SENATE BILL 23-213

A BILL FOR AN ACT

CONCERNING STATE LAND USE REQUIREMENTS, AND, IN CONNECTION THEREWITH, ESTABLISHING A PROCESS TO DIAGNOSE AND ADDRESS HOUSING NEEDS ACROSS THE STATE, ADDRESSING REQUIREMENTS FOR THE REGULATION OF ACCESSORY DWELLING UNITS, MIDDLE HOUSING, TRANSIT-ORIENTED AREAS, KEY CORRIDORS, AND MANUFACTURED AND MODULAR HOMES, PROHIBITING CERTAIN PLANNED UNIT DEVELOPMENT RESOLUTIONS, PROHIBITING A LOCAL GOVERNMENT FROM ENFORCING CERTAIN OCCUPANCY LIMITS, MODIFYING THE CONTENT REQUIREMENTS FOR COUNTY AND MUNICIPAL MASTER PLANS, PROHIBITING CERTAIN MUNICIPALITIES FROM IMPOSING MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL UNITS, REQUIRING ENTITIES TO SUBMIT A COMPLETED AND

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.
VALIDATED WATER LOSS AUDIT REPORT TO THE COLORADO WATER CONSERVATION BOARD, PROHIBITING A UNIT OWNERS' ASSOCIATION FROM PROHIBITING CERTAIN KINDS OF HOUSING, ___ ___ CRITERIA FOR CERTAIN GRANT PROGRAMS, AND EXPENDITURES FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND TO ALIGN WITH STATE STRATEGIC GROWTH OBJECTIVES, AND 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 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
assembly finds and declares that:

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

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

(C) Colorado's housing supply has not kept pace with population growth. Between 2010 and 2020, the state added one hundred twenty-six thousand fewer housing units than in the prior decade, despite the population increasing by a similar amount in each decade. The state has an unmet housing need, as of 2022, of between sixty-five thousand and ninety thousand units, according to the state demographer;

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

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

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

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

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

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

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

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

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

(A) The consequences of land use policies that limit housing supply and diversity include a lack of housing that is affordable to Coloradans of low and moderate incomes, a lack of housing to support employment growth, an imbalance in jobs and housing, segregated and unequal communities, reduced mobility and long commutes, reduced options for older adults to age in their community of choice, loss of open space and agricultural land, high water usage, and increased greenhouse gas and air pollution;

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

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

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

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

(A) In 2021 and 2022, the general assembly approved close to one
billion dollars for affordable housing investments funded primarily by the
general fund; and

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

(II) Therefore, the general assembly finds, determines, and
declares that, coupled with historic investments in affordable housing,
reforms to local land use regulations can accelerate an increase in housing
supply that is affordable at all income levels and accessible for people of
all ages and abilities.

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

(B) A study for a rural resort municipality in Colorado found that
doubling the average residential density for future growth would save
thirty-one percent in capital and maintenance costs over twenty years.
(2) The general assembly finds and declares that the availability of affordable housing is a matter of mixed statewide and local concern. Therefore, it is the intent of the general assembly in enacting this act to:

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

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

(c) Increase housing supply, allow more compact development, encourage more affordable housing, encourage more environmentally and fiscally sustainable development patterns, encourage housing patterns that conserve water resources, and encourage housing units that are located in close proximity to public transit, places of employment, and everyday needs.

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

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

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

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

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

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

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

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

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

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

(j) According to a 2022 article titled "Does Discretion Delay
Development?", in the American Planning Association Journal,
residential projects using by-right approval processes are approved
twenty-eight percent faster than those using discretionary approval
processes, and faster approval times reduce developer costs and therefore
housing costs;

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

(l) In Colorado, household energy savings range from forty
percent less for townhomes to seventy percent less for larger multifamily
homes compared to single-unit detached dwellings, according to
(m) The state has an interest in ensuring economic mobility by increasing affordable housing opportunities throughout the state:

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

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

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

(IV) According to a Brookings Institution report entitled "Housing Costs, Zoning, and Access to High Scoring Schools" that analyzed the one hundred largest metropolitan areas in the United States, housing costs an average of two and four-tenths times as much near a high-scoring public school than near a low-scoring one. The same study found that metro areas with the least restrictive zoning have housing cost gaps between high-scoring and low-scoring schools that are sixty-three percent lower than metro areas with the most restrictive zoning.

(V) Researchers have also found that upward mobility is significantly greater in more compact development areas than in low density areas, primarily due to better job accessibility by multiple transportation modes, according to the study "Does urban sprawl hold down upward mobility?", published in the journal of Landscape and Urban Planning.
(VI) Nationwide, cities with the highest housing costs and lowest
vacancy rates experience the highest rates of homelessness, according to
a report by the Urban Institute, "Unsheltered Homelessness Trends,
Characteristics, and Homeless Histories". These indicators explain a
greater portion of the variation in regional rates of homelessness than
other commonly assumed factors, such as poverty rate, substance use, or
mental illness, according to a study in the European Journal of Housing
Policy, "The Economics of Homelessness: The Evidence from North
America".

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

(VIII) Researchers in the article "Housing Constraints and Spatial
Misallocation", in the American Economic Journal, found that restrictions
on new housing supply in high productivity places limit the number of
workers who have access to jobs in those places, which over the past
several decades they estimate has lowered aggregate economic growth in
the United States by thirty-six percent;

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

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

(n) The state has an interest in **advancing efficient water use**, and local government decisions that encourage dispersed, low density development negatively affects the state’s water supply:

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

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

(III) Compared to a single-unit detached dwelling, accessory dwelling units use twenty-two percent less water, small multifamily homes sixty-three percent less, and larger multifamily homes eighty-six percent less, based on data from Denver and Aurora water users analyzed for the Colorado water and growth dialogue Final Report in 2018.

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

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

(II) Communities with the most restrictive local land use regulations often enable job growth while limiting the ability of housing growth to keep pace, which affects the pace of housing development in neighboring jurisdictions. This results in regional imbalances between jobs and housing that researchers have found have a significant impact on vehicle miles traveled and commute times, according to studies such as

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(VII) Local government land use decisions that require a minimum amount of parking spaces beyond what is necessary to meet market demand increase vehicle miles traveled and associated greenhouse gas emissions. According to the UCLA Institute of Transportation Studies article titled "What Do Residential Lotteries Show Us About Transportation Choices", higher amounts of free parking provided in residential developments cause higher rates of vehicle ownership, higher rates of vehicle miles traveled, and less frequent transit use.

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

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

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

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

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

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

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

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

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

ARTICLE 33
State Land Use Requirements For Affordable Housing
PART I
HOUSING NEEDS PLANNING
29-33-101. Legislative declaration. (1) (a) The general assembly hereby finds, determines, and declares that:
(I) Colorado lacks a coordinated process to set goals, develop solutions, and track progress towards meeting statewide, regional, and local housing needs;
(II) Consistent information about statewide, regional, and local housing needs is essential in developing equitable and effective housing policies and strategies and improving efforts to increase housing affordability over time;
(III) Housing markets expand beyond the borders of individual local governments, and information is required on a local, regional, and statewide scale to make a holistic plan for addressing housing needs;
(IV) Although some local governments work to assess and address housing needs, these local governments use
DIFFERENT METHODOLOGIES, DO THIS WORK AT DIFFERENT TIMES, AND LACK REGIONAL COORDINATION;

(V) LOCAL GOVERNMENTS THAT DO NOT ALLOW HOUSING SUPPLY TO KEEP PACE WITH HOUSEHOLD AND JOB GROWTH IN THEIR JURISDICTIONS EXPORT THEIR HOUSING NEEDS TO NEIGHBORING COMMUNITIES, CAUSING REGIONAL IMBALANCES THAT IMPACT EQUITY, POLLUTION, INFRASTRUCTURE COSTS, AND QUALITY OF LIFE;

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

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

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

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

29-33-102. Definitions. As used in this article 33, unless the context otherwise requires:
(1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., AS AMENDED.

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

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

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

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

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

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

(5) "BUILDABLE LANDS ANALYSIS" MEANS AN EVALUATION OF LANDS SUITABLE FOR DEVELOPMENT INCLUDING POTENTIAL GREYFIELD DEVELOPMENT, BROWNFIELD DEVELOPMENT, AND GREENFIELD DEVELOPMENT.

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

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

   (b) DEDICATED LANES OR BUSWAYS;

   (c) TRAFFIC SIGNAL PRIORITY;

   (d) OFF-BOARD FARE COLLECTION;
(e) ELEVATED PLATFORMS; OR

(f) ENHANCED STATIONS.

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

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

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

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

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

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

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

(10) "DISPLACEMENT" MEANS THE INVOLUNTARY RELOCATION OF RESIDENTS DUE TO:

(a) NEW DEVELOPMENT AND AN INFLUX OF WEALTHIER RESIDENTS RESULTING IN THE GENTRIFICATION OF A NEIGHBORHOOD;

(b) HOMES BEING VACATED BY LOW-INCOME RESIDENTS AND OTHER LOW-INCOME RESIDENTS BEING UNABLE TO AFFORD TO MOVE IN OR
FORCED TO VACATE BECAUSE RENTS AND SALES PRICES HAVE INCREASED ABOVE WHAT LOW-INCOME RESIDENTS CAN AFFORD;

(c) DISCRIMINATORY POLICIES, SUCH AS BANNING TENANTS WITH HOUSING VOUCHERS, ELIMINATING UNITS LARGE ENOUGH FOR HOUSEHOLDS WITH CHILDREN, OR CHANGING LAND USE OR ZONING THAT FOSTER A CHANGE IN THE CHARACTER OF THE RESIDENTIAL DEVELOPMENT;

(d) GENTRIFICATION-INDUCED DISPLACEMENT, TAKING INTO ACCOUNT RESIDENTS WHO HAVE ALREADY BEEN DISPLACED AND CURRENT AND FUTURE RESIDENTS WHO ARE OR MAY BE DISPLACED INCLUDING RENTERS, LOW-INCOME HOUSEHOLDS, PERSONS OF COLOR, HOUSEHOLDS HEADED BY A RESIDENT WITHOUT A COLLEGE DEGREE, AND FAMILIES IN POVERTY WITH CHILDREN;

(e) WIDESPREAD DISPLACEMENT OF SOCIAL AND CULTURAL CONNECTIONS AND COMMUNITY-SERVING ENTITIES;

(f) DETERIORATION OF OR PHYSICAL CONDITIONS THAT RENDER RESIDENCES UNINHABITABLE, WHICH MAY BE CAUSED BY LACK OF RENOVATION OR REHABILITATION, OR DEMOLITION OR REDEVELOPMENT, OF AGING AFFORDABLE HOUSING OR COMMERCIAL SPACES; OR

(g) INCREASED REAL ESTATE PRICES, RENTS, PROPERTY TAXES, NEW DEVELOPMENT INCLUDING AMENITIES, AND OTHER ECONOMIC FACTORS THAT LEAD TO GENTRIFICATION,

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

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

(13) "GREENFIELD DEVELOPMENT" MEANS NEW DEVELOPMENT ON
LANDS THAT HAVE PREVIOUSLY NOT BEEN DEVELOPED AND MAY EITHER
BE WITHIN CURRENT MUNICIPAL BOUNDARIES OR OUTSIDE THEM AND IN A
POTENTIAL ANNEXATION AREA.

(14) "GREYFIELD DEVELOPMENT" MEANS INFILL, REDEVELOPMENT,
OR NEW DEVELOPMENT WITHIN AN EXISTING MUNICIPALITY OR CENSUS
URBANIZED AREA ON VACANT, PARTIALLY VACANT, OR UNDERUTILIZED
LAND.

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

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

(17) "KEY CORRIDORS" MEANS THE AREAS DESCRIBED IN SECTION
29-33-503 (1)(a) AND DESIGNATED AS KEY CORRIDORS IN THE KEY
CORRIDORS MAP PUBLISHED BY THE DEPARTMENT OF TRANSPORTATION
PURSUANT TO SECTION 29-33-503.

(18) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
CITY, TOWN, TERRITORIAL CITY OR TOWN, CITY AND COUNTY, OR COUNTY
AND HOME RULE COUNTY.

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

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

(21) "METROPOLITAN PLANNING ORGANIZATION" MEANS A
METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT

(22) "MIDDLE HOUSING" MEANS A TYPE OF HOUSING THAT
INCLUDES A:

(a) BUILDING DESIGNED AS A SINGLE STRUCTURE CONTAINING
BETWEEN TWO AND SIX SEPARATE DWELLING UNITS;

(b) TOWNHOME; OR

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

(24) "MIXED-USE DEVELOPMENT" MEANS A DEVELOPMENT
PROJECT THAT INTEGRATES MULTIPLE LAND USE TYPES.

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

(26) "MULTI-AGENCY GROUP" MEANS A GROUP CREATED IN THE
DEPARTMENT OF LOCAL AFFAIRS COMPOSED OF STAFF FROM:
(a) The Division of Local Government in the Department of Local Affairs;
(b) The Colorado Energy Office;
(c) The Department of Natural Resources; and
(d) The Department of Transportation.

(27) "Multifamily ___ Housing" means a building or group of buildings on the same lot with separate living units for three or more households.

(28) "Municipality" means a home rule or statutory city or town, territorial charter city or town, or city and county.

(29) "Net density" means the number of residential units per acre of total residential land area, excluding land occupied by public rights-of-way and any recreational, civic, commercial, and other nonresidential uses.

(30) "Objective procedure" means a development review procedure or process that does not involve a discretionary approval process.

(31) "Objective standard" means a standard that both:
(a) Does not require a public body or official to make a personal or subjective judgment; and
(b) Is uniformly verifiable or ascertainable by reference to an external or uniform benchmark or criterion that is available and knowable by the development applicant or proponent and the public body or official prior to the development applicant or proponent’s filing of a development proposal.

(32) "Population" means current population as reported
BY THE STATE DEMOGRAHER.

(33) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE HOUSING CREATED OR SUPPORTED BY PUBLIC SUBSIDIES, LOCAL INCLUSIONARY ZONING ORDINANCES, OR OTHER REGULATIONS THAT RESTRICT OR LIMIT RENTAL OR SALE PRICE AND RESTRICT RESIDENT INCOME LEVELS TO LOW-TO MODERATE-INCOME HOUSEHOLDS LEVELS FOR A SPECIFIED PERIOD.

(34) (a) "RURAL RESORT JOB CENTER MUNICIPALITY" MEANS A MUNICIPALITY THAT:

(I) IS NOT WITHIN A METROPOLITAN PLANNING ORGANIZATION;

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

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

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

(V) HAS A TRANSIT STOP SERVICED BY A TRANSIT AGENCY THAT SERVES AT LEAST TWO MUNICIPALITIES AND WITH SERVICE THAT INCLUDES AN AVERAGE OF AT LEAST TWENTY ___ TRIPS PER DAY, AS OF JANUARY 1, 2023.

(b) FOR PURPOSES OF THIS SUBSECTION (34), "TRANSIT AGENCY" MEANS:

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

(II) ELIGIBLE TO RECEIVE MONEY UNDER A GRANT AUTHORIZED BY

(35) "SHORT-TERM RENTAL" MEANS A BUILDING OR A PORTION OF
A BUILDING DESIGNED FOR USE PREDOMINANTLY AS A PLACE OF
RESIDENCE BY A PERSON OR A FAMILY THAT IS PROVIDED TO AN
INDIVIDUAL OR BUSINESS FOR FEWER THAN THIRTY CONSECUTIVE DAYS IN
EXCHANGE FOR MONETARY PAYMENT. SUBJECT JURISDICTIONS MAY APPLY
THEIR OWN DEFINITION OF SHORT-TERM RENTAL FOR THE PURPOSES OF
THIS ARTICLE 33.

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

(37) "STANDARD EXEMPT PARCEL" MEANS A PARCEL THAT:
(a) LIES ENTIRELY OUTSIDE OF AN AREA THAT IS DESIGNATED AS
AN URBANIZED AREA BY THE MOST RECENT FEDERAL DECENNIAL CENSUS;
(b) IS NOT SERVED BY A DOMESTIC WATER AND SEWAGE
TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);
(c) IS IN AN AGRICULTURAL, FORESTRY, NATURAL RESOURCE
PRESERVATION, OR OPEN SPACE ZONING DISTRICT;
(d) IS A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC
DISTRICT; OR
(e) IS IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN,
AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

(38) "TIER ONE URBAN MUNICIPALITY" MEANS EITHER:
(a) A MUNICIPALITY THAT:
(I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT
HAS A POPULATION OF ONE MILLION OR MORE;

(II) HAS AT LEAST TEN PERCENT OF ITS LAND WITHIN AN AREA
THAT IS DESIGNATED AS AN URBANIZED AREA BY THE MOST RECENT
FEDERAL DECENNIAL CENSUS WITH A POPULATION GREATER THAN
SEVENTY-FIVE THOUSAND; AND

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

(b) A MUNICIPALITY THAT:

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

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

(39) "TIER TWO URBAN MUNICIPALITY" MEANS A MUNICIPALITY
THAT DOES NOT SATISFY THE DEFINITION OF A TIER ONE URBAN
MUNICIPALITY AND:

(a) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION;

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

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

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

(41) "TRANSIT-ORIENTED AREA" MEANS AN AREA WHERE ALL
PARCELS HAVE AT LEAST TWENTY-FIVE PERCENT OF THEIR AREA WITHIN
ONE-HALF MILE OF AN EXISTING FIXED-RAIL TRANSIT STATION. FOR THE
PURPOSES OF THIS SUBSECTION (41), A FIXED-RAIL TRANSIT STATION IS A
FIXED-RAIL TRANSIT SERVICE BOARDING AND EXITING LOCATION OR
STATION FOR THE GENERAL PUBLIC.

(42) "UNDEVELOPED URBAN LAND" MEANS GREENFIELD DEVELOPMENT AREAS WITHIN AN EXISTING MUNICIPALITY THAT HAVE REMAINED UNDEVELOPED BUT COULD ACCOMMODATE FUTURE DEVELOPMENT.

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

(44) "URBAN MUNICIPALITY" MEANS BOTH A TIER ONE AND A TIER TWO URBAN MUNICIPALITY.

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

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

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

(3) (a) THE COMMITTEE CONSISTS OF THIRTEEN VOTING MEMBERS AS FOLLOWS:

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

(II) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY OFFICE.
OF THE EXECUTIVE DIRECTOR'S DESIGNEE;

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

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

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

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

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

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

(IX) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE PLANNING AND IS A STAFF-LEVEL REPRESENTATIVE FROM A TIER ONE URBAN MUNICIPALITY WHO IS APPOINTED BY THE GOVERNOR;

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

(XI) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE PLANNING AND IS A STAFF-LEVEL REPRESENTATIVE FROM A RURAL RESORT JOB CENTER MUNICIPALITY WHO IS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;
(XII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM A COUNTY WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(XIII) ONE MEMBER WHO IS A COMMUNITY REPRESENTATIVE WITH HOUSING EXPERTISE WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE.

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

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

(4) EACH MEMBER OF THE COMMITTEE WHO IS APPOINTED PURSUANT TO SUBSECTION (3) OF THIS SECTION SERVES AT THE PLEASURE OF THE OFFICIAL WHO APPOINTED THE MEMBER. THE TERM OF APPOINTMENT IS FOUR YEARS; EXCEPT THAT THE TERM OF EACH MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (3) OF THIS SECTION IS TWO YEARS AND THE TERM OF EACH MEMBER INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (3) OF THIS SECTION IS ONE YEAR. NO APPOINTED MEMBER OF THE COMMITTEE SHALL SERVE MORE THAN TWO CONSECUTIVE TERMS.

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

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

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

(6) The committee shall complete its duties as required by this Article 33.

(7) Upon request by the committee, the Department of Local Affairs shall provide office space, equipment, and staff services as may be necessary to implement this section.

(8) (a) There is created as part of the multi-agency advisory committee the Rural Resort Area Subcommittee.

(b) The Rural Resort Area Subcommittee consists of:

(I) The members of the multi-agency advisory committee appointed pursuant to subsections (3)(a)(I), (3)(a)(II), (3)(a)(III), (3)(a)(IV), (3)(a)(V), (3)(a)(X), and (3)(a)(XI) of this section; and

(II) Two members who have a background in land use planning and are staff-level representatives from rural resort Job Center municipalities who are appointed by the Governor. These two members are not members of the multi-agency advisory committee.

(c) The Governor shall call the first meeting of the Rural Resort Area Subcommittee.

(d) The Rural Resort Area Subcommittee shall elect a chair from among its members to serve for a term not to exceed two years, as determined by the Subcommittee. A member is not eligible to serve as chair for more than two successive terms.

(e) In accordance with 29-33-109, the Rural Resort Area Subcommittee shall develop recommendations to present to the Executive Director of the Department of Local Affairs concerning guidelines related to Rural Resort Job Center...
MUNICIPALITIES. PRIOR TO FINALIZING ANY RECOMMENDATIONS, THE
RURAL RESORT AREA SUBCOMMITTEE SHALL PROVIDE A DRAFT OF THE
RECOMMENDATIONS TO ALL RURAL RESORT AREA JOB CENTER
MUNICIPALITIES AND SHALL HOLD A PUBLIC HEARING ON SUCH
RECOMMENDATIONS NO SOONER THAN SIXTY DAYS AFTER PROVIDING
THESE RECOMMENDATIONS.

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

(b) THE URBAN AREA SUBCOMMITTEE CONSISTS OF THE MEMBERS
OF THE MULTI-AGENCY ADVISORY COMMITTEE APPOINTED PURSUANT TO
SUBSECTIONS (3)(a)(I), (3)(a)(II), (3)(a)(III), (3)(a)(IV), (3)(a)(V),
(3)(a)(VI), (3)(a)(VII), (3)(a)(VIII), (3)(a)(IX), AND (3)(a)(XIII) OF THIS
SECTION.

(c) THE GOVERNOR SHALL CALL THE FIRST MEETING OF URBAN
AREA SUBCOMMITTEE.

(d) THE URBAN AREA SUBCOMMITTEE SHALL ELECT A CHAIR FROM
AMONG ITS MEMBERS TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS,
AS DETERMINED BY THE SUBCOMMITTEE, A MEMBER IS NOT ELIGIBLE TO
SERVE AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

(e) IN ACCORDANCE WITH SECTION 29-33-109, THE URBAN AREA
SUBCOMMITTEE SHALL DEVELOP RECOMMENDATIONS TO PRESENT TO THE
EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
CONCERNING GUIDELINES RELATED TO URBAN CENTER MUNICIPALITIES.

(10) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2033.
BEFORE THE REPEAL, THIS SECTION IS SCHEDULED FOR REVIEW IN
ACCORDANCE WITH SECTION 24-34-104.

29-33-104. Housing needs assessments - methodology.
(1) (a) The Executive Director of the Department of Local Affairs shall issue a methodology for developing statewide, regional, and local housing needs assessments.

(b) The multi-agency advisory committee, in consultation with the state Demographer, shall, as part of the public comment and hearing process established in Section 29-33-109(2), develop recommendations to provide to the Executive Director of the Department of Local Affairs concerning the methodology for developing statewide, regional, and local housing needs assessments.

(2) At a minimum, the methodology for developing housing needs assessments must include:

(a) For the statewide housing needs assessment, methods to:

(I) Estimate existing housing stock;

(II) Conduct a housing shortage analysis;

(III) Estimate the housing necessary to accommodate the demographic and population trends forecast by the State Demographer, categorized by household size; household type, including for supportive, for-sale, and rental housing; and income level, including extremely low-income, very low-income, and low-income households as defined by the United States Department of Housing and Urban Development; and

(IV) Ensure local government input and coordination.

(b) For regional housing needs assessments, methods to:

(I) Assess regional housing needs for each region, based on:
(A) Existing and projected housing shortages and surpluses for different household types and income levels, including extremely low-income, very low-income, and low-income households as defined by the United States Department of Housing and Urban Development;

(B) Existing housing diversity and stock;

(C) Current jobs by income level;

(D) Future population and job growth projections; and

(E) Demographic and population trends forecast by the state demographer; and

(II) Designate regions based on the boundaries of metropolitan planning organizations, rural regions, and rural resort regions. The designation of rural regions and rural resort regions must be based on regional commuting patterns among other factors.

(c) For local housing needs assessments, methods to assess local housing needs for each local government, based on:

(I) The current proportion of the locality’s population in different household income levels, including extremely low-income, very low-income, and low-income households as defined by the United States Department of Housing and Urban Development;

(II) The locality’s current median income;

(III) The locality’s job-housing balance, including the availability of housing affordable to low-income workers in the locality;

(IV) The locality’s population and demographics;
(V) Measures of local resources in the locality;

(VI) Vacancy rates in the locality;

(VII) Measures of homelessness and housing instability in the locality; and

(VIII) Demographic and population trends forecast by the state demographer.

(3) (a) No later than December 31, 2024, and every five years thereafter, in accordance with the methodologies for developing housing needs assessments, the executive director of the department of local affairs, with input from the multi-agency advisory committee, shall produce statewide, regional, and local housing needs assessments with twenty-year planning forecasts.

(b) Each of the assessments must include for the relevant area, based on state demographic data during the twenty-year planning period, estimates of:

(I) Housing needs in the area sorted by income levels, including extremely low-income, very low-income, and low-income households as defined by the United States Department of Housing and Urban Development; and unit types, including accessible units, supportive housing, for-sale housing and rental housing;

(II) The number of households in the area;

(III) The number of jobs in the area;

(IV) The area's population and demographics; and

(V) The area's existing housing stock;

(c) Municipalities that are required to complete housing
NEEDS PLANS MUST USE THE LOCAL AND REGIONAL HOUSING NEEDS ASSESSMENTS TO INFORM THEIR HOUSING NEEDS PLANS.

29-33-105. Housing needs plans - guidance - definition.

(1) (a) No later than December 31, 2024, the Executive Director of the Department of Local Affairs shall issue guidance for creating a housing needs plan.

(b) The multi-agency advisory committee shall, as part of the public comment and hearing process established in Section 29-33-109 (2), develop recommendations to provide to the Executive Director of the Department of Local Affairs concerning guidance for creating a housing needs plan.

(2) The guidance for creating a housing needs plan must include guidance specifically for urban municipalities.

(3) (a) No later than December 31, 2026, and every five years thereafter, in accordance with the guidance for creating a housing needs plan, every urban municipality shall develop, adopt, and submit to the Department of Local Affairs a housing needs plan. The Department of Local Affairs shall post the submitted plans publicly on its website.

(b) Before adopting and submitting a housing needs plan, an urban municipality shall publish the most recent draft of its housing needs plan and provide notice of a public comment period for the receipt of written comments concerning the plan. The urban municipality may also choose to hold a public hearing on the plan.

(c) On or before June 30, 2024, and on or before June 30 every five years thereafter, a Tier One or Tier Two urban
MUNICIPALITY WITH A POPULATION OF LESS THAN TWENTY-FIVE
THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME OF LESS THAN
FIFTY-FIVE THOUSAND DOLLARS NEED NOT SUBMIT A HOUSING NEEDS PLAN
TO THE DEPARTMENT OF LOCAL AFFAIRS, IF THE MUNICIPALITY INSTEAD
SENDS A LETTER TO THE DEPARTMENT IN A FORM AND MANNER
DETERMINED BY THE DEPARTMENT INDICATING THAT THE MUNICIPALITY
DOES NOT INTEND TO SUBMIT A HOUSING NEEDS PLAN.

(4) A HOUSING NEEDS PLAN MUST INCLUDE:

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

(b) AN ANALYSIS OF HOW THE RURAL ___ URBAN MUNICIPALITY
WILL PROVIDE A REALISTIC OPPORTUNITY FOR DEVELOPMENT THAT WILL
ADDRESS ITS LOCAL HOUSING NEEDS ASSESSMENT, INCLUDING THE
DEMONSTRATED HOUSING NEEDS FOR PERSONS OF DIFFERENT INCOME
LEVELS, OVER THE NEXT TWENTY YEARS WITH AN EQUITABLE
DISTRIBUTION OF HOUSING WITHIN THE JURISDICTION;

(c) A HOUSING NEEDS IMPLEMENTATION PLAN, WHICH MUST
DESCRIBE HOW THE ___ URBAN MUNICIPALITY HAS COMPLIED WITH THE
APPLICABLE HOUSING REQUIREMENTS OF THIS ARTICLE 33 FOR ACCESSORY
DWELLING UNITS, MIDDLE HOUSING, TRANSIT-ORIENTED AREAS, AND KEY
CORRIDORS, AND THE IMPLEMENTATION STATUS OF ANY RELEVANT
ADOPTED LOCAL LAWS THAT SATISFY THE MINIMUM STANDARDS
ESTABLISHED IN THIS ARTICLE 33 OR OF ANY MODEL CODES;

(d) A BUILDABLE LANDS ANALYSIS, AS DEFINED IN SUBSECTION (6)
OF THIS SECTION, WHICH THE ___ URBAN MUNICIPALITY SHALL ALSO
PROVIDE TO THE DIVISION OF LOCAL GOVERNMENT WITHIN THE
DEPARTMENT OF LOCAL AFFAIRS;

(e)(I) A DESCRIPTION OF AT LEAST TWO STRATEGIES THAT THE URBAN MUNICIPALITY ADOPTS FROM THE MENU OF AFFORDABILITY STRATEGIES DESCRIBED IN SECTION 29-33-106. THESE STRATEGIES MUST MAKE PROGRESS TOWARD MEETING DEMONSTRATED HOUSING NEEDS ACROSS ALL HOUSEHOLD INCOMES AND TYPES IDENTIFIED IN THE SUBJECT JURISDICTION’S LOCAL HOUSING NEEDS ASSESSMENT AND ADDRESS AREAS AND HOUSING TYPES THAT PARTS 2 THROUGH 5 OF THIS ARTICLE 33 APPLY TO IN THE SUBJECT JURISDICTION; AND

(II) AN IMPLEMENTATION PLAN AND THE ANTICIPATED OUTCOMES FOR EACH OF THE STRATEGIES ADOPTED PURSUANT TO THIS SUBSECTION (4)(e);

(f) IN THE CASE OF AN URBAN MUNICIPALITY WITH A TRANSIT-ORIENTED AREA, AT LEAST THREE STRATEGIES ADOPTED PURSUANT TO SUBSECTION (4)(e) OF THIS SECTION; AND

(g) IN THE CASE OF AN URBAN MUNICIPALITY, A NARRATIVE ANALYSIS OF ANY AREA AT ELEVATED RISK OF RESIDENTIAL DISPLACEMENT THAT THE URBAN MUNICIPALITY HAS IDENTIFIED AND A DESCRIPTION OF AND IMPLEMENTATION PLAN FOR THE STRATEGIES FROM THE MENU OF DISPLACEMENT MITIGATION MEASURES DESCRIBED IN SECTION 29-33-107, THAT THE URBAN MUNICIPALITY WILL USE TO MITIGATE IDENTIFIED DISPLACEMENT RISKS IN THESE AREAS. ON OR BEFORE JUNE 30, 2025, AN URBAN MUNICIPALITY SHALL SUBMIT THIS INFORMATION TO THE DEPARTMENT OF LOCAL AFFAIRS.

(5) WHEN UPDATING ITS MASTER PLAN, AN URBAN MUNICIPALITY SHALL INCLUDE ITS MOST RECENT HOUSING NEEDS PLAN IN ITS MASTER PLAN.
(6) An urban municipality that adopted a plan to address local housing needs prior to the effective date of this section may, rather than developing and adopting a new housing needs plan pursuant to subsection (3) of this section, update its existing plan to address additional needs identified in the local housing needs assessment beyond what the municipality’s existing plan to address local housing needs includes, and any requirements in section 29-33-105(4) not already included in the municipality’s existing plan to address local housing needs.

(7) (a) A county or municipality within a region defined in the regional housing needs assessment may participate in a regional housing needs planning process.

(b) A regional housing needs planning process may be led by a regional entity and must encourage participating counties and municipalities to identify strategies that improve coordination between entities to meet the housing needs identified for those local governments in the regional and local housing needs assessments.

(8) (a) As used in this section unless the context otherwise requires, "buildable lands analysis" means a comprehensive analysis of vacant, partially vacant, and underutilized land within an existing municipality which can accommodate infill development, redevelopment, and new development. The analysis includes greyfield development, brownfield development, and undeveloped urban land within a municipality, as well as greenfield development.

(b) In completing a buildable lands analysis, metropolitan
PLANNING ORGANIZATIONS AND LOCAL GOVERNMENTS SHALL PRIORITIZE GREYFIELD DEVELOPMENT AND DEVELOPMENT PATTERNS THAT SUPPORT STRATEGIC GROWTH OBJECTIVES.

(c) IF GREENFIELD DEVELOPMENT IS DEEMED NECESSARY TO MEET HOUSING NEEDS, THE ANALYSIS MUST DEMONSTRATE THAT SUCH NEEDS CANNOT BE SATISFIED BY GREYFIELD DEVELOPMENT OR BROWNFIELD DEVELOPMENT WITHIN THE EXISTING MUNICIPALITY OR CENSUS URBANIZED AREA.

(d) A BUILDABLE LANDS ANALYSIS MUST:

(I) Classify potential greenfield development areas as a conservation area, efficient growth area, or general growth area. Such classifications must further the strategic growth objectives most recently published by the executive director of the department of local affairs.

(II) Assess alignment with the natural and agricultural land values priority report in the consideration of greenfield development and annexation opportunities;

(III) Identify infrastructure gaps, including but not limited to transportation water, sewer, stormwater, and utility infrastructure, to assess development readiness, and identify potential funding and policy solutions to enable development;

(IV) Assess alignment with strategic growth objectives and quantify the impacts of planned development on housing and transportation costs, household driving and greenhouse gas emissions, water and energy consumption, access to jobs and essential services, transit viability, commute mode share, goals listed in the natural and agricultural land values priority...
REPORT, AND OTHER METRICS DEEMED RELEVANT BY THE DEPARTMENT OF LOCAL AFFAIRS; AND

(V) IDENTIFY THE WAYS IN WHICH STATE AND REGIONAL FUNDING CAN BETTER SUPPORT DEVELOPMENT PLANS AND STRATEGIC GROWTH OBJECTIVES.

(e) ON OR BEFORE DECEMBER 31, 2025, METROPOLITAN PLANNING ORGANIZATIONS, IN CONSULTATION WITH COUNTIES AND MUNICIPALITIES, SHALL COMPLETE A BUILDABLE LANDS ANALYSIS USING INFORMATION IN CONJUNCTION WITH THE REGIONAL HOUSING NEEDS ASSESSMENT. ON OR BEFORE DECEMBER 31, 2026, URBAN MUNICIPALITIES AND RURAL RESORT JOB CENTER MUNICIPALITIES SHALL COMPLETE A BUILDABLE LANDS ANALYSIS AND INCLUDE IT IN THEIR HOUSING NEEDS PLANS.

(f) THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF LOCAL AFFAIRS, THE OFFICE OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE, AND METROPOLITAN PLANNING ORGANIZATIONS SHALL USE THE BUILDABLE LANDS ANALYSES TO INFORM THEIR PLANNING PROCESSES, PROJECT PRIORITIZATION, AND GRANT FUNDING CRITERIA.

(9) AS USED IN THIS SECTION, A "GREENFIELD DEVELOPMENT ANALYSIS" MEANS AN ANALYSIS IN WHICH A LOCAL GOVERNMENT CLASSIFIES ANY AREA THAT IS LOCATED IN A METROPOLITAN PLANNING ORGANIZATION BUT OUTSIDE OF A CENSUS URBANIZED AREA IDENTIFIED IN A MASTER PLAN OR OUTSIDE OF A PLAN REQUIRED BY SECTION 31-12-105 (1)(e) AS A CONSERVATION AREA, EFFICIENT GROWTH AREA, OR GENERAL GROWTH AREA. IN MAKING THIS IDENTIFICATION, A LOCAL GOVERNMENT SHALL RELY ON THE CRITERIA AND DEFINITIONS IN THE STRATEGIC GROWTH OBJECTIVES MOST RECENTLY PUBLISHED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS. THESE
DESIGNATIONS PROVIDE INFORMATION TO STATE AND REGIONAL ENTITIES FOR PLANNING PROCESSES, PROJECT PRIORITIZATION, AND GRANT FUNDING CRITERIA.

29-33-106. Menu of urban municipality affordability strategies. (1) In order to support affordability and advance meeting the housing needs of all income levels identified in the local housing needs assessment, including extremely low-income, very low-income, and low-income households as defined by the United States Department of Housing and Urban Development, the menu of affordability strategies for an urban municipality must include the following:

(a) Implementation of a local inclusionary zoning ordinance in accordance with the requirements of sections 29-20-104 (e.5) and (e.7):

(b) The creation of a program to subsidize or otherwise reduce local development review or fees, including:

(I) Building permit fees;

(II) Planning waivers;

(III) Water and sewer tap fees; and

(IV) Infrastructure costs for regulated affordable housing development;

(c) The creation of an expedited development review process for regulated affordable housing developments;

(d) The establishment of a density bonus program that grants increased floor area ratio, density, or height beyond what is required by this Article 33 to increase the construction of regulated affordable housing units;
(e) Enabling regulated affordable housing as a use by right in housing types and areas beyond what is required by this Article 33, such as additional zone districts, higher allowed densities, or other approaches consistent with the goals of increasing housing affordability, supply, and housing unit type diversity;

(f) The establishment of a policy or plan to leverage municipally owned, sold, or managed land for regulated affordable housing development.

(g) The establishment of a dedicated local revenue source for regulated affordable housing development, such as instituting a linkage fee on new developments;

(h) The regulation of short-term rentals or second homes in a way that supports local housing needs;

(i) The elimination of local parking requirements for regulated affordable housing;

(j) Making commitment to and remaining eligible for the State Affordable Housing Fund created in Section 29-32-102 (1);

(k) Incentivizing or creating a dedicated local program to facilitate investment in land banking or community land trusts; and

(l) Any other strategies proposed by a local government or the multi-agency advisory committee that are approved by the Department of Local Affairs and that support equal or greater affordability consistent with the needs identified in the relevant local housing needs assessment;

(2) (a) Urban municipalities shall demonstrate the
ADOPTION OF THE NUMBER OF AFFORDABILITY STRATEGIES REQUIRED BY SECTION 29-33-105 (4)(e)(I) AND SUBMIT A REPORT DETAILING THESE STRATEGIES TO THE DEPARTMENT OF LOCAL AFFAIRS NO LATER THAN JUNE 30, 2025. IN DETERMINING WHICH STRATEGIES TO ADOPT, AN URBAN MUNICIPALITY SHALL CONSIDER PREVIOUS PLANS ADDRESSING HOUSING NEEDS OR OTHER AVAILABLE DATA TO INFORM THE SELECTION OF STRATEGIES TO ADDRESS KNOWN HOUSING NEEDS.

(b) AN URBAN MUNICIPALITY CAN ONLY USE ONE OF THE AFFORDABILITY STRATEGIES IDENTIFIED IN SUBSECTIONS (1)(c) AND (1)(j) OF THIS SECTION TO SATISFY THE REQUIREMENTS OF SECTION 29-33-105 (4)(e)(I).

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

29-33-107. Menu of displacement assessment. (1) (a) NO LATER THAN MARCH 31, 2024, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL DEVELOP A DISPLACEMENT ASSESSMENT, AFTER CONSULTATION WITH COMMUNITY GROUPS EXPERIENCED IN WORKING WITH INDIVIDUALS WHO HAVE BEEN DISPLACED OR PREVENTING DISPLACEMENT, TO GUIDE LOCAL GOVERNMENTS IN CONDUCTING A DISPLACEMENT ASSESSMENT TO GUIDE DISPLACEMENT MITIGATION STRATEGIES AND POLICIES FOR URBAN MUNICIPALITIES. THE ASSESSMENT
SHALL BE DESIGNED WITH THE GOAL OF PROVIDING URBAN MUNICIPALITIES WITH ADEQUATE GUIDANCE AND TOOLS TO PREVENT DISPLACEMENT FROM AREAS, COMMUNITIES, OR HOUSEHOLDS AT HIGH RISK FOR DISPLACEMENT, PARTICULARLY IN AREAS IMPACTED BY, AND WHERE HOUSING DEVELOPMENT IS ALLOWED BY, PARTS 2, 3, 4, AND 5 OF THIS ARTICLE 33.

(b) The multi-agency advisory committee shall, as part of the public comment and hearing process established in Section 29-33-109 (2), develop recommendations to provide to the executive director of local affairs concerning the development of a menu of displacement mitigation measures.

(2) The menu of displacement mitigation measures must:

(a) Provide guidance to identify the areas at the highest risks for displacement using objective standards. This assessment must include factors that can be used to identify risks for displacement at the census tract or other similar geographic scale. The factors must include, but are not limited to, the following:

(I) The percentage of residents who are low-income;

(II) The percentage of residents who are renters;

(III) The percentage of cost-burdened households, defined as spending more than thirty percent of the resident's income on housing needs;

(IV) The number of adults who are twenty-five years of age or older and have not earned at least a high school diploma;

(V) The percentage of households in which the primary language that is spoken is a language other than English;
(VI) The percentage of residents who were born outside of the United States;

(VII) Percentage of workers who live within a ten-mile radius of the urban municipality or twenty-mile radius of a rural resort job center;

(VIII) The employment rate; and

(IX) The percentage of households that do not have internet access.

(b) Provide guidance and recommendations for how a local government shall incorporate displacement mitigation measures into a housing needs plan; and

(c) Include displacement mitigation measures local governments may choose from in developing a housing needs plan.

(3) An urban municipality may submit evidence to the Department of Local Affairs concerning displacement mitigation measures that the municipality adopted prior to the effective date of this section, and the impact of those measures, and the department may determine whether those strategies may qualify as a displacement mitigation measure for purposes of Section 29-33-105 (4)(g).

(4) The Department of Local Affairs shall provide technical assistance and funding to support urban municipalities in conducting displacement analysis and in identifying displacement mitigation measures to address the risk of displacement in the areas at the highest risk of displacement.

29-33-108. Strategic growth objectives - reporting. (1) (a) No
Later than March 31, 2024, the Executive Director of the Department of Local Affairs shall publish a report that identifies multi-agency implementation principles to achieve strategic growth objectives. The Executive Director shall update this report every five years.

(b) The multi-agency advisory committee shall, as part of the public comment and hearing process established in Section 29-33-109 (2), develop recommendations to provide to the Executive Director of the Department of Local Affairs concerning the report described in subsection (1)(a) of this section.

(2) Strategic growth objectives serve as broad guidance to state agencies and other entities engaged in the implementation of Senate Bill 23-213, are intended to aid in reaching the housing and land use goals of Senate Bill 23-213 as identified in subsection (4) of this section, and are to be utilized in developing multi-agency implementation principles for strategic growth objectives. Strategic growth objectives must, at a minimum:

(a) Consider the different contexts and needs of strategic growth areas in rural, rural resort, and urban areas of the state;

(b) Promote strategic growth areas that have:

(I) A variety of housing types;

(II) Transit-supportive densities in new or existing transit corridors;

(III) Middle housing and multifamily housing in existing or
NEW WALKABLE MIXED-USE NEIGHBORHOODS AND CENTERS; AND

(IV) SUFFICIENT WATER SUPPLIES AND ALLOCATIONS TO

AFFORDABLE AND WATER-EFFICIENT HOUSING TYPES;

(c) IN LOCATIONS WHERE GROWTH IS OCCURRING BEYOND

EXISTING CENSUS URBANIZED AREAS, DIFFERENTIATE BETWEEN STRATEGIC

GROWTH AREAS, GENERAL GROWTH AREAS, AND CONSERVATION AREAS;

(d) PROMOTE INVESTMENTS THAT SUPPORT STRATEGIC GROWTH AREAS;

(e) STREAMLINE AGENCY PERMITTING PROCESSES TO SUPPORT STRATEGIC GROWTH AREAS;

(f) REVIEW PROJECT PRIORITIZATION PROCESSES AND GRANT PROGRAMS TO SUPPORT STRATEGIC GROWTH AREAS;

(g) CONSIDER STEPS TO SUPPORT STRATEGIC GROWTH OBJECTIVES WHEN UPDATING PLANNING DOCUMENTS, INCLUDING PERFORMANCE MEASURES AND PERFORMANCE TARGETS; AND

(h) IDENTIFY OTHER STRATEGIC GROWTH OBJECTIVES AS NEEDED DURING THE IMPLEMENTATION OF THE MULTI-AGENCY IMPLEMENTATION PRINCIPLES IDENTIFIED IN SUBSECTION (1)(a) OF THIS SECTION,

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

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

(a) PLANNING FOR FUTURE GROWTH;

(b) INCREASING HOUSING AFFORDABILITY;

(c) INCREASING ECONOMIC MOBILITY:
(d) **ALIGNING WATER SUPPLY AND HOUSING PLANNING**;

(e) **BALANCING REGIONAL JOBS AND HOUSING**;

(f) **REDUCING AIR POLLUTION AND GREENHOUSE GAS EMISSIONS**;

AND

(g) **PRESERVING OPEN SPACE AND AGRICULTURAL LAND**.

(5) (a) **NO LATER THAN JUNE 30, 2025, THE MULTI-AGENCY GROUP**
shall submit a report to the executive director of the
dePARTMENT OF LOCAL AFFAIRS WHO SHALL SUBMIT THE REPORT TO THE
GENERAL ASSEMBLY.

(b) **THE REPORT MUST ASSESS BOTH**:

(I) **THE AVAILABILITY AND SUFFICIENCY OF WATER SUPPLIES IN**
cOUNTIES WITH A POPULATION GREATER THAN TWO HUNDRED AND FIFTY
THOUSAND TO PROVIDE FOR ANTICIPATED GROWTH AND DEVELOPMENT;

AND

(II) **POLICY OPTIONS TO OPTIMIZE WATER SUPPLY AND**
DEVELOPMENT.

**29-33-109. Public comment and hearing process. (1) IN**
developing recommendations concerning guidance for the
executive director of the department of local affairs, the
multi-agency advisory committee created in section 29-33-103
(1), rural resort area subcommittee created in section 29-33-103
(8), or the urban area subcommittee created in section 29-33-103
(9), shall conduct a public comment and hearing process about:

(a) **DEVELOPING METHODOLOGY FOR THE DEVELOPMENT OF**
statewide, regional, and local housing needs assessments
PURSUANT TO SECTION 29-33-104;

(b) **CREATING A HOUSING NEEDS PLAN PURSUANT TO SECTION**
(c) Developing a menu of affordability strategies that includes strategies to address housing production, preservation, and affordability pursuant to Section 29-33-106;

(d) Developing a menu of displacement mitigation measures for urban municipalities pursuant to Section 29-33-107;

(e) Publishing a report that identifies strategic growth objectives pursuant to Section 29-33-108; and

(f) Developing reporting guidance and templates for rural resort job center municipalities and urban municipalities pursuant to Section 29-33-113.

(2) To conduct the public comment and hearing process required by subsection (1) of this section, the multi-agency advisory committee created in Section 29-33-103(1), rural resort area subcommittee created in Section 29-33-103(8), or the urban area subcommittee created in Section 29-33-103(9), shall:

(a) Provide public notice and hold at least two public hearings at which members of the public have an opportunity to comment on the subject of the hearing;

(b) Allow the submission of written comments on the subject of the hearing;

(c) Conduct outreach to and solicit feedback from local governments and regional planning agencies;

(d) Consult with experts in disability rights, racial equity and homelessness prevention, affordable housing, fair housing, planning and zoning, and related fields; and

(e) Ensure accessibility to the comment and hearing.
PROCESS BY PROVIDING TRANSLATED MATERIALS AND INTERPRETATION SERVICES, PROVIDING AT LEAST ONE OF THE HEARINGS IN PERSON, AND CONDUCTING OUTREACH TO ENCOURAGE PARTICIPATION FROM UNDERREPRESENTED COMMUNITIES.

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

(1) No later than December 31, 2024, the Office of Climate Preparedness created in section 24-38.8-102 (1) shall consult with the Department of Agriculture, the Division of Parks and Wildlife within the Department of Natural Resources, the Outdoor Recreation Industry Office in the Office of Economic Development, the Colorado Tourism Office, and the Multi-Agency Group to develop a report that identifies interjurisdictional priorities that Metropolitan Planning Organizations should apply to achieve both:

(a) Connectivity to open space and natural lands; and

(b) Preservation of agricultural land and open space.

(2) The Department of Local Affairs shall publish the report and make it available as a resource for local governments for use in developing master plans pursuant to sections 30-28-106 and 31-23-206 as applicable.

29-33-111. Rural resort job center municipalities - existing plans to address local housing needs - menu of affordability strategies - regional housing needs planning process. (1) Existing plans to address local housing needs. A rural resort job center municipality that adopts a plan to address local housing needs prior to the effective date of this section may, rather than developing and adopting a new housing needs plan pursuant to
SECTION 29-33-112 (2), UPDATE ITS EXISTING PLAN TO ADDRESS ADDITIONAL NEEDS IDENTIFIED IN THE LOCAL HOUSING NEEDS ASSESSMENT BEYOND WHAT THE MUNICIPALITY’S EXISTING PLAN TO ADDRESS LOCAL HOUSING NEEDS INCLUDES, AND ANY REQUIREMENTS IN SECTION 29-33-105 (4) NOT ALREADY INCLUDED IN THE MUNICIPALITY’S EXISTING PLAN TO ADDRESS LOCAL HOUSING NEEDS.

(2) **Menu of affordability strategies.** (a) IN ORDER TO SUPPORT AFFORDABILITY AND ADVANCE MEETING THE HOUSING NEEDS OF ALL INCOME LEVELS IDENTIFIED IN THE LOCAL HOUSING NEEDS ASSESSMENT, THE MENU OF AFFORDABILITY STRATEGIES FOR A RURAL RESORT JOB CENTER MUNICIPALITY MUST INCLUDE THE FOLLOWING:

(I) A STRATEGY DEFINED BY THE RURAL RESORT JOB CENTER MUNICIPALITY THAT SETS PARAMETERS FOR THE CONSTRUCTION AND PERMITTING OF ACCESSORY DWELLING UNITS WITH AFFORDABILITY PROTECTIONS THAT MEET THE RURAL RESORT JOB CENTER MUNICIPALITY’S HOUSING AFFORDABILITY NEEDS;

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

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

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

(C) PROVIDES HOUSING THAT MEETS THE RURAL RESORT JOB CENTER MUNICIPALITY’S HOUSING AFFORDABILITY NEEDS AND DOES NOT ENCOURAGE OR REQUIRE ANY HOUSING THAT DOES NOT MEET THE RURAL
RESORT JOB CENTER MUNICIPALITY'S HOUSING AFFORDABILITY NEEDS;

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

(IV) THE CREATION OF A PROGRAM TO SUBSIDIZE OR OTHERWISE
REDUCE LOCAL DEVELOPMENT FEES THAT MAY INCLUDE:

(A) BUILDING PERMIT FEES;

(B) WATER AND SEWER TAP FEES; AND

(C) OTHER INFRASTRUCTURE COSTS FOR REGULATED AFFORDABLE
HOUSING DEVELOPMENT;

(V) CREATING AN EXPEDITED DEVELOPMENT REVIEW PROCESS FOR
REGULATED AFFORDABLE HOUSING DEVELOPMENTS;

(VI) ESTABLISHING A DENSITY BONUS PROGRAM THAT ALLOWS
INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT BEYOND WHAT IS
OTHERWISE REQUIRED BY THIS ARTICLE 33 TO INCREASE THE
CONSTRUCTION OF REGULATED AFFORDABLE HOUSING UNITS;

(VII) ENABLING REGULATED AFFORDABLE HOUSING AS A USE BY
RIGHT;

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

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

(X) REGULATING SHORT-TERM RENTALS OR SECOND HOMES;

(XI) REDUCING OR ELIMINATING LOCAL PARKING REQUIREMENTS
FOR REGULATED AFFORDABLE HOUSING;

(XII) MAKING A COMMITMENT TO AND REMAINING ELIGIBLE FOR
THE STATEWIDE AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102 (1):

(XIII) ADOPTING A POLICY THAT RESULTS IN NON-CONSTRUCTION SOLUTIONS TO INCREASE AFFORDABLE HOUSING, INCLUDING THE:

(A) ACQUISITION OF DEED RESTRICTIONS ON EXISTING MARKET-RATE HOUSING UNITS;

(B) PRESERVATION OF EXISTING DEED RESTRICTIONS; OR

(C) PROGRAMS TO DISINCENTIVE THE USE OF HOMES AS NON-PRIMARY RESIDENCES;

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

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

AND

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

(b) RURAL RESORT JOB CENTER MUNICIPALITIES SHALL ADOPT AT LEAST FIVE OF THE AFFORDABILITY STRATEGIES LISTED IN SUBSECTION (2)(a) OF THIS SECTION AND SUBMIT A REPORT DETAILING THESE STRATEGIES TO THE DEPARTMENT OF LOCAL AFFAIRS NO LATER THAN DECEMBER 31, 2026. IN DETERMINING WHICH STRATEGIES TO ADOPT, A RURAL RESORT JOB CENTER MUNICIPALITY SHALL CONSIDER PREVIOUS
PLANS ADDRESSING HOUSING NEEDS OR OTHER AVAILABLE DATA TO INFORM THE SELECTION OF STRATEGIES TO ADDRESS KNOWN HOUSING NEEDS.

(c) Notwithstanding subsection (2)(b) of this section, a rural resort job center municipality may submit evidence to the department of local affairs concerning affordability strategies that the municipality has adopted outside of those listed in this section, or that the municipality adopted prior to the effective date of this section, and the department may determine whether those strategies may qualify as affordability strategies for purposes of subsection (2)(b) of this section.

(3) Regional housing needs planning process. (a) (I) A county or municipality within a region defined in the regional housing needs assessment may participate in a regional housing needs planning process.

(II) The counties or municipalities that participate in a planning process:

(A) May utilize data and information from a rural resort regional housing needs assessment that is no more than five years old to inform their participation in the planning process;

(B) Are encouraged to incorporate strategic growth objectives as defined in section 29-33-108 in the planning process;

and

(C) Are encouraged to identify strategies that address the housing needs identified in local housing needs assessments through the adoption of interjurisdictional strategies.
(III) If no existing regional plan exists, a group of counties or municipalities may request that the rural resort area subcommittee created in section 29-33-103 (8) facilitate the creation of a regional planning process.

(IV) A regional housing needs planning process may be led by a regional entity and must encourage participating counties and municipalities to identify strategies that improve coordination between entities to meet the housing needs identified for those local governments in the regional and local housing needs assessments.

(V) By December 31, 2024, the rural resort area subcommittee created in section 29-33-103 (8) shall issue a report to the executive director of the department of local affairs on the status, opportunities, and challenges of regional planning in the rural resort regions, including the connection between housing and transportation. The rural resort area subcommittee created in section 29-33-103 (8) shall also evaluate and make recommendations on the use of data to create affordability strategies in regional and local housing assessments and regional and local housing plans that follow strategic growth objectives as defined in section 29-33-108.

(b) (I) No later than December 31, 2026, and every five years thereafter, a rural resort job center municipality shall develop, adopt, and submit to the department of local affairs a housing needs plan. The housing needs plan must include the following:

(A) A narrative description of the stakeholder
ENGAGEMENT CONDUCTED DURING THE DEVELOPMENT OF THE HOUSING NEEDS PLAN:

(B) AN ANALYSIS OF HOW THE RURAL RESORT JOB CENTER MUNICIPALITY WILL ADDRESS LOCAL HOUSING NEEDS AS IDENTIFIED FROM A REGIONAL HOUSING ASSESSMENT, AND THE LOCAL HOUSING NEEDS ASSESSMENT, INCLUDING THE DEMONSTRATED HOUSING NEEDS FOR PERSONS OF DIFFERENT INCOME LEVELS;

(C) A NARRATIVE ANALYSIS OF ANY AREA AT ELEVATED RISK OF RESIDENTIAL DISPLACEMENT THAT THE RURAL RESORT JOB CENTER MUNICIPALITY HAS IDENTIFIED, AT THE DISCRETION OF EACH MUNICIPALITY, AND A DESCRIPTION OF AN IMPLEMENTATION PLAN FOR ANY DISPLACEMENT MITIGATION MEASURES THAT THE RURAL RESORT JOB CENTER HAS CONSIDERED AS OPTIONS AND DECIDED TO USE, AT THE DISCRETION OF EACH MUNICIPALITY, TO MITIGATE IDENTIFIED DISPLACEMENT RISKS IN THESE AREAS; AND

(D) AN IMPLEMENTATION PLAN THAT DESCRIBES HOW THE RURAL RESORT JOB CENTER MUNICIPALITY WILL COMPLY WITH THE SELECTED AFFORDABILITY STRATEGIES FROM SECTION 29-33-106.

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

(III) THE DEPARTMENT OF LOCAL AFFAIRS SHALL POST THE HOUSING NEEDS PLANS SUBMITTED BY RURAL RESORT JOB CENTER MUNICIPALITIES PUBLICLY ON THE DEPARTMENT OF LOCAL AFFAIRS
Technical assistance - housing plans assistance

(1) The Division of Local Government within the Department of Local Affairs shall provide technical assistance materials, briefings, consulting services, templates, tools, trainings, webinars, or other guidance to aid local governments and metropolitan planning organizations in updating local laws and otherwise complying with this Article 33.

(2) To assist local governments in complying with this Article 33, the Division of Local Government within the Department of Local Affairs, with the support of the Multi-Agency Group, shall provide technical assistance funding through either a grant program or the provision of consultant services through subject jurisdictions or both a grant program and provision of consultant services. The Division of Local Government may also provide technical assistance funding through a metropolitan planning organization or other regional entity. Beginning January 1, 2026, and every year thereafter, the Department of Local Affairs shall provide a report on the assistance requested by local governments pursuant to this section, whether or not adequate state funding is available to meet the assistance requested by local governments, and any additional resources that local governments have identified that would help complete advisory housing needs plans.

(3) (a) The housing plans assistance fund is created in the
STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL
ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND FOR
IMPLEMENTATION OF THE GRANT PROGRAM, AND GIFTS, GRANTS, OR
DONATIONS CREDITED TO THE FUND. THE STATE TREASURER SHALL CREDIT
ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT
OF MONEY IN THE HOUSING PLANS ASSISTANCE CASH FUND TO THE FUND.
(b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
ASSEMBLY, THE DEPARTMENT OF LOCAL AFFAIRS MAY EXPEND MONEY
FROM THE FUND FOR THE PURPOSES OF PROVIDING TECHNICAL ASSISTANCE
AND IMPLEMENTING A GRANT PROGRAM PURSUANT TO SUBSECTIONS (1)
AND (2) OF THIS SECTION.

29-33-113. Reporting requirements. (1) (a) NO LATER THAN
DECEMBER 31, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
LOCAL AFFAIRS SHALL DEVELOP REPORTING GUIDANCE AND TEMPLATES
FOR RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN
MUNICIPALITIES.
(b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
29-33-109 (2), PROVIDE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR
OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
OF REPORTING GUIDANCE AND TEMPLATES FOR RURAL RESORT JOB CENTER
MUNICIPALITIES AND URBAN MUNICIPALITIES.
(2) AT A MINIMUM, RURAL RESORT JOB CENTER MUNICIPALITIES
AND URBAN MUNICIPALITIES SHALL REPORT, NO LATER THAN DECEMBER
31, 2026, AND NO LATER THAN DECEMBER 31 OF EACH YEAR THEREAFTER,
IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
AFFAIRS, THE FOLLOWING HOUSING DATA FOR THE PREVIOUS CALENDAR

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YEAR TO THE DEPARTMENT OF LOCAL AFFAIRS:

(a) The number of permits that the municipality issued for new housing units categorized by the number of units in each structure type;

(b) The number of new housing units categorized by the number of units in each structure type, in the municipality on which construction has begun;

(c) Timeframes to complete residential permit reviews by housing type;

(d) Workforce assigned to development review by position type;

(e) The implementation status of the strategies identified in the municipality's housing needs plan;

(f) Zoning information that may include geospatial data specifying zoning districts, allowed uses and densities, and other data in a standard format; and

(g) The number of intergovernmental agreements that the municipality has entered into to address its local and regional housing needs assessments and a description of these agreements.

(3) Upon receiving the reports from the rural resort job center municipalities and urban municipalities pursuant to subsection (2) of this section, the Department of Local Affairs shall publish an analysis on a publicly available dashboard that includes all of the information in the reports.

29-33-114. Compliance. No later than June 30, 2027, the Department of Local Affairs shall conduct a compliance review
AND APPROVE HOUSING NEEDS PLANS OR PROVIDE FEEDBACK TO RURAL
RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES AS
NEEDED.

PART 2

ACCESSORY DWELLING UNITS

29-33-201. Legislative declaration. (1) (a) The General
Assembly hereby finds, determines, and declares that:

(I) Local government land use decisions frequently limit
accessory dwelling unit development;

(II) The ten largest municipalities in the Denver
metropolitan area allow single-unit detached dwellings as a
use by right on over eighty-five percent of their residential
land, compared to twenty-four percent for accessory dwelling
units, according to publicly available zoning data;

(III) Housing supply impacts housing affordability;

(IV) Housing prices are typically higher when housing
supply is restricted by local land use regulations in a
metropolitan region, according to studies such as the National
Bureau of Economic Research working papers "Regulation and
Housing Supply", "The Impact of Zoning on Housing
Affordability", and "The Impact of Local Residential Land Use
Restrictions on Land Values Across and Within Single Family
Housing Markets". Increasing housing supply moderates price
increases and improves housing affordability across all
incomes, according to studies such as "The Economic
Implications of Housing Supply", in the Journal of Economic
Perspectives, and "Supply Skepticism: Housing Supply and
AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.

(V) MORE PERMISSIVE LOCAL GOVERNMENT ACCESSORY DWELLING UNIT REGULATIONS CAN HELP INCREASE HOUSING SUPPLY AND STABILIZE HOUSING COSTS;

(VI) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED NEIGHBORHOODS WITH MINIMAL IMPACTS TO INFRASTRUCTURE AND ALSO SUPPLY NEW HOUSING WITHOUT ADDING NEW DISPERSED LOW-DENSITY HOUSING;

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

(VIII) ACCESSORY DWELLING UNITS PROVIDE FINANCIAL BENEFITS TO HOMEOWNERS;

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

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

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

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

29-33-202. Definitions. As used in this Part 2, unless the context otherwise requires:

(1) "Minimum standards" means the minimum standards established in Section 29-33-205.

(2) "Model code" means the model code promulgated by the executive director of the department of local affairs pursuant to section 29-33-204.

(3) "Non-urban municipality" means a municipality that is neither a rural resort job center municipality nor an urban municipality and that has a population of five thousand or more.

(4) "Subject jurisdiction" means a local government.

29-33-203. Applicability - exemptions. (1) The requirements of this Part 2 apply only in a subject jurisdiction.

(2) Unless a non-urban municipality or urban municipality decides otherwise, local laws adopted pursuant to this Part 2 only apply to parcels that are not standard exempt parcels.

29-33-204. Model code. (1) (a) No later than June 30, 2024, the executive director of the department of local affairs shall promulgate an accessory dwelling unit model code.

(b) The multi-agency advisory committee shall provide recommendations to the executive director of the department of local affairs concerning the model code.

(2) In developing recommendations concerning the model code, the multi-agency advisory committee shall:

(a) Provide public notice and hold at least two public
MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
COMMENT ON THE MODEL CODE;

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

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

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

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

(a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT AS AN
ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING:

(I) IN THE CASE OF A NON-URBAN MUNICIPALITY OR URBAN
MUNICIPALITY, IN ANY PART OF THE MUNICIPALITY THAT IS ZONED FOR
AGRICULTURAL USE, OR WHERE THE MUNICIPALITY ALLOWS SINGLE-UNIT
DETACHED DWELLINGS AS A USE BY RIGHT; AND

(II) IN THE CASE OF A SUBJECT JURISDICTION THAT IS NEITHER A
NON-URBAN MUNICIPALITY NOR AN URBAN MUNICIPALITY, ON PARCELS IN
AN AREA THAT IS ZONED FOR AGRICULTURAL USE OR IN AN
UNINCORPORATED AREA OF A COUNTY; AND

(b) PROHIBIT, IN THE CASE OF AN ACCESSORY DWELLING UNIT ON
A PARCEL IN AN AREA THAT IS ZONED FOR AGRICULTURAL USE OR IN AN
UNINCORPORATED AREA OF A COUNTY:

(I) THE IMPOSITION OF STRICTER SETBACK REQUIREMENTS FOR
ACCESSORY DWELLING UNITS THAN ALREADY EXIST FOR A PARCEL IN AN
AREA THAT IS ZONED FOR AGRICULTURAL USE OR IN AN UNINCORPORATED
AREA OF A COUNTY; AND
(II) Any locals laws requiring that accessory dwelling units be supported by greater septic capacity than required to meet state health, safety, and sanitary standards; and

(c) Establish objective standards for all of the elements addressed in the minimum standards.

(4) The model code must not include a requirement for new off-street vehicle parking in connection with the construction or permitting of an accessory dwelling unit.

29-33-205. Minimum standards. (1) Notwithstanding any local law to the contrary, a subject jurisdiction that does not adopt the model code shall:

(a) Allow accessory dwelling units as a use by right as an accessory use to a single-unit detached dwelling:

(I) In the case of a non-urban municipality or urban municipality, in any part of the municipality that is zoned for agricultural use, or where the municipality allows single-unit detached dwellings as a use by right; and

(II) In the case of a subject jurisdiction that is neither a non-urban municipality nor an urban municipality, on parcels in an area that is zoned for agricultural use or in an unincorporated area of a county;

(b) Only adopt or enforce local laws concerning accessory dwelling unit land use that use objective standards and objective procedures;

(c) Allow additions to, or the conversion of, an existing single-unit detached dwelling to create an accessory dwelling unit so long as the addition or conversion does not increase
NONCONFORMANCE WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS LOCAL LAWS ALLOW FOR SUCH AN INCREASE IN NONCONFORMANCE; AND

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

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

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

(b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT INDIVIDUALLY OR CUMULATIVELY CREATE UNREASONABLE COSTS OR DELAYS OR THAT MAKE THE PERMITTING, SITING, OR CONSTRUCTION OF AN ACCESSORY DWELLING UNIT ON AN ELIGIBLE PROPERTY INFEASIBLE;

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

(d) IN THE CASE OF AN ACCESSORY DWELLING UNIT ON A PARCEL IN AN AREA THAT IS ZONED FOR AGRICULTURAL USE OR IN AN UNINCORPORATED AREA OF A COUNTY, IMPOSE:

(I) STRICTER SETBACK REQUIREMENTS FOR ACCESSORY DWELLING UNITS THAN ALREADY EXIST FOR A PARCEL IN AN AREA THAT IS ZONED FOR AGRICULTURAL USE OR IN AN UNINCORPORATED AREA OF A COUNTY; AND

(II) ANY LOCALS LAWS REQUIRING THAT ACCESSORY DWELLING
UNITS BE SUPPORTED BY GREATER SEPTIC CAPACITY THAN REQUIRED TO
MEET STATE HEALTH, SAFETY, AND SANITARY STANDARDS.

(e) Amend, develop, or interpret a local law applicable to
an accessory dwelling unit in a manner that interferes with the
intent of this Part 2;

(f) For urban municipalities only, require new off-street
vehicle parking in connection with the construction or
permitting of an accessory dwelling unit; or

(g) Require side or rear setbacks for an accessory
dwelling unit greater than the minimum side setback required
for a single-unit detached dwelling or the setback required for
other accessory buildings in the same zoning district, unless
such a setback is necessary to comply with public health or
safety standards.

(3) The department of local affairs may promulgate rules
as it deems necessary to update the minimum standards or model
code, utilizing a public hearing and comment process.

29-33-206. Adoption of model codes - satisfaction of minimum
standards - reporting. (1) No later than June 30, 2025, a subject
jurisdiction shall either:

(a) Adopt local laws concerning accessory dwelling units
that satisfy the minimum standards established in section
29-33-205; or

(b) Adopt the model code.

(2) If a subject jurisdiction does not satisfy the
requirements of subsection (1) of this section before December
31, 2025, the model code goes into effect immediately for
APPLICABLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT DENY OR CONDITION APPROVAL OF AN APPLICATION FOR AN ACCESSORY DWELLING UNIT ON ANY APPLICABLE PARCEL ON ANY BASIS THAT IS INCONSISTENT WITH THE MODEL CODE, AS SPECIFIED IN SECTION 29-33-203, IN THE SUBJECT JURISDICTION AND REMAINS IN EFFECT UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

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

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

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

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

(b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER, WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED
IN THIS SUBSECTION (4)(b)(I), "DEFICIENT" INCLUDES, IN REFERENCE TO
THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
APPLICABLE, ISSUES CONCERNING:

(I) WATER SUPPLY;

(II) WASTEWATER TREATMENT CAPACITY;

(III) WATER DISTRIBUTION AND WASTEWATER COLLECTION
CAPACITY; OR

(IV) STORMWATER MANAGEMENT CAPACITY.

(c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (4)(b) OF THIS
SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN IN THE
NOTICE.

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

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

(b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE REPORT AND PROVIDE FEEDBACK TO A SUBJECT JURISDICTION. THE DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT LOCAL LAWS AND RE-SUBMIT THEIR REPORT.

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

29-33-207. Subject jurisdiction restrictions. (1) Nothing in this Part 2 prevents a local government from:

(a) requiring parking spaces in accordance with the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended, or to otherwise provide parking signed for use by persons experiencing disabilities;

(b) adopting generally-applicable requirements for the payment of impact fees or other similar development charges in conformance with the requirements of section 29-20-104.5 or the mitigation of impacts in conformance with the requirements of section part 2 of article 20 of title 29.

(c) imposing requirements on the short-term rental of an accessory dwelling unit;

(d) allowing the construction of, or issuing permits for the construction of, a single-unit detached dwelling in an area zoned for single-unit detached dwellings; or
(e) Applying the standards and procedures of a historic district to a parcel on which an accessory dwelling unit is allowed in that historic district, including rules relating to demolition.

(2) Nothing in this part 2 requires a subject jurisdiction to permit an accessory dwelling unit project and a middle housing project on the same parcel or lot.

PART 3
CORRIDORS AND CENTERS REQUIREMENTS

29-33-301. Legislative declaration. (1) (a) The general assembly hereby finds, determines, and declares that:

(I) Local government land use decisions can limit denser multifamily housing development near frequent transit service and in commercial and institutional areas;

(II) Housing supply impacts housing affordability;

(III) Housing prices are typically higher when housing supply is restricted by local land use regulations in a metropolitan region, according to studies such as the National Bureau of Economic Research working papers "Regulation and Housing Supply", "The Impact of Zoning on Housing Affordability", and "The Impact of Local Residential Land Use Restrictions on Land Values Across and Within Single-Family Housing Markets". Increasing housing supply moderates price increases and improves housing affordability across all incomes, according to studies such as "The Economic Implications of Housing Supply", in the Journal of Economic Perspectives, and "Supply Skepticism: Housing Supply and
AFFORDABILITY", in the journal HOUSING POLICY DEBATE.

(IV) Multifamily housing is typically more affordable than detached single-unit dwellings, and living near transit, jobs, and services enables households to save on transportation costs by owning fewer vehicles. In 2019, Colorado multifamily units cost between fourteen and forty-three percent less to own, and between nine and eighteen percent less to rent, depending on the size of the building, compared to a single-unit detached dwelling, according to the American Community Survey.

(V) The Terner Center for Housing Innovation at the University of California Berkeley found in its report "Residential Redevelopment of Commercially Zoned Land in California" that there is significant potential for residential development in commercially zoned areas, that many commercial zone districts do not allow residential development, and that allowing use by right residential development in commercial zone districts can encourage additional housing supply;

(VI) According to the National Association of Realtors in their report "Analysis and Case Studies on Office-to-Housing Conversions", over five million seven hundred thousand square feet of office space became unoccupied in the Denver metropolitan real estate market between 2020 and 2021, the Denver market could potentially add over two thousand new residential units from office to residential conversions if it converted twenty percent of currently vacant office space, and
ONE OF THE MAJOR BARRIERS TO CONVERSIONS IS RESTRICTIVE LOCAL LAND USE REGULATIONS THAT REQUIRE DISCRETIONARY APPROVALS;

(VII) ACCORDING TO THE NOTRE DAME LAW SCHOOL IN THEIR ARTICLE "SHELLS OF THE STORES THEY ONCE WERE: RETURNING VACANT RETAIL PROPERTY TO PRODUCTIVE USE IN THE MIDST OF THE RETAIL APOCALYPSE", UNITED STATES RETAILERS HAVE BEEN CLOSING BRICK AND MORTAR LOCATIONS IN LARGE NUMBERS SINCE AT LEAST 2017, LEAVING BEHIND VACANT COMMERCIAL BUILDINGS AND PROPERTIES THAT POSE PROBLEMS FOR PUBLIC HEALTH AND SAFETY, REDUCE LOCAL TAX REVENUE, AND LEAD TO THE FLIGHT OF OTHER RETAIL BUSINESSES.

VACANT COMMERCIAL PROPERTIES PROVIDE OPPORTUNITIES FOR RESIDENTIAL AND MIXED USE REDEVELOPMENT, BOTH THROUGH ADAPTIVE REUSE OF EXISTING BUILDINGS, AND THROUGH NEW DEVELOPMENT, AND, ACCORDING TO THE LOCAL GOVERNMENT COMMISSION IN COOPERATION WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN THE JOINT REPORT "CREATING GREAT NEIGHBORHOODS: DENSITY IN YOUR COMMUNITY", INCREASED RESIDENTIAL DENSITY IS ASSOCIATED WITH THE ECONOMIC SUCCESS OF NEARBY BUSINESSES AND CONTRIBUTES TO THE REVITALIZATION OF NEIGHBORHOODS.

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

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

(X) MULTIFAMILY HOUSING ALSO USES SIGNIFICANTLY LESS ENERGY FOR HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED DWELLINGS DUE TO MULTIFAMILY HOUSING HAVING ATTACHED WALLS AND SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND GREENHOUSE GAS EMISSIONS. IN COLORADO, HOUSEHOLD ENERGY DEMAND ON AVERAGE IS SEVENTY PERCENT LESS FOR MULTIFAMILY HOUSING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS, ACCORDING TO THE NATIONAL RENEWABLE ENERGY LABORATORY RESSTOCK ANALYSIS TOOL.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT INCREASED HOUSING SUPPLY IN KEY CORRIDORS IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

(2) (a) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT:
(I) Local government land use decisions often limit middle housing development;
(II) The ten largest municipalities in the Denver metropolitan area allow single-unit detached dwellings as a use by right on over eighty-five percent of their residential land, compared to allowing townhomes, duplexes, tripplexes, and quadplexes as a use by right on less than thirty-five percent of their residential land, according to publicly available zoning data;
(III) Local land use regulations influence what types of housing are built;
(IV) Between 2000 and 2019, over seventy percent of homes built in Colorado were single-unit detached dwellings, while less than three percent of homes built in Colorado during that time were duplexes to quadplexes, according to the American Community Survey;
(V) Middle housing is typically more affordable than single-unit detached dwellings, in part because land costs are shared between more households;
(VI) In 2019, Colorado duplexes cost on average fourteen percent less to own and twenty-six percent less to rent than single-unit detached dwellings, and tripplexes and quadplexes cost thirty-one percent less to own and twenty-nine percent less to rent, according to the American Community Survey;
(VII) Middle housing offers a way to provide compact, relatively affordable housing in established neighborhoods with minimal infrastructure impact and supply new housing.
(VIII) Middle housing uses significantly less energy for heating and cooling per unit than single-unit detached dwellings due to middle housing having attached walls and smaller unit sizes, which reduces household energy costs and greenhouse gas emissions; and

(IX) In Colorado, compared to single-unit detached dwellings, household energy demand is on average forty percent less for townhomes, forty-five percent less for duplexes, and fifty-three percent less for triplexes and quadplexes, according to the National Renewable Energy Laboratory RESStock Analysis Tool.

(b) Therefore, the general assembly declares that the increased supply of housing through middle housing is a matter of mixed statewide and local concern.

29-33-302. Applicability - transit-oriented areas model code - transit-oriented areas minimum standards - adoption of model code or minimum standards - definitions. (1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Eligible parcel" means a parcel that is not:

(I) A standard exempt parcel;

(II) Part of a parcel that includes land that is a park and open space, as defined in section 29-7.5-103 (2);

(III) A parcel that is subject to a conservation easement;

or

(IV) On or a site that:

(A) Is currently used for an industrial use;
(B) currently allows industrial uses;

(C) is designated for heavy industrial use in the latest
version of a subject jurisdiction's master plan;

(D) is owned by, used as, or operated by an airport; or

(E) is currently used as a mobile home park, as defined in
section 38-12-201.5 (6).

(b) "minimum standards" means the minimum standards for
transit-oriented areas established in subsection (4) of this
section.

(c) "mixed-income multifamily housing" means multifamily
housing in which at least ten percent of the housing units are set
aside for households that earn no more than eighty percent of
the area median income. for the purposes of this subsection (1)(c)
"mixed-income multifamily housing" means a subject jurisdiction
with a local inclusionary zoning ordinance that applies in key
corridors may apply such an ordinance's provisions, including
area median income thresholds and requirements for the
percentage of units that must be set aside for households below
that area median income.

(d) "model code" means the transit-oriented areas model
code promulgated by the department of local affairs pursuant
to subsection (3) of this section.

(e) "subject jurisdiction" means a tier one urban
municipality that contains a transit-oriented area.

(2) applicability. (a) the requirements of this section only
apply in a transit-oriented area in a tier one urban municipality.

(b) unless a subject jurisdiction decides otherwise, local
LAWS ADOPTED PURSUANT TO THIS SECTION ONLY APPLY TO ELIGIBLE PARCELS THAT ALLOW COMMERCIAL, INSTITUTIONAL, MIXED USES, MULTI-FAMILY HOUSING, OR OTHER NON-RESIDENTIAL USES AS PERMITTED.

(c) If a transit-oriented area is located within multiple jurisdictions, a subject jurisdiction need only meet the requirements of this section in the parts of a transit-oriented area located within the subject jurisdiction.

(d) Where the requirements of this section apply to parcels or lots to which Part 2 of this Article 33 or Sections 29-33-303 and 29-33-304 also apply, the requirements of this section shall supersede where there is conflict with other relevant sections or Part 2.

(3) Model code. (a) (I) No later than June 30, 2024, the Executive Director of the Department of Local Affairs shall promulgate a transit-oriented area model code.

(II) The multi-agency advisory committee shall provide recommendations to the Executive Director of the Department of Local Affairs on the transit-oriented area model code pursuant to Section 29-33-305.

(b) At a minimum, the model code must include:

(I) A requirement that subject jurisdictions may not require new off-street vehicle parking within transit-oriented areas for any uses in conjunction with either a multifamily development or mixed-income multifamily housing development permit; and

(III) A requirement that subject jurisdictions allow
MIXED-INCOME MULTIFAMILY HOUSING OF UP TO AT LEAST SIXTY UNITS PER ACRE NET DENSITY AS A USE BY RIGHT IN TRANSIT-ORIENTED AREAS.

(c) Nothing in the model code shall prevent a subject jurisdiction from utilizing set aside percentage and area median income level requirements as specified in their local laws, rather than as specified in the model code, so long as the subject jurisdiction has adopted a local inclusionary zoning ordinance that applies within transit-oriented areas.

(4) Minimum standards. (a) (I) Notwithstanding any local law to the contrary, a subject jurisdiction that does not adopt the model code shall create or update a zoning district within each transit-oriented area in which multifamily housing is allowed as a use by right and a minimum average net density of up to at least forty units of multifamily housing per acre is allowed. Subject jurisdictions may establish subdistricts within these zoning districts that allow a different density of multifamily housing development so long as each district allows an average net density of multifamily housing of up to at least forty units per acre. The minimum area of the zoning district or subdistricts must in total be greater than or equal to fifty percent of the area of eligible parcels in each transit-oriented area in a subject jurisdiction. A subject jurisdiction may choose to include parcels that would otherwise not qualify as eligible parcels, when calculating the area of eligible parcels in each transit-oriented area in a subject jurisdiction.

(II) Notwithstanding any local law to the contrary, a
SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY MEET THE AVERAGE NET DENSITY ESTABLISHED IN THE MINIMUM STANDARDS BY ADOPTING LOCAL LAWS APPLICABLE TO A DISTRICT COVERING AREAS OUTSIDE OF TRANSIT-ORIENTED AREAS SO LONG AS THE DISTRICT IS AT LEAST THE SAME SIZE AS THE ELIGIBLE PARCELS IN THE TRANSIT-ORIENTED AREAS, IF EITHER:

(A) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR

(B) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING AREAS FOR TRANSIT-COMPATIBLE USE IN ADJACENT AREAS.

(III) IN SATISFYING THE MINIMUM AVERAGE NET DENSITY REQUIREMENTS OF SUBSECTION (4)(a)(I) OF THIS SECTION, A SUBJECT JURISDICTION SHALL NOT INCLUDE MIDDLE HOUSING AREAS AS DETERMINED PURSUANT TO SECTION 29-33-304 (2)(b).

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

(A) APPLY LOCAL LAWS THAT MAKE THE PERMITTING, SITING, OR CONSTRUCTION OF MULTIFAMILY HOUSING IN A TRANSIT-ORIENTED AREA PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT;

(B) ADOPT LOCAL LAWS THAT INDIVIDUALLY OR CUMULATIVELY MAKE A DENSITY OF UP TO AT LEAST FORTY UNITS PER ACRE PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT; OR

(C) REQUIRE NEW OFF-STREET VEHICLE PARKING WITHIN TRANSIT-ORIENTED AREAS FOR ANY USES IN CONJUNCTION WITH A MULTIFAMILY HOUSING DEVELOPMENT PERMIT.

(II) IN SATISFYING THE NET DENSITY REQUIREMENTS OF SUBSECTIONS (4)(b)(I)(A) AND (4)(b)(I)(B) OF THIS SECTION, A SUBJECT
JURISDICTION SHALL NOT INCLUDE MIDDLE HOUSING AREAS AS DETERMINED PURSUANT TO SECTION 29-33-304 (2)(b).

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

(5) Adoption of model code or minimum standards. (a) (I) No later than June 30, 2025, a subject jurisdiction shall either:

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

(B) ADOPT THE MODEL CODE.

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

(c) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, THE SUBJECT JURISDICTION'S ACCESSORY DWELLING UNIT DECISIONS SHALL BE CONSISTENT WITH THE MODEL CODE AND THE SUBJECT JURISDICTION SHALL:

(I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT
JURISDICTION SHALL APPROVE THE PROJECT; AND

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

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

(a) Requiring parking spaces in accordance with the
12101 et seq., as amended, or to otherwise provide parking signed
for use by persons experiencing disabilities;

(b) Adopting generally-applicable requirements for the
payment of impact fees or other similar development charges in
conformance with the requirements of section 29-20-104.5 or the
mitigation of impacts in conformance with the requirements of
part 2 of article 20 of title 29;

(c) Applying a local inclusionary zoning ordinance in
transit-oriented areas in accordance with the requirements of
section 29-20-104 (e.5) and (e.7) and subject to part 2 of article
20 of title 29;

(d) Imposing requirements on the short-term rental of
housing in transit-oriented areas;

(e) Permitting mixed-use development in a
transit-oriented area;

(f) Allowing commercial only developments in a
transit-oriented area; or
(g) Applying the standards and procedures of a historic district to a parcel on which housing in a transit-oriented area is allowed in that historic district, including rules relating to demolition.

29-33-303. Key corridors map - applicability - key corridors model code - key corridors minimum standards - adoption of model code or minimum standards - definitions. (1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Eligible parcel" means a parcel, excluding the parcels identified in subsection (3)(c) of this section that allows commercial, institutional, mixed use, multi-family, or other non-residential uses as permitted uses.

(b) "Industrial use" means a business use or activity at a scale greater than home industry involving manufacturing, fabrication, assembly, warehousing, or storage.

(c) "Minimum standards" means the key corridors minimum standards established in subsection (5) of this section.

(d) "Mixed-income multifamily housing" means multifamily housing in which at least ten percent of the housing units are set aside for households that earn no more than eighty percent of the area median income. For the purposes of this subsection (1)(d), "mixed-income multifamily housing" means a subject jurisdiction with a local inclusionary zoning ordinance that applies in key corridors may apply its ordinance’s provisions including area median income thresholds and requirements for the percentage of units that must be set aside for households below that area median income.
(e) "Model code" means the Key Corridors Model Code promulgated by the Department of Local Affairs pursuant to subsection (4) of this section.

(f) "Subject Jurisdiction" means a Tier One Urban Municipality.

(2) **Key corridors map.** (a) (I) No later than March 31, 2024, the Executive Director of the Department of Transportation shall create a Key Corridors Map that designates Key Corridors.

(II) The Multi-Agency Advisory Committee shall provide recommendations to the Executive Director of the Department of Transportation concerning the creation of the Key Corridors Map pursuant to Section 29-33-305.

(b) The Executive Director of the Department of Transportation shall include the following areas within Tier One Urban Municipalities in the Key Corridors Map:

(I) Areas within one-half mile of a bus stop on a Limited Access Highway served by an existing or planned commuter bus rapid transit service; and

(II) Areas within one-quarter mile of:

(A) A bus stop not on a Limited Access Highway served by an existing or planned commuter bus rapid transit service;

(B) A roadway served by an existing or planned urban bus rapid transit service;

(C) A roadway served by a bus route that is scheduled to run every fifteen minutes or less during the highest frequency service hours and is at least one mile long; or

(D) A bus stop served by a bus route that is scheduled to
RUN EVERY FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS, IS AT LEAST ONE MILE LONG, AND THAT RUNS ON A LIMITED ACCESS HIGHWAY.

(c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION SHALL DESIGNATE AN AREA AS A KEY CORRIDOR BASED ON:

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

(II) TRANSIT SERVICE LEVELS PLANNED AND APPROVED BY A TRANSIT AGENCY’S BOARD AS OF JANUARY 1, 2023, FOR IMPLEMENTATION BEFORE JANUARY 1, 2028; OR

(III) FUTURE TRANSIT SERVICE LEVELS, PLANNED AS OF JANUARY 1, 2023, AS DESCRIBED IN FEDERALLY REQUIRED TRANSPORTATION PLANS.

(d) IN DESIGNATING KEY CORRIDORS, THE DEPARTMENT OF TRANSPORTATION SHALL NOT RELY ON PLANNING DOCUMENTS ADOPTED AFTER JANUARY 1, 2023.

(e) WHERE THE REQUIREMENTS OF THIS SECTION APPLY TO PARCELS OR LOTS TO WHICH PART 2 OF THIS ARTICLE 33 OR SECTIONS 29-33-302 AND 29-33-304 ALSO APPLY, THE REQUIREMENTS OF THIS SECTION SHALL SUPERSEDE WHERE THERE IS CONFLICT WITH OTHER RELEVANT SECTIONS OR PART 2.

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

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

(I) A STANDARD EXEMPT PARCEL.
(II) The portion of a parcel that includes land that is a park and open space, as defined in Section 29-7.5-103 (2);

(III) A parcel that is subject to a conservation easement;

or

(IV) On a site that:

(A) Is currently used for an industrial use;

(B) Currently allows industrial uses;

(C) Is designated for heavy industrial use in the latest version of a subject jurisdiction’s master plan;

(D) Is owned by, used as, or operated by an airport; or

(E) Is currently used as a mobile home park, as defined in Section 38-12-201.5 (6).

(c) The requirements of this section shall not apply to a tier one urban municipality with both a population of less than twenty-five thousand and an annual median household income of less than fifty-five thousand dollars, if the municipality sends a letter to the department of local affairs, in a form and manner determined by the department, indicating that the municipality does not intend to comply with this section.

(4) Model code. (a) No later than June 30, 2024, the executive director of the department of local affairs shall promulgate a key corridor model code.

(II) The multi-agency advisory committee shall provide recommendations to the executive director of the department of local affairs on the model code pursuant to Section 29-33-305.

(b) At a minimum, the model code must include:

(I) A requirement that subject jurisdictions allow
MIXED-INCOME MULTIFAMILY HOUSING AS A USE BY RIGHT IN KEY CORRIDORS WITH DENSITIES UP TO AT LEAST:

(A) Forty dwelling units per acre net density in areas designated in a key corridors map due to their proximity to commuter bus rapid transit service or urban bus rapid transit service; and

(B) Thirty dwelling units per acre net density for all other areas designated as a key corridor;

(c) Affordable units within mixed-income multifamily housing developments must be of a similar size as the other units in the development.

(d) The model code must not allow minimum parking requirements in connection with the construction or permitting of multifamily housing in key corridors that are greater than one-half of a parking space per dwelling unit, which may be rounded up.

(5) Minimum standards. (a) Notwithstanding any local law to the contrary, a subject jurisdiction that does not adopt the model code shall create a zoning district or districts within key corridors in which multifamily housing is allowed as a use by right.

(b)(I) The minimum area of the zoning district or districts required by subsection (5)(a) of this section and allowed by subsection (5)(e) of this section must in total be greater than or equal to the greater of:

(A) Twenty-five percent of the area of eligible parcels in key corridors in the subject jurisdiction; or
(B) Ten percent of the total area of eligible parcels in the
subject jurisdiction.

(II) A subject jurisdiction may choose to include parcels
that are not eligible parcels in the calculation of the area of
eligible parcels in key corridors in the subject jurisdiction.

(c) (I) Within the zoning district or districts required by
subsection (5)(a) of this section, a subject jurisdiction shall
allow multifamily housing as a use by right at an average net
density of up to at least twenty-five dwelling units per acre.

(II) In satisfying the net density requirements of
subsection (5)(c)(I) of this section, a subject jurisdiction shall
not include middle housing areas as determined pursuant to
section 39-22-304 (2)(b).

(d) Subject jurisdictions may establish multiple zoning
districts that allow different densities of multifamily housing,
so long as the average net density is met across all of the
zoning district or districts required by subsection (5)(a) of this
section in the subject jurisdiction. Subject jurisdictions are
encouraged to locate districts in centers or along corridors
that are planned for mixed-use, walkable areas.

(e) Notwithstanding any local law to the contrary, a
subject jurisdiction that does not adopt the model code may
meet the average net density requirements established in the
minimum standards by adopting local laws applicable to a
zoning district or zoning districts covering areas outside of key
corridors, so long as the zoning district or zoning districts
satisfy the area requirements of subsection (5)(b) of this section,
AND IF EITHER:

(I) Significant development constraints exist; or

(II) The subject jurisdiction has established planning areas for transit-compatible use in other areas.

(f) Notwithstanding any local law to the contrary, a subject jurisdiction that does not adopt the model code shall not, in the districts it establishes pursuant to subsection (5)(d)(I) of this section:

(I) Apply standards that make the permitting, siting, or construction of multifamily housing in key corridors physically impossible or practically difficult;

(II) Adopt, enact, or enforce local laws that make the density requirements established in subsection (5)(c) of this section physically impossible or practically difficult; or

(III) Apply minimum off-street vehicle parking requirements in connection with the construction or permitting of multifamily housing in key corridors that are greater than one-half of a parking space per dwelling unit, which may be rounded up.

(g) The Department of Local Affairs may promulgate rules as it deems necessary to update the minimum standards or model code, utilizing a public hearing and comment process.

(h) The Department of Local Affairs may provide technical assistance or funding to metropolitan planning organizations and subject jurisdictions to adopt minimum standards for key corridors that support regional planning goals.

(6) Adoption of model code and minimum standards. (a) No
LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION SHALL EITHER:

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

(II) ADOPT THE MODEL CODE.

(b) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE REQUIREMENTS OF SUBSECTION (6)(a) OF THIS SECTION BEFORE DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE ELIGIBLE PARCELS IN THE SUBJECT JURISDICTION AND REMAINS IN EFFECT UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS AND THE SUBJECT JURISDICTION SHALL NOT DENY OR CONDITION THE APPROVAL OF AN APPLICATION FOR A MULTIFAMILY HOUSING PROJECT ON ANY ELIGIBLE PARCEL ON ANY BASIS THAT IS INCONSISTENT WITH THE MODEL CODE.

(c) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION, THE SUBJECT JURISDICTION’S KEY CORRIDOR DECISIONS SHALL BE CONSISTENT WITH THE MODEL CODE AND THE SUBJECT JURISDICTION SHALL:

(I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT JURISDICTION SHALL APPROVE THE PROJECT; AND

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

(7) Subject jurisdiction restrictions. (a) NOTHING IN THIS PART 3 PREVENTS A SUBJECT JURISDICTION FROM:
(I) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AS AMENDED;

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

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

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

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

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

(VII) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC DISTRICT TO A PARCEL ON WHICH HOUSING IN KEY CORRIDORS IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATING TO DEMOLITION.

29-33-304. Middle housing applicability - middle housing model code - middle housing minimum standards - adoption of model code or minimum standards - subject jurisdiction restrictions - definitions. (1) Definitions. As used in this section, unless the context otherwise requires:

(a) "MIDDLE HOUSING AREA" MEANS THE AREA WITHIN A MIDDLE HOUSING SUBJECT JURISDICTION THAT IS IDENTIFIED BY THE SUBJECT
JURISDICTION PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

(b) "MINIMUM STANDARDS" MEANS THE MIDDLE HOUSING MINIMUM STANDARDS ESTABLISHED IN SUBSECTION (4) OF THIS SECTION.

(c) "MODEL CODE" MEANS THE MIDDLE HOUSING MODEL CODE PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(2) Applicability. (a) (I) The requirements of this section shall only apply in Tier One Urban Municipalities.

(II) The requirements of this section shall not apply to a Tier One Urban Municipality with both a population of less than twenty-five thousand and an annual median household income of less than五十-five thousand dollars, if the municipality sends a letter to the Department of Local Affairs, in a form and manner determined by the Department, indicating that the municipality does not intend to comply with this section.

(b) (I) A Tier One Urban Municipality that adopts local laws that satisfy the minimum standards shall create zoning districts that constitute a middle housing area. The total area of the zoning districts within the applicable housing area must be equal to or greater than the greater of:

(A) The total area of land in which single-unit detached dwellings are allowed as a use by right within the Tier One Urban Municipality that is either a key corridor or a transit-oriented area; or

(B) Thirty percent of the total area of land in which single-unit detached dwellings are allowed as a use by right within the Tier One Urban Municipality.
A TIER ONE URBAN MUNICIPALITY MAY LOCATE A MIDDLE HOUSING AREA WITHIN OR ADJACENT TO TRANSIT-ORIENTED AREAS AND KEY CORRIDORS, AND IN WALKABLE MIXED-USE NEIGHBORHOOD CENTERS.

IN DETERMINING THE LOCATION OF A MIDDLE HOUSING AREAS, A TIER ONE MUNICIPALITY SHALL CONSIDER THE NARRATIVE ANALYSIS THAT IT COMPLETED OF ANY AREA AT ELEVATED RISK OF RESIDENTIAL DISPLACEMENT PURSUANT TO SECTION 29-33-105 (4)(g).

UNLESS A TIER ONE URBAN MUNICIPALITY DECIDES OTHERWISE, LOCAL LAWS ADOPTED PURSUANT TO THIS SECTION MUST NOT APPLY TO STANDARD EXEMPT PARCELS.

MODEL CODE. (a) (I) NO LATER THAN JUNE 30, 2024, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL PROMULGATE A HOUSING MODEL CODE.

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

(b) THE MODEL CODE MUST, AT A MINIMUM, ESTABLISH OBJECTIVE STANDARDS FOR ALL THE ELEMENTS IN THE MINIMUM STANDARDS TO BE ALLOWED AS A USE BY RIGHT IN ANY PART OF A TIER ONE URBAN MUNICIPALITY THAT IS BOTH:

(I) WITHIN ONE MILE OF FIXED ROUTE SYSTEM, AS DEFINED IN 49 CFR 37; AND

(II) IN AN AREA THAT A TIER ONE URBAN MUNICIPALITY ALLOWS SINGLE-UNIT DETACHED DWELLINGS AS A USE BY RIGHT.

(c) THE MODEL CODE MUST NOT ALLOW MINIMUM OFF-STREET VEHICLE PARKING REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING OF MIDDLE HOUSING THAT ARE GREATER
THAN ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE ROUNDED UP.

(4) **Minimum standards.** (a) **NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY,** A TIER ONE URBAN MUNICIPALITY THAT DOES NOT ADOPT THE MODEL CODE SHALL:

(I) **ALLOW MIDDLE HOUSING AS A USE BY RIGHT IN THE APPLICABLE HOUSING AREA IDENTIFIED BY THE MUNICIPALITY;**

(II) **ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING MIDDLE HOUSING THAT USE OBJECTIVE STANDARDS AND PROCEDURES;**

(III) **ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING SINGLE-UNIT DETACHED DWELLING TO CREATE MIDDLE HOUSING SO LONG AS THE ADDITION OR CONVERSION DOES NOT INCREASE NONCONFORMANCE WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS LOCAL LAWS ALLOW FOR SUCH AN INCREASE IN NONCONFORMANCE; AND**

(IV) **ALLOW PROPERTIES ON WHICH MIDDLE HOUSING IS ALLOWED TO BE SUBDIVIDED USING OBJECTIVE STANDARDS AND PROCEDURES.**

(b) **NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY,** A TIER ONE URBAN MUNICIPALITY THAT DOES NOT ADOPT THE MODEL CODE SHALL NOT:

(I) **APPLY STANDARDS PERTAINING TO ARCHITECTURAL COMPATIBILITY, BUILDING MATERIALS, OR LANDSCAPING THAT ARE MORE RESTRICTIVE THAN THE STANDARDS THAT THE SUBJECT JURISDICTION APPLIES TO A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT;**

(II) **APPLY MINIMUM SETBACKS, LOT WIDTHS, LOT DEPTHS, OR LOT SIZE STANDARDS TO MIDDLE HOUSING THAT ARE MORE RESTRICTIVE THAN THE STANDARDS THAT THE TIER ONE URBAN MUNICIPALITY WOULD APPLY**
TO SINGLE-UNIT DETACHED DWELLINGS ON THE SAME PROPERTY;

(III) APPLY LOWER MAXIMUM HEIGHT STANDARDS TO MIDDLE HOUSING THAN THE TIER ONE URBAN MUNICIPALITY WOULD APPLY TO SINGLE-UNIT DETACHED DWELLINGS ON THE SAME PROPERTY;

(IV) APPLY LIMITS ON THE SCALE OF MIDDLE HOUSING BUILDINGS THROUGH FLOOR AREA RATIOS, LOT OR BUILDING COVERAGE, OR OTHER SIMILAR STANDARDS THAT ARE MORE RESTRICTIVE THAN THE STANDARDS THAT THE SUBJECT JURISDICTION APPLIES TO A SINGLE-UNIT DETACHED DWELLINGS IN THE SAME ZONING DISTRICT;

(V) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE TO MIDDLE HOUSING IN A MANNER THAT INTERFERES WITH THE INTENT OF THIS SECTION; OR

(VI) APPLY MINIMUM OFF-STREET VEHICLE PARKING REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING OF MIDDLE HOUSING THAT ARE GREATER THAN ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE ROUNDED UP IN THE CASE OF AN ODD-NUMBER OF DWELLING UNITS.

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

(5) Adoption of model code or minimum standards. (a) (I) No later than June 30, 2025, a Tier One Urban Municipality shall either:

(A) ADOPT LOCAL LAWS CONCERNING MIDDLE HOUSING THAT SATISFY THE MINIMUM STANDARDS; OR

(B) ADOPT THE MODEL CODE.

(II) If a Tier One Urban Municipality does not satisfy the
REQUIREMENTS OF SUBSECTION (5)(a)(I) OF THIS SECTION BEFORE DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE PARCELS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AND THE TIER ONE URBAN MUNICIPALITY SHALL NOT DENY OR CONDITION APPROVAL OF AN APPLICATION FOR A MIDDLE HOUSING PROJECT ON ANY APPLICABLE PARCEL ON ANY BASIS THAT IS INCONSISTENT WITH THE MODEL CODE, AS SPECIFIED IN SECTION 29-33-304, IN THE SUBJECT JURISDICTION AND REMAINS IN EFFECT UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE TIER ONE URBAN MUNICIPALITY HAS ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

(b) If a Tier One Urban Municipality adopts the Model Code, or the Model Code is otherwise in effect, the Municipality shall:

(I) Use objective procedures to determine whether a project satisfies the Model Code and, if the subject jurisdiction determines that the project satisfies the Model Code, the subject jurisdiction shall approve the middle housing project;

(II) Make middle housing decisions consistent with the Model Code; and

(III) Not adopt, enact, or enforce any local laws that contravene the Model Code.

(6) Subject jurisdiction restrictions. (a) Nothing in this section prevents a Tier One Urban Municipality from:

(I) Requiring parking spaces in accordance with the Federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12101 et seq., as amended, or to otherwise provide parking signed for use by persons experiencing disabilities;

(II) Adopting generally-applicable requirements for the
PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5 OR THE MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION PART 2 OF ARTICLE 20 OF TITLE 29;

(III) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO MIDDLE HOUSING IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 29-20-104 (e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE 20 OF TITLE 29;

(IV) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF MIDDLE HOUSING;

(V) ALLOWING SINGLE-UNIT DETACHED DWELLINGS IN AN AREA ZONED FOR SINGLE-UNIT DETACHED DWELLINGS; OR

(VI) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC DISTRICT TO A PARCEL ON WHICH MIDDLE HOUSING IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATING TO DEMOLITION.

(b) NOTHING IN THIS SECTION REQUIRES A TIER ONE URBAN MUNICIPALITY TO PERMIT AN ACCESSORY DWELLING UNIT PROJECT AND A MIDDLE HOUSING PROJECT ON THE SAME PARCEL OR LOT.

29-33-305. Public comment and hearing process. (1) IN DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE MULTI-AGENCY ADVISORY COMMITTEE CREATED IN SECTION 29-33-103 (1), RURAL RESORT AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8), OR THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103 (9), SHALL CONDUCT A PUBLIC COMMENT AND HEARING PROCESS ABOUT CREATING:

(a) A MODEL FOR TRANSIT-ORIENTED AREAS PERSUANT TO
SECTION 29-33-302 (3)(a)(I):

(b) A KEY CORRIDORS MAP PURSUANT TO SECTION 29-33-303 (2)(a);

(c) A KEY CORRIDOR MODEL CODE PURSUANT TO SECTION 29-33-303 (4)(a); AND

(d) A MODEL CODE FOR MIDDLE HOUSING PURSUANT TO SECTION 29-33-304 (3)(a)(I).

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

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

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

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

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


(2) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER, WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED
IN THIS SUBSECTION (2), "DEFICIENT" INCLUDES, IN REFERENCE TO THE
SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
APPLICABLE, ISSUES CONCERNING:

(a) WATER SUPPLY;
(b) WASTEWATER TREATMENT CAPACITY;
(c) WATER DISTRIBUTION AND WASTEWATER COLLECTION
CAPACITY; OR
(d) STORMWATER MANAGEMENT CAPACITY.

(3) If a subject jurisdiction submits a notice to the
Department of Local Affairs pursuant to subsection (2) of this
section, the subject jurisdiction may include a plan of action to
remedy the deficient water supply, water or wastewater
treatment capacity, water distribution and wastewater
collection capacity, or stormwater management capacity in the
specific areas identified in a capital improvement plan in the
notice.

(4) The Department of Local Affairs may adopt rules or
promulgate guidance as necessary to implement this section.

29-33-307. Report. (1) No later than December June 30,
2025, a Tier One Urban Municipality subject to shall submit to the
Department of Local Affairs, in a form and manner determined by
the Department of Local Affairs, reports concerning the

(b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN SUBSECTION (7)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS SHALL REVIEW AND APPROVE THE SUBMITTED REPORTS OR REJECT THE REPORTS AND PROVIDE FEEDBACK TO THE TIER ONE URBAN MUNICIPALITY. THE DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT LOCAL LAWS AND RESUBMIT REPORTS.

(c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A TIER ONE URBAN MUNICIPALITY’S REPORT, THE RELEVANT MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE TIER ONE URBAN MUNICIPALITY UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE TIER ONE URBAN MUNICIPALITY HAS ADOPTED LAWS THAT COMPLY WITH THE RELEVANT MINIMUM STANDARDS.

SECTION 3. In Colorado Revised Statutes, 24-34-104, add (34)(a)(VIII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (34) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2033:

(VIII) THE MULTI-AGENCY ADVISORY COMMITTEE CREATED IN SECTION 29-33-103.

SECTION 4. In Colorado Revised Statutes, 24-32-705, add (8) as follows:
24-32-705. Functions of division. (8) The division shall consult with the advisory committee on factory-built structures and tiny homes created in section 24-32-3305 (3) to produce a report no later than June 30, 2024, on the opportunities and barriers in current state laws and regulations concerning the building of manufactured homes, modular homes, and tiny homes.

SECTION 5. In Colorado Revised Statutes, 24-32-3301, amend (1)(c)(II) as follows:

24-32-3301. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that mobile homes, manufactured housing, and factory-built structures are important and effective ways to meet Colorado's affordable housing needs. The general assembly further finds and declares that, because of the housing crisis in Colorado, there is a need to promote the affordability and accessibility of new manufactured homes and factory-built structures. The general assembly encourages local governments to enact ordinances and rules that effectively treat factory-built structures certified through the state program and manufactured housing certified through the federal program the same as site-built homes. The general assembly further finds, determines, and declares that:

(c) The protection of Colorado consumers who purchase manufactured homes or tiny homes from fraud and other unfair business practices is a matter of statewide concern and consumers can best be protected by:

(II) Imposing escrow and bonding requirements upon persons engaged in the business of manufacturing or selling manufactured homes
or tiny homes; and

SECTION 6. In Colorado Revised Statutes, 24-32-3303, amend
(1)(c) as follows:

24-32-3303. Division of housing - powers and duties - rules.
(1) The division has the following powers and duties pursuant to this part 33:
(c) To review and approve quality assurance representatives that intend to perform FINAL CONSTRUCTION PLAN REVIEWS, inspections, and issue insignia of approval pursuant to this part 33;

SECTION 7. In Colorado Revised Statutes, 24-32-3311, amend
(1)(a.3) as follows:

(1) (a.3) Manufacturers of factory-built structures to be installed in the state shall register with the division as provided in board rules and are subject to enforcement action, including suspension or revocation of their registration for failing to comply with requirements contained in this part 33 and board rules. A manufacturer shall:
(I) Comply with escrow requirements of down payments as established by the board by rule; and
(II) Provide a letter of credit, certificate of deposit issued by a licensed financial institution, or surety bond issued by an authorized insurer in an amount and process established by the board by rule. A financial institution or authorized insurer shall pay the division the letter of credit, certificate of deposit, or surety bond if a court of competent jurisdiction has rendered a final judgment in favor of the division based on a finding that:
(A) The manufacturer failed to deliver the factory-built structure;
(B) The manufacturer failed to refund a down payment made toward the purchase of the factory-built structure; or

(C) The manufacturer ceased doing business operations or filed for bankruptcy.

SECTION 8. In Colorado Revised Statutes, 24-67-105, add (5.5) as follows:

24-67-105. Standards and conditions for planned unit development - definitions. (5.5) (a) A PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE ADOPTED PURSUANT TO THIS ARTICLE 67, IF THE PLANNED UNIT DEVELOPMENT HAS A RESIDENTIAL USE, MUST NOT RESTRICT THE PERMITTING OF ACCESSORY DWELLING UNITS, MIDDLE HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, OR HOUSING IN KEY CORRIDORS IN THE JURISDICTIONS AND AREAS TO WHICH ARTICLE 33 OF TITLE 29 APPLIES AND IN ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF TITLE 29.

(b) Any provision of a planned unit development approved prior to the adoption of subsection (5.5)(a) of this section, and which fails to conform to the requirements of that subsection, shall be deemed to be superseded by the adoption of a local regulation or implementation of a model code pursuant to article 33 of title 29. Notwithstanding this subsection (5.5)(b), a local government may adopt conforming amendments to any such planned unit development.

(c) As used in this subsection (5.5), unless the context otherwise requires:

(I) "ACCESSORY DWELLING UNIT" has the same meaning as set forth in section 29-33-102 (2).
(II) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN
SECTION 29-33-502 (3).

(III) "MIDDLE HOUSING" HAS THE SAME MEANING AS SET FORTH IN
SECTION 29-33-102 (22).

(IV) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
FORTH IN SECTION 29-33-102 (39).

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

29-20-110. Local government residential occupancy limits -
definitions. (1) NOTWITHSTANDING ANY OTHER PROVISION TO THE
CONTRARY, A LOCAL GOVERNMENT SHALL NOT ENACT OR ENFORCE
RESIDENTIAL OCCUPANCY LIMITS THAT DIFFER BASED ON THE
RELATIONSHIPS OF THE OCCUPANTS OF A DWELLING.

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

(3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
REQUIRES:

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

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

SECTION 10. In Colorado Revised Statutes, 30-28-106, repeal
and reenact, with amendments, (3)(a); and add (3)(a.5), (8), and (9) as
follows:
30-28-106. Adoption of master plan - contents. (3) (a) The master plan of a county or region, with the accompanying maps, plats, charts, and descriptive and explanatory matter, must show the county or regional planning commission's recommendations for the development of the territory covered by the plan. The master plan of a county or region is an advisory document to guide land development decisions; however, the plan or any part thereof may be made binding by inclusion in the county's or region's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate. A master plan adopted on or after June 30, 2024, must include:

(I) Natural and agricultural land priorities in accordance with the natural and agricultural land priorities report created in section 29-33-110;

(II) A housing element;

(III) For counties with a population of greater than two hundred fifty thousand, a buildable lands analysis that is conducted in the same manner and on the same timeline as the analysis required in section 29-33-105 (4)(d);

(IV) (A) The general location and extent of an adequate and suitable supply of water;

(B) In completing a water supply element, the planning commission shall consult with the entities that supply water for use within the county or region to ensure coordination on water
SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT MUST IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED OR IDENTIFIED IN THE PLANNING PROCESS:

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

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

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

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

(II) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR
ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS,
PLAYGROUNDS, FORESTS, RESERVATIONS, SQUARES, PARKS, AIRPORTS,
AVIATION FIELDS, MILITARY INSTALLATIONS, AND OTHER PUBLIC WAYS,
GROUNDS, OPEN SPACES, TRAILS, AND DESIGNATED FEDERAL, STATE, AND
LOCAL WILDLIFE AREAS. FOR PURPOSES OF THIS SECTION, "MILITARY
INSTALLATION" HAS THE SAME MEANING AS SPECIFIED IN SECTION
29-20-105.6 (2)(b).

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

(IV) THE ACCEPTANCE, WIDENING, REMOVAL, EXTENSION,
RELOCATION, NARROWING, VACATION, ABANDONMENT, MODIFICATION, OR
CHANGE OF USE OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
OF OTHER COUNTIES, REGIONS, OR MUNICIPALITIES, GROUNDS, OPEN
SPACES, BUILDINGS, PROPERTIES, UTILITIES, OR TERMINALS, REFERRED TO
IN SUBSECTIONS (1)(a.5)(I) THROUGH (1)(a.5)(IV) OF THIS SECTION;
(V) METHODS FOR ASSURING ACCESS TO APPROPRIATE CONDITIONS FOR SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING GEOTHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY GENERATION;

(VI) THE GENERAL CHARACTER, LOCATION, AND EXTENT OF COMMUNITY CENTERS, TOWNSITES, HOUSING DEVELOPMENTS, WHETHER PUBLIC OR PRIVATE, THE EXISTING, PROPOSED, OR PROJECTED LOCATION OF RESIDENTIAL NEIGHBORHOODS AND SUFFICIENT LAND FOR FUTURE HOUSING DEVELOPMENT FOR THE EXISTING AND PROJECTED ECONOMIC AND OTHER NEEDS OF ALL CURRENT AND ANTICIPATED RESIDENTS OF THE COUNTY OR REGION, AND URBAN CONSERVATION OR REDEVELOPMENT AREAS. IF A COUNTY OR REGION HAS ENTERED INTO A REGIONAL PLANNING AGREEMENT, SUCH AGREEMENT MAY BE INCORPORATED BY REFERENCE INTO THE MASTER PLAN.

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

(VIII) A LAND CLASSIFICATION AND UTILIZATION PROGRAM;

(IX) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS TO ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED INCREMENTS OF TIME. THE COUNTY OR REGION MAY BASE THESE PROJECTIONS UPON DATA FROM THE DEPARTMENT OF LOCAL AFFAIRS AND UPON THE COUNTY’S OR REGION’S LOCAL OBJECTIVES.
THE LOCATION OF AREAS CONTAINING STEEP SLOPES, GEOLOGICAL HAZARDS, ENDANGERED OR THREATENED SPECIES, WETLANDS, FLOODPLAINS, FLOODWAYS, AND FLOOD RISK ZONES, HIGHLY ERODIBLE LAND OR UNSTABLE SOILS, AND WILDFIRE HAZARDS. FOR PURPOSES OF DETERMINING THE LOCATION OF SUCH AREAS, THE PLANNING COMMISSION SHALL CONSIDER THE FOLLOWING SOURCES FOR GUIDANCE:

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

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

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

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

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

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

(8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH RELEVANT ENTITIES TO ENSURE THAT THE ADOPTION OR AMENDING OF THE MASTER PLAN IS AN INCLUSIVE PROCESS.
(9) No more than thirty days after adopting or amending the Master Plan, the Commission shall submit the Master Plan to the Division of Local Government in the Department of Local Affairs. The Division of Local Government shall review these Master Plans to ensure they comply with the requirements of this section.

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

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

(d) Notwithstanding subsections (1)(a) and (1)(b) of this section, to sell and dispose of, by ordinance, any public building or real property owned by a municipality that is held for government purposes other than park purposes, if the sale and disposition of the public building or real property is for the purpose of providing property to be used for the development of affordable housing, as the term is defined in section 29-33-102 (3). The governing body shall determine the terms and conditions of the sale and disposition at a regular or special meeting and shall make these terms and conditions publicly available.

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

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

(III) "Manufactured home" has the same meaning as set forth in section 24-32-3302 (20).
(IV) "MODULAR HOME" HAS THE SAME MEANING AS SET FORTH IN SECTION 24-32-3302 (25).

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

(A) Homes certified by the division of housing created in section 24-32-704 or a party authorized to act on its behalf; THE APPROVAL PROCESSES OF MODULAR HOMES SHALL BE BASED ON OBJECTIVE STANDARDS AND ADMINISTRATIVE REVIEW THAT ARE EQUIVALENT TO THAT REQUIRED FOR SITE-BUILT HOMES, UNLESS A MUNICIPALITY REGULATES SITE-BUILT HOMES THROUGH A SUBJECTIVE REVIEW PROCESS, IN WHICH CASE A MUNICIPALITY MAY USE AN EQUIVALENT REVIEW PROCESS FOR A MODULAR HOME AND A SITE-BUILT HOME;

(B) Homes certified by the United States department of housing and urban development through its office of manufactured housing programs, a successor agency, or a party authorized to act on its behalf. THE APPROVAL PROCESSES OF MANUFACTURED HOMES SHALL BE BASED ON OBJECTIVE STANDARDS AND ADMINISTRATIVE REVIEW THAT ARE EQUIVALENT TO THAT REQUIRED FOR SITE-BUILT HOMES, UNLESS A MUNICIPALITY REGULATES SITE-BUILT HOMES THROUGH A SUBJECTIVE REVIEW PROCESS, IN WHICH CASE A MUNICIPALITY MAY USE AN EQUIVALENT REVIEW PROCESS FOR A MANUFACTURED HOME AND A SITE-BUILT HOME; or

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

(A) PERMANENT FOUNDATIONS;
(B) MINIMUM FLOOR SPACE;
(C) HOME SIZE OR SECTIONAL REQUIREMENTS;
(D) IMPROVEMENT LOCATION STANDARDS;
(E) SIDE YARD STANDARDS; AND
(F) SETBACK STANDARDS.

SECTION 13. In Colorado Revised Statutes, 31-23-206, repeal and reenact, with amendments, (1); and add (1.5), (8), and (9) as follows:

31-23-206. Master plan. (1) IT IS THE DUTY OF THE COMMISSION TO MAKE AND ADOPT A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF THE MUNICIPALITY, INCLUDING ANY AREAS OUTSIDE ITS BOUNDARIES, SUBJECT TO THE APPROVAL OF THE GOVERNMENTAL BODY HAVING JURISDICTION THEREOF, THAT IN THE COMMISSION'S JUDGMENT BEAR RELATION TO THE PLANNING OF THE MUNICIPALITY. THE MASTER PLAN OF A MUNICIPALITY IS AN ADVISORY DOCUMENT TO GUIDE LAND DEVELOPMENT DECISIONS; HOWEVER, THE PLAN OR ANY PART THEREOF MAY BE MADE BINDING BY INCLUSION IN THE MUNICIPALITY'S ADOPTED SUBDIVISION, ZONING, PLATTING, PLANNED UNIT DEVELOPMENT, OR OTHER SIMILAR LAND DEVELOPMENT REGULATIONS AFTER SATISFYING NOTICE, DUE PROCESS, AND HEARING REQUIREMENTS FOR LEGISLATIVE OR QUASI-JUDICIAL PROCESSES AS APPROPRIATE. WHEN A COMMISSION DECIDES TO ADOPT A MASTER PLAN, THE COMMISSION SHALL CONDUCT
PUBLIC HEARINGS, AFTER NOTICE OF SUCH PUBLIC HEARINGS HAS BEEN PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE MUNICIPALITY IN A MANNER SUFFICIENT TO NOTIFY THE PUBLIC OF THE TIME, PLACE, AND NATURE OF THE PUBLIC HEARING, PRIOR TO FINAL ADOPTION OF A MASTER PLAN IN ORDER TO ENCOURAGE PUBLIC PARTICIPATION IN AND AWARENESS OF THE DEVELOPMENT OF SUCH PLAN AND SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS THROUGHOUT THE PROCESS OF DEVELOPING THE PLAN. THE PLAN, ADOPTED OR AMENDED ON OR AFTER JUNE 30, 2024, WITH THE ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE MATTER, MUST INCLUDE:

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

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

(c) A BUILDABLE LANDS ANALYSIS THAT IS CONDUCTED IN THE SAME MANNER AS THE ANALYSIS REQUIRED IN SECTION 29-33-105 (4)(d);

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

(II) IN COMPLETING THE WATER SUPPLY ELEMENT, THE PLANNING COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE MUNICIPALITY TO ENSURE COORDINATION ON WATER SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT MUST IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED
(III) The water supply element must include water conservation policies, to be determined by the municipality, which may include goals specified in the state water plan adopted pursuant to section 37-60-106.3 and may include policies to implement water conservation and other state water plan goals as a condition of development approvals, including subdivisions, planned unit developments, special use permits, and zoning changes.

(V) Nothing in this subsection (1)(d) shall be construed to supercede, abrogate, or otherwise impair the allocation of water pursuant to the state constitution or laws, the right to beneficially use water pursuant to decrees, contracts, or other water use agreements, or the operation, maintenance, repair, replacement, or use of any water facility.

(e) The most recent version of the plan required by section 31-12-105 (1)(e) or a similar element analyzing and making a plan for areas of potential growth within three miles of the municipal boundary.

(1.5) A master plan may include:

(a) The general source, character, and extent of existing, proposed, or projected streets, roads, rights-of-way, bridges, waterways, waterfronts, parkways, highways, mass transit routes and corridors, and any transportation plan prepared by any metropolitan planning organization that covers all or a portion of the municipality and that the municipality has received notification of, or, if the municipality is not located in
AN AREA COVERED BY A METROPOLITAN PLANNING ORGANIZATION, ANY TRANSPORTATION PLAN PREPARED BY THE DEPARTMENT OF TRANSPORTATION THAT THE MUNICIPALITY HAS RECEIVED NOTIFICATION OF AND THAT COVERS ALL OR A PORTION OF THE MUNICIPALITY;

(b) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES, INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS, PLAYGROUNDS, SQUARES, PARKS, AIRPORTS, AVIATION FIELDS, MILITARY INSTALLATIONS, AND OTHER PUBLIC WAYS, GROUNDS, OPEN SPACES, TRAILS, AND DESIGNATED FEDERAL, STATE, AND LOCAL WILDLIFE AREAS.

FOR PURPOSES OF THIS SECTION, "MILITARY INSTALLATION" HAS THE SAME MEANING AS SPECIFIED IN SECTION 29-20-105.6 (2)(b).

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

(d) THE ACCEPTANCE, REMOVAL, RELOCATION, WIDENING, NARROWING, VACATING, ABANDONMENT, MODIFICATION, CHANGE OF USE, OR EXTENSION OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY OF OTHER MUNICIPALITIES, COUNTIES, OR REGIONS, GROUNDS, OPEN SPACES, BUILDINGS, PROPERTY, UTILITY, OR TERMINALS, REFERRED TO IN SUBSECTIONS (1.5) (a) THROUGH (a) OF THIS SECTION AND SUBSECTION (1)(d) OF THIS SECTION;
(e) A ZONING PLAN FOR THE CONTROL OF THE HEIGHT, AREA, BULK, LOCATION, AND USE OF BUILDINGS AND PREMISES. SUCH A ZONING PLAN MAY PROTECT AND ASSURE ACCESS TO APPROPRIATE CONDITIONS FOR SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING GEOTHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY GENERATION; HOWEVER, REGULATIONS AND RESTRICTIONS OF THE HEIGHT, NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES, AND THE HEIGHT AND LOCATION OF TREES AND OTHER VEGETATION SHALL NOT APPLY TO EXISTING BUILDINGS, STRUCTURES, TREES, OR VEGETATION EXCEPT FOR NEW GROWTH ON SUCH VEGETATION.

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

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

(h) A PLAN FOR THE LOCATION AND PLACEMENT OF PUBLIC UTILITIES THAT FACILITATES THE PROVISION OF SUCH UTILITIES TO ALL EXISTING, PROPOSED, OR PROJECTED DEVELOPMENTS IN THE MUNICIPALITY:
(i) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS TO ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED INCREMENTS OF TIME. THE MUNICIPALITY MAY BASE THESE PROJECTIONS UPON DATA FROM THE DEPARTMENT OF LOCAL AFFAIRS AND UPON THE MUNICIPALITY'S LOCAL OBJECTIVES.

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

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

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

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

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

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

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

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

(9) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR AMENDING THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE MASTER PLAN TO THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW THESE MASTER PLANS TO ENSURE THEY COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

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SECTION 14. In Colorado Revised Statutes, 31-23-301, add (6) as follows:

31-23-301. Grant of power. (6) NEITHER A TIER ONE URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (38) NOR A TIER TWO URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (39) SHALL IMPOSE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL UNITS IN THE APPROVAL OF RESIDENTIAL DWELLING UNIT CONSTRUCTION PERMITS UNLESS DOING SO IS NECESSARY FOR HEALTH AND SAFETY IN THE URBAN MUNICIPALITY.

SECTION 15. In Colorado Revised Statutes, 37-60-126, amend (9)(b); and add (13) as follows:

37-60-126. Water conservation and drought mitigation planning - programs - relationship to state assistance for water facilities - guidelines - water efficiency grant program - definitions - repeal. (9) (b) The board and the Colorado water resources and power
development authority, to which any covered entity has applied for financial assistance for the construction of a water diversion, storage, conveyance, water treatment, or wastewater treatment facility, shall consider any water conservation plan filed pursuant to this section AND ANY VALIDATED WATER LOSS AUDIT REPORT REQUIRED BY SUBSECTION (13)(d) OF THIS SECTION in determining whether to render financial assistance to such entity. Such consideration shall be carried out within the discretion accorded the board and the Colorado water resources and power development authority pursuant to which such board and authority render such financial assistance to such covered entity.

(13) (a) **Short title.** The short title of this subsection (13) is the "Water Loss Accounting Act of 2023".

(b) **Legislative declaration.** The general assembly finds that:

(I) **Safe and affordable drinking water is essential to public health, affordable housing, and economic development throughout the state;**

(II) **The cost of providing reliable drinking water is increasing due to factors such as aging infrastructure, low density land use development that is costly to serve, increased energy costs, and more complex and costly changes to the regulatory requirements for safe drinking water;**

(III) **Compact infill development reduces water demand and infrastructure costs through the use of shorter pipes that reduce losses, smaller irrigated landscape space per unit, and by better utilizing existing infrastructure;**

(IV) **Water main breaks are visible and disruptive**
MANIFESTATIONS OF THE MORE WIDESPREAD PHENOMENON OF LEAKAGE
FROM WATER SYSTEMS;

(V) Leakage of drinking water from water distribution
systems adds to the cost of service to customers and may lead
to increased raw water demands that negatively impact the
natural environment;

(VI) The failure to recover revenue from water delivered
to users due to metering and billing inaccuracies and theft also
increases the cost per unit of water that is billed to customers;

(VII) The American Water Works Association, a national
association of drinking water utilities and professionals, has
recommended that drinking water suppliers conduct an audit of
water losses on an annual basis;

(VIII) The American Water Works Association has
published software for use in categorizing and reporting water
losses and has made this software available without charge;

(IX) Several states now recommend or require that public
water suppliers under their jurisdictions conduct an audit of
water losses each year using the standardized terms and
methods published by the American Water Works Association;

(X) Regular auditing of water losses is a necessary
foundation for the adoption of cost-effective strategies to
reduce the amounts of lost water and revenue to economically
reasonable levels.

(c) Definitions. As used in this subsection (13), unless the
context otherwise requires:
(I) "Validation" means the process whereby a covered entity uses a technical expert to confirm the basis of all data entries in the covered entity’s water loss audit report and to appropriately characterize the quality of the reported data. The validation process must follow the principles and terminology laid out by the American Water Works Association in the latest edition of "Water Audits and Loss Control Programs", manual M36, and in the American Water Works Association’s free water audit software. A validated water loss audit report must include the name and technical qualifications of the person engaged for validation.

(II) "Water loss" means the difference between the annual volume of water entering a water distribution system and the annual volume of metered and unmetered water taken by registered customers, the water supplier, and others who are implicitly or explicitly authorized to do so. "Water loss" includes the annual volumes lost through all types of leaks, breaks, and overflows on mains, service reservoirs, and service connections up to the point of customer metering in addition to unauthorized consumption, all types of metering inaccuracies, and systemic data-handling errors.

(d) Water loss program requirements. (I) No later than January 1, 2025, the board shall adopt guidelines for the conduct of standardized validated water loss audits by covered entities.

(II) No later than June 30, 2026, each covered entity shall submit a completed and validated water loss audit report for...
THE PREVIOUS CALENDAR YEAR. FOR REPORTS SUBMITTED IN SUBSEQUENT
YEARS, EACH COVERED ENTITY SHALL SUBMIT A COMPLETED AND
VALIDATED WATER LOSS AUDIT REPORT COVERING THE PREVIOUS
CALENDAR YEAR NO LATER THAN JUNE 30 CONCURRENT WITH SECTION
37-60-126 (4.5)(a).

SECTION 16. In Colorado Revised Statutes, 38-33.3-106.5, add
(3) as follows:

38-33.3-106.5. Prohibitions contrary to public policy -
patriotic, political, or religious expression - public rights-of-way - fire
prevention - renewable energy generation devices - affordable
housing - drought prevention measures - child care - definitions.

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

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

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

(II) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN
SECTION 29-33-502 (3).
(III) "MIDDLE HOUSING" has the same meaning as set forth in Section 29-33-102 (22).

(IV) "TRANSIT-ORIENTED AREA" has the same meaning as set forth in Section 29-33-102 (41).

SECTION 17. In Colorado Revised Statutes, 43-1-106, amend (15)(d) as follows:

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

(d) To study and make recommendations for existing and future transportation systems in Colorado with a focus of such study and recommendations being a ten-year plan for each mode of transportation. Such the ten-year plan shall be based on what can be reasonably expected to be implemented with the estimated revenues which are likely to be available and must include prioritization criteria that are consistent with state strategic growth objectives for regionally significant transportation projects.

(c) Subsection (3)(a) of this section shall not apply to reasonable restrictions on accessory dwelling units. As used in this subsection (3)(c), "reasonable restriction" means a restriction that does not unreasonably increase the cost to construct, effectively prohibit the construction of, or extinguish the ability to otherwise construct, an accessory dwelling unit consistent with the provisions of this section.

SECTION 18. In Colorado Revised Statutes, 43-1-113, add (20) as follows:
43-1-113. Funds - budgets - fiscal year - reports and publications. (20) Before December 31, 2024, or before the next regional transportation planning cycle begins, the department shall 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.

SECTION 19. In Colorado Revised Statutes, 43-1-1103, amend (5)(i) and (5)(j); and add (2.5) and (5)(k) as follows:

43-1-1103. Transportation planning. (2.5) Beginning December 31, 2024, any regional transportation plan that is created or updated must address and ensure consistency with state strategic growth objectives as determined in section 29-33-108.

(5) The department shall integrate and consolidate the regional transportation plans for the transportation planning regions into a comprehensive statewide transportation plan. The formation of the state plan shall be accomplished through a statewide planning process set by rules and regulations promulgated by the commission. The state plan shall address but shall not be limited to the following factors:

(i) Effective, efficient, and safe freight transport; and

(j) Reduction of greenhouse gas emissions; AND

(k) Beginning December 31, 2024, address and ensure consistency with state strategic growth objectives.

SECTION 20. In Colorado Revised Statutes, 43-4-1103, add (2)(e) as follows:

43-4-1103. Multimodal transportation options fund - creation
- revenue sources for fund - use of fund. (2) (e) Fee revenues from the multimodal transportation options fund generated on or after January 1, 2025, and other state funds transferred to the multimodal transportation options fund on or after July 1, 2024, shall only be made for multimodal projects that the department determines are consistent with state strategic growth objectives, as determined in section 29-33-108.

SECTION 21. Appropriation. For the 2023-24 state fiscal year, $15,000,000 is appropriated to the housing plans assistance fund created in section 29-33-112 (3), C.R.S. This appropriation is from the general fund. The department of local affairs is responsible for the accounting related to this appropriation. Any unexpended and unencumbered money appropriated to the department of local affairs for state fiscal year 2023-24 remains available for expenditure by the division of local government in the department of local affairs or local government grantees through state fiscal year 2026-27 without further appropriation for the department of local affairs and local grantees to comply with planning requirements in the legislation.

SECTION 22. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.