANNING ORGANIZATION WHO IS APPOINTED BY THE
13 MINORITY LEADER OF THE SENATE;
- 14 (IX) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE
15 PLANNING, IS A STAFF-LEVEL REPRESENTATIVE FROM A TIER ONE URBAN
16 MUNICIPALITY, AND IS APPOINTED BY THE PRESIDENT OF THE SENATE;
- 17 (X) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE
18 PLANNING, IS A STAFF-LEVEL REPRESENTATIVE FROM TIER TWO URBAN
19 MUNICIPALITY, AND IS APPOINTED BY THE GOVERNOR;
- 20 (XI) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE
21 PLANNING, IS A STAFF-LEVEL REPRESENTATIVE FROM A RURAL RESORT JOB
22 CENTER MUNICIPALITY, AND IS APPOINTED BY THE GOVERNOR;
- 23 (XII) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE
24 PLANNING, IS A STAFF-LEVEL REPRESENTATIVE FROM A RURAL RESORT JOB
25 CENTER MUNICIPALITY, AND IS APPOINTED BY THE SPEAKER OF THE HOUSE
26 OF REPRESENTATIVES;
- 27 (XIII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE

1 FROM A COUNTY WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE;

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

4 AND

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

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

10 (c) WHEN MAKING APPOINTMENTS TO THE STRATEGIC GROWTH
11 COMMITTEE, REASONABLE EFFORTS MUST BE MADE TO APPOINT MEMBERS
12 WHO REFLECT THE GEOGRAPHIC AND DEMOGRAPHIC DIVERSITY OF THE
13 ENTIRE STATE.

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

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

26 (b) THE COMMITTEE SHALL ELECT A CHAIR FROM AMONG ITS
27 MEMBERS TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS, AS

1 DETERMINED BY THE COMMITTEE. A MEMBER IS NOT ELIGIBLE TO SERVE
2 AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

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

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

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

11 (8) (a) THERE IS CREATED AS PART OF THE STRATEGIC GROWTH
12 COMMITTEE THE RURAL RESORT AREA SUBCOMMITTEE.

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

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

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

27 (III) ONE MEMBER WHO HAS A BACKGROUND IN AFFORDABLE

1 HOUSING ADVOCACY WITH EXPERIENCE IN A RURAL RESORT JOB CENTER,
2 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

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

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

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

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

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

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

26 (c) IN ACCORDANCE WITH SECTION 29-33-109, THE RURAL RESORT
27 AREA SUBCOMMITTEE SHALL DEVELOP RECOMMENDATIONS TO PRESENT

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

8 (9) (a) THERE IS CREATED AS PART OF THE STRATEGIC GROWTH
9 COMMITTEE THE URBAN AREA SUBCOMMITTEE.

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

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

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

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

27 (IV) ONE MEMBER WHO HAS A BACKGROUND IN AFFORDABLE

1 HOUSING ADVOCACY SERVING AN AREA WITHIN A URBAN MUNICIPALITY
2 METROPOLITAN PLANNING ORGANIZATION REGION, APPOINTED BY THE
3 GOVERNOR;

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

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

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

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

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

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

1 URBAN AREA SUBCOMMITTEE SHALL PROVIDE A DRAFT OF THE
2 RECOMMENDATION TO ALL URBAN MUNICIPALITIES, ALLOW AT LEAST A
3 SIXTY-DAY PUBLIC COMMENT PERIOD, AND HOLD A PUBLIC HEARING ON
4 THE RECOMMENDATIONS DURING THE COMMENT PERIOD.

5 **29-33-104. Housing needs assessments - methodology.**

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

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

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

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

- 20 (I) ESTIMATE EXISTING HOUSING STOCK;
- 21 (II) CONDUCT A HOUSING SHORTAGE ANALYSIS;
- 22 (III) DETERMINE THE NEED FOR ACCESSORY DWELLING UNITS;
- 23 (IV) ESTIMATE THE HOUSING NECESSARY TO ACCOMMODATE THE
24 DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE STATE
25 DEMOGRAPHY OFFICE, CATEGORIZED BY HOUSEHOLD SIZE; HOUSEHOLD
26 TYPE, INCLUDING FOR SUPPORTIVE, FOR-SALE, AND RENTAL HOUSING; AND
27 INCOME LEVEL, INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME,

1 LOW-INCOME, MODERATE-INCOME, AND MIDDLE-INCOME HOUSEHOLDS AS
2 DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT;

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

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

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

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

21 (B) EXISTING HOUSING DIVERSITY AND STOCK;

22 (C) CURRENT JOBS BY INCOME LEVEL;

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

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

26 (II) DESIGNATE REGIONS BASED ON THE BOUNDARIES OF
27

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

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

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

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

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

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

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

19 (VI) VACANCY RATES IN THE LOCALITY;

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

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

24 (3) (a) NO LATER THAN DECEMBER 31, 2024, AND EVERY SIX
25 YEARS THEREAFTER, IN ACCORDANCE WITH THE METHODOLOGIES FOR
26 DEVELOPING HOUSING NEEDS ASSESSMENTS, THE EXECUTIVE DIRECTOR OF
27 THE DEPARTMENT OF LOCAL AFFAIRS, WITH INPUT FROM THE STRATEGIC

1 GROWTH COMMITTEE, SHALL PRODUCE STATEWIDE, REGIONAL, AND LOCAL
2 HOUSING NEEDS ASSESSMENTS WITH TWENTY-YEAR 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 STRATEGIC GROWTH COMMITTEE SHALL, AS PART OF THE
25 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 MUST HOLD A PUBLIC HEARING ON THE PLAN.

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

23 (3) A HOUSING NEEDS PLAN MUST INCLUDE:

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

27 (b) AN ANALYSIS OF HOW THE URBAN MUNICIPALITY WILL PROVIDE

1 A REALISTIC OPPORTUNITY FOR DEVELOPMENT THAT WILL ADDRESS ITS
2 LOCAL HOUSING NEEDS ASSESSMENT, INCLUDING THE DEMONSTRATED
3 HOUSING NEEDS FOR PERSONS OF DIFFERENT AGES, HOUSEHOLD SIZE, AND
4 INCOME LEVELS, OVER THE NEXT TWENTY YEARS WITH AN EQUITABLE
5 DISTRIBUTION OF HOUSING WITHIN THE JURISDICTION;

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

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

12 (e) FOR ANY PROGRAM THAT RECEIVES FEDERAL OR STATE MONEY
13 PURSUANT TO THE FEDERAL "AMERICAN RESCUE PLAN ACT OF 2021",
14 PUB.L. 117-2, OR FOR ANY PROGRAM THAT RECEIVES LOCAL MONEY
15 PRIORITIZED BY A MUNICIPALITY FOR REGULATED AFFORDABLE HOUSING
16 OR HOMELESSNESS PREVENTION OR SUPPORT, A NARRATIVE DESCRIPTION
17 THAT INCLUDES THE PROGRAM'S BUDGET, TIMELINE FOR COMPLETION,
18 NUMBER OF UNITS, TYPE OF UNITS, INCOME LEVEL FOR WHICH THE
19 HOUSING IS TARGETED, NUMBER OF FAMILIES SERVICED, AND THE
20 DEMOGRAPHICS AND INCOME LEVELS OF THE SERVICED FAMILIES.

21 (f) A DESCRIPTION OF AND AN IMPLEMENTATION PLAN FOR AT
22 LEAST ONE STRATEGY THAT THE URBAN MUNICIPALITY ADOPTS FROM THE
23 MENU OF AFFORDABLE DEVELOPMENT AND AT LEAST ONE STRATEGY FROM
24 THE MENU OF LONG-TERM AFFORDABILITY STRATEGIES DESCRIBED IN
25 SECTION 29-33-106. THESE STRATEGIES MUST BOTH ADDRESS HOUSING
26 NEEDS AND MAKE PROGRESS TOWARD MEETING DEMONSTRATED HOUSING
27 NEEDS FOR LOW- AND MODERATE-INCOME HOUSEHOLDS AS DEFINED BY

1 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
2 AND HOUSING TYPES IDENTIFIED IN THE LOCAL HOUSING NEEDS
3 ASSESSMENT;

4 (g) IN THE CASE OF AN URBAN MUNICIPALITY WITH A
5 TRANSIT-ORIENTED AREA, AT LEAST TWO STRATEGIES FROM THE LIST OF
6 AFFORDABLE DEVELOPMENT STRATEGIES IN SECTION 29-33-106 (1) AND
7 AT LEAST ONE STRATEGY FROM THE LIST OF LONG-TERM AFFORDABILITY
8 STRATEGIES IN SECTION 29-33-106 (2); AND

9 (h) A NARRATIVE ANALYSIS OF ANY AREA AT ELEVATED RISK OF
10 RESIDENTIAL DISPLACEMENT THAT THE URBAN MUNICIPALITY HAS
11 IDENTIFIED AND A DESCRIPTION OF AND IMPLEMENTATION PLAN FOR ANY
12 STRATEGIES FROM THE MENU OF DISPLACEMENT MITIGATION STRATEGIES
13 DESCRIBED IN SECTION 29-33-107 (2), THAT THE URBAN MUNICIPALITY
14 WILL USE TO MITIGATE IDENTIFIED DISPLACEMENT RISKS IN THESE
15 AREAS.

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

19 (5) AN URBAN MUNICIPALITY THAT ADOPTED A PLAN TO ADDRESS
20 LOCAL HOUSING NEEDS PRIOR TO THE EFFECTIVE DATE OF THIS SECTION
21 MAY, RATHER THAN DEVELOPING AND ADOPTING A NEW HOUSING NEEDS
22 PLAN PURSUANT TO SUBSECTION (3) OF THIS SECTION, UPDATE ITS
23 EXISTING PLAN TO ADDRESS ADDITIONAL NEEDS IDENTIFIED IN THE LOCAL
24 HOUSING NEEDS ASSESSMENT BEYOND WHAT THE MUNICIPALITY'S
25 EXISTING PLAN TO ADDRESS LOCAL HOUSING NEEDS INCLUDES, AND ANY
26 REQUIREMENTS IN SECTION 29-33-105 (4) NOT ALREADY INCLUDED IN THE
27 MUNICIPALITY'S EXISTING PLAN.

1 (6) (a) A COUNTY, METROPOLITAN PLANNING ORGANIZATION, OR
2 MUNICIPALITY WITHIN A REGION DEFINED IN THE REGIONAL HOUSING
3 NEEDS ASSESSMENT MAY PARTICIPATE IN A REGIONAL HOUSING NEEDS
4 PLANNING PROCESS.

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

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

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

13 (III) ARE ENCOURAGED TO IDENTIFY HOUSING PRODUCTION
14 STRATEGIES AND COMMITMENTS THAT ADDRESS THE HOUSING NEEDS
15 IDENTIFIED IN LOCAL HOUSING NEEDS ASSESSMENTS THROUGH THE
16 ADOPTION OF INTERJURISDICTIONAL STRATEGIES AND AFFORDABILITY
17 STRATEGIES IDENTIFIED IN SECTION 29-33-106.

18 (c) IF NO EXISTING REGIONAL PLAN EXISTS, A GROUP OF COUNTIES,
19 A METROPOLITAN PLANNING ORGANIZATION, OR MUNICIPALITIES MAY
20 REQUEST THAT THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION
21 29-33-103 (9) FACILITATE THE CREATION OF A REGIONAL PLANNING
22 PROCESS.

23 (d) A REGIONAL HOUSING NEEDS PLANNING PROCESS MAY BE LED
24 BY A REGIONAL ENTITY AND MUST ENCOURAGE PARTICIPATING COUNTIES,
25 METROPOLITAN PLANNING ORGANIZATIONS, AND MUNICIPALITIES TO
26 IDENTIFY STRATEGIES THAT IMPROVE COORDINATION BETWEEN ENTITIES
27 TO MEET THE HOUSING NEEDS IDENTIFIED FOR THOSE LOCAL

1 GOVERNMENTS IN THE REGIONAL AND LOCAL HOUSING NEEDS
2 ASSESSMENTS.

3 [REDACTED]
4 **(7) Strategic growth and housing mix analysis.** (a) THE
5 MULTI-AGENCY COMMITTEE CREATED IN SECTION 29-33-103 SHALL
6 PROVIDE GUIDANCE FOR THE COMPLETION OF A STRATEGIC GROWTH AND
7 HOUSING MIX ANALYSIS.

8 (b) IN COMPLETING A STRATEGIC GROWTH AND HOUSING MIX
9 ANALYSIS, A METROPOLITAN PLANNING ORGANIZATION OR A
10 MUNICIPALITY MUST:

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

13 (II) PRIORITIZE STRATEGIC GROWTH AREAS WITHIN EXISTING
14 CENSUS URBANIZED AREAS, AND INCLUDE GUIDANCE FOR THE LOCATION
15 OF MIDDLE AND MULTIFAMILY HOUSING THAT SUPPORTS THE GOALS OF
16 SENATE BILL 23-213 WHICH INCLUDE BUT ARE NOT LIMITED TO MEETING
17 THE STATE'S HOUSING NEEDS FOR PEOPLE OF ALL INCOME LEVELS,
18 HOUSEHOLD AGE RANGES, HOUSEHOLD SIZE AND REDUCING
19 TRANSPORTATION-RELATED CLIMATE AND AIR QUALITY IMPACTS;

20 [REDACTED] (III) EVALUATE THE BENEFITS OF PRIORITIZING GROWTH IN
21 STRATEGIC GROWTH AREAS IN COMPARISON TO GROWTH BASED ON
22 RECENT DEVELOPMENT TRENDS. THE EVALUATION MUST CONSIDER FISCAL
23 IMPACTS IN ADDITION TO OTHER FACTORS AS IDENTIFIED BY THE
24 METROPOLITAN PLANNING ORGANIZATION OR MUNICIPALITY.

25 (IV) EVALUATE THE EXISTING ZONING AND DENSITY PERMITTED
26 WITHIN STRATEGIC GROWTH AREAS; AND

27 (V) USE A METHOD THAT ALLOWS A MUNICIPALITY TO EFFICIENTLY

1 UTILIZE THE INFORMATION IN THE STRATEGIC GROWTH AND HOUSING MIX
2 ANALYSIS IN THE DEVELOPMENT OF THE STRATEGIC GROWTH ELEMENT OF
3 THE MUNICIPALITY'S MASTER PLAN, REQUIRED PURSUANT TO SECTION
4 31-23-206.

5 (c) (I) ON OR BEFORE DECEMBER 31, 2025, A METROPOLITAN
6 PLANNING ORGANIZATION WITH A POPULATION OF TWO HUNDRED FIFTY
7 THOUSAND OR MORE SHALL, IN CONSULTATION WITH THE RELEVANT
8 COUNTIES AND MUNICIPALITIES, COMPLETE A STRATEGIC GROWTH AND
9 HOUSING MIX ANALYSIS.

10 (II) ON OR BEFORE DECEMBER 31, 2025, A MUNICIPALITY WITH A
11 POPULATION OF FIFTY THOUSAND OR MORE THAT IS WITHIN A
12 METROPOLITAN PLANNING ORGANIZATION WITH A POPULATION OF LESS
13 THAN TWO HUNDRED FIFTY THOUSAND SHALL COMPLETE A STRATEGIC
14 GROWTH AND HOUSING MIX ANALYSIS.

15 **29-33-106. Menu of urban municipality affordability and**
16 **accessibility strategies. (1) IN ORDER TO SUPPORT AFFORDABILITY AND**
17 **ADVANCE MEETING THE HOUSING NEEDS OF LOW-INCOME,**
18 **MODERATE-INCOME, AND MEDIUM-INCOME HOUSEHOLDS, AS DEFINED BY**
19 **THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN**
20 **DEVELOPMENT, THE MENU OF AFFORDABILITY STRATEGIES FOR AN URBAN**
21 **MUNICIPALITY MUST INCLUDE BOTH AFFORDABLE DEVELOPMENT**
22 **STRATEGIES AND LONG-TERM AFFORDABILITY STRATEGIES. THE**
23 **AFFORDABLE DEVELOPMENT STRATEGIES INCLUDED IN THE MENU OF**
24 **AFFORDABILITY STRATEGIES FOR AN URBAN MUNICIPALITY MUST INCLUDE**
25 **THE FOLLOWING:**

26 (a) IMPLEMENTATION OF A LOCAL INCLUSIONARY ZONING
27 ORDINANCE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS

1 29-20-104 (e.5) AND (e.7);

2 (b) THE CREATION OF A PROGRAM TO PRIORITIZE DEVELOPMENT
3 PERMITS AND SUBSIDIZE OR OTHERWISE REDUCE IMPACT FEES OR OTHER
4 SIMILAR DEVELOPMENT CHARGES FOR REGULATED AFFORDABLE HOUSING
5 DEVELOPMENT WHERE APPLICABLE;

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

8 (d) THE ESTABLISHMENT OF A DENSITY BONUS PROGRAM THAT
9 GRANTS INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT BEYOND
10 WHAT IS REQUIRED BY THIS ARTICLE 33 TO INCREASE THE CONSTRUCTION
11 OF REGULATED AFFORDABLE HOUSING UNITS;

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

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

21 (g) THE ELIMINATION OF LOCAL PARKING REQUIREMENTS FOR
22 REGULATED AFFORDABLE HOUSING;

23
24 (h) THE PRIORITIZED APPLICATION OF KEY CORRIDOR AND
25 TRANSIT-ORIENTED AREA ZONING DISTRICTS IN THE MUNICIPALITY'S
26 HIGHEST-INCOME CENSUS TRACTS;

27 (i) ESTABLISHING A POLICY TO ALIGN INFRASTRUCTURE

1 STRATEGIES WITH THE REGULATED AFFORDABLE HOUSING NEEDS
2 IDENTIFIED IN THE RELEVANT LOCAL HOUSING NEEDS ASSESSMENT.
3 POLICIES MAY INCLUDE THE PRIORITIZATION OF UTILITIES, COST
4 EXEMPTIONS, AND DISCOUNTS;

5 (j) ESTABLISHING HOUSING AND LAND USE POLICIES INFORMED BY
6 THE FINDINGS AND RECOMMENDATIONS OF THE STRATEGIC ACTION PLAN
7 ON AGING, DEVELOPED PURSUANT TO SECTION 24-32-3406, AND THE
8 LIFELONG COLORADO INITIATIVE CREATED PURSUANT TO SECTION
9 26-11-302, INCLUDING THE EIGHT REALMS OF LIVABLE AND AGE FRIENDLY
10 COMMUNITIES; AND

11 (k) ANY OTHER STRATEGIES PROPOSED BY A LOCAL GOVERNMENT
12 OR THE STRATEGIC GROWTH COMMITTEE THAT ARE APPROVED BY THE
13 DEPARTMENT OF LOCAL AFFAIRS AND THAT SUPPORT EQUAL OR GREATER
14 AFFORDABILITY AND ACCESSIBILITY CONSISTENT WITH THE NEEDS
15 IDENTIFIED IN THE RELEVANT LOCAL HOUSING NEEDS ASSESSMENT.

16 (2) THE LONG-TERM AFFORDABILITY STRATEGIES INCLUDED IN THE
17 MENU OF AFFORDABILITY STRATEGIES FOR AN URBAN MUNICIPALITY MUST
18 INCLUDE THE FOLLOWING:

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

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

27 (c) MAKING A COMMITMENT TO AND REMAINING ELIGIBLE FOR THE

1 STATE AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102 (1);

2 (d) 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 (e) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM TO
8 FACILITATE INVESTMENT IN LAND BANKING OR COMMUNITY LAND TRUSTS;

9 (f) THE ESTABLISHMENT OF AN AFFORDABLE HOMEOWNERSHIP
10 STRATEGY SUCH AS:

11 (I) THE ACQUISITION OR PRESERVATION OF DEED RESTRICTIONS ON
12 CURRENT HOUSING UNITS;

13 (II) THE ESTABLISHMENT OF AN INCENTIVE PROGRAM TO
14 ENCOURAGE REALTORS TO WORK WITH PROSPECTIVE LOW-INCOME AND
15 MINORITY HOMEBUYERS; OR

16 (III) THE ESTABLISHMENT OF AN AFFORDABLE RENT-TO-OWN
17 PROGRAM; AND

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

21 (3) URBAN MUNICIPALITIES SHALL DEMONSTRATE THE ADOPTION
22 OF THE NUMBER OF THE AFFORDABILITY STRATEGIES SPECIFIED IN SECTION
23 29-33-105 (4)(d)(I) AND SUBMIT A REPORT DETAILING THESE STRATEGIES
24 TO THE DEPARTMENT OF LOCAL AFFAIRS NO LATER THAN JUNE 30, 2025.
25 IN DETERMINING WHICH STRATEGIES TO ADOPT, AN URBAN MUNICIPALITY
26 SHALL CONSIDER PREVIOUS PLANS ADDRESSING HOUSING NEEDS OR OTHER
27 AVAILABLE DATA TO INFORM THE SELECTION OF STRATEGIES TO ADDRESS

1 KNOWN HOUSING NEEDS.

2 (4) NOTWITHSTANDING SECTION 29-33-105 (4)(d)(I), AN URBAN
3 MUNICIPALITY MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL
4 AFFAIRS CONCERNING AFFORDABILITY STRATEGIES THAT THE
5 MUNICIPALITY HAS ADOPTED OUTSIDE OF THOSE LISTED IN THIS SECTION,
6 OR THAT THE MUNICIPALITY ADOPTED PRIOR TO THE EFFECTIVE DATE OF
7 THIS SECTION, AND THE IMPACT OF THOSE STRATEGIES. THE DEPARTMENT
8 MAY DETERMINE WHETHER THOSE STRATEGIES MAY QUALIFY AS
9 AFFORDABILITY STRATEGIES FOR PURPOSES OF SECTION 29-33-105
10 (4)(d)(I).

11 ■ ■

12 **29-33-107. Displacement risk assessment and mitigation**
13 **strategies. (1) Displacement risk assessment and mitigation**
14 **strategies guidelines. (a) NO LATER THAN DECEMBER 31, 2024, THE**
15 **EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL**
16 **DEVELOP GUIDANCE FOR MUNICIPALITIES TO CONDUCT A DISPLACEMENT**
17 **RISK ASSESSMENT AND IMPLEMENT DISPLACEMENT MITIGATION**
18 **STRATEGIES AND SHALL PROVIDE GUIDANCE REGARDING THE NUMBER OF**
19 **STRATEGIES THAT MUST BE SELECTED, BASED ON THE RESULTS OF THE**
20 **DISPLACEMENT RISK ASSESSMENT, TO SUPPORT URBAN MUNICIPALITIES**
21 **AND RURAL RESORT JOB CENTER MUNICIPALITIES IN PREVENTING**
22 **DISPLACEMENT AS PART OF THE REQUIRED HOUSING NEEDS PLAN**
23 **PURSUANT TO SECTION 29-33-105.**

24 **(b) THE DISPLACEMENT RISK ASSESSMENT, DISPLACEMENT**
25 **MITIGATION STRATEGIES, AND NUMBER OF DISPLACEMENT MITIGATION**
26 **STRATEGIES MUST PROVIDE ADEQUATE GUIDANCE AND TOOLS FOR**
27 **MUNICIPALITIES TO PREVENT DISPLACEMENT OF LOW-INCOME**

1 HOUSEHOLDS FROM AREAS AT HIGH RISK FOR DISPLACEMENT. IN
2 DEVELOPING THIS GUIDANCE, THE EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT OF LOCAL AFFAIRS SHALL CONSULT WITH THE
4 MULTI-AGENCY ADVISORY COMMITTEE AND PROVIDE A METHOD TO
5 RECEIVE INPUT FROM THE LEGISLATIVE OVERSIGHT COMMITTEE CREATED
6 IN 29-32-117. THE GUIDANCE MUST INCLUDE HOW RURAL RESORT JOB
7 CENTERS SHOULD INCORPORATE REGIONAL WORKFORCE AND COMMUTING
8 PATTERN CONSIDERATIONS IN THEIR DISPLACEMENT RISK ASSESSMENT
9 AND IMPLEMENTATION OF DISPLACEMENT MITIGATION STRATEGIES.

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

12 (I) GEOGRAPHY AS DETERMINED WITH FEEDBACK GATHERED FROM
13 THE RESIDENTS OF THE COMMUNITY IN ADDITION TO DATA ANALYZED AT
14 THE CENSUS TRACT LEVEL OR SIMILAR GEOGRAPHIC SCALE FOR WHICH
15 THERE IS DATA AVAILABLE;

16 (II) INFORMATION FROM NEIGHBORHOOD-LEVEL EARLY WARNING
17 AND RESPONSE SYSTEMS THAT CAN HELP MUNICIPALITIES AND
18 COMMUNITY ADVOCATES ANTICIPATE FUTURE DISPLACEMENT DUE TO
19 RISING HOUSING COSTS;

20 (III) BASELINE CENSUS DATA AND OTHER DATA POINTS THAT ARE
21 UPDATED ON A FREQUENT BASIS;

22 (IV) QUALITATIVE AND QUANTITATIVE INDICATORS OF:

23 (A) NEIGHBORHOOD CHANGE INCLUDING DEMOGRAPHIC AND
24 ECONOMIC CHANGE RELATED TO RESIDENTS AND BUSINESSES IN THE
25 NEIGHBORHOOD; AND

26 (B) GENTRIFICATION, WHICH REFERS TO INCREASED ECONOMIC
27 ACTIVITY OR VALUE IN A NEIGHBORHOOD, OFTEN DRIVEN BY PUBLIC AND

1 PRIVATE INVESTMENT IN INFRASTRUCTURE AND AMENITIES, THAT LEADS
2 TO AN INCREASE IN THE NEIGHBORHOOD AREA MEDIAN INCOME AND
3 PROPERTY VALUES THAT IS OFTEN ACCOMPANIED BY DISPLACEMENT OF
4 LOW-INCOME RESIDENTS AND COMMUNITY SERVICING BUSINESSES AND
5 INSTITUTIONS; AND

6 (V) DISPLACEMENT, AS DEFINED IN SECTION 29-33-102 (9).
7 DISPLACEMENT IS DISTINCT FROM RESIDENTIAL MOBILITY, WHICH
8 INCLUDES VOLUNTARY HOUSEHOLD MOVEMENT.

9 (b) THE GUIDANCE FOR A DISPLACEMENT RISK ASSESSMENT MAY
10 INCLUDE THE FOLLOWING QUANTITATIVE FACTORS THAT CAN BE USED TO
11 IDENTIFY RISKS FOR DISPLACEMENT AT THE CENSUS TRACT OR OTHER
12 SIMILAR GEOGRAPHIC SCALE FOR WHICH DATA IS AVAILABLE:

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

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

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

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

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

25 (VI) THE PERCENTAGE OF RESIDENTS WHO WERE BORN OUTSIDE OF
26 THE UNITED STATES ACCORDING TO PUBLICLY AVAILABLE STATE AND
27 FEDERAL INFORMATION;

- 1 (VII) THE EMPLOYMENT RATE;
- 2 (VIII) THE PERCENTAGE OF WORKERS WHO LIVE WITHIN A
- 3 TEN-MILE RADIUS OF AN URBAN MUNICIPALITY OR A TWENTY-MILE RADIUS
- 4 OF A RURAL RESORT JOB CENTER;
- 5 (IX) THE PERCENTAGE OF HOUSEHOLDS THAT DO NOT HAVE
- 6 INTERNET ACCESS;
- 7 (X) THE PERCENTAGE OF HOUSING STOCK BUILT PRIOR TO 1970;
- 8 (XI) INSTITUTIONAL INVESTOR REAL ESTATE ACTIVITY IN THE
- 9 FOR-SALE MARKET WHERE THIS INFORMATION IS READILY AVAILABLE;
- 10 (XII) CHANGE IN LAND PRICES, RENTAL PRICES, PROPERTY VALUES,
- 11 AND OTHER REAL ESTATE AND HOUSING INDICATORS;
- 12 (XIII) THE NUMBER OF RENTERS WHO WERE LEGALLY EVICTED FOR
- 13 NONPAYMENT OF RENT IN THE PRIOR CALENDAR YEAR FOR ALL AREAS
- 14 WHERE THIS INFORMATION IS READILY AVAILABLE;
- 15 (XIV) THE NUMBER OF COLORADO-OWNED AND
- 16 COLORADO-OPERATED SMALL BUSINESSES WITH TEN EMPLOYEES OR
- 17 FEWER WHERE THIS INFORMATION IS READILY AVAILABLE; AND
- 18 (XV) THE CHANGE IN THE NUMBER OF COLORADO-OWNED AND
- 19 COLORADO-OPERATED SMALL BUSINESSES WITH TEN EMPLOYEES OR
- 20 FEWER OVER FIVE YEARS WHERE THIS INFORMATION IS READILY
- 21 AVAILABLE.
- 22 (c) IN DEVELOPING A DISPLACEMENT RISK ASSESSMENT, URBAN
- 23 MUNICIPALITIES AND RURAL RESORT JOB CENTER MUNICIPALITIES MUST
- 24 ALSO CONDUCT INCLUSIVE COMMUNITY ENGAGEMENT WITH RESIDENTS OF
- 25 AREAS IDENTIFIED AS BEING AT ELEVATED RISK FOR DISPLACEMENT TO
- 26 ADDRESS ADDITIONAL QUALITATIVE INDICATORS OF DISPLACEMENT.
- 27 (3) **Displacement mitigation strategies.** (a) THE GOALS OF

1 DISPLACEMENT MITIGATION STRATEGIES ARE TO ENSURE THAT:

2 (I) VULNERABLE HOMEOWNERS AND RENTERS IN NEIGHBORHOODS
3 EXPERIENCING GENTRIFICATION ARE NOT DISPLACED FROM THEIR CURRENT
4 HOMES AND NEIGHBORHOODS;

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

9 (III) CITY PLANNING AND LAND USE DECISIONS INCORPORATE
10 INCLUSIVE AND EQUITABLE DISPLACEMENT MITIGATION STRATEGIES, AND
11 LOW-INCOME PERSONS AND COMMUNITIES OF COLOR ARE EMPOWERED TO
12 PARTICIPATE EARLY AND MEANINGFULLY IN LAND USE DECISIONS THAT
13 SHAPE THEIR HOMES, NEIGHBORHOODS, AND COMMUNITIES;

14 (IV) NEW AFFORDABLE HOUSING OPTIONS ARE CREATED TO SERVE
15 CURRENT AND FUTURE VULNERABLE HOUSEHOLDS IN NEIGHBORHOODS
16 EXPERIENCING GENTRIFICATION;

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

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

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

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

5 (II) LONG-TERM DISPLACEMENT MITIGATION STRATEGIES FROM
6 WHICH MUNICIPALITIES MUST CHOOSE TO ADDRESS AREAS IDENTIFIED IN
7 THE DISPLACEMENT RISK ASSESSMENT REQUIRED BY SUBSECTION (2) OF
8 THIS SECTION, WHICH MAY INCLUDE:

9 (A) DEVELOPING A PROGRAM TO OFFER TECHNICAL ASSISTANCE
10 AND FINANCIAL SUPPORT FOR COMMUNITY ORGANIZATIONS TO DEVELOP
11 INDEPENDENT COMMUNITY LAND TRUSTS;

12 (B) LOCAL GOVERNMENT PLANNING FOR ACQUISITION AND
13 REHABILITATING OF NATURALLY OCCURRING AFFORDABLE RENTALS,
14 EITHER TO ENTER INTO A LAND TRUST OR TO INCLUDE AFFORDABILITY
15 DEED RESTRICTIONS;

16 (C) IMPLEMENTING LOCAL RIGHT OF FIRST REFUSAL FOR EXPIRING
17 REGULATED AFFORDABLE HOUSING UNITS, PRIORITIZE LOCAL FUNDS
18 TOWARD AFFORDABLE UNIT PRESERVATION, OR IMPLEMENTING OR
19 CONTINUING DEED RESTRICTED AFFORDABLE HOUSING UNITS.

20 (D) REQUIRING MULTIFAMILY DEVELOPERS WHO BUILD NEW
21 LARGE MULTIFAMILY DEVELOPMENTS IN AREAS AT RISK OF
22 DISPLACEMENT, AS IDENTIFIED BY THE DISPLACEMENT RISK ASSESSMENT,
23 TO CREATE A COMMUNITY BENEFITS AGREEMENT WITH AFFECTED
24 POPULATIONS IN CLOSE PROXIMITY TO THE DEVELOPMENT; AND

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

1 (III) SHORT-TERM DISPLACEMENT MITIGATION STRATEGIES FROM
2 WHICH LOCAL GOVERNMENTS SHALL CHOOSE, WHICH MAY INCLUDE:

3 (A) THE CREATION OF A LOCALLY FUNDED AND ADMINISTERED
4 RENTAL AND MORTGAGE ASSISTANCE PROGRAM;

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

7 (C) THE ESTABLISHMENT OF A HOUSING COUNSELING AND
8 NAVIGATION PROGRAM; AND

9 (D) THE CREATION OF A PROPERTY TAX AND DOWN PAYMENT
10 ASSISTANCE PROGRAM; AND

11 (E) ANY OTHER STRATEGIES PROPOSED BY A LOCAL GOVERNMENT
12 OR THE MULTI-AGENCY ADVISORY COMMITTEE THAT ARE APPROVED BY
13 THE DEPARTMENT OF LOCAL AFFAIRS AND THAT SUPPORT THE GOALS OF
14 THIS SECTION.

15 (c) MUNICIPALITIES SHALL ADOPT A MINIMUM NUMBER OF
16 SHORT-TERM AND LONG-TERM DISPLACEMENT MITIGATION STRATEGIES AS
17 DETERMINED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
18 AFFAIRS. MUNICIPALITIES MAY NOT COUNT THE SAME STRATEGY
19 TOWARDS SATISFYING BOTH THE MINIMUM NUMBER OF REQUIRED
20 STRATEGIES PURSUANT TO THE MENU OF AFFORDABILITY STRATEGIES
21 REQUIRED BY SECTION 29-33-106 AND THIS SUBSECTION (3).

22 (4) **Assessment and strategies.** NO LATER THAN DECEMBER 31,
23 2025, AND AS PART OF EVERY HOUSING NEEDS PLAN PURSUANT TO
24 SECTION 29-33-105, IN ACCORDANCE WITH THE GUIDANCE FOR CREATING
25 A DISPLACEMENT RISK ASSESSMENT AND THE SELECTION OF
26 DISPLACEMENT MITIGATION STRATEGIES, EVERY URBAN MUNICIPALITY
27 AND RURAL RESORT JOB CENTER MUNICIPALITY SHALL DEVELOP, ADOPT,

1 AND SUBMIT A DISPLACEMENT RISK ASSESSMENT AND A DESCRIPTION OF
2 THE EVIDENCE-BASED DISPLACEMENT MITIGATION STRATEGIES IT
3 SELECTED TO THE DEPARTMENT OF LOCAL AFFAIRS AS PART OF A HOUSING
4 NEEDS PLAN REQUIRED UNDER SECTION 29-33-105. THE STRATEGIES THAT
5 A MUNICIPALITY SELECTS MUST BE EVIDENCE-BASED AND INFORMED BY
6 ITS DISPLACEMENT RISK ASSESSMENT AND THE MEDIAN INCOME OF AREAS
7 IDENTIFIED AS AT RISK OF DISPLACEMENT. AN URBAN MUNICIPALITY AND
8 RURAL RESORT JOB CENTER MUNICIPALITY SHALL PROVIDE SUPPORTING
9 INFORMATION AND A NARRATIVE TO DEMONSTRATE HOW THE STRATEGIES
10 WILL MITIGATE DISPLACEMENT AS IDENTIFIED IN THE DISPLACEMENT RISK
11 ASSESSMENT. THE DEPARTMENT OF LOCAL AFFAIRS SHALL POST THE
12 SUBMITTED PLANS PUBLICLY ON ITS WEBSITE.

13 (5) **Public comment.** BEFORE ADOPTING AND SUBMITTING A FINAL
14 DISPLACEMENT RISK ASSESSMENT AND MAKING A FINAL SELECTION OF
15 DISPLACEMENT MITIGATION STRATEGIES, AN URBAN MUNICIPALITY AND
16 A RURAL RESORT JOB CENTER MUNICIPALITY SHALL PUBLISH THE MOST
17 RECENT DRAFT OF ITS DISPLACEMENT RISK ASSESSMENT AND THE
18 DISPLACEMENT MITIGATION STRATEGIES IT SELECTED AND ENGAGE IN A
19 PUBLIC COMMENT PROCESS PURSUANT TO 29-33-105 (3)(b) AND 29-33-111
20 (5)(b)(II).

21 (6) **Prior displacement efforts.** BY JANUARY 1, 2025, URBAN
22 MUNICIPALITIES AND RURAL RESORT JOB CENTER MUNICIPALITIES MAY
23 SUBMIT EVIDENCE-BASED MITIGATION STRATEGIES LINKED TO
24 DISPLACEMENT RISK ASSESSMENTS AND THE IMPACT OF THE STRATEGIES
25 THAT THE MUNICIPALITY ADOPTED PRIOR TO THE EFFECTIVE DATE OF THIS
26 SECTION TO THE DEPARTMENT OF LOCAL AFFAIRS. THE DEPARTMENT MAY
27 DETERMINE WHETHER THOSE STRATEGIES QUALIFY AS A DISPLACEMENT

1 MITIGATION LONG-TERM OR SHORT-TERM STRATEGY TO SATISFY THE
2 NUMBER OF STRATEGIES THAT MUST BE ADOPTED PURSUANT TO
3 SUBSECTION (1)(a) OF THIS SECTION.

4 (7) **Technical assistance.** THE DEPARTMENT OF LOCAL AFFAIRS
5 SHALL PROVIDE TECHNICAL ASSISTANCE AND FUNDING TO SUPPORT TIER
6 ONE AND TIER TWO URBAN MUNICIPALITIES AND RURAL RESORT JOB
7 CENTER MUNICIPALITIES IN CONDUCTING A DISPLACEMENT ASSESSMENT
8 AND IN IDENTIFYING DISPLACEMENT MITIGATION STRATEGIES TO ADDRESS
9 THE RISK OF DISPLACEMENT IN THE AREAS AT THE HIGHEST RISK OF
10 DISPLACEMENT.

11 29-33-108. Strategic growth objectives - reporting. (1) (a) No
12 LATER THAN MARCH 31, 2024, THE EXECUTIVE DIRECTOR OF THE
13 DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH A REPORT THAT
14 IDENTIFIES MULTI-AGENCY IMPLEMENTATION PRINCIPLES TO ACHIEVE
15 STRATEGIC GROWTH OBJECTIVES. THE EXECUTIVE DIRECTOR SHALL
16 UPDATE THIS REPORT EVERY SIX YEARS.

17 (b) THE STRATEGIC GROWTH COMMITTEE SHALL, AS PART OF THE
18 PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
19 29-33-109 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
20 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
21 CONCERNING THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS
22 SECTION.

23 (2) STRATEGIC GROWTH OBJECTIVES SERVE AS BROAD GUIDANCE
24 TO STATE AGENCIES AND OTHER ENTITIES ENGAGED IN THE
25 IMPLEMENTATION OF SENATE BILL 23-213, ARE INTENDED TO AID IN
26 REACHING THE HOUSING AND LAND USE GOALS OF SENATE BILL 23-213 AS
27 IDENTIFIED IN SUBSECTION (4) OF THIS SECTION, AND ARE TO BE UTILIZED

1 IN DEVELOPING MULTI-AGENCY IMPLEMENTATION PRINCIPLES FOR
2 STRATEGIC GROWTH OBJECTIVES. STRATEGIC GROWTH OBJECTIVES MUST
3 BE DRAFTED IN A WAY THAT, AT A MINIMUM:

4 (a) DEFINES STRATEGIC GROWTH AREAS AS AREAS WITHIN
5 EXISTING CENSUS URBANIZED AREAS THAT INCLUDE AREAS:

6 (I) WITHIN KEY CORRIDORS AND TRANSIT-ORIENTED AREAS;

7 (II) THAT ARE VACANT, PARTIALLY VACANT, AND UNDERUTILIZED
8 LAND;

9 (III) THAT CAN ACCOMMODATE INFILL DEVELOPMENT,
10 REDEVELOPMENT, AND NEW DEVELOPMENT;

11 (IV) THAT INCLUDE GREYFIELD DEVELOPMENT AND BROWNFIELD
12 DEVELOPMENT;

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

16 (VI) THAT INCLUDE MIDDLE HOUSING AND MULTIFAMILY HOUSING
17 IN EXISTING OR FUTURE WALKABLE MIXED-USE NEIGHBORHOODS AND
18 CENTERS;

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

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

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

27 (c) REQUIRES STATE AGENCIES TO CONSIDER THE DIFFERENT

1 CONTEXTS AND NEEDS OF STRATEGIC GROWTH AREAS IN RURAL, RURAL
2 RESORT, AND URBAN AREAS OF THE STATE;

3 (d) PROMOTES INVESTMENTS THAT SUPPORT STRATEGIC GROWTH
4 AREAS;

5 (e) STREAMLINES AGENCY PERMITTING PROCESSES TO SUPPORT
6 STRATEGIC GROWTH AREAS AND IDENTIFY METHODS TO ALIGN THE STATE
7 AGENCY FUNDING PROGRAMS WITH STRATEGIC GROWTH OBJECTIVES;

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

10 (g) IDENTIFIES STEPS TO SUPPORT STRATEGIC GROWTH OBJECTIVES
11 WHEN UPDATING PLANNING DOCUMENTS;

12 (h) IDENTIFIES METRICS AND STANDARDS TO DEFINE AND SUPPORT
13 WALKABLE MIXED-USE DEVELOPMENT, SAFE ACCESS TO TRANSIT, AND
14 COMPLETE STREETS;

15 (i) ALLOWS FOR THE IDENTIFICATION OF NEW STRATEGIC GROWTH
16 OBJECTIVES AS NEEDED DURING THE IMPLEMENTATION OF THE
17 MULTI-AGENCY IMPLEMENTATION PRINCIPLES IDENTIFIED IN SUBSECTION
18 (1)(a) OF THIS SECTION; AND

19 (j) IDENTIFIES REDUCED PARKING MINIMUMS IN STRATEGIC
20 GROWTH AREAS.

21 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
22 AFFAIRS MAY IDENTIFY AND DEFINE ADDITIONAL STRATEGIC GROWTH
23 OBJECTIVES BEYOND THOSE IDENTIFIED IN SUBSECTION (2) OF THIS
24 SECTION.

25 (4) FOR THE PURPOSES OF THIS SECTION, THE HOUSING AND LAND
26 USE GOALS OF THIS SENATE BILL 23-213 INCLUDE:

27 (a) PLANNING FOR FUTURE GROWTH;

- 1 (b) INCREASING HOUSING AFFORDABILITY AND ACCESSIBILITY;
- 2 (c) INCREASING ECONOMIC MOBILITY;
- 3 (d) STRENGTHENING ECONOMIC DEVELOPMENT AND JOB GROWTH
- 4 PATTERNS;
- 5 (e) BALANCING REGIONAL JOBS AND HOUSING;
- 6 (f) ALIGNING WATER SUPPLY AND HOUSING PLANNING;
- 7 (g) WATER CONSERVATION
- 8 (h) REDUCING AIR POLLUTION AND GREENHOUSE GAS EMISSIONS
- 9 AND
- 10 (i) PRESERVING OPEN SPACE AND AGRICULTURAL LAND.

11 **29-33-109. Public comment and hearing process.** (1) IN
12 DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE
13 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE
14 STRATEGIC GROWTH COMMITTEE CREATED IN SECTION 29-33-103 (1),
15 RURAL RESORT AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8),
16 OR THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103 (9),
17 SHALL CONDUCT A PUBLIC COMMENT AND HEARING PROCESS ABOUT:

18 (a) DEVELOPING METHODOLOGY FOR THE DEVELOPMENT OF
19 STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS
20 PURSUANT TO SECTION 29-33-104;

21 (b) CREATING A HOUSING NEEDS PLAN PURSUANT TO SECTION
22 29-33-105;

23 (c) DEVELOPING A MENU OF AFFORDABILITY STRATEGIES THAT
24 INCLUDES STRATEGIES TO ADDRESS HOUSING PRODUCTION,
25 PRESERVATION, AND AFFORDABILITY PURSUANT TO SECTION 29-33-106;

26 (d) DEVELOPING A MENU OF DISPLACEMENT MITIGATION
27 STRATEGIES FOR URBAN MUNICIPALITIES PURSUANT TO SECTION

1 29-33-107;

2 (e) PUBLISHING A REPORT THAT IDENTIFIES STRATEGIC GROWTH
3 OBJECTIVES PURSUANT TO SECTION 29-33-108; AND

4 (f) DEVELOPING REPORTING GUIDANCE AND TEMPLATES FOR
5 RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES
6 PURSUANT TO SECTION 29-33-113.

7 (2) To CONDUCT THE PUBLIC COMMENT AND HEARING PROCESS
8 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE STRATEGIC GROWTH
9 COMMITTEE CREATED IN SECTION 29-33-103 (1), RURAL RESORT AREA
10 SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8), OR THE URBAN AREA
11 SUBCOMMITTEE CREATED IN SECTION 29-33-103 (9), SHALL:

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

15 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
16 SUBJECT OF THE HEARING;

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

19 (d) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
20 COMMUNITY GROUPS THAT ARE MOST AT RISK OF DISPLACEMENT;

21 (e) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, HOMELESSNESS
22 PREVENTION, AFFORDABLE HOUSING, AND TENANT RIGHTS; AND

23 (f) ENSURE ACCESSIBILITY TO THE COMMENT AND HEARING
24 PROCESS BY PROVIDING TRANSLATED MATERIALS AND INTERPRETATION
25 SERVICES, PROVIDING AT LEAST ONE OF THE HEARINGS IN PERSON, AND
26 CONDUCTING OUTREACH TO ENCOURAGE PARTICIPATION FROM
27 UNDERREPRESENTED COMMUNITIES.

1 **29-33-110. Natural and agricultural land priorities report.**

2 (1) NO LATER THAN DECEMBER 31, 2024, THE OFFICE OF CLIMATE
3 PREPAREDNESS CREATED IN SECTION 24-38.8-102 (1) SHALL CONSULT
4 WITH THE DEPARTMENT OF AGRICULTURE, THE DIVISION OF PARKS AND
5 WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES, THE
6 OUTDOOR RECREATION INDUSTRY OFFICE IN THE OFFICE OF ECONOMIC
7 DEVELOPMENT, THE COLORADO TOURISM OFFICE, THE MULTI-AGENCY
8 GROUP, AND EXPERTS IN RELATED FIELDS TO DEVELOP A REPORT THAT
9 IDENTIFIES INTERJURISDICTIONAL PRIORITIES THAT METROPOLITAN
10 PLANNING ORGANIZATIONS SHOULD APPLY TO ACHIEVE:

11 (a) CONNECTIVITY TO OPEN SPACE, WILDLIFE HABITAT, AND OTHER
12 PRIORITY LANDSCAPES;

13 (b) PRESERVATION OF AGRICULTURAL LAND, HISTORIC AND
14 CULTURAL RESOURCES, URBAN PARKS AND GREEN SPACES, EXURBAN OPEN
15 SPACE, RECREATIONAL RESOURCES, WILDLIFE HABITATS, AND ECOSYSTEMS
16 WITH THE GREATEST NEED FOR CONSERVATION AND MITIGATING HAZARDS;
17 AND

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

20 (2) THE REPORT MUST INTEGRATE AND INCLUDE INFORMATION
21 FROM RELEVANT EXISTING AND UNDER DEVELOPMENT STATE PLANS,
22 INCLUDING THE DIVISION OF PARKS AND WILDLIFE'S STATE WILDLIFE
23 ACTION PLAN, THAT ADDRESS CONSERVATION, RECREATION, AND CLIMATE
24 ADAPTATION, AND MUST BE UPDATED TO INCORPORATE RESULTS OF NEW
25 PLANS, DATA, OR ANALYSES THAT ARE COMPLETED AFTER THE INITIAL
26 COMPLETION OF THE REPORT.

27 (3) THE DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH THE

1 REPORT AND MAKE IT AVAILABLE AS A RESOURCE FOR LOCAL
2 GOVERNMENTS FOR USE IN DEVELOPING MASTER PLANS PURSUANT TO
3 SECTIONS 30-28-106 AND 31-23-206 AS APPLICABLE.

4 **29-33-111. Rural resort job center municipalities - existing**
5 **plans to address local housing needs - menu of affordability strategies**
6 **- regional housing needs planning process. (1) Existing plans to**
7 **address local housing needs. A RURAL RESORT JOB CENTER**
8 **MUNICIPALITY THAT ADOPTS A PLAN TO ADDRESS LOCAL HOUSING NEEDS**
9 **PRIOR TO THE EFFECTIVE DATE OF THIS SECTION MAY, RATHER THAN**
10 **DEVELOPING AND ADOPTING A NEW HOUSING NEEDS PLAN PURSUANT TO**
11 **SUBSECTION (3)(b) OF THIS SECTION, UPDATE ITS EXISTING PLAN TO**
12 **ADDRESS ADDITIONAL NEEDS IDENTIFIED IN THE LOCAL HOUSING NEEDS**
13 **ASSESSMENT BEYOND WHAT THE MUNICIPALITY'S EXISTING PLAN TO**
14 **ADDRESS LOCAL HOUSING NEEDS INCLUDES, AND ANY REQUIREMENTS IN**
15 **SECTION 29-33-105 (4) NOT ALREADY INCLUDED IN THE MUNICIPALITY'S**
16 **EXISTING PLAN TO ADDRESS LOCAL HOUSING NEEDS.**

17 **(2) Rural resort job center municipality planning goals. In**
18 **ORDER TO SUPPORT AFFORDABILITY AND ADVANCE MEETING THE HOUSING**
19 **NEEDS OF LOW- AND MODERATE-INCOME HOUSEHOLDS, AS DEFINED BY**
20 **THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN**
21 **DEVELOPMENT, THE MENU OF AFFORDABILITY STRATEGIES FOR A RURAL**
22 **RESORT JOB CENTER MUNICIPALITY MUST INCLUDE BOTH AFFORDABLE**
23 **DEVELOPMENT STRATEGIES AND LONG-TERM AFFORDABILITY STRATEGIES.**
24 **WHEN SELECTING AND IMPLEMENTING AFFORDABILITY STRATEGIES, A**
25 **RURAL RESORT JOB CENTER MUST PRIORITIZE STRATEGIES THAT SUPPORT**
26 **REGULATED AFFORDABLE HOUSING, INCLUDING MIXED-INCOME**
27 **DEVELOPMENT AND DEVELOPMENTS THAT ONLY CONTAIN REGULATED**

1 AFFORDABLE HOUSING. THE AFFORDABLE DEVELOPMENT STRATEGIES
2 INCLUDED IN THE MENU OF AFFORDABILITY STRATEGIES FOR A RURAL
3 RESORT JOB CENTER MUNICIPALITY MUST INCLUDE THE FOLLOWING:

4 (a) A STRATEGY DEFINED BY THE RURAL RESORT JOB CENTER
5 MUNICIPALITY THAT SETS PARAMETERS FOR THE CONSTRUCTION AND
6 PERMITTING OF ACCESSORY DWELLING UNITS WITH AFFORDABILITY
7 PROTECTIONS THAT MEET THE RURAL RESORT JOB CENTER MUNICIPALITY'S
8 HOUSING AFFORDABILITY NEEDS;

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

12 (I) IS WITHIN A WALKABLE DISTANCE OF TRANSIT STOPS, WHEN
13 POSSIBLE;

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

17 (III) PROVIDES HOUSING THAT MEETS THE RURAL RESORT JOB
18 CENTER MUNICIPALITY'S DEMONSTRATED HOUSING AFFORDABILITY NEEDS
19 AND SHORTAGES, TAKING INTO CONSIDERATION REGIONAL WORKFORCE
20 COMMUTING TRENDS;

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

24 (d) THE CREATION OF A PROGRAM TO PRIORITIZE DEVELOPMENT
25 PERMITS AND SUBSIDIZE OR OTHERWISE REDUCE IMPACT FEES OR OTHER
26 SIMILAR DEVELOPMENT CHARGES FOR AFFORDABLE HOUSING
27 DEVELOPMENT WHERE APPLICABLE;

1 (e) CREATING AN EXPEDITED DEVELOPMENT REVIEW PROCESS FOR
2 AFFORDABLE HOUSING DEVELOPMENTS;

3 (f) ESTABLISHING A DENSITY BONUS PROGRAM THAT ALLOWS
4 INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT TO INCREASE THE
5 CONSTRUCTION OF AFFORDABLE HOUSING UNITS;

6 (g) ENABLING AFFORDABLE HOUSING AS A USE BY RIGHT IN
7 HOUSING TYPES AND AREAS CONSISTENT WITH THE GOALS OF INCREASING
8 HOUSING AFFORDABILITY, SUPPLY, AND HOUSING UNIT TYPE DIVERSITY;

9 (h) ESTABLISHING A POLICY OR PLAN TO LEVERAGE
10 MUNICIPALLY-OWNED LAND FOR THE DEVELOPMENT OF AFFORDABLE
11 HOUSING;

12 (i) ESTABLISHING A DEDICATED LOCAL REVENUE SOURCE FOR THE
13 DEVELOPMENT OF AFFORDABLE HOUSING;

14 ■
15 (j) REDUCING OR ELIMINATING LOCAL PARKING REQUIREMENTS
16 FOR REGULATED AFFORDABLE HOUSING;

17 ■
18 (k) ADOPTING A POLICY THAT RESULTS IN NON-CONSTRUCTION
19 SOLUTIONS TO INCREASE AFFORDABLE HOUSING, INCLUDING THE:

20 (I) ACQUISITION OF DEED RESTRICTIONS ON EXISTING
21 MARKET-RATE HOUSING UNITS;

22 (II) PRESERVATION OF EXISTING DEED RESTRICTIONS; OR

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

25 (l) ADOPTING A REGIONAL HOUSING NEEDS PLAN WITH
26 MULTI-JURISDICTIONAL COMMITMENTS TO MEET IDENTIFIED HOUSING
27 TARGETS TO INCREASE THE SUPPLY OF REGULATED AFFORDABLE HOUSING;

1 (m) ESTABLISHING A POLICY TO ALIGN INFRASTRUCTURE
2 STRATEGIES WITH THE AFFORDABLE HOUSING NEEDS IDENTIFIED IN THE
3 RELEVANT LOCAL HOUSING NEEDS ASSESSMENT. POLICIES MAY INCLUDE
4 THE PRIORITIZATION OF UTILITIES, COST EXEMPTIONS, AND DISCOUNTS.

5 (n) ADOPTING A STRATEGY PROPOSED BY EITHER A LOCAL
6 GOVERNMENT OR THE STRATEGIC GROWTH COMMITTEE, AND THAT IS
7 APPROVED BY THE DEPARTMENT OF LOCAL AFFAIRS, THAT SUPPORTS
8 EQUAL OR GREATER HOUSING AFFORDABILITY CONSISTENT WITH THE
9 NEEDS IDENTIFIED IN THE RELEVANT LOCAL HOUSING NEEDS ASSESSMENT;
10 AND

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

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

17 (a) THE ESTABLISHMENT OF A DEDICATED LOCAL REVENUE SOURCE
18 FOR AFFORDABLE HOUSING DEVELOPMENT, SUCH AS INSTITUTING A
19 LINKAGE FEE ON NEW DEVELOPMENTS;

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

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

27 (d) THE ESTABLISHMENT OF AN AFFORDABLE HOMEOWNERSHIP

1 STRATEGY SUCH AS:

2 (I) THE ACQUISITION OF 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;

9 (e) 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 (f) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM TO
13 FACILITATE INVESTMENT IN LAND BANKING OR COMMUNITY LAND TRUSTS;

14 AND

15 (g) PRESERVING AFFORDABILITY OF BOTH REGULATED AND
16 UNREGULATED HOUSING THROUGH INTERVENTIONS SUCH AS CAPITAL
17 INVESTMENTS IN PROPERTY RESTORATION OR REHABILITATION, LOCAL
18 RIGHT OF FIRST REFUSAL PROGRAMS, OR PROGRAMS THAT TRANSITION
19 EXISTING HOUSING STOCK TO AFFORDABLE HOUSING.

20 (4) (a) A RURAL RESORT JOB CENTER MUNICIPALITY MUST
21 ADOPT AT LEAST TWO STRATEGIES FROM THE LIST OF AFFORDABLE
22 DEVELOPMENT STRATEGIES IN SUBSECTION (2) OF THIS SECTION AND AT
23 LEAST ONE STRATEGY FROM THE LIST OF LONG-TERM AFFORDABILITY
24 STRATEGIES IN SUBSECTION (3) OF THIS SECTION. IN DETERMINING WHICH
25 STRATEGIES TO ADOPT, A RURAL RESORT JOB CENTER MUNICIPALITY SHALL
26 CONSIDER PREVIOUS PLANS ADDRESSING HOUSING NEEDS, THE LOCAL AND
27 REGIONAL HOUSING NEEDS ASSESSMENTS, AND OTHER AVAILABLE DATA

1 TO INFORM THE SELECTION OF STRATEGIES TO ADDRESS KNOWN HOUSING
2 NEEDS.

3 (b) NOTWITHSTANDING SUBSECTION (4)(a) OF THIS SECTION, A
4 RURAL RESORT JOB CENTER MUNICIPALITY MAY SUBMIT EVIDENCE TO THE
5 DEPARTMENT OF LOCAL AFFAIRS CONCERNING AFFORDABILITY
6 STRATEGIES THAT THE MUNICIPALITY HAS ADOPTED OUTSIDE OF THOSE
7 LISTED IN THIS SECTION, OR THAT THE MUNICIPALITY ADOPTED PRIOR TO
8 THE EFFECTIVE DATE OF THIS SECTION, AND THE IMPACT OF THOSE
9 STRATEGIES. THE DEPARTMENT MAY DETERMINE WHETHER THOSE
10 STRATEGIES QUALIFY AS AFFORDABILITY STRATEGIES FOR PURPOSES OF
11 SUBSECTION (4)(a) OF THIS SECTION.

12 (5) Regional housing needs planning process. (a) (I) A COUNTY
13 OR MUNICIPALITY WITHIN A REGION DEFINED IN THE REGIONAL HOUSING
14 NEEDS ASSESSMENT MAY PARTICIPATE IN A REGIONAL HOUSING NEEDS
15 PLANNING PROCESS.

16 (II) THE COUNTIES OR MUNICIPALITIES THAT PARTICIPATE IN A
17 PLANNING PROCESS:

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

21 (B) ARE ENCOURAGED TO INCORPORATE STRATEGIC GROWTH
22 OBJECTIVES AS DEFINED IN SECTION 29-33-108 IN THE PLANNING PROCESS;
23 AND

24 (C) ARE ENCOURAGED TO IDENTIFY STRATEGIES THAT ADDRESS
25 THE HOUSING NEEDS IDENTIFIED IN LOCAL AND REGIONAL HOUSING NEEDS
26 ASSESSMENTS THROUGH THE ADOPTION OF INTERJURISDICTIONAL
27 STRATEGIES AND AFFORDABILITY STRATEGIES FROM THE MENU IN

1 SUBSECTION (2) OF THIS SECTION.

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

6 (IV) A REGIONAL HOUSING NEEDS PLANNING PROCESS MAY BE LED
7 BY A REGIONAL ENTITY AND MUST ENCOURAGE PARTICIPATING COUNTIES
8 AND MUNICIPALITIES TO IDENTIFY STRATEGIES THAT IMPROVE
9 COORDINATION BETWEEN ENTITIES TO MEET THE HOUSING NEEDS
10 IDENTIFIED FOR THOSE LOCAL GOVERNMENTS IN THE REGIONAL AND
11 LOCAL HOUSING NEEDS ASSESSMENTS.

12 (V) BY DECEMBER 31, 2024, THE RURAL RESORT AREA
13 SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8) SHALL ISSUE A REPORT
14 TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON
15 THE STATUS, OPPORTUNITIES, AND CHALLENGES OF REGIONAL PLANNING
16 IN THE RURAL RESORT REGIONS, INCLUDING THE CONNECTION BETWEEN
17 HOUSING AND TRANSPORTATION AND REGIONAL EQUITY IN REGARDS TO
18 COMMUNITIES THAT HOUSE THE WORKFORCE AND THOSE THAT ARE RURAL
19 RESORT JOB CENTER MUNICIPALITIES.

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

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 RURAL RESORT JOB CENTER
2 MUNICIPALITY WILL ADDRESS LOCAL HOUSING NEEDS AS IDENTIFIED FROM
3 A REGIONAL HOUSING ASSESSMENT, AND THE LOCAL HOUSING NEEDS
4 ASSESSMENT, INCLUDING DEMONSTRATED HOUSING NEEDS FOR PERSONS
5 OF DIFFERENT INCOME LEVELS, OVER THE NEXT TWENTY YEARS WITH AN
6 EQUITABLE DISTRIBUTION OF HOUSING WITHIN THE MUNICIPALITY;

7 (C) FOR ANY REGULATED AFFORDABLE HOUSING PROGRAM FOR
8 WHICH A RURAL RESORT JOB CENTER MUNICIPALITY RECEIVES STATE OR
9 FEDERAL MONEY PURSUANT TO THE FEDERAL "AMERICAN RESCUE PLAN
10 ACT OF 2021", PUB.L. 117-2, OR RECEIVES ANY OTHER STATE MONEY, OR
11 FOR ANY REGULATED AFFORDABLE HOUSING PROGRAM FOR WHICH A
12 RURAL RESORT JOB CENTER MUNICIPALITY HAS PRIORITIZED REGULATED
13 AFFORDABLE HOUSING OR HOMELESSNESS PREVENTION OR SUPPORT IN THE
14 RURAL RESORT JOB CENTER MUNICIPALITY'S BUDGET, A NARRATIVE
15 DESCRIPTION THAT INCLUDES: THE PROGRAM'S BUDGET, THE PROGRAM'S
16 TIMELINE COMPLETION, THE NUMBER OF UNITS, THE TYPE OF UNITS, THE
17 INCOME LEVEL FOR WHICH THE HOUSING IS TARGETED, THE NUMBER OF
18 FAMILIES SERVED, AND THE DEMOGRAPHIC AND INCOME LEVELS OF THE
19 FAMILIES SERVED;

20 (D) A NARRATIVE ANALYSIS OF ANY AREA AT ELEVATED RISK OF
21 RESIDENTIAL DISPLACEMENT THAT THE RURAL RESORT JOB CENTER
22 MUNICIPALITY HAS IDENTIFIED AND A DESCRIPTION OF AN
23 IMPLEMENTATION PLAN FOR ANY STRATEGIES FROM THE MENU OF
24 DISPLACEMENT MITIGATION STRATEGIES SPECIFIED IN SECTION 29-33-107
25 (3) THAT THE RURAL RESORT JOB CENTER MUNICIPALITY WILL USE TO
26 MITIGATE IDENTIFIED DISPLACEMENT RISKS SPECIFIED IN A THE
27 DISPLACEMENT RISK ASSESSMENT REQUIRED PURSUANT TO SECTION

1 29-33-107 (2);

2 (E) 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 (F) AN IMPLEMENTATION PLAN THAT DESCRIBES HOW THE RURAL
12 RESORT JOB CENTER MUNICIPALITY WILL COMPLY WITH [REDACTED] 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 MUST 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 [REDACTED]
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 [REDACTED]
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 THIS ARTICLE 33, AND GIFTS, GRANTS, OR DONATIONS
14 CREDITED TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL
15 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
16 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 PURPOSE OF IMPLEMENTING THIS ARTICLE 33.

20 **29-33-114. Reporting requirements.** (1) (a) NO LATER THAN
21 DECEMBER 31, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
22 LOCAL AFFAIRS SHALL DEVELOP REPORTING GUIDANCE AND TEMPLATES
23 FOR RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN
24 MUNICIPALITIES.

25 (b) THE STRATEGIC GROWTH COMMITTEE SHALL, AS PART OF THE
26 PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
27 29-33-109 (2), PROVIDE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR

1 OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
2 OF REPORTING GUIDANCE AND TEMPLATES FOR RURAL RESORT JOB CENTER
3 MUNICIPALITIES AND URBAN MUNICIPALITIES.

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

10 [REDACTED]
11 (a) THE NUMBER OF PERMITS THAT THE MUNICIPALITY ISSUED FOR
12 NEW HOUSING UNITS CATEGORIZED BY THE NUMBER OF UNITS IN EACH
13 STRUCTURE TYPE;

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

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

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

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

25 (f) THE NUMBER OF DWELLING UNIT PERMITS ISSUED FOR
26 TRANSIT-ORIENTED COMMUNITIES, IF APPLICABLE;

27 (g) ZONING INFORMATION THAT MAY INCLUDE GEOSPATIAL DATA

1 SPECIFYING ZONING DISTRICTS, ALLOWED USES AND DENSITIES, AND
2 OTHER DATA IN A STANDARD FORMAT; AND

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

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

12 **29-33-115. Compliance.** NO LATER THAN JUNE 30, 2027, THE
13 DEPARTMENT OF LOCAL AFFAIRS SHALL CONDUCT A COMPLIANCE REVIEW
14 AND APPROVE HOUSING NEEDS PLANS OR PROVIDE FEEDBACK TO RURAL
15 RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES AS
16 NEEDED. THE SUBMISSION OF A COMPLIANT HOUSING NEEDS PLAN MUST BE
17 CONSIDERED IN THE IMPLEMENTATION OF STRATEGIC GROWTH
18 OBJECTIVES.

19 **29-33-116. Statewide summit.** (1) NO LATER THAN APRIL 15,
20 2024, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS,
21 IN COORDINATION WITH A MEMBERSHIP ASSOCIATION OF MUNICIPALITIES,
22 A MEMBERSHIP ASSOCIATION OF COUNTIES, AND A MEMBERSHIP
23 ASSOCIATION OF SPECIAL DISTRICTS, SHALL HOLD BOTH A STATEWIDE
24 SUMMIT AND AT LEAST SIX REGIONAL MEETINGS THROUGHOUT THE STATE.

25 (2) PARTICIPANTS AT THE SUMMIT AND REGIONAL MEETINGS
26 SHALL:

27 (a) DISCUSS THE ISSUES OF LAND USE, HOUSING AVAILABILITY AND

1 AFFORDABILITY, WATER AVAILABILITY, AND TRANSPORTATION; AND

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

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

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

13 (5) THE SUMMIT AND REGIONAL MEETINGS MUST INCLUDE
14 REPRESENTATIVES FROM:

- 15 (a) LOCAL GOVERNMENTS;
- 16 (b) CHAMBERS OF COMMERCE;
- 17 (c) AFFORDABLE HOUSING GROUPS;
- 18 (d) INFRASTRUCTURE AND SERVICE PROVIDERS;
- 19 (e) WATER PROVIDERS;
- 20 (f) THE AGRICULTURAL SECTOR;
- 21 (g) HOMEBUILDERS;
- 22 (h) ENVIRONMENTAL GROUPS;
- 23 (i) ECONOMIC DEVELOPMENT PROFESSIONALS;
- 24 (j) TRANSPORTATION EXPERTS;
- 25 (k) TRIBAL GOVERNMENTS; AND
- 26 (l) OTHER STAKEHOLDERS AS NECESSARY TO PROVIDE DIVERSE
27 PERSPECTIVES ON THE ISSUES DISCUSSED AT THE SUMMIT AND REGIONAL

1 MEETINGS PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION.

2 **29-33-117. Legislative oversight committee concerning**
3 **affordable housing and homelessness - creation - duties. (1) Creation.**

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

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

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

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

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

27 (d) THE PERSON MAKING THE ORIGINAL APPOINTMENT OR

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

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

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

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

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

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

27 (II) EACH COMMITTEE MEMBER SHALL ANNUALLY EITHER ATTEND

1 OR CALL INTO AT LEAST ONE REGULAR TASK FORCE CONCERNING
2 AFFORDABLE HOUSING AND HOMELESSNESS MEETING. COMMITTEE
3 MEMBERS ARE ENCOURAGED TO ATTEND SEPARATE MEETINGS AND INFORM
4 THE REST OF THE COMMITTEE ABOUT THE CURRENT WORK OF THE TASK
5 FORCE.

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

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

25 (II) THE REPORT MUST COMPLY WITH THE PROVISIONS OF SECTION
26 24-1-117 (9). NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
27 REQUIREMENT IN THIS SECTION TO REPORT TO THE GENERAL ASSEMBLY

1 CONTINUES INDEFINITELY.

2 (d) AS NECESSARY, THE COMMITTEE MAY REQUEST PUBLIC
3 TESTIMONY AND REPORTS FROM STATE AGENCIES. THE COMMITTEE
4 MUST ACCEPT LIMITED PUBLIC TESTIMONY PRIOR TO SUBMISSION OF THE
5 ANNUAL REPORT AS DESCRIBED IN SUBSECTION (2)(c)(I) OF THIS SECTION.

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 **LOCAL GOVERNMENT;**

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 [REDACTED] 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 RACIAL,
12 ETHNIC, ECONOMIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE;
13 PERSONS REPRESENTING OF ALL AREAS OF THE STATE; AND PERSONS WITH
14 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, HOME OWNERSHIP, AND
14 HOMELESSNESS 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 STRATEGIES AS DESCRIBED IN SECTIONS 29-33-106 AND 29-33-107;

26 (III) BEST PRACTICES FOR INCREASING FIRST-TIME HOME
27 OWNERSHIP OPPORTUNITIES FOR COMMUNITIES THAT HAVE BEEN

1 HISTORICALLY EXCLUDED FROM HOME OWNERSHIP AND ITS ASSOCIATED
2 WEALTH GAINS;

3 (IV) BEST PRACTICES FOR STABILIZING CURRENTLY HOUSED
4 INDIVIDUALS AT RISK OF ENTERING HOMELESSNESS;

5 (V) STATEWIDE HOMELESSNESS ANALYSIS AS CONDUCTED BY A
6 CONTRACTOR SELECTED BY THE OFFICE OF HOMELESS INITIATIVES WITHIN
7 THE DEPARTMENT OF LOCAL AFFAIRS;

8 (VI) BEST PRACTICES FOR RESOLVING AND PREVENTING
9 HOMELESSNESS;

10 (VII) THE ADMINISTRATION BY THE DIVISION OF HOUSING WITHIN
11 THE DEPARTMENT OF LOCAL AFFAIRS AND THE COLORADO HOUSING AND
12 FINANCE AUTHORITY OF STATE AND FEDERAL FUNDS RELATED TO
13 HOUSING;

14 (VIII) THE IMPACT OF HOUSING AND HOMELESSNESS ON STATE
15 AGENCIES;

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

24 (X) A SUMMARY OF ALL EXEMPTION REQUESTS TO AND
25 RESPONSES FROM THE DEPARTMENT OF LOCAL AFFAIRS FROM ANY
26 REQUIREMENTS OF THIS ARTICLE 33.

27 (d) THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (3) DO NOT

1 PROHIBIT THE TASK FORCE, AT ANY TIME DURING ITS EXISTENCE, FROM
2 REQUESTING PERMISSION FROM THE COMMITTEE TO STUDY, PRESENT
3 FINDINGS, AND MAKE RECOMMENDATIONS ON ANY ISSUE RELATED TO THE
4 SCOPE OF THE TASK FORCE AND OVERSIGHT COMMITTEE.

5 (e) AS NECESSARY, THE TASK FORCE MAY REQUEST TESTIMONY
6 AND REPORTS FROM STATE AGENCIES AND THE MULTI-AGENCY COMMITTEE
7 AND SUBCOMMITTEES CREATED IN SECTION 29-33-103, AS APPROVED BY
8 THE COMMITTEE.

9 (4) Additional duties of the task force. THE TASK FORCE SHALL
10 ANNUALLY DELIVER POLICY AND LEGISLATIVE RECOMMENDATIONS TO THE
11 COMMITTEE PURSUANT TO THIS SECTION. IN ADDITION, THE TASK FORCE
12 SHALL:

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

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

18 (c) ESTABLISH ORGANIZATIONAL AND PROCEDURAL RULES FOR THE
19 OPERATION OF THE TASK FORCE AND FOR COLLABORATION WITH THE
20 COMMITTEE;

21 (d) DESIGNATE SPECIFIC TASK FORCE MEMBERS RESPONSIBLE FOR
22 COLLABORATING WITH AND OBTAINING INPUT FROM OTHER GROUPS,
23 COMMUNITIES, TASK FORCES, OR STATEWIDE INITIATIVES THAT
24 COMPLEMENT OR RELATE TO THE TASK FORCE'S IDENTIFIED AREAS OF
25 STUDY;

26 (e) CREATE NO MORE THAN THREE SUBCOMMITTEES AS NEEDED TO
27 CARRY OUT THE DUTIES OF THE TASK FORCE. THE SUBCOMMITTEES MAY

1 CONSIST, IN PART, OF PERSONS WHO ARE NOT MEMBERS OF THE TASK
2 FORCE. SUCH PERSONS MAY VOTE ON ISSUES BEFORE THE SUBCOMMITTEE
3 BUT ARE NOT ENTITLED TO A VOTE AT TASK FORCE MEETINGS.

4 (f) STUDY THE IMPLEMENTATION OF COMMITTEE LEGISLATION
5 PASSED BY THE GENERAL ASSEMBLY;

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

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

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

19 (B) LEGISLATIVE OR POLICY PROPOSALS OF THE TASK FORCE THAT
20 IDENTIFY THE POLICY ISSUES INVOLVED, THE AGENCIES RESPONSIBLE FOR
21 THE IMPLEMENTATION OF THE CHANGES, AND THE FUNDING SOURCES
22 REQUIRED FOR IMPLEMENTATION;

23 (C) A SUMMARY OF TASK FORCE MEETING ACTIVITIES AND
24 DISCUSSIONS;

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

27 (E) A SUMMARY OF EFFORTS MADE TO COMMUNICATE,

1 COLLABORATE, OR COORDINATE WITH OTHER GROUPS, TASK FORCES, OR
2 STATE INITIATIVES; AND

3 (F) A SUMMARY OF EFFORTS IMPLEMENTED TO ADDRESS
4 DISPARITIES IN ACCESSING HOUSING, AFFORDABLE HOUSING, OR HOME
5 OWNERSHIP IN LEGISLATIVE AND POLICY PROPOSALS BROUGHT FORWARD
6 BY THE TASK FORCE.

7 (II) THE TASK FORCE MAY POST THE REPORT ON THE COMMITTEE'S
8 WEBSITE.

9 (5) Coordination. THE TASK FORCE MAY WORK WITH OTHER
10 GROUPS, TASK FORCES, OR STATEWIDE INITIATIVES THAT ARE PURSUING
11 ISSUES AND POLICY INITIATIVES SIMILAR TO THOSE ADDRESSED IN
12 SUBSECTION (3) OF THIS SECTION. THE TASK FORCE MAY DEVELOP
13 RELATIONSHIPS WITH OTHER TASK FORCES, COMMITTEES, AND
14 ORGANIZATIONS TO LEVERAGE EFFICIENT POLICY-MAKING OPPORTUNITIES
15 THROUGH COLLABORATIVE EFFORTS.

16 (6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, THE
17 TASK FORCE IS NOT REQUIRED TO MEET, SUBMIT ANNUAL POLICY AND
18 LEGISLATIVE RECOMMENDATIONS, OR SUBMIT AN ANNUAL REPORT TO THE
19 COMMITTEE DURING ANY INTERIM IN WHICH THE GENERAL ASSEMBLY HAS
20 SUSPENDED INTERIM COMMITTEE ACTIVITIES.

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

24 PART 2

25 ACCESSORY DWELLING UNITS

26 **29-33-201. Legislative declaration.** (1) (a) THE GENERAL
27 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

1 (I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT
2 ACCESSORY DWELLING UNIT DEVELOPMENT;

3 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

4 (III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
5 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
6 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
7 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
8 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
9 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
10 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
11 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
12 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
13 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
14 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
15 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
16 AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.

17 (IV) MORE PERMISSIVE LOCAL GOVERNMENT ACCESSORY
18 DWELLING UNIT REGULATIONS CAN HELP INCREASE HOUSING SUPPLY AND
19 STABILIZE HOUSING COSTS;

20 (V) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE
21 COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED
22 NEIGHBORHOODS WITH MINIMAL IMPACTS TO THE INFRASTRUCTURE AND
23 ALSO SUPPLY NEW HOUSING WITHOUT ADDED NEW DISPERSED
24 LOW-DENSITY HOUSING;

25 (VI) RELATIVE TO DISPERSED LOW-DENSITY DEVELOPMENT,
26 COMPACT INFILL DEVELOPMENT, INCLUDING ACCESSORY DWELLING UNIT
27 DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS,

1 INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION
2 COSTS;

3 (VII) ACCESSORY DWELLING UNITS PROVIDE FINANCIAL BENEFITS
4 TO HOMEOWNERS;

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

8 (IX) ACCESSORY DWELLING UNITS CAN PROVIDE FAMILIES WITH
9 OPTIONS FOR INTERGENERATIONAL LIVING ARRANGEMENTS THAT ENABLE
10 CHILD OR ELDER CARE AND AGING IN PLACE; AND

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

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

18 **29-33-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

7 **29-33-204. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
8 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
9 PROMULGATE AN ACCESSORY DWELLING UNIT MODEL CODE.

10 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
11 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
12 OF LOCAL AFFAIRS CONCERNING THE MODEL CODE.

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

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

18 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
19 MODEL CODE;

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

22 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, RACIAL EQUITY
23 AND HOMELESSNESS PREVENTION, AFFORDABLE HOUSING, FAIR HOUSING,
24 PLANNING, ZONING, AND RELATED FIELDS.

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

26 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT AS AN
27 ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF

1 THE MUNICIPALITY WHERE THE MUNICIPALITY ALLOWS SINGLE-UNIT
2 DETACHED DWELLINGS AS A USE BY RIGHT; AND

3 (b) ESTABLISH OBJECTIVE STANDARDS FOR ALL OF THE ELEMENTS
4 ADDRESSED IN THE MINIMUM STANDARDS.

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

9 **29-33-205. Minimum standards.** (1) NOTWITHSTANDING ANY
10 LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT
11 ADOPT THE MODEL CODE SHALL:

12 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT AS AN
13 ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF
14 THE MUNICIPALITY WHERE THE MUNICIPALITY ALLOWS SINGLE-UNIT
15 DETACHED DWELLINGS AS A USE BY RIGHT;

16 (b) ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING
17 ACCESSORY DWELLING UNIT LAND USE THAT USE OBJECTIVE STANDARDS
18 AND OBJECTIVE PROCEDURES;

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

24 (d) ALLOW ACCESSORY DWELLING UNIT SIZES BETWEEN FIVE
25 HUNDRED AND EIGHT HUNDRED SQUARE FEET. SUBJECT JURISDICTIONS
26 MAY ADDITIONALLY PERMIT SMALLER OR LARGER ACCESSORY DWELLING
27 UNITS AT THEIR DISCRETION.

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

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

8 (b) IMPOSE A REQUIREMENT ON AN ACCESSORY DWELLING UNIT
9 THAT IS CONTINGENT UPON THE PRIMARY RESIDENCE ON THE SAME LOT
10 BEING OWNER-OCCUPIED;

11 (c) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE TO
12 AN ACCESSORY DWELLING UNIT IN A MANNER THAT INTERFERES WITH THE
13 INTENT OF THIS PART 2;

14 (d) REQUIRE NEW OFF-STREET VEHICLE PARKING IN CONNECTION
15 WITH THE CONSTRUCTION OR THE PERMITTING OF AN ACCESSORY
16 DWELLING UNIT; OR

17 (e) REQUIRE SIDE OR REAR SETBACKS FOR AN ACCESSORY
18 DWELLING UNIT GREATER THAN THE MINIMUM SIDE SETBACK REQUIRED
19 FOR A SINGLE-UNIT DETACHED DWELLING OR THE SETBACK REQUIRED FOR
20 OTHER ACCESSORY BUILDINGS IN THE SAME ZONING DISTRICT, UNLESS
21 SUCH A SETBACK IS NECESSARY TO COMPLY WITH PUBLIC HEALTH OR
22 SAFETY STANDARDS.

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

26 **29-33-206. Adoption of model codes - satisfaction of minimum**
27 **standards - reporting.** (1) NO LATER THAN JUNE 30, 2025, A SUBJECT

1 JURISDICTION SHALL EITHER:

2 (a) ADOPT LOCAL LAWS CONCERNING ACCESSORY DWELLING UNITS
3 THAT SATISFY THE MINIMUM STANDARDS ESTABLISHED IN SECTION
4 29-33-205; OR

5 (b) ADOPT THE MODEL CODE.

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

16 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
17 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
18 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT
19 JURISDICTION'S ACCESSORY DWELLING UNIT DECISIONS SHALL BE
20 CONSISTENT WITH THE MODEL CODE AND THE SUBJECT JURISDICTION
21 SHALL:

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

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

27 (4) A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL LAWS IN

1 EFFECT THAT MEET THE MINIMUM STANDARDS ESTABLISHED IN SECTION
2 29-33-205 NEED NOT UPDATE THEIR LOCAL LAWS, AND MAY SUBMIT
3 EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS DEMONSTRATING SUCH
4 COMPLIANCE.

5 (5) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
6 MAY NOTIFY THE DEPARTMENT OF LOCAL AFFAIRS THAT AN EXEMPTION OR
7 AN EXTENSION IS NECESSARY FROM THE REQUIREMENTS OF SUBSECTION
8 (1) OF THIS SECTION.

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

- 19 (I) WATER SUPPLY;
- 20 (II) WASTEWATER TREATMENT CAPACITY;
- 21 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION
22 CAPACITY; OR
- 23 (IV) STORMWATER MANAGEMENT CAPACITY.

24 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
25 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (5)(b) OF THIS
26 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
27 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER

1 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
2 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
3 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN INCLUDED
4 IN THE NOTICE.

5 (d) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
6 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
7 (5).

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

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

20 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
21 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
22 IMMEDIATELY IN THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
23 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
24 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

25 **29-33-207. Subject jurisdiction restrictions.** (1) NOTHING IN
26 THIS PART 2 PREVENTS A LOCAL GOVERNMENT FROM:

27 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE

1 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
2 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED
3 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

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

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

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

14 (e) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
15 DISTRICT TO A PARCEL ON WHICH AN ACCESSORY DWELLING UNIT IS
16 ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO
17 DEMOLITION; OR

18 (f) APPLYING AND ENFORCING LOCALLY ADOPTED BUILDING AND
19 FIRE CODES.

20 PART 3

21 CORRIDORS AND CENTERS REQUIREMENTS

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

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

27 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

1 (III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
2 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
3 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
4 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
5 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
6 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
7 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
8 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
9 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
10 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
11 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
12 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
13 AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.

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

22 (V) THE TERNER CENTER FOR HOUSING INNOVATION AT THE
23 UNIVERSITY OF CALIFORNIA BERKELEY FOUND IN ITS REPORT
24 "RESIDENTIAL REDEVELOPMENT OF COMMERCIAL ZONED LAND IN
25 CALIFORNIA" THAT THERE IS A SIGNIFICANT POTENTIAL FOR RESIDENTIAL
26 DEVELOPMENT IN COMMERCIAL ZONED AREAS, THAT MANY
27 COMMERCIAL ZONE DISTRICTS DO NOT ALLOW RESIDENTIAL

1 DEVELOPMENT, AND THAT ALLOWING USE BY RIGHT RESIDENTIAL
2 DEVELOPMENT IN COMMERCIAL ZONE DISTRICTS CAN ENCOURAGE
3 ADDITIONAL HOUSING SUPPLY;

4 (VI) ACCORDING TO THE NATIONAL ASSOCIATION OF REALTORS
5 IN ITS REPORT "ANALYSIS AND CASE STUDIES ON OFFICE-TO-HOUSING
6 CONVERSIONS", OVER FIVE MILLION SEVEN HUNDRED THOUSAND SQUARE
7 FEET OF OFFICE SPACE BECAME UNOCCUPIED IN THE DENVER
8 METROPOLITAN REAL ESTATE MARKET BETWEEN 2020 AND 2021, THE
9 DENVER MARKET COULD POTENTIALLY ADD OVER TWO THOUSAND NEW
10 RESIDENTIAL UNITS FROM OFFICE TO RESIDENTIAL CONVERSIONS IF IT
11 CONVERTED TWENTY PERCENT OF CURRENTLY VACANT OFFICE SPACE, AND
12 ONE OF THE MAJOR BARRIERS TO CONVERSIONS IS RESTRICTIVE LOCAL
13 LAND USE REGULATIONS THAT REQUIRE DISCRETIONARY APPROVALS;

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

1 GREAT NEIGHBORHOODS: DENSITY IN YOUR COMMUNITY", INCREASED
2 RESIDENTIAL DENSITY IS ASSOCIATED WITH THE ECONOMIC SUCCESS OF
3 NEARBY BUSINESSES AND CONTRIBUTES TO THE REVITALIZATION OF
4 NEIGHBORHOODS.

5 (VIII) MEETING HOUSING DEMAND THROUGH COMPACT INFILL
6 DEVELOPMENT CLOSE TO JOBS, SERVICES, AND TRANSIT DECREASES THE
7 NEED FOR NEW DISPERSED, LOW-DENSITY HOUSING. RELATIVE TO
8 DISPERSED, LOW-DENSITY DEVELOPMENT, COMPACT INFILL HOUSING
9 DEVELOPMENT, INCLUDING MULTIFAMILY HOUSING DEVELOPMENT,
10 REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, INFRASTRUCTURE
11 COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION COSTS.

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

26 (X) MULTIFAMILY HOUSING USES SIGNIFICANTLY LESS ENERGY FOR
27 HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED

1 DWELLINGS DUE TO MULTIFAMILY HOUSING HAVING ATTACHED WALLS
2 AND SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND
3 GREENHOUSE GAS EMISSIONS. IN COLORADO, HOUSEHOLD ENERGY
4 DEMAND ON AVERAGE IS SEVENTY PERCENT LESS FOR MULTIFAMILY
5 HOUSING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS, ACCORDING
6 TO THE NATIONAL RENEWABLE ENERGY LABORATORY REStock
7 ANALYSIS TOOL.

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

11 **29-33-302. Applicability - transit-oriented areas model code -**
12 **transit-oriented areas minimum standards - adoption of model code**
13 **or minimum standards - definitions. (1) Definitions.** AS USED IN THIS
14 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

16 (I) A STANDARD EXEMPT PARCEL;

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

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

20 OR

21 (IV) ON A SITE THAT IS:

22 (A) CURRENTLY USED FOR AN INDUSTRIAL USE;

23 (B) CURRENTLY ALLOWS INDUSTRIAL USES;

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

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

27 (E) CURRENTLY USED AS A MOBILE HOME PARK, AS DEFINED IN

1 SECTION 38-12-201.5 (6).

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

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

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

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

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

17 (b) IF A TRANSIT-ORIENTED AREA IS LOCATED WITHIN MULTIPLE
18 JURISDICTIONS, A SUBJECT JURISDICTION NEED ONLY MEET THE
19 REQUIREMENTS OF THIS SECTION IN THE PARTS OF A TRANSIT-ORIENTED
20 AREA LOCATED WITHIN THE SUBJECT JURISDICTION.

21 (c) WHERE THE REQUIREMENTS OF THIS SECTION APPLY TO
22 PARCELS OR LOTS TO WHICH PART 2 OF THIS ARTICLE 33 OR SECTION
23 29-33-303 ALSO APPLY, THE REQUIREMENTS OF THIS SECTION SHALL
24 SUPERSEDE ANY CONFLICTING REQUIREMENTS OF PART 2 OF THIS ARTICLE
25 33 OR SECTION 29-33-303.

26 (3) **Model code.** (a) (I) NO LATER THAN JUNE 30, 2024, THE
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL

1 PROMULGATE A TRANSIT-ORIENTED AREA MODEL CODE.

2 (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
3 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
4 OF LOCAL AFFAIRS ON THE TRANSIT-ORIENTED AREA MODEL CODE
5 PURSUANT TO SECTION 29-33-305.

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

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

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

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

19 (c) NOTHING IN THIS MODEL CODE SHALL PREVENT A SUBJECT
20 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN
21 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,
22 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS THE SUBJECT
23 JURISDICTION HAS ADOPTED A LOCAL INCLUSIONARY ZONING ORDINANCE
24 THAT APPLIES IN TRANSIT-ORIENTED AREAS.

25 (d) REGULATED AFFORDABLE HOUSING UNITS IN MIXED-INCOME
26 MULTIFAMILY HOUSING DEVELOPMENTS MUST BE SIMILAR IN SIZE TO THE
27 OTHER UNITS IN THE DEVELOPMENT.

1 **(4) Minimum standards. (a) (I)** NOTWITHSTANDING ANY LOCAL
2 LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT
3 THE MODEL CODE SHALL CREATE OR UPDATE A ZONING DISTRICT WITHIN
4 EACH TRANSIT-ORIENTED IN WHICH MULTIFAMILY HOUSING IS ALLOWED
5 AS A USE BY RIGHT AND A MINIMUM AVERAGE NET DENSITY OF UP TO AT
6 LEAST FORTY UNITS OF MULTIFAMILY HOUSING PER ACRE IS ALLOWED.
7 SUBJECT JURISDICTIONS MAY ESTABLISH SUBDISTRICTS WITHIN THESE
8 ZONING DISTRICTS THAT ALLOW A DIFFERENT NET DENSITY OF
9 MULTIFAMILY HOUSING DEVELOPMENT SO LONG AS EACH DISTRICT OR
10 SUBDISTRICT ALLOWS AN AVERAGE NET DENSITY OF MULTIFAMILY
11 HOUSING OF UP TO AT LEAST FORTY UNITS PER ACRE. THE MINIMUM AREA
12 OF THE ZONING DISTRICT OR SUBDISTRICT MUST IN TOTAL BE GREATER
13 THAN OR EQUAL TO FIFTY PERCENT OF THE AREA OF ELIGIBLE PARCELS IN
14 EACH TRANSIT-ORIENTED AREA IN A SUBJECT JURISDICTION. A SUBJECT
15 JURISDICTION MAY CHOOSE TO INCLUDE PARCELS THAT WOULD OTHERWISE
16 NOT QUALIFY AS ELIGIBLE PARCELS WHEN CALCULATING THE AREA OF
17 ELIGIBLE PARCELS IN EACH TRANSIT-ORIENTED AREA IN A SUBJECT
18 JURISDICTION. A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL LAWS
19 IN EFFECT THAT ESTABLISH A ZONING DISTRICT OR DISTRICTS THAT MEET
20 THE MINIMUM STANDARDS NEED NOT UPDATE THEIR LOCAL LAWS AND
21 MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS
22 DEMONSTRATING SUCH COMPLIANCE.

23 **(II)** NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
24 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY
25 MEET THE AVERAGE NET DENSITY ESTABLISHED IN THE MINIMUM
26 STANDARDS BY ADOPTING LOCAL LAWS APPLICABLE TO A ZONING DISTRICT
27 COVERING AREAS OUTSIDE OF TRANSIT-ORIENTED AREAS SO LONG AS

1 THE ZONING DISTRICT IS AT LEAST THE SAME SIZE AS THE ELIGIBLE
2 PARCELS IN THE TRANSIT-ORIENTED AREA IF:

- 3 (A) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; AND
- 4 (B) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
5 AREAS FOR TRANSIT-COMPATIBLE USE IN ADJACENT AREAS, OR UTILIZES
6 ALTERNATE MEASUREMENT METHODS FOR DETERMINING THE EXTENT OF
7 A TRANSIT-ORIENTED AREA SUCH AS WALKING DISTANCE FROM TRANSIT
8 STATIONS. ESTABLISHED PLANNING AREAS MUST INCLUDE PLANS TO
9 ADDRESS ANY DEFICIENCIES IN PEDESTRIAN AND BICYCLE ACCESS; AND,
10 IN DETERMINING THE LOCATION OF ZONING DISTRICTS FOR
11 TRANSIT-ORIENTED AREAS, A SUBJECT JURISDICTION SHALL CONSIDER THE
12 DISPLACEMENT RISK ASSESSMENT COMPLETED PURSUANT TO SECTION
13 29-33-107.

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

19 (c) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
20 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
21 ONLY ADOPT AND ENFORCE LOCAL LAWS CONCERNING MULTIFAMILY
22 HOUSING IN TRANSIT-ORIENTED AREAS THAT USE OBJECTIVE STANDARDS
23 AND OBJECTIVE PROCEDURES.

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

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

3 (A) ADOPT LOCAL LAWS CONCERNING TRANSIT-ORIENTED AREAS
4 THAT SATISFY THE MINIMUM STANDARDS: OR

5 (B) ADOPT THE MODEL CODE.

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

16 (c) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
17 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
18 PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, THE DECISIONS OF THE
19 SUBJECT JURISDICTION SHALL BE CONSISTENT WITH THE MODEL CODE AND
20 THE SUBJECT JURISDICTION SHALL:

21 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
22 MIXED-INCOME MULTIFAMILY HOUSING PROJECT SATISFIES THE MODEL
23 CODE AND, IF THE SUBJECT JURISDICTION DETERMINES THAT THE PROJECT
24 SATISFIES THE MODEL CODE, THE SUBJECT JURISDICTION SHALL APPROVE
25 THE PROJECT; AND

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

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

4 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
5 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
6 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED
7 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

8 (b) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE
9 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES, IN
10 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5, OR THE
11 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF
12 PART 2 OF ARTICLE 20 OF TITLE 29;

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

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

19 (e) PERMITTING MIXED-USE DEVELOPMENT IN A
20 TRANSIT-ORIENTED AREA;

21 (f) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A
22 TRANSIT-ORIENTED AREA;

23 (g) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
24 DISTRICT TO A PARCEL IN A TRANSIT-ORIENTED AREA ON WHICH HOUSING
25 IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO
26 DEMOLITION; OR

27 (h) APPLYING AND ENFORCING LOCALLY ADOPTED BUILDING AND

1 FIRE CODES.

2 **29-33-303. Applicability - key corridors model code - key**
3 **corridors minimum standards - adoption of model code or minimum**
4 **standards - definitions. (1) Definitions.** AS USED IN THIS SECTION,

5 UNLESS THE CONTEXT OTHERWISE REQUIRES:

6 (a) "ELIGIBLE PARCEL" MEANS A PARCEL, EXCLUDING PARCELS
7 DESCRIBED IN SECTION 29-33-303 (2)(b) ON WHICH COMMERCIAL,
8 INSTITUTIONAL, RESIDENTIAL, OR MIXED USES ARE PERMITTED USES BY
9 RIGHT.

10 (b) "KEY CORRIDORS" MEANS THE AREAS DESIGNATED AS KEY
11 CORRIDORS IN THE KEY CORRIDORS MAP PUBLISHED BY THE DEPARTMENT
12 OF LOCAL AFFAIRS PURSUANT TO SECTION 29-33-303 (2)(a).

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

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

19 (e) "MODEL CODE" MEANS THE KEY CORRIDORS MODEL CODE
20 PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO
21 SUBSECTION (4) OF THIS SECTION.

22 (f) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN
23 MUNICIPALITY.

24 (2) **Applicability.** (a) NO LATER THAN DECEMBER 31, 2023, THE
25 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL, IN
26 CONSULTATION WITH THE COLORADO DEPARTMENT OF TRANSPORTATION,
27 METROPOLITAN PLANNING ORGANIZATIONS, AND TRANSIT AGENCIES THAT

1 OPERATE WITHIN METROPOLITAN PLANNING ORGANIZATIONS, PUBLISH A
2 KEY CORRIDORS MAP THAT DESIGNATES KEY CORRIDORS. THE EXECUTIVE
3 DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL INCLUDE THE
4 FOLLOWING AREAS WITHIN TIER ONE URBAN MUNICIPALITIES IN THE KEY
5 CORRIDORS MAP:

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

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

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

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

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

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

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

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

23 (II) AN URBAN BUS RAPID TRANSIT SERVICE OR COMMUTER BUS
24 RAPID TRANSIT SERVICE THAT IS IDENTIFIED WITHIN A METROPOLITAN
25 PLANNING ORGANIZATION'S LONG RANGE TRANSPORTATION PLAN
26 ADOPTED PRIOR TO JANUARY 1, 2023, AND PLANNED FOR COMPLETION ON
27 OR BEFORE DECEMBER 31, 2030; EXCEPT THAT, THE MULTI-AGENCY

1 ADVISORY COMMITTEE MAY DETERMINE THAT A SPECIFIC SEGMENT OF
2 SUCH A SERVICE ROUTE SHOULD NOT BE DESIGNATED AS A KEY CORRIDOR
3 BASED ON STRATEGIC GROWTH OBJECTIVES AND MAY REMOVE SUCH
4 SEGMENT OF A SERVICE ROUTE FROM KEY CORRIDOR DESIGNATION ON OR
5 BEFORE JANUARY 1, 2024;

6 (III) TRANSIT SERVICE LEVELS PLANNED AND APPROVED BY THE
7 BOARD OF A TRANSIT AGENCY AS OF JANUARY 1, 2023, FOR
8 IMPLEMENTATION BEFORE JANUARY 1, 2028; AND

9 (IV) ALL BUS STOP LOCATIONS AND MEASUREMENTS SHALL BE
10 DETERMINED USING GEOSPATIAL DATA FROM THE RELEVANT TRANSIT
11 AGENCY, AND ROADWAY LOCATIONS AND MEASUREMENTS SHALL BE
12 DETERMINED USING THE CENTERLINE OF THE ROADWAY.

13 (3) (a) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR
14 THE MODEL CODE IS OTHERWISE IN EFFECT, THE MODEL CODE SHALL APPLY
15 TO ALL ELIGIBLE PARCELS.

16 (b) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
17 LAWS ADOPTED PURSUANT TO THIS SECTION ONLY APPLY TO PARCELS
18 THAT ARE NOT:

- 19 (I) A STANDARD EXEMPT PARCEL;
- 20 (II) THE PORTION OF A PARCEL THAT INCLUDES LAND THAT IS A
21 PARK AND OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2);
- 22 (III) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;
- 23 OR
- 24 (IV) ON A SITE THAT IS:
 - 25 (A) CURRENTLY USED FOR AN INDUSTRIAL USE;
 - 26 (B) CURRENTLY ALLOWS INDUSTRIAL USES;
 - 27 (C) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST

1 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN;
2 (D) OWNED BY, USED BY, OR OPERATED BY AN AIRPORT; OR
3 (E) CURRENTLY USED AS A MOBILE HOME PARK, AS DEFINED IN
4 SECTION 38-12-201.5 (6).

5 (4) **Model code.** (a) (I) NO LATER THAN JUNE 30, 2024, THE
6 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
7 PROMULGATE A KEY CORRIDOR MODEL CODE.

8 (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
9 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
10 OF LOCAL AFFAIRS ON THE MODEL CODE PURSUANT TO SECTION 29-33-305.

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

12 (I) A REQUIREMENT THAT A SUBJECT JURISDICTION ALLOW
13 MIXED-INCOME MULTIFAMILY HOUSING AS A USE BY RIGHT IN KEY
14 CORRIDORS WITH DENSITIES UP TO AT LEAST:

15 (A) FORTY DWELLING UNITS PER ACRE NET DENSITY ON ELIGIBLE
16 PARCELS IN KEY CORRIDORS DUE TO THEIR PROXIMITY TO COMMUTER BUS
17 RAPID TRANSIT SERVICE OR URBAN BUS RAPID TRANSIT SERVICE; AND

18 (B) THIRTY DWELLING UNITS PER ACRE NET DENSITY FOR ALL
19 OTHER ELIGIBLE PARCELS.

20 (II) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
21 MIXED-USE DEVELOPMENT WITH COMMERCIAL USES ON THE FIRST FLOOR
22 IN CONJUNCTION WITH MIXED-INCOME MULTIFAMILY HOUSING.

23 (c) NOTHING IN THIS MODEL CODE SHALL PREVENT A SUBJECT
24 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN
25 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,
26 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS THE SUBJECT
27 JURISDICTION HAS ADOPTED A LOCAL INCLUSIONARY ZONING ORDINANCE

1 THAT APPLIES IN KEY CORRIDOR AREAS.

2 (d) REGULATED AFFORDABLE HOUSING UNITS WITHIN
3 MIXED-INCOME MULTIFAMILY HOUSING DEVELOPMENTS MUST BE SIMILAR
4 IN SIZE TO THE OTHER UNITS IN THE DEVELOPMENT.

5 (e) THE MODEL CODE MUST NOT ALLOW MINIMUM OFF-STREET
6 VEHICLE PARKING REQUIREMENTS IN CONNECTION WITH THE
7 CONSTRUCTION OR PERMITTING OF MIXED-INCOME MULTIFAMILY HOUSING
8 IN KEY CORRIDORS THAT ARE GREATER THAN ONE-HALF OF A VEHICLE
9 PARKING SPACE PER DWELLING UNIT, WHICH MAY BE ROUNDED UP IN THE
10 CASE OF AN ODD NUMBER OF DWELLING UNITS.

11 (5) **Minimum standards.** (a) NOTWITHSTANDING ANY LOCAL LAW
12 TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT THE
13 MODEL CODE SHALL CREATE OR UPDATE A ZONING DISTRICT OR DISTRICTS
14 WITHIN KEY CORRIDORS IN WHICH MULTIFAMILY HOUSING IS ALLOWED AS
15 A USE BY RIGHT. A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL
16 LAWS IN EFFECT THAT ESTABLISH A ZONING DISTRICT OR DISTRICTS THAT
17 MEET THE MINIMUM STANDARDS NEED NOT UPDATE LOCAL LAWS, AND
18 MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS
19 DEMONSTRATING SUCH COMPLIANCE.

20 (b) (I) THE MINIMUM AREA OF THE ZONING DISTRICT OR DISTRICTS
21 REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION AND ALLOWED BY
22 SUBSECTION (5)(d) OF THIS SECTION MUST IN TOTAL BE GREATER THAN OR
23 EQUAL TO THE GREATER OF:

24 (A) TWENTY-FIVE PERCENT OF THE AREA OF THE PORTION OF
25 ELIGIBLE PARCELS IN KEY CORRIDORS IN THE SUBJECT JURISDICTION; OR

26 (B) TEN PERCENT OF THE TOTAL AREA OF ELIGIBLE PARCELS IN THE
27 SUBJECT JURISDICTION.

1 (II) A SUBJECT JURISDICTION MAY CHOOSE TO INCLUDE PARCELS
2 THAT ARE NOT ELIGIBLE PARCELS IN THE CALCULATION OF THE AREA OF
3 ELIGIBLE PARCELS IN KEY CORRIDORS IN THE SUBJECT JURISDICTION.

4 (c) WITHIN THE ZONING DISTRICT OR DISTRICTS REQUIRED BY
5 SUBSECTION (5)(a) OF THIS SECTION, A SUBJECT JURISDICTION SHALL
6 ALLOW MULTIFAMILY HOUSING AS A USE BY RIGHT AT AN AVERAGE NET
7 DENSITY OF UP TO AT LEAST TWENTY-FIVE DWELLING UNITS PER ACRE.

8 (d) A SUBJECT JURISDICTION MAY ESTABLISH MULTIPLE ZONING
9 DISTRICTS THAT ALLOW DIFFERENT NET DENSITIES OF MULTIFAMILY
10 HOUSING IF THE AVERAGE NET DENSITY REQUIREMENT IN SUBSECTION
11 (5)(c) OF THIS SECTION IS MET ACROSS THE ZONING DISTRICT OR DISTRICTS
12 REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION. SUBJECT JURISDICTIONS
13 ARE ENCOURAGED TO LOCATE DISTRICTS IN CENTERS OR ALONG
14 CORRIDORS THAT ARE PLANNED FOR MIXED-USE, WALKABLE AREAS.

15 (e) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
16 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY
17 MEET THE AVERAGE NET DENSITY REQUIREMENTS ESTABLISHED IN THE
18 MINIMUM STANDARDS BY ADOPTING LOCAL LAWS APPLICABLE TO A
19 ZONING DISTRICT OR DISTRICTS COVERING AREAS OUTSIDE OF KEY
20 CORRIDORS IF THE ZONING DISTRICT OR DISTRICTS SATISFY THE AREA
21 REQUIREMENTS OF SUBSECTION (5)(b) OF THIS SECTION AND:

22 (I) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; AND

23 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
24 AREAS FOR TRANSIT-COMPATIBLE DEVELOPMENT, OR MIXED-USE,
25 WALKABLE CENTERS, IN OTHER STRATEGIC GROWTH AREAS, OR UTILIZES
26 ALTERNATE MEASUREMENT METHODS FOR DETERMINING THE EXTENT OF
27 A KEY CORRIDOR SUCH AS WALKING DISTRICT FROM TRANSIT STATIONS.

1 FOR THE PURPOSES OF THIS SUBSECTION (5)(e)(II):

2 (A) ESTABLISHED PLANNING AREAS MUST INCLUDE PLANS TO
3 ADDRESS ANY DEFICIENCIES IN PEDESTRIAN AND BICYCLE ACCESS; AND

4 (B) IN DETERMINING THE LOCATION OF ZONING DISTRICTS FOR KEY
5 CORRIDORS, A SUBJECT JURISDICTION SHALL CONSIDER THE DISPLACEMENT
6 RISK ASSESSMENT COMPLETED PURSUANT TO SECTION 29-33-107.

7 (f) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
8 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
9 NOT, IN THE ZONING DISTRICTS ESTABLISHED PURSUANT TO SUBSECTION
10 (5)(a) OF THIS SECTION, APPLY MINIMUM OFF-STREET VEHICLE PARKING
11 REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING
12 OF MULTIFAMILY HOUSING IN KEY CORRIDORS THAT ARE GREATER THAN
13 ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE
14 ROUNDED UP IN THE CASE OF AN ODD NUMBER OF DWELLING UNITS.

15 (g) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
16 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
17 ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING MULTIFAMILY
18 HOUSING IN KEY CORRIDORS THAT USE OBJECTIVE STANDARDS AND
19 OBJECTIVE PROCEDURES.

20 (h) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
21 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
22 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

23 **(6) Adoption of a model code and minimum standards.** (a) NO
24 LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION SHALL:

25 (I) ADOPT LOCAL LAWS CONCERNING KEY CORRIDORS THAT
26 SATISFY THE MINIMUM STANDARDS; OR

27 (II) ADOPT THE MODEL CODE.

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

11 (c) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
12 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
13 PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION, THE DECISIONS OF THE
14 SUBJECT JURISDICTION SHALL BE CONSISTENT WITH THE MODEL CODE AND
15 THE SUBJECT JURISDICTION SHALL:

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

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

23 (7) **Subject jurisdiction restrictions.** (a) NOTHING IN THIS PART
24 3, THE MODEL CODE, OR THE MINIMUM STANDARDS PREVENTS A SUBJECT
25 JURISDICTION FROM:

26 (I) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
27 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.

1 12101 ET SEQ., AS AMENDED, OR OTHERWISE PROVIDING PARKING SIGNED
2 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

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

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

12 (IV) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
13 HOUSING IN KEY CORRIDORS;

14 (V) PERMITTING MIXED-USE DEVELOPMENT IN A KEY CORRIDOR;

15 (VI) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A KEY
16 CORRIDOR;

17 (VII) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
18 DISTRICT TO A PARCEL IN A KEY CORRIDOR ON WHICH HOUSING IS
19 ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO
20 DEMOLITION; OR

21 (VIII) APPLYING AND ENFORCING LOCALLY ADOPTED BUILDING
22 AND FIRE CODES.

23 **29-33-304. Public comment and hearing process.** (1) IN
24 DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE
25 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE
26 MULTI-AGENCY ADVISORY COMMITTEE CREATED IN SECTION 29-33-103
27 (1), RURAL RESORT AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103

1 (8), AND THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION
2 29-33-103 (9), SHALL CONDUCT A PUBLIC COMMENT AND HEARING
3 PROCESS CONCERNING THE CREATION OF:

4 (a) A MODEL CODE FOR TRANSIT-ORIENTED AREAS PURSUANT TO
5 SECTION 29-33-302 (3)(a)(I); AND

6 (b) A KEY CORRIDOR MODEL CODE PURSUANT TO SECTION
7 29-33-303 (4)(a).

8 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
9 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON EACH
10 MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:

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

14 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
15 MODEL CODE;

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

18 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, RACIAL EQUITY
19 AND HOMELESSNESS PREVENTION, AFFORDABLE HOUSING, FAIR HOUSING,
20 PLANNING, ZONING, AND RELATED FIELDS.

21 **29-33-305. Exemption or extension.** (1) NO LATER THAN JUNE
22 30, 2024, A SUBJECT JURISDICTION MAY NOTIFY THE DEPARTMENT OF
23 LOCAL AFFAIRS THAT AN EXEMPTION OR AN EXTENSION IS NECESSARY
24 FROM THE REQUIREMENTS OF SECTION 29-33-302 (5) OR 29-33-303 (6).

25 (2) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
26 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
27 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE

1 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
2 EXPECTS SUCH SERVICES TO BECOME DEFICIENT IN THE NEXT FIVE YEARS.
3 AS USED IN THIS SUBSECTION (2), "DEFICIENT" MEANS, IN REFERENCE TO
4 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
5 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
6 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
7 APPLICABLE, ISSUES CONCERNING:

- 8 (a) WATER SUPPLY;
- 9 (b) WASTEWATER TREATMENT CAPACITY;
- 10 (c) WATER DISTRIBUTION AND WASTEWATER COLLECTION
11 CAPACITY; OR
- 12 (d) STORMWATER MANAGEMENT CAPACITY.

13 (3) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
14 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (2) OF THIS
15 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
16 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
17 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
18 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
19 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN INCLUDED
20 IN THE NOTICE.

21 (4) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
22 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SECTION.

23 (5) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO
24 SUBJECT JURISDICTIONS WITH BOTH A POPULATION OF LESS THAN
25 TWENTY-FIVE THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME
26 OF LESS THAN FIFTY-FIVE THOUSAND DOLLARS, IF THE SUBJECT
27 JURISDICTION SENDS A LETTER TO THE DEPARTMENT OF LOCAL AFFAIRS, IN

1 A FORM AND MANNER DETERMINED BY THE DEPARTMENT, INDICATING
2 THAT THE SUBJECT JURISDICTION DOES NOT INTEND TO COMPLY WITH THIS
3 SECTION.

4 (6) (a) A SUBJECT JURISDICTION MAY PROPOSE ALTERNATIVE
5 DATES IN LIEU OF THE DEADLINES IN THIS PART 3 TO THE DEPARTMENT OF
6 LOCAL AFFAIRS FOR APPROVAL IF THE PROPOSAL DEMONSTRATES A PLAN
7 FOR AND PROGRESS TOWARDS ACHIEVING COMPLIANCE WITH THIS PART 3.

8 A SUBMITTED PROPOSAL FOR ALTERNATIVE DATES MUST INCLUDE:

9 (I) A DESCRIPTION OF WORK ALREADY UNDERWAY, IF ANY, TO
10 COMPLY WITH THE MINIMUM STANDARDS SET FORTH IN THIS PART 3; AND

11 (II) PROPOSED ALTERNATIVE DATES FOR COMPLIANCE WITH THE
12 MINIMUM STANDARDS SET FORTH IN THIS PART 3.

13 (b) THE DEPARTMENT OF LOCAL AFFAIRS MAY ISSUE GUIDANCE AS
14 NECESSARY TO IMPLEMENT THIS SUBSECTION (6).

15 (7) THE DEPARTMENT OF LOCAL AFFAIRS MAY GRANT ANY
16 EXTENSION, EXEMPTION, OR WAIVER PROPERLY ALLOWED UNDER THIS
17 ARTICLE 33.

18 **29-33-306. Report.** (1) (a) NO LATER THAN JUNE 30, 2025, A
19 SUBJECT JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL
20 AFFAIRS, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT,
21 REPORTS DEMONSTRATING EVIDENCE OF COMPLIANCE WITH EITHER THE
22 MODEL CODES REQUIRED BY SECTIONS 29-33-302 (3) AND 29-33-303 (4)
23 OR THE MINIMUM STANDARDS SET FORTH IN SECTIONS 29-33-302 (4) AND
24 29-33-303 (5).

25 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
26 SUBSECTION (1) (a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
27 SHALL REVIEW AND APPROVED THE SUBMITTED REPORT OR REJECT THE

1 REPORT AND PROVIDE FEEDBACK TO A SUBJECT JURISDICTION. THE
2 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A SUBJECT JURISDICTION AN
3 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
4 LOCAL LAWS AND RESUBMIT A REPORT.

5 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
6 JURISDICTION'S REPORT, THE RELEVANT MODEL CODE GOES INTO EFFECT
7 IMMEDIATELY IN THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
8 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
9 ADOPTED LAWS THAT COMPLY WITH THE RELEVANT MINIMUM STANDARDS.

10 (2) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROVIDE TECHNICAL
11 ASSISTANCE OR FUNDING TO METROPOLITAN PLANNING ORGANIZATIONS
12 AND SUBJECT JURISDICTIONS TO ADOPT MINIMUM STANDARDS FOR
13 TRANSIT-ORIENTED AREAS AND KEY CORRIDORS THAT SUPPORT REGIONAL
14 PLANNING GOALS.

15 **SECTION 3.** In Colorado Revised Statutes, 24-32-705, add (8)
16 as follows:

17 **24-32-705. Functions of division.** (8) THE DIVISION SHALL
18 CONSULT WITH THE STRATEGIC GROWTH COMMITTEE CREATED IN SECTION
19 29-33-103 ON FACTORY-BUILT STRUCTURES AND TINY HOMES CREATED IN
20 SECTION 24-32-3305 (3), TO PRODUCE A REPORT NO LATER THAN JUNE 30,
21 2024, ON THE OPPORTUNITIES AND BARRIERS IN CURRENT STATE LAWS
22 AND REGULATIONS CONCERNING THE BUILDING OF MANUFACTURED
23 HOMES, MODULAR HOMES, AND TINY HOMES.

24 **SECTION 4.** In Colorado Revised Statutes, 24-32-3302, **amend**
25 (35)(b)(IV) and (35)(b)(V); and **add** (35)(b)(VI) as follows:

26 **24-32-3302. Definitions.** As used in this part 33, unless the
27 context otherwise requires:

1 (35) (b) "Tiny home" does not include:
2 (IV) A semitrailer as defined in section 42-1-102 (89); or
3 (V) An intermodal shipping container; OR
4 (VI) A STRUCTURE BUILT BY A CAREER AND TECHNICAL LEARNING
5 PROGRAM OR WORKFORCE DEVELOPMENT PROGRAM FOR DONATION TO A
6 NOT-FOR-PROFIT ORGANIZATION AND NOT INTENDED FOR RESALE. SUCH
7 STRUCTURES ARE SUBJECT TO LOCAL BUILDING CODES BUT ARE NOT
8 SUBJECT TO THE PROVISIONS OF ARTICLE 33 OF TITLE 29.

9 **SECTION 5.** In Colorado Revised Statutes, 24-32-3303, amend
10 (1)(c) as follows:

11 **24-32-3303. Division of housing - powers and duties - rules.**

12 (1) The division has the following powers and duties pursuant to this part
13 33:

14 (c) To review and approve quality assurance representatives that
15 intend to perform FINAL CONSTRUCTION PLAN REVIEWS, inspections, and
16 issue insignia of approval pursuant to this part 33;

17 **SECTION 6.** In Colorado Revised Statutes, 24-34-104, add
18 (28)(a)(XI) as follows:

19 **24-34-104. General assembly review of regulatory agencies**
20 **and functions for repeal, continuation, or reestablishment - legislative**
21 **declaration - repeal.** (28) (a) The following agencies, functions, or
22 both, are scheduled for repeal on September 1, 2027:

23 (XI) THE LEGISLATIVE OVERSIGHT COMMITTEE CONCERNING
24 AFFORDABLE HOUSING AND HOMELESSNESS CREATED IN SECTION
25 29-33-116 AND THE TASK FORCE CONCERNING AFFORDABLE HOUSING AND
26 HOMELESSNESS CREATED IN SECTION 29-33-117.

27 **SECTION 7.** In Colorado Revised Statutes, 24-48.5-101, add (8)

1 as follows:

2 **24-48.5-101. Colorado office of economic development -**
3 **creation - duties - report - consideration of strategic growth**
4 **objectives required. (8) (a) THE OFFICE OF ECONOMIC DEVELOPMENT**

5 SHALL IDENTIFY POTENTIAL GRANT AND INCENTIVE RESOURCES THAT MAY
6 SUPPORT STRATEGIC GROWTH OBJECTIVES AND STRATEGIC GROWTH
7 AREAS;

8 (b) THE OFFICE OF ECONOMIC DEVELOPMENT SHALL COORDINATE
9 WITH THE ECONOMIC DEVELOPMENT COMMISSION, CREATED IN SECTION
10 24-46-102, AND THE STRATEGIC GROWTH COMMITTEE, CREATED IN
11 SECTION 29-33-103, TO CONSIDER THE ESTABLISHMENT OF STRATEGIC
12 GROWTH OBJECTIVES THAT SEEK TO ALIGN STATEWIDE HOUSING,
13 TRANSPORTATION, AND ECONOMIC DEVELOPMENT GOALS; AND

14 (c) SUBSEQUENTLY, THE OFFICE OF ECONOMIC DEVELOPMENT
15 SHALL SUBMIT A REPORT TO THE COMMITTEE OF REFERENCE FOR REVIEW
16 ON OR BEFORE DECEMBER 31, 2023. AT A MINIMUM, THE REPORT MUST
17 INCLUDE:

18 (I) IDENTIFICATION OF GRANT AND INCENTIVE RESOURCES THAT
19 MAY SUPPORT STRATEGIC GROWTH OBJECTIVES AND STRATEGIC GROWTH
20 AREAS;

21 (II) RECOMMENDATIONS DEVELOPED IN COORDINATION THE
22 STRATEGIC GROWTH COMMITTEE AND THE ECONOMIC DEVELOPMENT
23 COMMISSION THAT MAY ALIGN INCENTIVES AND RESOURCES WITH
24 STRATEGIC GROWTH OBJECTIVES AND STRATEGIC GROWTH AREAS; AND

25 (III) ADDITIONAL OPPORTUNITIES TO SUPPORT STRATEGIC GROWTH
26 OBJECTIVES AND STRATEGIC GROWTH AREAS ACROSS THE STATE.

27 **SECTION 8. In Colorado Revised Statutes, 24-67-105, add (5.5)**

1 as follows:

2 **24-67-105. Standards and conditions for planned unit**
3 **development - definitions.** (5.5) (a) AS USED IN THIS SUBSECTION (5.5),
4 UNLESS THE CONTEXT OTHERWISE REQUIRES:

5 (1) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET
6 FORTH IN SECTION 29-33-102 (2).

7 (2) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN
8 SECTION 29-33-303 (1) (b).

9 (3) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
10 FORTH IN SECTION 29-33-102 (41).

11 (b) A PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE
12 ADOPTED PURSUANT TO THIS ARTICLE 67, IF THE PLANNED UNIT
13 DEVELOPMENT HAS A RESIDENTIAL USE, MUST NOT RESTRICT THE
14 PERMITTING OF ACCESSORY DWELLING UNITS, HOUSING IN
15 TRANSIT-ORIENTED AREAS, OR HOUSING IN KEY CORRIDORS IN THE
16 JURISDICTIONS AND AREAS TO WHICH ARTICLE 33 OF TITLE 29 APPLIES IN
17 ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF TITLE 29.

18 (c) ANY PROVISION OF A PLANNED UNIT DEVELOPMENT APPROVED
19 PRIOR TO THE ADOPTION OF SUBSECTION (5.5)(a) OF THIS SECTION, AND
20 WHICH FAILS TO CONFORM TO THE REQUIREMENTS OF THAT SUBSECTION
21 (5.5)(a), SHALL BE DEEMED SUPERSEDED BY THE ADOPTION OF A LOCAL
22 LAW OR IMPLEMENTATION OF A MODEL CODE PURSUANT TO ARTICLE 33 OF
23 TITLE 29. NOTWITHSTANDING THIS SUBSECTION (5.5)(b), A LOCAL
24 GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY SUCH
25 PLANNED UNIT DEVELOPMENT.

26 **SECTION 9.** In Colorado Revised Statutes, add 29-20-110 as
27 follows:

1 **29-20-110. Local government residential occupancy limits -**

2 **definitions.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT
3 OCCUPANCY LIMITS AND THE INCREASED AVAILABILITY OF HOUSING IS A
4 MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

5 (2) BEGINNING JANUARY 1, 2024, NOTWITHSTANDING ANY OTHER
6 PROVISION TO THE CONTRARY, A LOCAL GOVERNMENT SHALL NOT ENACT
7 OR ENFORCE RESIDENTIAL OCCUPANCY LIMITS THAT DIFFER BASED ON THE
8 RELATIONSHIPS OF THE OCCUPANTS OF A DWELLING. HOWEVER, IF A
9 MUNICIPALITY HAS AN INSTITUTION OF HIGHER EDUCATION WITHIN ITS
10 BOUNDARIES, AND THE NUMBER OF PEOPLE ENROLLED IN THAT
11 INSTITUTION OF HIGHER EDUCATION DURING THE ACADEMIC YEAR IS
12 EQUAL TO OR GREATER THAN TWENTY-FIVE PERCENT OF THE
13 MUNICIPALITY'S RESIDENTIAL POPULATION, THAT MUNICIPALITY MAY
14 ENACT OR ENFORCE RESIDENTIAL OCCUPANCY LIMITS ON MORE THAN FIVE
15 UNRELATED PEOPLE LIVING IN ONE DWELLING.

16 (3) NOTHING IN THIS SECTION PREVENTS A LOCAL GOVERNMENT
17 FROM ESTABLISHING RESIDENTIAL OCCUPANCY LIMITS FOR DWELLING
18 UNITS FOR SHORT-TERM RENTALS, AS DEFINED IN SECTION 29-33-102 (35).

19 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

21 (a) "DWELLING" MEANS ANY IMPROVED REAL PROPERTY, OR
22 PORTION THEREOF, THAT IS USED OR INTENDED TO BE USED AS A
23 RESIDENCE.

24 (b) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
25 CITY, TOWN, TERRITORIAL CITY OR TOWN, CITY AND COUNTY, OR COUNTY
26 OR HOME RULE COUNTY.

27 **SECTION 10.** In Colorado Revised Statutes, 30-28-106, repeal

1 and reenact, with amendments, (3)(a); and add (3)(a.5), (8), (9),
2 (10), and (11) as follows:

3 **30-28-106. Adoption of master plan - contents. (3) (a) THE**
4 MASTER PLAN OF A COUNTY OR REGION, WITH THE ACCOMPANYING MAPS,
5 PLATS, CHARTS, AND DESCRIPTIVE AND EXPLANATORY MATTER, MUST
6 SHOW THE COUNTY OR REGIONAL PLANNING COMMISSION'S
7 RECOMMENDATIONS FOR THE DEVELOPMENT OF THE TERRITORY COVERED
8 BY THE PLAN. THE MASTER PLAN OF A COUNTY OR REGION IS AN ADVISORY
9 DOCUMENT TO GUIDE LAND DEVELOPMENT DECISIONS; HOWEVER, THE
10 PLAN OR ANY PART THEREOF MAY BE MADE BINDING BY INCLUSION IN THE
11 COUNTY'S OR REGION'S ADOPTED SUBDIVISION, ZONING, PLATTING,
12 PLANNED UNIT DEVELOPMENT, OR OTHER SIMILAR LAND DEVELOPMENT
13 REGULATIONS AFTER SATISFYING NOTICE, DUE PROCESS, AND HEARING
14 REQUIREMENTS FOR LEGISLATIVE OR QUASI-JUDICIAL PROCESSES AS
15 APPROPRIATE. A MASTER PLAN ADOPTED OR AMENDED ON OR AFTER JUNE
16 30, 2025, MUST INCLUDE:

17 (I) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
18 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
19 REPORT CREATED IN SECTION 29-33-110;

20 (II) A HOUSING ELEMENT;

21 (III) FOR COUNTIES WITH A POPULATION OF GREATER THAN TWO
22 HUNDRED FIFTY THOUSAND, A STRATEGIC GROWTH ELEMENT THAT MUST
23 INCLUDE;

24 (A) THE INFORMATION RELEVANT TO THE COUNTY CONTAINED IN
25 THE REGIONAL STRATEGIC GROWTH AND HOUSING MIX ANALYSIS
26 CONDUCTED PURSUANT TO SECTION 29-33-105 (8)(a) AND AN ANALYSIS
27 OF HOW THE COUNTY IS INCLUDING THIS INFORMATION IN THE MASTER

1 PLAN;

2 (B) THE IDENTIFICATION OF ADDITIONAL LOCAL STRATEGIC
3 GROWTH AREAS;

4 (C) THE IDENTIFICATION OF TRANSPORTATION, UTILITY, AND
5 OTHER INFRASTRUCTURE GAPS AND INFRASTRUCTURE PROJECTS. THAT
6 WOULD ENABLE STRATEGIC GROWTH AREAS TO BE DEVELOPED OR
7 REDEVELOPED; AND

8 (D) THE IDENTIFICATION OF ZONING REFINEMENTS AND DENSITIES
9 NECESSARY TO ACCOMMODATE THE HOUSING NEEDS INCLUDED IN
10 HOUSING NEEDS ASSESSMENTS, AND TO MEET STRATEGIC GROWTH
11 OBJECTIVES FOR STRATEGIC GROWTH AREAS.

12 (IV) (A) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE
13 AND SUITABLE SUPPLY OF WATER;

14 (B) IN COMPLETING A WATER SUPPLY ELEMENT, THE PLANNING
15 COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR
16 USE WITHIN THE COUNTY OR REGION TO ENSURE COORDINATION ON WATER
17 SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT MUST
18 IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS
19 OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED
20 OR IDENTIFIED IN THE PLANNING PROCESS;

21 (C) THE WATER SUPPLY ELEMENT MUST INCLUDE WATER
22 CONSERVATION POLICIES, TO BE DETERMINED BY THE COUNTY, WHICH
23 MAY INCLUDE GOALS AND ACTIONS SPECIFIED IN THE STATE WATER PLAN
24 ADOPTED PURSUANT TO SECTION 37-60-106.3 AND MAY INCLUDE POLICIES
25 TO IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER PLAN
26 GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING
27 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND

1 ZONING CHANGES.

2 (D) THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION
3 24-1-125 MAY HIRE AND EMPLOY ONE FULL-TIME EMPLOYEE TO PROVIDE
4 EDUCATIONAL RESOURCES AND ASSISTANCE TO COUNTIES THAT INCLUDE
5 WATER CONSERVATION POLICIES IN THEIR MASTER PLANS AS DESCRIBED
6 IN SUBSECTION (3)(a)(IV)(C) OF THIS SECTION.

7 (a.5) AFTER CONSIDERATION OF EACH OF THE FOLLOWING, WHERE
8 APPLICABLE OR APPROPRIATE, THE MASTER PLAN MAY INCLUDE:

9 (I) THE GENERAL LOCATION, CHARACTER, AND EXTENT OF
10 EXISTING, PROPOSED, OR PROJECTED STREETS OR ROADS, RIGHTS-OF-WAY,
11 VIADUCTS, BRIDGES, WATERWAYS, WATERFRONTS, PARKWAYS,
12 HIGHWAYS, MASS TRANSIT ROUTES AND CORRIDORS, AND ANY
13 TRANSPORTATION PLAN PREPARED BY ANY METROPOLITAN PLANNING
14 ORGANIZATION THAT COVERS ALL OR A PORTION OF THE COUNTY OR
15 REGION AND THAT THE COUNTY OR REGION HAS RECEIVED NOTIFICATION
16 OF OR, IF THE COUNTY OR REGION IS NOT LOCATED IN AN AREA COVERED
17 BY A METROPOLITAN PLANNING ORGANIZATION, ANY TRANSPORTATION
18 PLAN PREPARED BY THE DEPARTMENT OF TRANSPORTATION THAT THE
19 COUNTY OR REGION HAS RECEIVED NOTIFICATION OF AND THAT APPLIES TO
20 THE COUNTY OR REGION;

21 (II) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
22 INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR
23 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS,
24 PLAYGROUNDS, FORESTS, RESERVATIONS, SQUARES, PARKS, AIRPORTS,
25 AVIATION FIELDS, MILITARY INSTALLATIONS, AND OTHER PUBLIC WAYS,
26 GROUND, OPEN SPACES, TRAILS, AND DESIGNATED FEDERAL, STATE, AND
27 LOCAL WILDLIFE AREAS. FOR PURPOSES OF THIS SECTION, "MILITARY

1 INSTALLATION" HAS THE SAME MEANING AS SPECIFIED IN SECTION
2 29-20-105.6 (2)(b).

3 (III) THE GENERAL LOCATION AND EXTENT OF PUBLIC UTILITIES,
4 TERMINALS, CAPITAL FACILITIES, AND TRANSFER FACILITIES, WHETHER
5 PUBLICLY OR PRIVATELY OWNED, FOR WATER, LIGHT, POWER, SANITATION,
6 TRANSPORTATION, COMMUNICATION, HEAT, AND OTHER PURPOSES, AND
7 ANY PROPOSED OR PROJECTED NEEDS FOR CAPITAL FACILITIES AND
8 UTILITIES, INCLUDING THE PRIORITIES, ANTICIPATED COSTS, AND FUNDING
9 PROPOSALS FOR SUCH FACILITIES AND UTILITIES;

10 (IV) THE ACCEPTANCE, WIDENING, REMOVAL, EXTENSION,
11 RELOCATION, NARROWING, VACATION, ABANDONMENT, MODIFICATION, OR
12 CHANGE OF USE OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
13 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
14 OF OTHER COUNTIES, REGIONS, OR MUNICIPALITIES, GROUNDS, OPEN
15 SPACES, BUILDINGS, PROPERTIES, UTILITIES, OR TERMINALS, REFERRED TO
16 IN SUBSECTIONS (1)(a.5)(I) THROUGH (1)(a.5)(IV) OF THIS SECTION;

17 (V) METHODS FOR ASSURING ACCESS TO APPROPRIATE CONDITIONS
18 FOR SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING
19 GEOHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
20 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
21 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
22 GENERATION;

23 (VI) THE GENERAL CHARACTER, LOCATION, AND EXTENT OF
24 COMMUNITY CENTERS, TOWNSITES, HOUSING DEVELOPMENTS, WHETHER
25 PUBLIC OR PRIVATE, THE EXISTING, PROPOSED, OR PROJECTED LOCATION
26 OF RESIDENTIAL NEIGHBORHOODS AND SUFFICIENT LAND FOR FUTURE
27 HOUSING DEVELOPMENT FOR THE EXISTING AND PROJECTED ECONOMIC

1 AND OTHER NEEDS OF ALL CURRENT AND ANTICIPATED RESIDENTS OF THE
2 COUNTY OR REGION, AND URBAN CONSERVATION OR REDEVELOPMENT
3 AREAS. IF A COUNTY OR REGION HAS ENTERED INTO A REGIONAL PLANNING
4 AGREEMENT, SUCH AGREEMENT MAY BE INCORPORATED BY REFERENCE
5 INTO THE MASTER PLAN.

6 (VII) THE GENERAL SOURCE AND EXTENT OF FORESTS,
7 AGRICULTURAL AREAS, FLOOD CONTROL AREAS, AND OPEN DEVELOPMENT
8 AREAS FOR PURPOSES OF CONSERVATION, FOOD AND WATER SUPPLY,
9 SANITARY AND DRAINAGE FACILITIES, FLOOD CONTROL, OR THE
10 PROTECTION OF URBAN DEVELOPMENT;

11 (VIII) A LAND CLASSIFICATION AND UTILIZATION PROGRAM;

12 (IX) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS
13 TO ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED
14 INCREMENTS OF TIME. THE COUNTY OR REGION MAY BASE THESE
15 PROJECTIONS UPON DATA FROM THE DEPARTMENT OF LOCAL AFFAIRS AND
16 UPON THE COUNTY'S OR REGION'S LOCAL OBJECTIVES.

17 (X) THE LOCATION OF AREAS CONTAINING STEEP SLOPES,
18 GEOLOGICAL HAZARDS, ENDANGERED OR THREATENED SPECIES,
19 WETLANDS, FLOODPLAINS, FLOODWAYS, AND FLOOD RISK ZONES, HIGHLY
20 ERODIBLE LAND OR UNSTABLE SOILS, AND WILDFIRE HAZARDS. FOR
21 PURPOSES OF DETERMINING THE LOCATION OF SUCH AREAS, THE PLANNING
22 COMMISSION SHALL CONSIDER THE FOLLOWING SOURCES FOR GUIDANCE:

23 (A) THE COLORADO GEOLOGICAL SURVEY FOR DEFINING AND
24 MAPPING GEOLOGICAL HAZARDS;

25 (B) THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE
26 UNITED STATES DEPARTMENT OF THE INTERIOR AND THE PARKS AND
27 WILDLIFE COMMISSION CREATED IN SECTION 33-9-101, FOR LOCATING

1 AREAS INHABITED BY ENDANGERED OR THREATENED SPECIES;


2 (C) THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE
3 UNITED STATES FISH AND WILDLIFE SERVICE NATIONAL WETLANDS
4 INVENTORY FOR DEFINING AND MAPPING WETLANDS;

5 (D) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
6 DEFINING AND MAPPING FLOODPLAINS, FLOODWAYS, AND FLOOD RISK
7 ZONES;

8 (E) THE NATURAL RESOURCES CONSERVATION SERVICE OF THE
9 UNITED STATES DEPARTMENT OF AGRICULTURE FOR DEFINING AND
10 MAPPING UNSTABLE SOILS AND HIGHLY ERODIBLE LAND; AND

11 (F) THE COLORADO STATE FOREST SERVICE FOR LOCATING
12 WILDFIRE HAZARD AREAS.

13 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
14 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH RELEVANT
15 ENTITIES TO ENSURE THAT THE ADOPTION OR AMENDING OF THE MASTER
16 PLAN IS AN INCLUSIVE PROCESS.

17 

18 (9) NOT LESS THAN SIXTY DAYS PRIOR TO ADOPTING OR AMENDING
19 THE MASTER PLAN, A COUNTY OR REGIONAL PLANNING COMMISSION SHALL
20 SUBMIT THE MASTER PLAN TO THE DIVISION OF LOCAL GOVERNMENT IN
21 THE DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL
22 GOVERNMENT SHALL REVIEW THESE MASTER PLANS AND MAY PROVIDE
23 COMMENTS TO THE COUNTY OR COMMISSION. THE DIVISION SHALL
24 PROVIDE COMMENTS IN WRITING DESCRIBING THE EXTENT TO WHICH THE
25 MASTER PLAN MEETS OR DOES NOT MEET THE REQUIREMENTS OF THIS
26 SECTION. THE DEPARTMENT OF LOCAL AFFAIRS MAY HIRE AND EMPLOY
27 ONE FULL-TIME EMPLOYEE TO PROVIDE EDUCATIONAL RESOURCES AND

1 ASSISTANCE TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS
2 SECTION.

3 (10) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR AMENDING
4 THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE MASTER PLAN TO
5 THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL
6 AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW THE
7 MASTER PLAN TO ENSURE THE MASTER PLAN COMPLIES WITH THE
8 REQUIREMENTS OF THIS SECTION. THE DIVISION OF LOCAL GOVERNMENT
9 SHALL PUBLISH AND MAINTAIN A DATABASE OF ADOPTED AND AMENDED
10 MASTER PLANS THAT HAVE BEEN SUBMITTED IN ACCORDANCE WITH THIS
11 SECTION; AND

12 (11) A COUNTY SUBJECT TO THIS SECTION SHALL REVIEW AND, IF
13 NEEDED, REVISE ITS MASTER PLAN TO ENSURE THE MASTER PLAN COMPLIES
14 WITH THE REQUIREMENTS OF THIS SECTION AT LEAST EVERY TEN YEARS.
15 A COUNTY MAY UTILIZE EXISTING PLANNING INFORMATION AND ANALYSIS
16 TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION (11) IF THE
17 INFORMATION OR ANALYSIS IS NOT MORE THAN FIVE YEARS OLD.

18 **SECTION 11.** In Colorado Revised Statutes, 31-15-713, add
19 (1)(d) as follows:

20 **31-15-713. Power to sell public works - real property.** (1) The
21 governing body of each municipality has the power:

22 (d) NOTWITHSTANDING SUBSECTIONS (1)(a) AND (1)(b) OF THIS
23 SECTION, TO SELL AND DISPOSE OF, BY ORDINANCE, ANY PUBLIC BUILDING
24 OR REAL PROPERTY OWNED BY A MUNICIPALITY THAT IS HELD FOR
25 GOVERNMENT PURPOSES OTHER THAN PARK PURPOSES, IF THE SALE AND
26 DISPOSITION OF THE PUBLIC BUILDING OR REAL PROPERTY IS FOR THE
27 PURPOSE OF PROVIDING PROPERTY TO BE USED FOR THE DEVELOPMENT OF

1 AFFORDABLE HOUSING, AS THE TERM IS DEFINED IN SECTION 29-33-102 (3).
2 THE GOVERNING BODY SHALL DETERMINE THE TERMS AND CONDITIONS OF
3 THE SALE AND DISPOSITION AT A REGULAR OR SPECIAL MEETING AND
4 SHALL MAKE THESE TERMS AND CONDITIONS PUBLICLY AVAILABLE.

5 **SECTION 12.** In Colorado Revised Statutes, 31-23-301, amend
6 (5)(b)(I)(A) and (5)(b)(I)(B); add (5)(a)(III), (5)(a)(IV), (5)(a)(V),
7 (5)(b)(I.5), and (5)(c) as follows

8 **31-23-301. Grant of power.** (5) (a) As used in this subsection
9 (5), unless the context otherwise requires:

10 (III) "MANUFACTURED HOME" HAS THE SAME MEANING AS SET
11 FORTH IN SECTION 24-32-3302 (20).

12 (IV) "MODULAR HOME" HAS THE SAME MEANING AS SET FORTH IN
13 SECTION 24-32-3302 (25).

14 (b) (I) No municipality may have or enact zoning regulations,
15 subdivision regulations, or any other regulation affecting development
16 that exclude or have the effect of excluding homes from the municipality
17 that are:

18 (A) Homes certified by the division of housing created in section
19 24-32-704 or a party authorized to act on its behalf; THE APPROVAL
20 PROCESSES OF MODULAR HOMES SHALL BE BASED ON OBJECTIVE
21 STANDARDS, AS DEFINED IN SECTION 29-33-102 (27), AND
22 ADMINISTRATIVE REVIEW THAT ARE EQUIVALENT TO THAT REQUIRED FOR
23 SITE-BUILT HOMES, UNLESS A MUNICIPALITY REGULATES SITE-BUILT
24 HOMES THROUGH A DISCRETIONARY REVIEW PROCESS, AS DEFINED IN
25 SECTION 29-33-102 (9), IN WHICH CASE A MUNICIPALITY MAY USE AN
26 EQUIVALENT REVIEW PROCESS FOR A MODULAR HOME AND A SITE-BUILT
27 HOME;

1 (B) Homes certified by the United States department of housing
2 and urban development through its office of manufactured housing
3 programs, a successor agency, or a party authorized to act on its behalf.
4 THE APPROVAL PROCESSES OF MANUFACTURED HOMES SHALL BE BASED
5 ON OBJECTIVE STANDARDS AND ADMINISTRATIVE REVIEW THAT ARE
6 EQUIVALENT TO THAT REQUIRED FOR SITE-BUILT HOMES, UNLESS A
7 MUNICIPALITY REGULATES SITE-BUILT HOMES THROUGH A DISCRETIONARY
8 REVIEW PROCESS, AS DEFINED IN SECTION 29-33-102 (9), IN WHICH CASE
9 A MUNICIPALITY MAY USE AN EQUIVALENT REVIEW PROCESS FOR A
10 MANUFACTURED HOME AND A SITE-BUILT HOME. or

11 (b) (I.5) A MUNICIPALITY SHALL NOT IMPOSE MORE RESTRICTIVE
12 STANDARDS ON MANUFACTURED AND MODULAR HOMES THAN THOSE THE
13 MUNICIPALITY APPLIES TO SITE BUILT HOMES IN THE SAME RESIDENTIAL
14 ZONES. RESTRICTIVE STANDARDS INCLUDE ZONING REGULATIONS,
15 SUBDIVISION REGULATIONS, AND ANY OTHER REGULATION AFFECTING
16 DEVELOPMENT SUCH AS REQUIREMENTS RELATING TO:

- 17 (A) PERMANENT FOUNDATIONS;
- 18 (B) MINIMUM FLOOR SPACE;
- 19 (C) HOME SIZE OR SECTIONAL REQUIREMENTS;
- 20 (D) IMPROVEMENT LOCATION STANDARDS;
- 21 (E) SIDE YARD STANDARDS; AND
- 22 (F) SETBACK STANDARDS.

23 (c) FOR PURPOSES OF SUBSECTION (5)(b) OF THIS SECTION, THE
24 GENERAL ASSEMBLY FINDS AND DECLARES THAT CREATING ADDITIONAL
25 HOUSING BY ALLOWING MANUFACTURED HOMES AND MODULAR HOMES IS
26 A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

27 **SECTION 13.** In Colorado Revised Statutes, 31-23-301, **add (6)**

1 as follows:

2 **31-23-301. Grant of power.** (6) NEITHER A TIER ONE URBAN
3 MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (33) OR A TIER TWO
4 URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (34) SHALL
5 IMPOSE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL
6 UNITS IN THE APPROVAL OF RESIDENTIAL DWELLING UNIT CONSTRUCTION
7 PERMITS UNLESS DOING SO IS NECESSARY FOR HEALTH AND SAFETY IN THE
8 URBAN MUNICIPALITY.

9 **SECTION 14.** In Colorado Revised Statutes, 31-23-206, repeal
10 and reenact, with amendments, (1); and add (1.5), (8), (9), (10), and
11 (11) as follows:

12 **31-23-206. Master plan.** (1) IT IS THE DUTY OF THE COMMISSION
13 TO MAKE AND ADOPT A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT
14 OF THE MUNICIPALITY, INCLUDING ANY AREAS OUTSIDE ITS BOUNDARIES,
15 SUBJECT TO THE APPROVAL OF THE GOVERNMENTAL BODY HAVING
16 JURISDICTION THEREOF, THAT IN THE COMMISSION'S JUDGMENT BEAR
17 RELATION TO THE PLANNING OF THE MUNICIPALITY. THE MASTER PLAN OF
18 A MUNICIPALITY IS AN ADVISORY DOCUMENT TO GUIDE LAND
19 DEVELOPMENT DECISIONS; HOWEVER, THE PLAN OR ANY PART THEREOF
20 MAY BE MADE BINDING BY INCLUSION IN THE MUNICIPALITY'S ADOPTED
21 SUBDIVISION, ZONING, PLATTING, PLANNED UNIT DEVELOPMENT, OR OTHER
22 SIMILAR LAND DEVELOPMENT REGULATIONS AFTER SATISFYING NOTICE,
23 DUE PROCESS, AND HEARING REQUIREMENTS FOR LEGISLATIVE OR
24 QUASI-JUDICIAL PROCESSES AS APPROPRIATE. WHEN A COMMISSION
25 DECIDES TO ADOPT A MASTER PLAN, THE COMMISSION SHALL CONDUCT
26 PUBLIC HEARINGS, AFTER NOTICE OF SUCH PUBLIC HEARINGS HAS BEEN
27 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE

1 MUNICIPALITY IN A MANNER SUFFICIENT TO NOTIFY THE PUBLIC OF THE
2 TIME, PLACE, AND NATURE OF THE PUBLIC HEARING, PRIOR TO FINAL
3 ADOPTION OF A MASTER PLAN IN ORDER TO ENCOURAGE PUBLIC
4 PARTICIPATION IN AND AWARENESS OF THE DEVELOPMENT OF SUCH PLAN
5 AND SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS
6 THROUGHOUT THE PROCESS OF DEVELOPING THE PLAN. THE PLAN,
7 ADOPTED OR AMENDED ON OR AFTER JUNE 30, 2025, WITH THE
8 ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE MATTER, MUST
9 INCLUDE:

10 (a) A HOUSING ELEMENT THAT USES BEST AVAILABLE DATA, SUCH
11 AS THE MOST RECENT LOCAL HOUSING NEEDS PLAN CREATED PURSUANT
12 TO SECTION 29-33-104 OR OTHER RECENT HOUSING ANALYSES;

13 (b) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
14 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
15 REPORT CREATED IN SECTION 29-33-110;

16 (c) A STRATEGIC GROWTH ELEMENT THAT MUST INCLUDE:

17 (I) THE INFORMATION RELEVANT TO THE MUNICIPALITY
18 CONTAINED IN THE REGIONAL STRATEGIC GROWTH AND HOUSING MIX
19 ANALYSIS CONDUCTED PURSUANT TO SECTION 29-33-105 (8)(c) AND AN
20 ANALYSIS OF HOW THE MUNICIPALITY IS INCLUDING THIS INFORMATION IN
21 THE MASTER PLAN;

22 (II) THE IDENTIFICATION OF ADDITIONAL LOCAL STRATEGIC
23 GROWTH AREAS;

24 (III) THE IDENTIFICATION OF TRANSPORTATION, UTILITY, AND
25 OTHER INFRASTRUCTURE GAPS AND INFRASTRUCTURE PROJECTS THAT
26 WOULD ENABLE STRATEGIC GROWTH AREAS TO BE DEVELOPED OR
27 REDEVELOPED; AND

1 (IV) THE IDENTIFICATION OF ZONING REFINEMENTS AND DENSITIES
2 NECESSARY TO ACCOMMODATE THE HOUSING NEEDS INCLUDED IN
3 HOUSING NEEDS ASSESSMENTS, AND TO MEET STRATEGIC GROWTH
4 OBJECTIVES FOR STRATEGIC GROWTH AREAS.

5 (d) (I) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE
6 AND SUITABLE SUPPLY OF WATER;

7 (II) IN COMPLETING THE WATER SUPPLY ELEMENT, THE PLANNING
8 COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR
9 USE WITHIN THE MUNICIPALITY TO ENSURE COORDINATION ON WATER
10 SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT MUST
11 IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS
12 OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED
13 OR IDENTIFIED IN THE PLANNING PROCESS;

14 (III) THE WATER SUPPLY ELEMENT MUST INCLUDE WATER
15 CONSERVATION POLICIES, TO BE DETERMINED BY THE MUNICIPALITY,
16 WHICH MAY INCLUDE GOALS AND ACTIONS SPECIFIED IN THE STATE WATER
17 PLAN ADOPTED PURSUANT TO SECTION 37-60-106.3 AND MAY INCLUDE
18 POLICIES TO IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER
19 PLAN GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING
20 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND
21 ZONING CHANGES;

22 (IV) THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION
23 24-1-125 MAY HIRE AND EMPLOY ONE FULL-TIME EMPLOYEE TO PROVIDE
24 EDUCATIONAL RESOURCES AND ASSISTANCE TO MUNICIPALITIES THAT
25 INCLUDE WATER CONSERVATION POLICIES IN THEIR MASTER PLANS AS
26 DESCRIBED IN SUBSECTION (1)(d)(III) OF THIS SECTION;

27 (V) NOTHING IN THIS SUBSECTION (1)(d) SHALL BE CONSTRUED TO

1 SUPERSEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF
2 WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS, THE RIGHT TO
3 BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER
4 WATER USE AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR,
5 REPLACEMENT, OR USE OF ANY WATER FACILITY.

6 (e) THE MOST RECENT VERSION OF THE PLAN REQUIRED BY
7 SECTION 31-12-105 (1)(e) OR A SIMILAR ELEMENT ANALYZING AND
8 MAKING A PLAN FOR AREAS OF POTENTIAL GROWTH WITHIN THREE MILES
9 OF THE MUNICIPAL BOUNDARY.

10 (1.5) AFTER CONSULTATION ON EACH OF THE FOLLOWING, WHERE
11 APPLICABLE OR APPROPRIATE, THE MASTER PLAN MAY INCLUDE:

12 (a) THE GENERAL SOURCE, CHARACTER, AND EXTENT OF EXISTING,
13 PROPOSED, OR PROJECTED STREETS, ROADS, RIGHTS-OF-WAY, BRIDGES,
14 WATERWAYS, WATERFRONTS, PARKWAYS, HIGHWAYS, MASS TRANSIT
15 ROUTES AND CORRIDORS, AND ANY TRANSPORTATION PLAN PREPARED BY
16 ANY METROPOLITAN PLANNING ORGANIZATION THAT COVERS ALL OR A
17 PORTION OF THE MUNICIPALITY AND THAT THE MUNICIPALITY HAS
18 RECEIVED NOTIFICATION OF OR, IF THE MUNICIPALITY IS NOT LOCATED IN
19 AN AREA COVERED BY A METROPOLITAN PLANNING ORGANIZATION, ANY
20 TRANSPORTATION PLAN PREPARED BY THE DEPARTMENT OF
21 TRANSPORTATION THAT THE MUNICIPALITY HAS RECEIVED NOTIFICATION
22 OF AND THAT COVERS ALL OR A PORTION OF THE MUNICIPALITY;

23 (b) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
24 INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR
25 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS,
26 PLAYGROUNDS, SQUARES, PARKS, AIRPORTS, AVIATION FIELDS, MILITARY
27 INSTALLATIONS, AND OTHER PUBLIC WAYS, GROUNDS, OPEN SPACES,

1 TRAILS, AND DESIGNATED FEDERAL, STATE, AND LOCAL WILDLIFE AREAS.
2 FOR PURPOSES OF THIS SECTION, "MILITARY INSTALLATION" HAS THE SAME
3 MEANING AS SPECIFIED IN SECTION 29-20-105.6 (2)(b).

4 (c) THE GENERAL LOCATION AND EXTENT OF PUBLIC UTILITIES
5 TERMINALS, CAPITAL FACILITIES, AND TRANSFER FACILITIES, WHETHER
6 PUBLICLY OR PRIVATELY OWNED OR OPERATED, FOR WATER, LIGHT,
7 SANITATION, TRANSPORTATION, COMMUNICATION, POWER, AND OTHER
8 PURPOSES, AND ANY PROPOSED OR PROJECTED NEEDS FOR CAPITAL
9 FACILITIES AND UTILITIES, INCLUDING THE PRIORITIES, ANTICIPATED
10 COSTS, AND FUNDING PROPOSALS FOR SUCH FACILITIES AND UTILITIES;

11 (d) THE ACCEPTANCE, REMOVAL, RELOCATION, WIDENING,
12 NARROWING, VACATING, ABANDONMENT, MODIFICATION, CHANGE OF USE,
13 OR EXTENSION OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
14 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
15 OF OTHER MUNICIPALITIES, COUNTIES, OR REGIONS, GROUNDS, OPEN
16 SPACES, BUILDINGS, PROPERTY, UTILITY, OR TERMINALS, REFERRED TO IN
17 SUBSECTIONS (1.5) (a) THROUGH (a) OF THIS SECTION AND SUBSECTION
18 (1)(d) OF THIS SECTION;

19 (e) A ZONING PLAN FOR THE CONTROL OF THE HEIGHT, AREA, BULK,
20 LOCATION, AND USE OF BUILDINGS AND PREMISES. SUCH A ZONING PLAN
21 MAY PROTECT AND ASSURE ACCESS TO APPROPRIATE CONDITIONS FOR
22 SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING
23 GEOHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
24 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
25 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
26 GENERATION; HOWEVER, REGULATIONS AND RESTRICTIONS OF THE HEIGHT,
27 NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES, AND

1 THE HEIGHT AND LOCATION OF TREES AND OTHER VEGETATION SHALL NOT
2 APPLY TO EXISTING BUILDINGS, STRUCTURES, TREES, OR VEGETATION
3 EXCEPT FOR NEW GROWTH ON SUCH VEGETATION.

4 (f) THE GENERAL CHARACTER, LOCATION, AND EXTENT OF
5 COMMUNITY CENTERS, HOUSING DEVELOPMENTS, WHETHER PUBLIC OR
6 PRIVATE, THE EXISTING, PROPOSED, OR PROJECTED LOCATION OF
7 RESIDENTIAL NEIGHBORHOODS AND SUFFICIENT LAND FOR FUTURE
8 HOUSING DEVELOPMENT FOR THE EXISTING AND PROJECTED ECONOMIC
9 AND OTHER NEEDS OF ALL CURRENT AND ANTICIPATED RESIDENTS OF THE
10 MUNICIPALITY, AND REDEVELOPMENT AREAS. IF A MUNICIPALITY HAS
11 ENTERED INTO A REGIONAL PLANNING AGREEMENT, SUCH AGREEMENT
12 MAY BE INCORPORATED BY REFERENCE INTO THE MASTER PLAN.

13 (g) A MASTER PLAN FOR THE EXTRACTION OF COMMERCIAL
14 MINERAL DEPOSITS PURSUANT TO SECTION 34-1-304;

15 (h) A PLAN FOR THE LOCATION AND PLACEMENT OF PUBLIC
16 UTILITIES THAT FACILITATES THE PROVISION OF SUCH UTILITIES TO ALL
17 EXISTING, PROPOSED, OR PROJECTED DEVELOPMENTS IN THE
18 MUNICIPALITY;

19 (i) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS TO
20 ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED INCREMENTS
21 OF TIME. THE MUNICIPALITY MAY BASE THESE PROJECTIONS UPON DATA
22 FROM THE DEPARTMENT OF LOCAL AFFAIRS AND UPON THE MUNICIPALITY'S
23 LOCAL OBJECTIVES.

24 (j) THE AREAS CONTAINING STEEP SLOPES, GEOLOGICAL HAZARDS,
25 ENDANGERED OR THREATENED SPECIES, WETLANDS, FLOODPLAINS,
26 FLOODWAYS, AND FLOOD RISK ZONES, HIGHLY ERODIBLE LAND OR
27 UNSTABLE SOILS, AND WILDFIRE HAZARDS. FOR PURPOSES OF

1 DETERMINING THE LOCATION OF SUCH AREAS, THE PLANNING COMMISSION
2 SHALL CONSIDER THE FOLLOWING SOURCES FOR GUIDANCE:

3 (I) THE COLORADO GEOLOGICAL SURVEY FOR DEFINING AND
4 MAPPING GEOLOGICAL HAZARDS;

5 (II) THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE
6 UNITED STATES DEPARTMENT OF THE INTERIOR AND THE PARKS AND
7 WILDLIFE COMMISSION CREATED IN SECTION 33-9-101, FOR LOCATING
8 AREAS INHABITED BY ENDANGERED OR THREATENED SPECIES;

9 (III) THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE
10 UNITED STATES FISH AND WILDLIFE SERVICE NATIONAL WETLANDS
11 INVENTORY FOR DEFINING AND MAPPING WETLANDS;

12 (IV) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
13 DEFINING AND MAPPING FLOODPLAINS, FLOODWAYS, AND FLOOD RISK
14 ZONES;

15 (V) THE NATURAL RESOURCES CONSERVATION SERVICE OF THE
16 UNITED STATES DEPARTMENT OF AGRICULTURE FOR DEFINING AND
17 MAPPING UNSTABLE SOILS AND HIGHLY ERODIBLE LAND; AND

18 (VI) THE COLORADO STATE FOREST SERVICE FOR LOCATING
19 WILDFIRE HAZARD AREAS.

20 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
21 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH RELEVANT
22 ENTITIES TO ENSURE THAT THE ADOPTING OR AMENDING OF THE MASTER
23 PLAN IS AN INCLUSIVE PROCESS.

24 (9) NOT LESS THAN SIXTY DAYS PRIOR TO ADOPTING OR
25 AMENDING THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE
26 MASTER PLAN TO THE DIVISION OF LOCAL GOVERNMENT IN THE
27 DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT

1 SHALL REVIEW THESE MASTER PLANS TO ENSURE THEY COMPLY WITH THE
2 REQUIREMENTS OF THIS SECTION. THE DIVISION SHALL PROVIDE
3 COMMENTS IN WRITING DESCRIBING THE EXTENT TO WHICH THE MASTER
4 PLAN MEETS OR DOES NOT MEET THE REQUIREMENTS OF THIS SECTION. THE
5 DEPARTMENT OF LOCAL AFFAIRS MAY HIRE AND EMPLOY ONE FULL-TIME
6 EMPLOYEE TO PROVIDE EDUCATIONAL RESOURCES AND ASSISTANCE TO
7 ENSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

8 (10) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR AMENDING
9 THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE MASTER PLAN TO
10 THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL
11 AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW THE
12 MASTER PLAN TO ENSURE IT COMPLIES WITH THE REQUIREMENTS OF THIS
13 SECTION. THE DIVISION OF LOCAL GOVERNMENT SHALL PUBLISH AND
14 MAINTAIN A DATABASE OF ADOPTED AND AMENDED MASTER PLANS THAT
15 HAVE BEEN SUBMITTED IN ACCORDANCE WITH THIS SECTION.

16 (11) AN URBAN MUNICIPALITY, AS DEFINED IN SECTION 29-33-102
17 (40), SUBJECT TO THIS SECTION SHALL REVIEW AND, IF NEEDED, REVISE ITS
18 MASTER PLAN TO ENSURE THE PLAN COMPLIES WITH THE REQUIREMENTS
19 OF THIS SECTION AT LEAST EVERY TEN YEARS. AN URBAN MUNICIPALITY
20 MAY UTILIZE EXISTING PLANNING INFORMATION AND ANALYSIS TO SATISFY
21 THE REQUIREMENTS OF THIS SUBSECTION (11), SO LONG AS THE
22 INFORMATION OR ANALYSIS IS NOT MORE THAN FIVE YEARS OLD.

23 **SECTION 15.** In Colorado Revised Statutes, 38-33.3-106.5, add
24 (3) and (4) as follows:

25 **38-33.3-106.5. Prohibition contrary to public policy - patriotic,**
26 **political, or religious express - public rights-of-way - fire prevention**
27 **- renewable energy generation devices - affordable housing - drought**

1 **prevention measure - child care - definitions.**

2 (3) (a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,
3 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE
4 CONTRARY, AN ASSOCIATION SHALL NOT PROHIBIT ACCESSORY DWELLING
5 UNITS, HOUSING IN TRANSIT-ORIENTED AREAS, AND HOUSING IN KEY
6 CORRIDORS IN THE JURISDICTIONS AND AREAS TO WHICH ARTICLE 33 OF
7 TITLE 29 APPLIES. ANY SUCH PROHIBITION ON THE PERMITTING OF
8 ACCESSORY DWELLING UNITS, HOUSING IN TRANSIT-ORIENTED AREAS, AND
9 HOUSING IN KEY CORRIDORS IS VOID AS A MATTER OF PUBLIC POLICY IN
10 ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF TITLE 29.

11 (b) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT
12 OTHERWISE REQUIRES:

13 (I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET
14 FORTH IN SECTION 29-33-102 (2).

15 (II) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN
16 SECTION 29-33-303 (1) (b).

17 (III) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
18 FORTH IN SECTION 29-33-102 (41).

19 (c) SUBSECTION (3)(a) OF THIS SECTION SHALL NOT APPLY TO
20 REASONABLE RESTRICTIONS ON ACCESSORY DWELLING UNITS. AS USED IN
21 THIS SUBSECTION (3)(c), "REASONABLE RESTRICTION" MEANS A
22 RESTRICTION THAT DOES NOT UNREASONABLY INCREASE THE COST TO
23 CONSTRUCT, EFFECTIVELY PROHIBIT THE CONSTRUCTION OF, OR
24 EXTINGUISH THE ABILITY TO OTHERWISE CONSTRUCT, AN ACCESSORY
25 DWELLING UNIT CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

26 (4) (a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,
27 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE

1 CONTRARY, AN ASSOCIATION SHALL NOT ENACT OR ENFORCE RESIDENTIAL
2 OCCUPANCY LIMITS THAT DIFFER BASED ON THE RELATIONSHIPS OF THE
3 OCCUPANTS OF A DWELLING.

4 (b) NOTHING IN THIS SECTION PREVENTS AN ASSOCIATION FROM
5 ESTABLISHING RESIDENTIAL OCCUPANCY LIMITS FOR DWELLING UNITS FOR
6 SHORT-TERM RENTALS, AS DEFINED IN SECTION 29-33-102 (35).

7 (c) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT
8 OTHERWISE REQUIRES, "DWELLING" MEANS ANY IMPROVED REAL
9 PROPERTY OR PORTION THEREOF THAT IS USED OR INTENDED TO BE USED
10 AS A RESIDENCE.

11 **SECTION 16.** In Colorado Revised Statutes, 43-1-106, amend
12 (15)(d) as follows:

13 **43-1-106. Transportation commission - powers and duties -**
14 **rules - definitions - efficiency and accountability committee.** (15) In
15 addition to any other duties required by law, the commission shall have
16 the following charges:

17 (d) To study and make recommendations for existing and future
18 transportation systems in Colorado with a focus of such study and
19 recommendations being a ten-year plan for each mode of transportation.
20 Such THE ten-year plan shall MUST be based on what can be reasonably
21 expected to be implemented with the estimated revenues which are likely
22 to be available AND MUST INCLUDE PRIORITIZATION CRITERIA THAT ARE
23 CONSISTENT WITH STATE STRATEGIC GROWTH OBJECTIVES FOR
24 REGIONALLY SIGNIFICANT TRANSPORTATION PROJECTS.

25 **SECTION 17.** In Colorado Revised Statutes, 43-1-113, add (20)
26 as follows:

27 **43-1-113. Funds - budgets - fiscal year - reports and**

1 publications. (20) BEFORE DECEMBER 31, 2024, OR BEFORE THE NEXT
2 REGIONAL TRANSPORTATION PLANNING CYCLE BEGINS, THE DEPARTMENT
3 SHALL ENSURE THAT THE PRIORITIZATION CRITERIA FOR ANY GRANT
4 PROGRAM ADMINISTERED BY THE DEPARTMENT ARE CONSISTENT WITH
5 STATE STRATEGIC GROWTH OBJECTIVES, AS DETERMINED IN SECTION
6 29-33-108, SO LONG AS DOING SO DOES NOT VIOLATE FEDERAL LAW. THE
7 STATE GROWTH OBJECTIVES MUST BE CLEARLY ARTICULATED IN A
8 PROJECT'S REQUIREMENTS OF PROSPECTIVE FUNDING RECIPIENTS.

9 **SECTION 18.** In Colorado Revised Statutes, 43-1-1103, amend
10 (5)(i) and (5)(j); and add (2.5) and (5)(k) as follows:

11 **43-1-1103. Transportation planning. (2.5)** BEGINNING
12 DECEMBER 31, 2024, ANY REGIONAL TRANSPORTATION PLAN THAT IS
13 CREATED OR UPDATED MUST ADDRESS AND ENSURE CONSISTENCY WITH
14 STATE STRATEGIC GROWTH OBJECTIVES AS DETERMINED IN SECTION
15 29-33-108.

16 (5) The department shall integrate and consolidate the regional
17 transportation plans for the transportation planning regions into a
18 comprehensive statewide transportation plan. The formation of the state
19 plan shall be accomplished through a statewide planning process set by
20 rules and regulations promulgated by the commission. The state plan shall
21 address but shall not be limited to the following factors:

22 (i) Effective, efficient, and safe freight transport; and

23 (j) Reduction of greenhouse gas emissions IN A MANNER
24 SUFFICIENT TO MEET THE STATE'S GOALS, AND REDUCTION OF NEAR-ROAD
25 AIR POLLUTION; AND

26 (k) BEGINNING DECEMBER 31, 2024, ADDRESS AND ENSURE
27 CONSISTENCY WITH STATE STRATEGIC GROWTH OBJECTIVES.

1 **SECTION 19.** In Colorado Revised Statutes, 43-4-1103, add
2 (2)(e) as follows:

3 **43-4-1103. Multimodal transportation options fund - creation**
4 **- revenue sources for fund - use of fund. (2) (e) FEE REVENUES FROM**
5 **THE MULTIMODAL TRANSPORTATION OPTIONS FUND GENERATED ON OR**
6 **AFTER JANUARY 1, 2025, AND OTHER STATE FUNDS TRANSFERRED TO THE**
7 **MULTIMODAL TRANSPORTATION OPTIONS FUND ON OR AFTER JULY 1, 2024,**
8 **SHALL ONLY BE MADE FOR MULTIMODAL PROJECTS THAT ARE SELECTED**
9 **AFTER JULY 1, 2024, THE DEPARTMENT DETERMINES ARE CONSISTENT**
10 **WITH STATE STRATEGIC GROWTH OBJECTIVES, AS DETERMINED IN SECTION**
11 **29-33-108. THE STATE GROWTH OBJECTIVES MUST BE CLEARLY**
12 **ARTICULATED IN A PROJECT'S REQUIREMENTS OF PROSPECTIVE FUNDING**
13 **RECIPIENTS.**

14 **SECTION 20.** In Colorado Revised Statutes, 43-2-147, amend
15 (4) as follows:

16 **43-2-147. Access to public highways - definitions. (4) (a) The**
17 **commission shall adopt a state highway access code, by rule and**
18 **regulation, for the implementation of this section, on or after March 16,**
19 **1980. The access code shall address the design and location of driveways**
20 **and other points of access to public highways. The access code shall be**
21 **consistent with the authority granted in this section and shall be based**
22 **upon consideration of existing and projected traffic volumes, the**
23 **functional classification of public highways, adopted local transportation**
24 **plans and needs, drainage requirements, the character of lands adjoining**
25 **the highway, adopted local land use plans and zoning, the type and**
26 **volume of traffic to use the driveway, other operational aspects of the**
27 **driveway, the availability of vehicular access from local streets and roads**

1 rather than a state highway, and reasonable access by city streets and
2 county roads. THE ACCESS CODE MUST ENSURE THAT ACCESS CONTROL
3 STANDARDS ARE OPTIMIZED TO SUPPORT DENSE HOUSING, WALKABLE AND
4 MULTI-MODAL MIXED-USE CENTERS, AND STRATEGIC GROWTH AREAS,
5 WHILE CONTINUING TO ENSURE THAT BASIC SAFETY STANDARDS ARE MET.

6 (b) ON OR BEFORE JULY 1, 2024, THE COMMISSION SHALL ADOPT
7 INTO THE STATE HIGHWAY ACCESS CODE AN INTERCHANGE APPROVAL
8 PROCESS THAT CONDITIONS APPROVAL FOR CERTAIN INTERCHANGES ON
9 ADOPTION OF TRANSPORTATION DEMAND MANAGEMENT STRATEGIES THAT
10 REDUCE THE AVERAGE DAILY TRAFFIC AT THE ON-RAMPS TO THE
11 INTERCHANGES BY A MINIMUM OF THREE PERCENT RELATIVE TO THE
12 BASELINE AVERAGE DAILY TRAFFIC, OR AN ALTERNATIVE METHODOLOGY
13 THAT IDENTIFIES AND CREATES BENEFITS CONSISTENT WITH STRATEGIC
14 GROWTH OBJECTIVES. THE TRANSPORTATION DEMAND MANAGEMENT
15 STRATEGIES SHALL BE CONSISTENT WITH STRATEGIC GROWTH OBJECTIVES.
16 THIS SUBSECTION (4)(b) SHALL APPLY, AT A MINIMUM, TO INTERCHANGES
17 THAT ARE:

18 (I) NEW INTERCHANGES OR INTERCHANGES MODIFIED WITH
19 IMPROVEMENTS THAT EXPAND TRAFFIC CAPACITY; AND

20 (II) WITHIN METROPOLITAN PLANNING ORGANIZATION
21 BOUNDARIES.

22 **SECTION 21. Appropriation.** (1) For the 2023-24 state fiscal
23 year, \$15,000,000 is appropriated to the housing plans assistance fund
24 created in section 29-33-112 (3)(a), C.R.S. This appropriation is from the
25 general fund. The department of local affairs is responsible for the
26 accounting related to this appropriation.

27 (2) For the 2023-24 state fiscal year, \$15,000,000 is appropriated

1 to the department of local affairs. This appropriation is from
2 reappropriated funds from the housing plans assistance fund received
3 under subsection (1) of this section. To implement this act, the
4 department may use this appropriation as follows:

5 (a) \$65,992 for use by the state demography office for program
6 costs, which amount is based on an assumption that the office will require
7 an additional 0.6 FTE;

8 (b) \$41,136 for use by the division of housing for personal
9 services, which amount is based on an assumption that the office will
10 require an additional 0.5 FTE;

11 (c) \$4,010 general fund for use by the division of housing for
12 operating expenses; and

13 (d) \$14,888,862 for use by the division of local government for
14 the local land use assistance program, which amount is based on an
15 assumption that the division will require an additional 10.4 FTE.

16 (3) Any money appropriated in subsection (2) of this section not
17 expended prior to July 1, 2024 is further appropriated for the 2024-25 and
18 2025-26 state fiscal years for the same purpose.

19 (4) For the 2023-24 state fiscal year, \$625,109 is appropriated to
20 the department of natural resources. This appropriation consists of
21 \$84,939 from the general fund and \$540,170 cash funds from the
22 Colorado water conservation board construction fund created in section
23 37-60-121 (1)(a), C.R.S. To implement this act, the department may use
24 this appropriation as follows:

25 (a) \$76,919 general fund for use by the executive director's office
26 for personal services, which amount is based on an assumption that the
27 office will require an additional 1.0 FTE;

1 (b) \$8,020 general fund for use by the executive director's office
2 for operating expenses; and

3 (c) \$540,170 from the Colorado water conservation board
4 construction fund for use by the Colorado water conservation board for
5 personal services.

6 (5) For the 2023-24 state fiscal year, \$29,455 is appropriated to
7 the office of the governor for use by the Colorado energy office. This
8 appropriation is from the general fund and is based on an assumption that
9 the office will require an additional 0.3 FTE. To implement this act, the
10 office may use this appropriation for program administration.

11 (6) For the 2023-24 state fiscal year, \$100,000 is appropriated to
12 the office of the governor. This appropriation is from the general fund. To
13 implement this act, the office may use this appropriation for the office of
14 climate preparedness.

15 (7) For the 2023-24 state fiscal year, \$53,896 is appropriated to
16 legislative department. This appropriation is from the general fund. To
17 implement this act, the department may use this appropriation as follows:

18 (a) \$26,492 for use by the legislative council, which amount is
19 based on an assumption that the legislative council will require an
20 additional 0.3 FTE;

21 (b) \$17,202 for use by the committee on legal services, which
22 amount is based on an assumption that the committee will require an
23 additional 0.2 FTE; and

24 (c) \$10,202 for use by the general assembly.

25 ■ ■

26 **SECTION 22. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.