

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

**PREAMENDED**

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

LLS NO. 23-0890.01 Pierce Lively x2059

**SENATE BILL 23-213**

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**SENATE SPONSORSHIP**

**Moreno,**

**HOUSE SPONSORSHIP**

**Jodeh and Woodrow,**

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**Senate Committees**

Local Government & Housing  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101       **CONCERNING STATE LAND USE REQUIREMENTS, AND, IN CONNECTION**  
102               **THEREWITH, ESTABLISHING A PROCESS TO DIAGNOSE AND**  
103               **ADDRESS HOUSING NEEDS ACROSS THE STATE, ADDRESSING**  
104               **REQUIREMENTS FOR THE REGULATION OF ACCESSORY**  
105               **DWELLING UNITS, MIDDLE HOUSING, TRANSIT-ORIENTED AREAS,**  
106               **KEY CORRIDORS, AND MANUFACTURED AND MODULAR HOMES,**  
107               **PROHIBITING CERTAIN PLANNED UNIT DEVELOPMENT**  
108               **RESOLUTIONS, PROHIBITING A LOCAL GOVERNMENT FROM**  
109               **ENFORCING CERTAIN OCCUPANCY LIMITS, MODIFYING THE**  
110               **CONTENT REQUIREMENTS FOR COUNTY AND MUNICIPAL MASTER**  
111               **PLANS, PROHIBITING CERTAIN MUNICIPALITIES FROM IMPOSING**  
112               **MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL**  
113               **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.*

101 VALIDATED WATER LOSS AUDIT REPORT TO THE COLORADO  
102 WATER CONSERVATION BOARD, PROHIBITING A UNIT OWNERS'  
103 ASSOCIATION FROM PROHIBITING CERTAIN KINDS OF HOUSING,  
104 \_\_\_\_\_ CRITERIA FOR CERTAIN GRANT PROGRAMS, AND  
105 EXPENDITURES FROM THE MULTIMODAL TRANSPORTATION  
106 OPTIONS FUND TO ALIGN WITH STATE STRATEGIC GROWTH  
107 OBJECTIVES, AND MAKING AN APPROPRIATION.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**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

1 assembly finds and declares that:

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

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

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

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

22 (E) Older adults represent the fastest growing segment of  
23 Colorado's population and have diverse housing needs that are not being  
24 adequately met in the current housing market, including the need for more  
25 accessible and affordable housing units built with universal design and  
26 located within age friendly communities. The housing and land use  
27 policies of the state must be informed by the findings and



1 recommendations of the strategic action plan on aging, developed  
2 pursuant to section 24-32-3406, and the lifelong Colorado initiative  
3 created pursuant to section 26-11-302, including the eight realms of  
4 livable and age friendly communities;

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

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

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

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

23 (J) Displacement from low income neighborhoods has occurred  
24 in Colorado under current land use regulations as housing rents and prices  
25 have increased faster than wages, which has fundamentally changed the  
26 demographics of some areas. These pressures have led to both direct  
27 displacement of individual households from homes they can no longer

1 afford and indirect displacement as the result of changes in the  
2 neighborhood population as low-income residents move out and the  
3 vacated units are no longer affordable to similar households. As the state  
4 and local governments seek to increase housing options and affordability,  
5 it is essential to take steps to mitigate further displacement and enable  
6 residents to stay in their neighborhoods if they wish.

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

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

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

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

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

25 (II) Therefore, the general assembly finds, determines, and  
26 declares that the lack of housing supply and unsustainable development  
27 patterns are partially caused by local government policies that effectively

1 limit the construction of a diverse range of housing types in areas already  
2 served by infrastructure or in close proximity to jobs and public transit.

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

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

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

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

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

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

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

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

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

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

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

23           (a) The state has an interest in planning for future growth. The  
24 state demographer estimates that between 2023 and 2030 the state will  
25 add an average of thirty-five thousand households per year, and that  
26 between 2030 and 2040 the state will add an additional twenty-nine  
27 thousand six hundred households per year. According to the state

1 demographer, households headed by a household age sixty-five and above  
2 are expected to increase by 197,000 from 2020 to 2030, meaning over  
3 half of the growth in households across the state is expected to be  
4 households over sixty-five.

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

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

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

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

25 (f) Between 2000 and 2019, over seventy percent of homes built  
26 in Colorado were single-unit detached dwellings, while less than three  
27 percent of homes were duplexes to quadplexes, and less than twenty-five

1 percent of homes were homes in multifamily buildings with five or more  
2 units, according to the American Community Survey;

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

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

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

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

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

25 (l) In Colorado, household energy savings range from forty  
26 percent less for townhomes to seventy percent less for larger multifamily  
27 homes compared to single-unit detached dwellings, according to

1 residential housing stock data from the National Renewable Energy  
2 Laboratory;     

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

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

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

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

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

22 (V) Researchers have also found that upward mobility is  
23 significantly greater in more compact development areas than in low  
24 density areas, primarily due to better job accessibility by multiple  
25 transportation modes, according to the study "Does urban sprawl hold  
26 down upward mobility?", published in the journal of Landscape and  
27 Urban Planning;

1 (VI) Nationwide, cities with the highest housing costs and lowest  
2 vacancy rates experience the highest rates of homelessness, according to  
3 a report by the Urban Institute, "Unsheltered Homelessness Trends,  
4 Characteristics, and Homeless Histories". These indicators explain a  
5 greater portion of the variation in regional rates of homelessness than  
6 other commonly assumed factors, such as poverty rate, substance use, or  
7 mental illness, according to a study in the European Journal of Housing  
8 Policy, "The Economics of Homelessness: The Evidence from North  
9 America".

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

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

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

25 (X) Within regions, national surveys have found that a lack of  
26 affordable housing within a reasonable commuting distance impacts  
27 businesses' ability to attract and retain workers, according to a literature



1 review conducted by the Center for Housing Policy; and

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

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

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

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

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

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

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

1 "Which Reduces Vehicle Travel More: Jobs-Housing Balance or  
2 Retail-Housing Mixing?", published in the Journal of the American  
3 Planning Association.

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

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

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

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

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

27 (VIII) High transportation costs impact low-income households

1 in particular, with households making less than forty-thousand dollars per  
2 year in the western United States spending over twenty-four percent of  
3 their income on transportation, when spending more than fifteen percent  
4 of income on transportation is considered cost burdened, according to  
5 data from the Bureau of Labor Statistics Consumer Expenditure Surveys;  
6 and

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

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

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

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

25 (III) According to the greenhouse gas pollution reduction  
26 roadmap, published by the Colorado energy office and dated January 14,  
27 2021, the transportation sector is the single largest source of greenhouse

1 gas pollution in Colorado;

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

5 (V) As part of the greenhouse gas pollution reduction roadmap,  
6 a strategic action plan to achieve legislatively adopted targets of reducing  
7 greenhouse gas pollution economy-wide by fifty percent below 2005  
8 levels by 2030 and ninety percent by 2050, the state committed to  
9 reducing emissions from the transportation sector by forty-one percent by  
10 2030 from a 2005 baseline;

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

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

23 (VIII) Local government land use decisions that require a  
24 minimum amount of parking spaces increase the cost of new residential  
25 projects, which increases housing costs. According to the Regional  
26 Transportation District study "Residential Parking in Station Areas: A  
27 Study of Metro Denver", structured parking spaces in the Denver

1 metropolitan areas cost twenty-five thousand dollars each to build in  
2 2020, and use space which would otherwise be used for revenue  
3 generating residential units, decreasing the profitability of residential  
4 development. As a result, parking requirements may discourage  
5 developers from building new residential projects, or, if they do move  
6 forward with projects, force them to recoup the costs of building  
7 excessive parking by increasing housing prices.

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

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

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

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

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

27 (V) Between 2012 and 2017, the number of people living in the

1 wildland-urban interface increased by nearly fifty percent, according to  
2 the Colorado state forest service.

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

7 **SECTION 2.** In Colorado Revised Statutes, **add** article 33 to title  
8 29 as follows:

9 **ARTICLE 33**

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

11 **PART 1**

12 **HOUSING NEEDS PLANNING**

13 **29-33-101. Legislative declaration.** (1) (a) THE GENERAL  
14 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

15 (I) COLORADO LACKS A COORDINATED PROCESS TO SET GOALS,  
16 DEVELOP SOLUTIONS, AND TRACK PROGRESS TOWARDS MEETING  
17 STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS;

18 (II) CONSISTENT INFORMATION ABOUT STATEWIDE, REGIONAL,  
19 AND LOCAL HOUSING NEEDS IS ESSENTIAL IN DEVELOPING EQUITABLE AND  
20 EFFECTIVE HOUSING POLICIES AND STRATEGIES AND IMPROVING EFFORTS  
21 TO INCREASE HOUSING AFFORDABILITY OVER TIME;

22 (III) HOUSING MARKETS EXPAND BEYOND THE BORDERS OF  
23 INDIVIDUAL LOCAL GOVERNMENTS, AND INFORMATION IS REQUIRED ON A  
24 LOCAL, REGIONAL, AND STATEWIDE SCALE TO MAKE A HOLISTIC PLAN FOR  
25 ADDRESSING HOUSING NEEDS;

26 (IV) ALTHOUGH SOME LOCAL GOVERNMENTS WORK TO ASSESS  
27 AND ADDRESS HOUSING NEEDS, THESE LOCAL GOVERNMENTS USE

1 DIFFERENT METHODOLOGIES, DO THIS WORK AT DIFFERENT TIMES, AND  
2 LACK REGIONAL COORDINATION;

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

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

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

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

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

25 ==

26 **29-33-102. Definitions.** AS USED IN THIS ARTICLE 33, UNLESS THE  
27 CONTEXT OTHERWISE REQUIRES:

1 (1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES  
2 THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC.  
3 3601 ET SEQ., AS AMENDED.

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

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

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

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

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

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

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

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

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

25 (b) DEDICATED LANES OR BUSWAYS;

26 (c) TRAFFIC SIGNAL PRIORITY;

27 (d) OFF-BOARD FARE COLLECTION;



1           (e) ELEVATED PLATFORMS; OR

2           (f) ENHANCED STATIONS.

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

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

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

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

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

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

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

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

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

26           (b) HOMES BEING VACATED BY LOW-INCOME RESIDENTS AND  
27           OTHER LOW-INCOME RESIDENTS BEING UNABLE TO AFFORD TO MOVE IN OR

1 FORCED TO VACATE BECAUSE RENTS AND SALES PRICES HAVE INCREASED  
2 ABOVE WHAT LOW-INCOME RESIDENTS CAN AFFORD;

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

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

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

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

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

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

27 (12) "FIXED-RAIL TRANSIT STATION" MEANS A STATION FOR

1 PASSENGER RAIL TRANSIT THAT USES AND OCCUPIES A SEPARATE  
2 RIGHT-OF-WAY OR RAIL LINE, INCLUDING COMMUTER RAIL AND LIGHT  
3 RAIL.

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

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

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

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

20 (17) "KEY CORRIDORS" MEANS THE AREAS DESCRIBED IN SECTION  
21 29-33-503 (1)(a) AND DESIGNATED AS KEY CORRIDORS IN THE KEY  
22 CORRIDORS MAP PUBLISHED BY THE DEPARTMENT OF TRANSPORTATION  
23 PURSUANT TO SECTION 29-33-503.

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

27 (19) "LOCAL INCLUSIONARY ZONING ORDINANCE" MEANS A LOCAL

1 LAW ENACTED PURSUANT TO SECTION 29-20-104 (1)(e.5) TO EITHER  
2 REQUIRE OR INCENTIVIZE THE CONSTRUCTION OF AFFORDABLE OR  
3 REGULATED AFFORDABLE HOUSING UNITS WITHIN MIXED-INCOME  
4 DEVELOPMENTS.

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

9 (21) "METROPOLITAN PLANNING ORGANIZATION" MEANS A  
10 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT  
11 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

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

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

16 (b) TOWNHOME; OR

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

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

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

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

1 (a) THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF  
2 LOCAL AFFAIRS;

3 (b) THE COLORADO ENERGY OFFICE;

4 (c) THE DEPARTMENT OF NATURAL RESOURCES; AND

5 (d) THE DEPARTMENT OF TRANSPORTATION.

6 (27) "MULTIFAMILY \_\_\_ HOUSING" MEANS A BUILDING OR GROUP  
7 OF BUILDINGS ON THE SAME LOT WITH SEPARATE LIVING UNITS FOR THREE  
8 OR MORE HOUSEHOLDS.

9 (28) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY  
10 OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

11 (29) "NET DENSITY" MEANS THE NUMBER OF RESIDENTIAL UNITS  
12 PER ACRE OF TOTAL RESIDENTIAL LAND AREA, EXCLUDING LAND OCCUPIED  
13 BY PUBLIC RIGHTS-OF-WAY AND ANY RECREATIONAL, CIVIC, COMMERCIAL,  
14 AND OTHER NONRESIDENTIAL USES.

15 (30) "OBJECTIVE PROCEDURE" MEANS A DEVELOPMENT REVIEW  
16 PROCEDURE OR PROCESS THAT DOES NOT INVOLVE A DISCRETIONARY  
17 APPROVAL PROCESS.

18 (31) "OBJECTIVE STANDARD" MEANS A STANDARD THAT BOTH:

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

21 (b) IS UNIFORMLY VERIFIABLE OR ASCERTAINABLE BY REFERENCE  
22 TO AN EXTERNAL OR UNIFORM BENCHMARK OR CRITERION THAT IS  
23 AVAILABLE AND KNOWABLE BY THE DEVELOPMENT APPLICANT OR  
24 PROPONENT AND THE PUBLIC BODY OR OFFICIAL PRIOR TO THE  
25 DEVELOPMENT APPLICANT OR PROPONENT'S FILING OF A DEVELOPMENT  
26 PROPOSAL.

27 (32) "POPULATION" MEANS CURRENT POPULATION AS REPORTED

1 BY THE STATE DEMOGRAPHER.

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

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

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

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

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

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

18 (V) HAS A TRANSIT STOP SERVICED BY A TRANSIT AGENCY THAT  
19 SERVES AT LEAST TWO MUNICIPALITIES AND WITH SERVICE THAT INCLUDES  
20 AN AVERAGE OF AT LEAST TWENTY     TRIPS PER DAY, AS OF JANUARY 1,  
21 2023.

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

24 (I) A REGIONAL SERVICE AUTHORITY PROVIDING SURFACE  
25 TRANSPORTATION PURSUANT TO PART 1 OF ARTICLE 7 OF TITLE 32, A  
26 REGIONAL TRANSPORTATION AUTHORITY CREATED PURSUANT TO PART 6  
27 OF ARTICLE 4 OF TITLE 43, OR ANY OTHER POLITICAL SUBDIVISION OF THE

1 STATE, PUBLIC ENTITY, OR NONPROFIT CORPORATION PROVIDING MASS  
2 TRANSPORTATION SERVICES TO THE GENERAL PUBLIC; AND

3 (II) ELIGIBLE TO RECEIVE MONEY UNDER A GRANT AUTHORIZED BY  
4 49 U.S.C. SEC. 5307 OR 49 U.S.C. SEC. 5311.

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

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

14 (37) "STANDARD EXEMPT PARCEL" MEANS A PARCEL THAT:

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

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

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

21 (d) IS A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC  
22 DISTRICT; OR

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

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

26 (a) A MUNICIPALITY THAT:

27 (I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT

1 HAS A POPULATION OF ONE MILLION OR MORE;

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

3 THAT IS DESIGNATED AS AN URBANIZED AREA BY THE MOST RECENT

4 FEDERAL DECENNIAL CENSUS WITH A POPULATION GREATER THAN

5 SEVENTY-FIVE THOUSAND; AND

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

7 (b) A MUNICIPALITY THAT:

8 (I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT

9 HAS A POPULATION OF LESS THAN ONE MILLION; AND

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

11 (39) "TIER TWO URBAN MUNICIPALITY" MEANS A MUNICIPALITY

12 THAT DOES NOT SATISFY THE DEFINITION OF A TIER ONE URBAN

13 MUNICIPALITY AND:

14 (a) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION;

15 (b) HAS A POPULATION OF BETWEEN FIVE THOUSAND AND

16 TWENTY-FIVE THOUSAND; AND

17 (c) IS IN A COUNTY WITH A POPULATION OF TWO HUNDRED FIFTY

18 THOUSAND OR MORE.

19 (40) "TOWNHOME" MEANS A SINGLE-UNIT DWELLING UNIT

20 CONSTRUCTED IN A GROUP OF ATTACHED UNITS IN WHICH EACH UNIT

21 EXTENDS FROM FOUNDATION TO ROOF AND HAS OPEN SPACE ON AT LEAST

22 TWO SIDES.

23 (41) "TRANSIT-ORIENTED AREA" MEANS AN AREA WHERE ALL

24 PARCELS HAVE AT LEAST TWENTY-FIVE PERCENT OF THEIR AREA WITHIN

25 ONE-HALF MILE OF AN EXISTING FIXED-RAIL TRANSIT STATION. FOR THE

26 PURPOSES OF THIS SUBSECTION (41), A FIXED-RAIL TRANSIT STATION IS A

27 FIXED-RAIL TRANSIT SERVICE BOARDING AND EXITING LOCATION OR



1 STATION FOR THE GENERAL PUBLIC.

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

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

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

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

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

20 (2) THE COMMITTEE IS A TYPE 2 ENTITY, AS DEFINED IN SECTION  
21 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND  
22 FUNCTIONS UNDER THE DEPARTMENT OF LOCAL AFFAIRS.

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

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

27 (II) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY OFFICE,

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

1           (XII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM  
2           A COUNTY WHO IS APPOINTED BY THE PRESIDENT OF THE SENATE; AND

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

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

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

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

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

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

26          (c) THE COMMITTEE SHALL MEET AT LEAST ONCE EVERY YEAR.  
27          THE CHAIR MAY CALL SUCH ADDITIONAL MEETINGS AS ARE NECESSARY

1 FOR THE COMMITTEE TO COMPLETE ITS DUTIES.

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

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

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

9 (b) THE RURAL RESORT AREA SUBCOMMITTEE CONSISTS OF:

10 (I) THE MEMBERS OF THE MULTI-AGENCY ADVISORY COMMITTEE  
11 APPOINTED PURSUANT TO SUBSECTIONS (3)(a)(I), (3)(a)(II), (3)(a)(III),  
12 (3)(a)(IV), (3)(a)(V), (3)(a)(X), AND (3)(a)(XI) OF THIS SECTION; AND

13 (II) TWO MEMBERS WHO HAVE A BACKGROUND IN LAND USE  
14 PLANNING AND ARE STAFF-LEVEL REPRESENTATIVES FROM RURAL RESORT  
15 JOB CENTER MUNICIPALITIES WHO ARE APPOINTED BY THE GOVERNOR.  
16 THESE TWO MEMBERS ARE NOT MEMBERS OF THE MULTI-AGENCY  
17 ADVISORY COMMITTEE.

18 (c) THE GOVERNOR SHALL CALL THE FIRST MEETING OF THE RURAL  
19 RESORT AREA SUBCOMMITTEE.

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

24 (e) IN ACCORDANCE WITH 29-33-109, THE RURAL RESORT AREA  
25 SUBCOMMITTEE SHALL DEVELOP RECOMMENDATIONS TO PRESENT TO THE  
26 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS  
27 CONCERNING GUIDELINES RELATED TO RURAL RESORT JOB CENTER

1 MUNICIPALITIES. PRIOR TO FINALIZING ANY RECOMMENDATIONS, THE  
2 RURAL RESORT AREA SUBCOMMITTEE SHALL PROVIDE A DRAFT OF THE  
3 RECOMMENDATIONS TO ALL RURAL RESORT AREA JOB CENTER  
4 MUNICIPALITIES AND SHALL HOLD A PUBLIC HEARING ON SUCH  
5 RECOMMENDATIONS NO SOONER THAN SIXTY DAYS AFTER PROVIDING  
6 THESE RECOMMENDATIONS.

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

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

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

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

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

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

27 **29-33-104. Housing needs assessments - methodology.**

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

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

11 (2) AT A MINIMUM, THE METHODOLOGY FOR DEVELOPING HOUSING  
12 NEEDS ASSESSMENTS MUST INCLUDE:

13 (a) FOR THE STATEWIDE HOUSING NEEDS ASSESSMENT, METHODS  
14 TO:

15 (I) ESTIMATE EXISTING HOUSING STOCK;

16 (II) CONDUCT A HOUSING SHORTAGE ANALYSIS;     

17 (III) ESTIMATE THE HOUSING NECESSARY TO ACCOMMODATE THE  
18 DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE STATE  
19 DEMOGRAPHER, CATEGORIZED BY HOUSEHOLD SIZE; HOUSEHOLD TYPE,  
20 INCLUDING FOR SUPPORTIVE, FOR-SALE, AND RENTAL HOUSING; AND  
21 INCOME LEVEL, INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME,  
22 AND LOW-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED STATES  
23 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND

24 (IV) ENSURE LOCAL GOVERNMENT INPUT AND COORDINATION.

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

26 (I) ASSESS REGIONAL HOUSING NEEDS FOR EACH REGION, BASED  
27 ON:

1 (A) EXISTING AND PROJECTED HOUSING SHORTAGES AND  
2 SURPLUSES FOR DIFFERENT HOUSEHOLD TYPES AND INCOME LEVELS,  
3 INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND  
4 LOW-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED STATES  
5 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

6 (B) EXISTING HOUSING DIVERSITY AND STOCK; ==

7 (C) CURRENT JOBS BY INCOME LEVEL;

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

9 (E) DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE  
10 STATE DEMOGRAPHER; AND

11 (II) DESIGNATE REGIONS BASED ON THE BOUNDARIES OF  
12 METROPOLITAN PLANNING ORGANIZATIONS, RURAL REGIONS, AND RURAL  
13 RESORT REGIONS. THE DESIGNATION OF RURAL REGIONS AND RURAL  
14 RESORT REGIONS MUST BE BASED ON REGIONAL COMMUTING PATTERNS  
15 AMONG OTHER FACTORS.

16 (c) FOR LOCAL HOUSING NEEDS ASSESSMENTS, METHODS TO  
17 ASSESS LOCAL HOUSING NEEDS FOR EACH LOCAL GOVERNMENT, BASED ON:

18 (I) THE CURRENT PROPORTION OF THE LOCALITY'S POPULATION IN  
19 DIFFERENT HOUSEHOLD INCOME LEVELS, INCLUDING EXTREMELY  
20 LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME HOUSEHOLDS AS  
21 DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN  
22 DEVELOPMENT;

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

24 (III) THE LOCALITY'S JOB-HOUSING BALANCE, INCLUDING THE  
25 AVAILABILITY OF HOUSING AFFORDABLE TO LOW-INCOME WORKERS IN THE  
26 LOCALITY;

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

- 1 (V) MEASURES OF LOCAL RESOURCES IN THE LOCALITY;
- 2 (VI) VACANCY RATES IN THE LOCALITY;
- 3 (VII) MEASURES OF HOMELESSNESS AND HOUSING INSTABILITY IN
- 4 THE LOCALITY; AND
- 5 (VIII) DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE
- 6 STATE DEMOGRAPHER.

7 (3) (a) NO LATER THAN DECEMBER 31, 2024, AND EVERY FIVE  
8 YEARS THEREAFTER, IN ACCORDANCE WITH THE METHODOLOGIES FOR  
9 DEVELOPING HOUSING NEEDS ASSESSMENTS, THE EXECUTIVE DIRECTOR OF  
10 THE DEPARTMENT OF LOCAL AFFAIRS, WITH INPUT FROM THE  
11 MULTI-AGENCY ADVISORY COMMITTEE, SHALL PRODUCE STATEWIDE,  
12 REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS WITH TWENTY-YEAR  
13 PLANNING FORECASTS.

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

17 (I) HOUSING NEEDS IN THE AREA SORTED BY INCOME LEVELS,  
18 INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND  
19 LOW-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED STATES  
20 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND UNIT TYPES,  
21 INCLUDING ACCESSIBLE UNITS, SUPPORTIVE HOUSING, FOR-SALE HOUSING  
22 AND RENTAL HOUSING;

- 23 (II) THE NUMBER OF HOUSEHOLDS IN THE AREA;
- 24 (III) THE NUMBER OF JOBS IN THE AREA;
- 25 (IV) THE AREA'S POPULATION AND DEMOGRAPHICS; AND
- 26 (V) THE AREA'S EXISTING HOUSING STOCK;
- 27 (c) MUNICIPALITIES THAT ARE REQUIRED TO COMPLETE HOUSING



1 NEEDS PLANS MUST USE THE LOCAL AND REGIONAL HOUSING NEEDS  
2 ASSESSMENTS TO INFORM THEIR HOUSING NEEDS PLANS.

3 **29-33-105. Housing needs plans - guidance - definition.**

4 (1) (a) NO LATER THAN DECEMBER 31, 2024, THE EXECUTIVE DIRECTOR  
5 OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL ISSUE GUIDANCE FOR  
6 CREATING A HOUSING NEEDS PLAN.

7 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF  
8 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION  
9 29-33-109 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE  
10 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS  
11 CONCERNING GUIDANCE FOR CREATING A HOUSING NEEDS PLAN.

12 (2) THE GUIDANCE FOR CREATING A HOUSING NEEDS PLAN MUST  
13 INCLUDE GUIDANCE SPECIFICALLY FOR     URBAN MUNICIPALITIES.

14 (3) (a) NO LATER THAN DECEMBER 31, 2026, AND EVERY FIVE  
15 YEARS THEREAFTER, IN ACCORDANCE WITH THE GUIDANCE FOR CREATING  
16 A HOUSING NEEDS PLAN, EVERY     URBAN MUNICIPALITY SHALL DEVELOP,  
17 ADOPT, AND SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS A HOUSING  
18 NEEDS PLAN. THE DEPARTMENT OF LOCAL AFFAIRS SHALL POST THE  
19 SUBMITTED PLANS PUBLICLY ON ITS WEBSITE.

20 (b) BEFORE ADOPTING AND SUBMITTING A HOUSING NEEDS PLAN,  
21 AN URBAN MUNICIPALITY SHALL PUBLISH THE MOST RECENT DRAFT OF ITS  
22 HOUSING NEEDS PLAN AND PROVIDE NOTICE OF A PUBLIC COMMENT PERIOD  
23 FOR THE RECEIPT OF WRITTEN COMMENTS CONCERNING THE PLAN. THE      
24 URBAN MUNICIPALITY MAY ALSO CHOOSE TO HOLD A PUBLIC HEARING ON  
25 THE PLAN.

26 (c) ON OR BEFORE JUNE 30, 2024, AND ON OR BEFORE JUNE 30  
27 EVERY FIVE YEARS THEREAFTER, A TIER ONE OR TIER TWO URBAN

1 MUNICIPALITY WITH A POPULATION OF LESS THAN TWENTY-FIVE  
2 THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME OF LESS THAN  
3 FIFTY-FIVE THOUSAND DOLLARS NEED NOT SUBMIT A HOUSING NEEDS PLAN  
4 TO THE DEPARTMENT OF LOCAL AFFAIRS, IF THE MUNICIPALITY INSTEAD  
5 SENDS A LETTER TO THE DEPARTMENT IN A FORM AND MANNER  
6 DETERMINED BY THE DEPARTMENT INDICATING THAT THE MUNICIPALITY  
7 DOES NOT INTEND TO SUBMIT A HOUSING NEEDS PLAN.

8 (4) A HOUSING NEEDS PLAN MUST INCLUDE:

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

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

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

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

1 DEPARTMENT OF LOCAL AFFAIRS;

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

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

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

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

25 (5) WHEN UPDATING ITS MASTER PLAN, AN URBAN MUNICIPALITY  
26 SHALL INCLUDE ITS MOST RECENT HOUSING NEEDS PLAN IN ITS MASTER  
27 PLAN.

1           (6) AN URBAN MUNICIPALITY THAT ADOPTED A PLAN TO ADDRESS  
2           LOCAL HOUSING NEEDS PRIOR TO THE EFFECTIVE DATE OF THIS SECTION  
3           MAY, RATHER THAN DEVELOPING AND ADOPTING A NEW HOUSING NEEDS  
4           PLAN PURSUANT TO SUBSECTION (3) OF THIS SECTION, UPDATE ITS  
5           EXISTING PLAN TO ADDRESS ADDITIONAL NEEDS IDENTIFIED IN THE LOCAL  
6           HOUSING NEEDS ASSESSMENT BEYOND WHAT THE MUNICIPALITY'S  
7           EXISTING PLAN TO ADDRESS LOCAL HOUSING NEEDS INCLUDES, AND ANY  
8           REQUIREMENTS IN SECTION 29-33-105 (4) NOT ALREADY INCLUDED IN THE  
9           MUNICIPALITY'S EXISTING PLAN TO ADDRESS LOCAL HOUSING NEEDS.

10           (7) (a) A COUNTY OR MUNICIPALITY WITHIN A REGION DEFINED IN  
11           THE REGIONAL HOUSING NEEDS ASSESSMENT MAY PARTICIPATE IN A  
12           REGIONAL HOUSING NEEDS PLANNING PROCESS.

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

19           (8) (a) AS USED IN THIS SECTION UNLESS THE CONTEXT OTHERWISE  
20           REQUIRES, "BUILDABLE LANDS ANALYSIS" MEANS A COMPREHENSIVE  
21           ANALYSIS OF VACANT, PARTIALLY VACANT, AND UNDERUTILIZED LAND  
22           WITHIN AN EXISTING MUNICIPALITY WHICH CAN ACCOMMODATE INFILL  
23           DEVELOPMENT, REDEVELOPMENT, AND NEW DEVELOPMENT. THE  
24           ANALYSIS INCLUDES GREYFIELD DEVELOPMENT, BROWNFIELD  
25           DEVELOPMENT, AND UNDEVELOPED URBAN LAND WITHIN A MUNICIPALITY,  
26           AS WELL AS GREENFIELD DEVELOPMENT.

27           (b) IN COMPLETING A BUILDABLE LANDS ANALYSIS, METROPOLITAN

1 PLANNING ORGANIZATIONS AND LOCAL GOVERNMENTS SHALL PRIORITIZE  
2 GREYFIELD DEVELOPMENT AND DEVELOPMENT PATTERNS THAT SUPPORT  
3 STRATEGIC GROWTH OBJECTIVES.

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

9 (d) A BUILDABLE LANDS ANALYSIS MUST:

10 (I) CLASSIFY POTENTIAL GREENFIELD DEVELOPMENT AREAS AS A  
11 CONSERVATION AREA, EFFICIENT GROWTH AREA, OR GENERAL GROWTH  
12 AREA. SUCH CLASSIFICATIONS MUST FURTHER THE STRATEGIC GROWTH  
13 OBJECTIVES MOST RECENTLY PUBLISHED BY THE EXECUTIVE DIRECTOR OF  
14 THE DEPARTMENT OF LOCAL AFFAIRS.

15 (II) ASSESS ALIGNMENT WITH THE NATURAL AND AGRICULTURAL  
16 LAND VALUES PRIORITY REPORT IN THE CONSIDERATION OF GREENFIELD  
17 DEVELOPMENT AND ANNEXATION OPPORTUNITIES;

18 (III) IDENTIFY INFRASTRUCTURE GAPS, INCLUDING BUT NOT  
19 LIMITED TO TRANSPORTATION WATER, SEWER, STORMWATER, AND UTILITY  
20 INFRASTRUCTURE, TO ASSESS DEVELOPMENT READINESS, AND IDENTIFY  
21 POTENTIAL FUNDING AND POLICY SOLUTIONS TO ENABLE DEVELOPMENT;

22 (IV) ASSESS ALIGNMENT WITH STRATEGIC GROWTH OBJECTIVES  
23 AND QUANTIFY THE IMPACTS OF PLANNED DEVELOPMENT ON HOUSING AND  
24 TRANSPORTATION COSTS, HOUSEHOLD DRIVING AND GREENHOUSE GAS  
25 EMISSIONS, WATER AND ENERGY CONSUMPTION, ACCESS TO JOBS AND  
26 ESSENTIAL SERVICES, TRANSIT VIABILITY, COMMUTE MODE SHARE, GOALS  
27 LISTED IN THE NATURAL AND AGRICULTURAL LAND VALUES PRIORITY

1 REPORT, AND OTHER METRICS DEEMED RELEVANT BY THE DEPARTMENT OF  
2 LOCAL AFFAIRS; AND

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

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

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

18 (9) AS USED IN THIS SECTION, A "GREENFIELD DEVELOPMENT  
19 ANALYSIS" MEANS AN ANALYSIS IN WHICH A LOCAL GOVERNMENT  
20 CLASSIFIES ANY AREA THAT IS LOCATED IN A METROPOLITAN PLANNING  
21 ORGANIZATION BUT OUTSIDE OF A CENSUS URBANIZED AREA IDENTIFIED  
22 IN A MASTER PLAN OR OUTSIDE OF A PLAN REQUIRED BY SECTION  
23 31-12-105 (1)(e) AS A CONSERVATION AREA, EFFICIENT GROWTH AREA, OR  
24 GENERAL GROWTH AREA. IN MAKING THIS IDENTIFICATION, A LOCAL  
25 GOVERNMENT SHALL RELY ON THE CRITERIA AND DEFINITIONS IN THE  
26 STRATEGIC GROWTH OBJECTIVES MOST RECENTLY PUBLISHED BY THE  
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS. THESE

1 DESIGNATIONS PROVIDE INFORMATION TO STATE AND REGIONAL ENTITIES  
2 FOR PLANNING PROCESSES, PROJECT PRIORITIZATION, AND GRANT FUNDING  
3 CRITERIA.

4 **29-33-106. Menu of urban municipality affordability**  
5 **strategies. (1) IN ORDER TO SUPPORT AFFORDABILITY AND ADVANCE**  
6 **MEETING THE HOUSING NEEDS OF ALL INCOME LEVELS IDENTIFIED IN THE**  
7 **LOCAL HOUSING NEEDS ASSESSMENT, INCLUDING EXTREMELY**  
8 **LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME HOUSEHOLDS AS**  
9 **DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN**  
10 **DEVELOPMENT, THE MENU OF AFFORDABILITY STRATEGIES FOR AN URBAN**  
11 **MUNICIPALITY MUST INCLUDE THE FOLLOWING:**

12 (a) **IMPLEMENTATION OF A LOCAL INCLUSIONARY ZONING**  
13 **ORDINANCE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTIONS**  
14 **29-20-104 (e.5) AND (e.7);**

15 (b) **THE CREATION OF A PROGRAM TO SUBSIDIZE OR OTHERWISE**  
16 **REDUCE LOCAL DEVELOPMENT REVIEW OR FEES, INCLUDING:**

- 17 (I) **BUILDING PERMIT FEES;**
- 18 (II) **PLANNING WAIVERS;**
- 19 (III) **WATER AND SEWER TAP FEES; AND**
- 20 (IV) **INFRASTRUCTURE COSTS FOR REGULATED AFFORDABLE**  
21 **HOUSING DEVELOPMENT;**

22 (c) **THE CREATION OF AN EXPEDITED DEVELOPMENT REVIEW**  
23 **PROCESS FOR REGULATED AFFORDABLE HOUSING DEVELOPMENTS;**

24 (d) **THE ESTABLISHMENT OF A DENSITY BONUS PROGRAM THAT**  
25 **GRANTS INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT BEYOND**  
26 **WHAT IS REQUIRED BY THIS ARTICLE 33 TO INCREASE THE CONSTRUCTION**  
27 **OF REGULATED AFFORDABLE HOUSING UNITS;**

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

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

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

13           (h) THE REGULATION OF SHORT-TERM RENTALS OR SECOND HOMES  
14           IN A WAY THAT SUPPORTS LOCAL HOUSING NEEDS;

15           (i) THE ELIMINATION OF LOCAL PARKING REQUIREMENTS FOR  
16           REGULATED AFFORDABLE HOUSING;

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

19           (k) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM  
20           TO FACILITATE INVESTMENT IN LAND BANKING OR COMMUNITY LAND  
21           TRUSTS; AND

22           (l) ANY OTHER STRATEGIES PROPOSED BY A LOCAL GOVERNMENT  
23           OR THE MULTI-AGENCY ADVISORY COMMITTEE THAT ARE APPROVED BY  
24           THE DEPARTMENT OF LOCAL AFFAIRS AND THAT SUPPORT EQUAL OR  
25           GREATER AFFORDABILITY CONSISTENT WITH THE NEEDS IDENTIFIED IN THE  
26           RELEVANT LOCAL HOUSING NEEDS ASSESSMENT.

27           (2) (a) URBAN MUNICIPALITIES SHALL DEMONSTRATE THE



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

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

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

20 **29-33-107. Menu of displacement assessment.** (1) (a) NOLATER  
21 THAN MARCH 31, 2024, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
22 OF LOCAL AFFAIRS SHALL DEVELOP A DISPLACEMENT ASSESSMENT, AFTER  
23 CONSULTATION WITH COMMUNITY GROUPS EXPERIENCED IN WORKING  
24 WITH INDIVIDUALS WHO HAVE BEEN DISPLACED OR PREVENTING  
25 DISPLACEMENT, TO GUIDE LOCAL GOVERNMENTS IN CONDUCTING A  
26 DISPLACEMENT ASSESSMENT TO GUIDE DISPLACEMENT MITIGATION  
27 STRATEGIES AND POLICIES FOR URBAN MUNICIPALITIES. THE ASSESSMENT

1 SHALL BE DESIGNED WITH THE GOAL OF PROVIDING URBAN MUNICIPALITIES  
2 WITH ADEQUATE GUIDANCE AND TOOLS TO PREVENT DISPLACEMENT FROM  
3 AREAS, COMMUNITIES, OR HOUSEHOLDS AT HIGH RISK FOR DISPLACEMENT,  
4 PARTICULARLY IN AREAS IMPACTED BY, AND WHERE HOUSING  
5 DEVELOPMENT IS ALLOWED BY, PARTS 2, 3, 4, AND 5 OF THIS ARTICLE 33.

6 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF  
7 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION  
8 29-33-109 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE  
9 EXECUTIVE DIRECTOR OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT  
10 OF A MENU OF DISPLACEMENT MITIGATION MEASURES.

11 (2) THE MENU OF DISPLACEMENT MITIGATION MEASURES MUST:

12 (a) PROVIDE GUIDANCE TO IDENTIFY THE AREAS AT THE HIGHEST  
13 RISKS FOR DISPLACEMENT USING OBJECTIVE STANDARDS. THIS  
14 ASSESSMENT MUST INCLUDE FACTORS THAT CAN BE USED TO IDENTIFY  
15 RISKS FOR DISPLACEMENT AT THE CENSUS TRACT OR OTHER SIMILAR  
16 GEOGRAPHIC SCALE. THE FACTORS MUST INCLUDE, BUT ARE NOT LIMITED  
17 TO, THE FOLLOWING:

18 (I) THE PERCENTAGE OF RESIDENTS WHO ARE LOW-INCOME;

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

20 (III) THE PERCENTAGE OF COST-BURDENED HOUSEHOLDS, DEFINED  
21 AS SPENDING MORE THAN THIRTY PERCENT OF THE RESIDENT'S INCOME ON  
22 HOUSING NEEDS;

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

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

1           (VI) THE PERCENTAGE OF RESIDENTS WHO WERE BORN OUTSIDE OF  
2 THE UNITED STATES;

3           (VII) PERCENTAGE OF WORKERS WHO LIVE WITHIN A TEN-MILE  
4 RADIUS OF THE URBAN MUNICIPALITY OR TWENTY-MILE RADIUS OF A  
5 RURAL RESORT JOB CENTER;

6           (VIII) THE EMPLOYMENT RATE; AND

7           (IX) THE PERCENTAGE OF HOUSEHOLDS THAT DO NOT HAVE  
8 INTERNET ACCESS.

9           (b) PROVIDE GUIDANCE AND RECOMMENDATIONS FOR HOW A  
10 LOCAL GOVERNMENT SHALL INCORPORATE DISPLACEMENT MITIGATION  
11 MEASURES INTO A HOUSING NEEDS PLAN; AND

12           (c) INCLUDE DISPLACEMENT MITIGATION MEASURES LOCAL  
13 GOVERNMENTS MAY CHOOSE FROM IN DEVELOPING A HOUSING NEEDS  
14 PLAN.

15           (3) AN URBAN MUNICIPALITY MAY SUBMIT EVIDENCE TO THE  
16 DEPARTMENT OF LOCAL AFFAIRS CONCERNING DISPLACEMENT MITIGATION  
17 MEASURES THAT THE MUNICIPALITY ADOPTED PRIOR TO THE EFFECTIVE  
18 DATE OF THIS SECTION, AND THE IMPACT OF THOSE MEASURES, AND THE  
19 DEPARTMENT MAY DETERMINE WHETHER THOSE STRATEGIES MAY  
20 QUALIFY AS A DISPLACEMENT MITIGATION MEASURE FOR PURPOSES OF  
21 SECTION 29-33-105 (4)(g).

22           (4) THE DEPARTMENT OF LOCAL AFFAIRS SHALL PROVIDE  
23 TECHNICAL ASSISTANCE AND FUNDING TO SUPPORT URBAN MUNICIPALITIES  
24 IN CONDUCTING DISPLACEMENT ANALYSIS AND IN IDENTIFYING  
25 DISPLACEMENT MITIGATION MEASURES TO ADDRESS THE RISK OF  
26 DISPLACEMENT IN THE AREAS AT THE HIGHEST RISK OF DISPLACEMENT.

27           **29-33-108. Strategic growth objectives - reporting.** (1) (a) No

1 LATER THAN MARCH 31, 2024, THE EXECUTIVE DIRECTOR OF THE  
2 DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH A REPORT THAT  
3 IDENTIFIES MULTI-AGENCY IMPLEMENTATION PRINCIPLES TO ACHIEVE  
4 STRATEGIC GROWTH OBJECTIVES. THE EXECUTIVE DIRECTOR SHALL  
5 UPDATE THIS REPORT EVERY FIVE YEARS.

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

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

20 (a) CONSIDER THE DIFFERENT CONTEXTS AND NEEDS OF STRATEGIC  
21 GROWTH AREAS IN RURAL, RURAL RESORT, AND URBAN AREAS OF THE  
22 STATE;

23 (b) PROMOTE STRATEGIC GROWTH AREAS THAT HAVE:

24 (I) A VARIETY OF HOUSING TYPES;

25 (II) TRANSIT-SUPPORTIVE DENSITIES IN NEW OR EXISTING TRANSIT  
26 CORRIDORS;

27 (III) MIDDLE HOUSING AND MULTIFAMILY HOUSING IN EXISTING OR

1 NEW WALKABLE MIXED-USE NEIGHBORHOODS AND CENTERS; AND  
2 (IV) SUFFICIENT WATER SUPPLIES AND ALLOCATIONS TO  
3 AFFORDABLE AND WATER-EFFICIENT HOUSING TYPES;  
4 (c) IN LOCATIONS WHERE GROWTH IS OCCURRING BEYOND  
5 EXISTING CENSUS URBANIZED AREAS, DIFFERENTIATE BETWEEN STRATEGIC  
6 GROWTH AREAS, GENERAL GROWTH AREAS, AND CONSERVATION AREAS;  
7 (d) PROMOTE INVESTMENTS THAT SUPPORT STRATEGIC GROWTH  
8 AREAS;  
9 (e) STREAMLINE AGENCY PERMITTING PROCESSES TO SUPPORT  
10 STRATEGIC GROWTH AREAS;  
11 (f) REVIEW PROJECT PRIORITIZATION PROCESSES AND GRANT  
12 PROGRAMS TO SUPPORT STRATEGIC GROWTH AREAS;  
13 (g) CONSIDER STEPS TO SUPPORT STRATEGIC GROWTH OBJECTIVES  
14 WHEN UPDATING PLANNING DOCUMENTS, INCLUDING PERFORMANCE  
15 MEASURES AND PERFORMANCE TARGETS; AND  
16 (h) IDENTIFY OTHER STRATEGIC GROWTH OBJECTIVES AS NEEDED  
17 DURING THE IMPLEMENTATION OF THE MULTI-AGENCY IMPLEMENTATION  
18 PRINCIPLES IDENTIFIED IN SUBSECTION (1)(a) OF THIS SECTION.  
19 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL  
20 AFFAIRS MAY IDENTIFY AND DEFINE ADDITIONAL STRATEGIC GROWTH  
21 OBJECTIVES BEYOND THOSE IDENTIFIED IN SUBSECTION (2) OF THIS  
22 SECTION.  
23 (4) FOR THE PURPOSES OF THIS SECTION, THE HOUSING AND LAND  
24 USE GOALS OF SENATE BILL 23-213 INCLUDE:  
25 (a) PLANNING FOR FUTURE GROWTH;  
26 (b) INCREASING HOUSING AFFORDABILITY;  
27 (c) INCREASING ECONOMIC MOBILITY;

- 1           (d) ALIGNING WATER SUPPLY AND HOUSING PLANNING;
- 2           (e) BALANCING REGIONAL JOBS AND HOUSING;
- 3           (f) REDUCING AIR POLLUTION AND GREENHOUSE GAS EMISSIONS;
- 4           AND
- 5           (g) PRESERVING OPEN SPACE AND AGRICULTURAL LAND.

6           (5)(a) NO LATER THAN JUNE 30, 2025, THE MULTI-AGENCY GROUP  
 7           SHALL SUBMIT A REPORT TO THE EXECUTIVE DIRECTOR OF THE  
 8           DEPARTMENT OF LOCAL AFFAIRS WHO SHALL SUBMIT THE REPORT TO THE  
 9           GENERAL ASSEMBLY.

- 10           (b) THE REPORT MUST ASSESS BOTH:
- 11           (I) THE AVAILABILITY AND SUFFICIENCY OF WATER SUPPLIES IN  
 12           COUNTIES WITH A POPULATION GREATER THAN TWO HUNDRED AND FIFTY  
 13           THOUSAND TO PROVIDE FOR ANTICIPATED GROWTH AND DEVELOPMENT;
- 14           AND
- 15           (II) POLICY OPTIONS TO OPTIMIZE WATER SUPPLY AND  
 16           DEVELOPMENT. \_\_\_

17           **29-33-109. Public comment and hearing process.** (1) IN  
 18           DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE  
 19           EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE  
 20           MULTI-AGENCY ADVISORY COMMITTEE CREATED IN SECTION 29-33-103  
 21           (1), RURAL RESORT AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103  
 22           (8), OR THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103  
 23           (9), SHALL CONDUCT A PUBLIC COMMENT AND HEARING PROCESS ABOUT:

- 24           (a) DEVELOPING METHODOLOGY FOR THE DEVELOPMENT OF  
 25           STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS  
 26           PURSUANT TO SECTION 29-33-104;
- 27           (b) CREATING A HOUSING NEEDS PLAN PURSUANT TO SECTION

1 29-33-105;

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

5 (d) DEVELOPING A MENU OF DISPLACEMENT MITIGATION  
6 MEASURES FOR URBAN MUNICIPALITIES PURSUANT TO SECTION 29-33-107;

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

9 (f) DEVELOPING REPORTING GUIDANCE AND TEMPLATES FOR  
10 RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES  
11 PURSUANT TO SECTION 29-33-113.

12 (2) TO CONDUCT THE PUBLIC COMMENT AND HEARING PROCESS  
13 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE MULTI-AGENCY  
14 ADVISORY COMMITTEE CREATED IN SECTION 29-33-103 (1), RURAL RESORT  
15 AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8), OR THE URBAN  
16 AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103 (9), SHALL:

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

20 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE  
21 SUBJECT OF THE HEARING;

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

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

27 (e) ENSURE ACCESSIBILITY TO THE COMMENT AND HEARING

1 PROCESS BY PROVIDING TRANSLATED MATERIALS AND INTERPRETATION  
2 SERVICES, PROVIDING AT LEAST ONE OF THE HEARINGS IN PERSON, AND  
3 CONDUCTING OUTREACH TO ENCOURAGE PARTICIPATION FROM  
4 UNDERREPRESENTED COMMUNITIES.

5 **29-33-110. Natural and agricultural land priorities report.**

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

- 15 (a) CONNECTIVITY TO OPEN SPACE AND NATURAL LANDS; AND
- 16 (b) PRESERVATION OF AGRICULTURAL LAND AND OPEN SPACE.

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

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



1 SECTION 29-33-112 (2), UPDATE ITS EXISTING PLAN TO ADDRESS  
2 ADDITIONAL NEEDS IDENTIFIED IN THE LOCAL HOUSING NEEDS  
3 ASSESSMENT BEYOND WHAT THE MUNICIPALITY'S EXISTING PLAN TO  
4 ADDRESS LOCAL HOUSING NEEDS INCLUDES, AND ANY REQUIREMENTS IN  
5 SECTION 29-33-105 (4) NOT ALREADY INCLUDED IN THE MUNICIPALITY'S  
6 EXISTING PLAN TO ADDRESS LOCAL HOUSING NEEDS.

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

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

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

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

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

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

- 1 RESORT JOB CENTER MUNICIPALITY'S HOUSING AFFORDABILITY NEEDS;
- 2 (III) IMPLEMENTING A LOCAL INCLUSIONARY ZONING ORDINANCE
- 3 IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 29-20-104 (e.5)
- 4 AND (e.7);
- 5 (IV) THE CREATION OF A PROGRAM TO SUBSIDIZE OR OTHERWISE
- 6 REDUCE LOCAL DEVELOPMENT FEES THAT MAY INCLUDE:
- 7 (A) BUILDING PERMIT FEES;
- 8 (B) WATER AND SEWER TAP FEES; AND
- 9 (C) OTHER INFRASTRUCTURE COSTS FOR REGULATED AFFORDABLE
- 10 HOUSING DEVELOPMENT;
- 11 (V) CREATING AN EXPEDITED DEVELOPMENT REVIEW PROCESS FOR
- 12 REGULATED AFFORDABLE HOUSING DEVELOPMENTS;
- 13 (VI) ESTABLISHING A DENSITY BONUS PROGRAM THAT ALLOWS
- 14 INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT BEYOND WHAT IS
- 15 OTHERWISE REQUIRED BY THIS ARTICLE 33 TO INCREASE THE
- 16 CONSTRUCTION OF REGULATED AFFORDABLE HOUSING UNITS;
- 17 (VII) ENABLING REGULATED AFFORDABLE HOUSING AS A USE BY
- 18 RIGHT;
- 19 (VIII) ESTABLISHING A POLICY OR PLAN TO LEVERAGE
- 20 MUNICIPALLY-OWNED LAND FOR THE DEVELOPMENT OF REGULATED
- 21 AFFORDABLE HOUSING;
- 22 (IX) ESTABLISHING A DEDICATED LOCAL REVENUE SOURCE FOR
- 23 THE DEVELOPMENT OF REGULATED AFFORDABLE HOUSING;
- 24 (X) REGULATING SHORT-TERM RENTALS OR SECOND HOMES;
- 25 (XI) REDUCING OR ELIMINATING LOCAL PARKING REQUIREMENTS
- 26 FOR REGULATED AFFORDABLE HOUSING;
- 27 (XII) MAKING A COMMITMENT TO AND REMAINING ELIGIBLE FOR

1 THE STATEWIDE AFFORDABLE HOUSING FUND CREATED IN SECTION  
2 29-32-102 (1);

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

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

7 (B) PRESERVATION OF EXISTING DEED RESTRICTIONS; OR

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

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

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

18 AND

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

22 (b) RURAL RESORT JOB CENTER MUNICIPALITIES SHALL ADOPT AT  
23 LEAST FIVE OF THE AFFORDABILITY STRATEGIES LISTED IN SUBSECTION  
24 (2)(a) OF THIS SECTION AND SUBMIT A REPORT DETAILING THESE  
25 STRATEGIES TO THE DEPARTMENT OF LOCAL AFFAIRS NO LATER THAN  
26 DECEMBER 31, 2026. IN DETERMINING WHICH STRATEGIES TO ADOPT, A  
27 RURAL RESORT JOB CENTER MUNICIPALITY SHALL CONSIDER PREVIOUS

1 PLANS ADDRESSING HOUSING NEEDS OR OTHER AVAILABLE DATA TO  
2 INFORM THE SELECTION OF STRATEGIES TO ADDRESS KNOWN HOUSING  
3 NEEDS.

4 (c) NOTWITHSTANDING SUBSECTION (2)(b) OF THIS SECTION, A  
5 RURAL RESORT JOB CENTER MUNICIPALITY MAY SUBMIT EVIDENCE TO THE  
6 DEPARTMENT OF LOCAL AFFAIRS CONCERNING AFFORDABILITY  
7 STRATEGIES THAT THE MUNICIPALITY HAS ADOPTED OUTSIDE OF THOSE  
8 LISTED IN THIS SECTION, OR THAT THE MUNICIPALITY ADOPTED PRIOR TO  
9 THE EFFECTIVE DATE OF THIS SECTION, AND THE DEPARTMENT MAY  
10 DETERMINE WHETHER THOSE STRATEGIES MAY QUALIFY AS  
11 AFFORDABILITY STRATEGIES FOR PURPOSES OF SUBSECTION (2)(b) OF THIS  
12 SECTION.

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

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

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

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

24 AND

25 (C) ARE ENCOURAGED TO IDENTIFY STRATEGIES THAT ADDRESS  
26 THE HOUSING NEEDS IDENTIFIED IN LOCAL HOUSING NEEDS ASSESSMENTS  
27 THROUGH THE ADOPTION OF INTERJURISDICTIONAL STRATEGIES.

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

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

11          (V) BY DECEMBER 31, 2024, THE RURAL RESORT AREA  
12          SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8) SHALL ISSUE A REPORT  
13          TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON  
14          THE STATUS, OPPORTUNITIES, AND CHALLENGES OF REGIONAL PLANNING  
15          IN THE RURAL RESORT REGIONS, INCLUDING THE CONNECTION BETWEEN  
16          HOUSING AND TRANSPORTATION. THE RURAL RESORT AREA  
17          SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8) SHALL ALSO  
18          EVALUATE AND MAKE RECOMMENDATIONS ON THE USE OF DATA TO  
19          CREATE AFFORDABILITY STRATEGIES IN REGIONAL AND LOCAL HOUSING  
20          ASSESSMENTS AND REGIONAL AND LOCAL HOUSING PLANS THAT FOLLOW  
21          STRATEGIC GROWTH OBJECTIVES AS DEFINED IN SECTION 29-33-108.

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

27                 (A) A NARRATIVE DESCRIPTION OF THE STAKEHOLDER

1 ENGAGEMENT CONDUCTED DURING THE DEVELOPMENT OF THE HOUSING  
2 NEEDS PLAN;

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

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

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

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

25 (III) THE DEPARTMENT OF LOCAL AFFAIRS SHALL POST THE  
26 HOUSING NEEDS PLANS SUBMITTED BY RURAL RESORT JOB CENTER  
27 MUNICIPALITIES PUBLICLY ON THE DEPARTMENT OF LOCAL AFFAIRS

1 WEBSITE.

2

3 **29-33-112. Technical assistance - housing plans assistance**

4 **fund - definition.** (1) THE DIVISION OF LOCAL GOVERNMENT WITHIN THE  
5 DEPARTMENT OF LOCAL AFFAIRS SHALL PROVIDE TECHNICAL ASSISTANCE  
6 MATERIALS, BRIEFINGS, CONSULTING SERVICES, TEMPLATES, TOOLS,  
7 TRAININGS, WEBINARS, OR OTHER GUIDANCE TO AID LOCAL GOVERNMENTS  
8 AND METROPOLITAN PLANNING ORGANIZATIONS IN UPDATING LOCAL LAWS  
9 AND OTHERWISE COMPLYING WITH THIS ARTICLE 33.

10 (2) TO ASSIST LOCAL GOVERNMENTS IN COMPLYING WITH THIS  
11 ARTICLE 33, THE DIVISION OF LOCAL GOVERNMENT WITHIN THE  
12 DEPARTMENT OF LOCAL AFFAIRS, WITH THE SUPPORT OF THE  
13 MULTI-AGENCY GROUP, SHALL PROVIDE TECHNICAL ASSISTANCE FUNDING  
14 THROUGH EITHER A GRANT PROGRAM OR THE PROVISION OF CONSULTANT  
15 SERVICES THROUGH SUBJECT JURISDICTIONS OR BOTH A GRANT PROGRAM  
16 AND PROVISION OF CONSULTANT SERVICES. THE DIVISION OF LOCAL  
17 GOVERNMENT MAY ALSO PROVIDE TECHNICAL ASSISTANCE FUNDING  
18 THROUGH A METROPOLITAN PLANNING ORGANIZATION OR OTHER  
19 REGIONAL ENTITY. BEGINNING JANUARY 1, 2026, AND EVERY YEAR  
20 THEREAFTER, THE DEPARTMENT OF LOCAL AFFAIRS SHALL PROVIDE A  
21 REPORT ON THE ASSISTANCE REQUESTED BY LOCAL GOVERNMENTS  
22 PURSUANT TO THIS SECTION, WHETHER OR NOT ADEQUATE STATE FUNDING  
23 IS AVAILABLE TO MEET THE ASSISTANCE REQUESTED BY LOCAL  
24 GOVERNMENTS, AND ANY ADDITIONAL RESOURCES THAT LOCAL  
25 GOVERNMENTS HAVE IDENTIFIED THAT WOULD HELP COMPLETE ADVISORY  
26 HOUSING NEEDS PLANS.

27 (3) (a) THE HOUSING PLANS ASSISTANCE FUND IS CREATED IN THE

1 STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL  
2 ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND FOR  
3 IMPLEMENTATION OF THE GRANT PROGRAM, AND GIFTS, GRANTS, OR  
4 DONATIONS CREDITED TO THE FUND. THE STATE TREASURER SHALL CREDIT  
5 ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT  
6 OF MONEY IN THE HOUSING PLANS ASSISTANCE CASH FUND TO THE FUND.

7 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
8 ASSEMBLY, THE DEPARTMENT OF LOCAL AFFAIRS MAY EXPEND MONEY  
9 FROM THE FUND FOR THE PURPOSES OF PROVIDING TECHNICAL ASSISTANCE  
10 AND IMPLEMENTING A GRANT PROGRAM PURSUANT TO SUBSECTIONS (1)  
11 AND (2) OF THIS SECTION.

12 **29-33-113. Reporting requirements.** (1) (a) NO LATER THAN  
13 DECEMBER 31, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
14 LOCAL AFFAIRS SHALL DEVELOP REPORTING GUIDANCE AND TEMPLATES  
15 FOR RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN  
16 MUNICIPALITIES.

17 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF  
18 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION  
19 29-33-109 (2), PROVIDE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR  
20 OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT  
21 OF REPORTING GUIDANCE AND TEMPLATES FOR RURAL RESORT JOB CENTER  
22 MUNICIPALITIES AND URBAN MUNICIPALITIES.

23 (2) AT A MINIMUM, RURAL RESORT JOB CENTER MUNICIPALITIES  
24 AND URBAN MUNICIPALITIES SHALL REPORT, NO LATER THAN DECEMBER  
25 31, 2026, AND NO LATER THAN DECEMBER 31 OF EACH YEAR THEREAFTER,  
26 IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL  
27 AFFAIRS, THE FOLLOWING HOUSING DATA FOR THE PREVIOUS CALENDAR



1 YEAR TO THE DEPARTMENT OF LOCAL AFFAIRS:

2 (a) THE NUMBER OF PERMITS THAT THE MUNICIPALITY ISSUED FOR  
3 NEW HOUSING UNITS CATEGORIZED BY THE NUMBER OF UNITS IN EACH  
4 STRUCTURE TYPE;

5 (b) THE NUMBER OF NEW HOUSING UNITS CATEGORIZED BY THE  
6 NUMBER OF UNITS IN EACH STRUCTURE TYPE, IN THE MUNICIPALITY ON  
7 WHICH CONSTRUCTION HAS BEGUN;

8 (c) TIMEFRAMES TO COMPLETE RESIDENTIAL PERMIT REVIEWS BY  
9 HOUSING TYPE;

10 (d) WORKFORCE ASSIGNED TO DEVELOPMENT REVIEW BY POSITION  
11 TYPE;

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

14 (f) ZONING INFORMATION THAT MAY INCLUDE GEOSPATIAL DATA  
15 SPECIFYING ZONING DISTRICTS, ALLOWED USES AND DENSITIES, AND  
16 OTHER DATA IN A STANDARD FORMAT; AND

17 (g) THE NUMBER OF INTERGOVERNMENTAL AGREEMENTS THAT  
18 THE MUNICIPALITY HAS ENTERED INTO TO ADDRESS ITS LOCAL AND  
19 REGIONAL HOUSING NEEDS ASSESSMENTS AND A DESCRIPTION OF THESE  
20 AGREEMENTS.

21 (3) UPON RECEIVING THE REPORTS FROM THE RURAL RESORT JOB  
22 CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES PURSUANT TO  
23 SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS  
24 SHALL PUBLISH AN ANALYSIS ON A PUBLICLY AVAILABLE DASHBOARD  
25 THAT INCLUDES ALL OF THE INFORMATION IN THE REPORTS.

26 **29-33-114. Compliance.** NO LATER THAN JUNE 30, 2027, THE  
27 DEPARTMENT OF LOCAL AFFAIRS SHALL CONDUCT A COMPLIANCE REVIEW

1 AND APPROVE HOUSING NEEDS PLANS OR PROVIDE FEEDBACK TO RURAL  
2 RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES AS  
3 NEEDED.

4 PART 2

5 ACCESSORY DWELLING UNITS

6 **29-33-201. Legislative declaration.** (1) (a) THE GENERAL  
7 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

8 (I) LOCAL GOVERNMENT LAND USE DECISIONS FREQUENTLY LIMIT  
9 ACCESSORY DWELLING UNIT DEVELOPMENT;

10 (II) THE TEN LARGEST MUNICIPALITIES IN THE DENVER  
11 METROPOLITAN AREA ALLOW SINGLE-UNIT DETACHED DWELLINGS AS A  
12 USE BY RIGHT ON OVER EIGHTY-FIVE PERCENT OF THEIR RESIDENTIAL  
13 LAND, COMPARED TO TWENTY-FOUR PERCENT FOR ACCESSORY DWELLING  
14 UNITS, ACCORDING TO PUBLICLY AVAILABLE ZONING DATA;

15 (III) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

16 (IV) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING  
17 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A  
18 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL  
19 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND  
20 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING  
21 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE  
22 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY  
23 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE  
24 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL  
25 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC  
26 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC  
27 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND

1 AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.

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

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

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

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

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

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

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

27 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE

1 INCREASED SUPPLY OF HOUSING THROUGH ACCESSORY DWELLING UNITS  
2 IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

3 **29-33-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS  
6 ESTABLISHED IN SECTION 29-33-205.

7 (2) "MODEL CODE" MEANS THE MODEL CODE PROMULGATED BY  
8 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS  
9 PURSUANT TO SECTION 29-33-204.

10 (3) "NON-URBAN MUNICIPALITY" MEANS A MUNICIPALITY THAT IS  
11 NEITHER A RURAL RESORT JOB CENTER MUNICIPALITY NOR AN URBAN  
12 MUNICIPALITY AND THAT HAS A POPULATION OF FIVE THOUSAND OR MORE.

13 (4) "SUBJECT JURISDICTION" MEANS A LOCAL GOVERNMENT.

14 **29-33-203. Applicability - exemptions.** (1) THE REQUIREMENTS  
15 OF THIS PART 2 APPLY ONLY IN A SUBJECT JURISDICTION.

16 (2) UNLESS A NON-URBAN MUNICIPALITY OR URBAN MUNICIPALITY  
17 DECIDES OTHERWISE, LOCAL LAWS ADOPTED PURSUANT TO THIS PART 2  
18 ONLY APPLY TO PARCELS THAT ARE NOT STANDARD EXEMPT PARCELS.

19 **29-33-204. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,  
20 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL  
21 PROMULGATE AN ACCESSORY DWELLING UNIT MODEL CODE.

22 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE  
23 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
24 OF LOCAL AFFAIRS CONCERNING THE MODEL CODE.

25 (2) IN DEVELOPING RECOMMENDATIONS CONCERNING THE MODEL  
26 CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:

27 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC

1 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO  
2 COMMENT ON THE MODEL CODE;

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

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

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

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

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

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

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

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

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

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

4           (c) ESTABLISH OBJECTIVE STANDARDS FOR ALL OF THE ELEMENTS  
5           ADDRESSED IN THE MINIMUM STANDARDS.

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

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

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

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

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

22          (b) ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING  
23          ACCESSORY DWELLING UNIT LAND USE THAT USE OBJECTIVE STANDARDS  
24          AND OBJECTIVE PROCEDURES;

25          (c) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING  
26          SINGLE-UNIT DETACHED DWELLING TO CREATE AN ACCESSORY DWELLING  
27          UNIT SO LONG AS THE ADDITION OR CONVERSION DOES NOT INCREASE

1 NONCONFORMANCE WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS  
2 LOCAL LAWS ALLOW FOR SUCH AN INCREASE IN NONCONFORMANCE; AND

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

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

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

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

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

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

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

27 (II) ANY LOCALS LAWS REQUIRING THAT ACCESSORY DWELLING

1 UNITS BE SUPPORTED BY GREATER SEPTIC CAPACITY THAN REQUIRED TO  
2 MEET STATE HEALTH, SAFETY, AND SANITARY STANDARDS.

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

6 (f) FOR URBAN MUNICIPALITIES ONLY, REQUIRE NEW OFF-STREET  
7 VEHICLE PARKING IN CONNECTION WITH THE CONSTRUCTION OR  
8 PERMITTING OF AN ACCESSORY DWELLING UNIT; OR

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

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

18 **29-33-206. Adoption of model codes - satisfaction of minimum**  
19 **standards - reporting.** (1) NO LATER THAN JUNE 30, 2025, A SUBJECT  
20 JURISDICTION SHALL EITHER:

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

24 (b) ADOPT THE MODEL CODE.

25 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE  
26 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BEFORE DECEMBER  
27 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR



1 APPLICABLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT DENY OR  
2 CONDITION APPROVAL OF AN APPLICATION FOR AN ACCESSORY DWELLING  
3 UNIT ON ANY APPLICABLE PARCEL ON ANY BASIS THAT IS INCONSISTENT  
4 WITH THE MODEL CODE, AS SPECIFIED IN SECTION 29-33-203, IN THE  
5 SUBJECT JURISDICTION AND REMAINS IN EFFECT UNTIL THE DEPARTMENT  
6 OF LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS  
7 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

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

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

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

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

23 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,  
24 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN  
25 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE  
26 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION  
27 EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED

1 IN THIS SUBSECTION (4)(b)(I), "DEFICIENT" INCLUDES, IN REFERENCE TO  
2 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER  
3 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,  
4 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF  
5 APPLICABLE, ISSUES CONCERNING:

- 6 (I) WATER SUPPLY;
- 7 (II) WASTEWATER TREATMENT CAPACITY;
- 8 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION  
9 CAPACITY; OR
- 10 (IV) STORMWATER MANAGEMENT CAPACITY.

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

19 (d) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR  
20 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION  
21 (4).

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

27 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN

1 SUBSECTION (5)(a) OF THIS SECTION , THE DEPARTMENT OF LOCAL AFFAIRS  
2 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE  
3 REPORT AND PROVIDE FEEDBACK TO A SUBJECT JURISDICTION. THE  
4 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN  
5 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT  
6 LOCAL LAWS AND RE-SUBMIT THEIR REPORT.

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

12 **29-33-207. Subject jurisdiction restrictions.** (1) NOTHING IN  
13 THIS PART 2 PREVENTS A LOCAL GOVERNMENT FROM:

14 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE  
15 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
16 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED  
17 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

18 (b) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE  
19 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES IN  
20 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5 OR THE  
21 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF  
22 SECTION PART 2 OF ARTICLE 20 OF TITLE 29.

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

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



1 AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE.

2 (IV) MULTIFAMILY HOUSING IS TYPICALLY MORE AFFORDABLE  
3 THAN DETACHED SINGLE-UNIT DWELLINGS, AND LIVING NEAR TRANSIT,  
4 JOBS, AND SERVICES ENABLES HOUSEHOLDS TO SAVE ON TRANSPORTATION  
5 COSTS BY OWNING FEWER VEHICLES. IN 2019, COLORADO MULTIFAMILY  
6 UNITS COST BETWEEN FOURTEEN AND FORTY-THREE PERCENT LESS TO  
7 OWN, AND BETWEEN NINE AND EIGHTEEN PERCENT LESS TO RENT,  
8 DEPENDING ON THE SIZE OF THE BUILDING, COMPARED TO A SINGLE-UNIT  
9 DETACHED DWELLING, ACCORDING TO THE AMERICAN COMMUNITY  
10 SURVEY.

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

20 (VI) ACCORDING TO THE NATIONAL ASSOCIATION OF REALTORS  
21 IN THEIR REPORT "ANALYSIS AND CASE STUDIES ON OFFICE-TO-HOUSING  
22 CONVERSIONS", OVER FIVE MILLION SEVEN HUNDRED THOUSAND SQUARE  
23 FEET OF OFFICE SPACE BECAME UNOCCUPIED IN THE DENVER  
24 METROPOLITAN REAL ESTATE MARKET BETWEEN 2020 AND 2021, THE  
25 DENVER MARKET COULD POTENTIALLY ADD OVER TWO THOUSAND NEW  
26 RESIDENTIAL UNITS FROM OFFICE TO RESIDENTIAL CONVERSIONS IF IT  
27 CONVERTED TWENTY PERCENT OF CURRENTLY VACANT OFFICE SPACE, AND

1 ONE OF THE MAJOR BARRIERS TO CONVERSIONS IS RESTRICTIVE LOCAL  
2 LAND USE REGULATIONS THAT REQUIRE DISCRETIONARY APPROVALS;

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

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

27 (IX) HOUSING WITH ACCESS TO FREQUENT TRANSIT ALLOWS

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

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

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

26 (2) (a) THE GENERAL ASSEMBLY FURTHER FINDS, DETERMINES,  
27 AND DECLARES THAT:

1           (I) LOCAL GOVERNMENT LAND USE DECISIONS OFTEN LIMIT MIDDLE  
2           HOUSING DEVELOPMENT;

3           (II) THE TEN LARGEST MUNICIPALITIES IN THE DENVER  
4           METROPOLITAN AREA ALLOW SINGLE-UNIT DETACHED DWELLINGS AS A  
5           USE BY RIGHT ON OVER EIGHTY-FIVE PERCENT OF THEIR RESIDENTIAL  
6           LAND, COMPARED TO ALLOWING TOWNHOMES, DUPLEXES, TRIPLEXES, AND  
7           QUADPLEXES AS A USE BY RIGHT ON LESS THAN THIRTY-FIVE PERCENT OF  
8           THEIR RESIDENTIAL LAND, ACCORDING TO PUBLICLY AVAILABLE ZONING  
9           DATA;

10           (III) LOCAL LAND USE REGULATIONS INFLUENCE WHAT TYPES OF  
11           HOUSING ARE BUILT;

12           (IV) BETWEEN 2000 AND 2019, OVER SEVENTY PERCENT OF HOMES  
13           BUILT IN COLORADO WERE SINGLE-UNIT DETACHED DWELLINGS, WHILE  
14           LESS THAN THREE PERCENT OF HOMES BUILT IN COLORADO DURING THAT  
15           TIME WERE DUPLEXES TO QUADPLEXES, ACCORDING TO THE AMERICAN  
16           COMMUNITY SURVEY;

17           (V) MIDDLE HOUSING IS TYPICALLY MORE AFFORDABLE THAN  
18           SINGLE-UNIT DETACHED DWELLINGS, IN PART BECAUSE LAND COSTS ARE  
19           SHARED BETWEEN MORE HOUSEHOLDS;

20           (VI) IN 2019, COLORADO DUPLEXES COST ON AVERAGE FOURTEEN  
21           PERCENT LESS TO OWN AND TWENTY-SIX PERCENT LESS TO RENT THAN  
22           SINGLE-UNIT DETACHED DWELLINGS, AND TRIPLEXES AND QUADPLEXES  
23           COST THIRTY-ONE PERCENT LESS TO OWN AND TWENTY-NINE PERCENT  
24           LESS TO RENT, ACCORDING TO THE AMERICAN COMMUNITY SURVEY;

25           (VII) MIDDLE HOUSING OFFERS A WAY TO PROVIDE COMPACT  
26           RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED NEIGHBORHOODS  
27           WITH MINIMAL INFRASTRUCTURE IMPACT AND SUPPLY NEW HOUSING



1 WITHOUT ADDING NEW DISPERSED LOW DENSITY HOUSING;

2 (VIII) MIDDLE HOUSING USES SIGNIFICANTLY LESS ENERGY FOR  
3 HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED  
4 DWELLINGS DUE TO MIDDLE HOUSING HAVING ATTACHED WALLS AND  
5 SMALLER UNIT SIZES, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND  
6 GREENHOUSE GAS EMISSIONS; AND

7 (IX) IN COLORADO, COMPARED TO SINGLE-UNIT DETACHED  
8 DWELLINGS, HOUSEHOLD ENERGY DEMAND IS ON AVERAGE FORTY  
9 PERCENT LESS FOR TOWNHOMES, FORTY-FIVE PERCENT LESS FOR  
10 DUPLEXES, AND FIFTY-THREE PERCENT LESS FOR TRIPLEXES AND  
11 QUADPLEXES, ACCORDING TO THE NATIONAL RENEWABLE ENERGY  
12 LABORATORY RESSTOCK ANALYSIS TOOL.

13 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE  
14 INCREASED SUPPLY OF HOUSING THROUGH MIDDLE HOUSING IS A MATTER  
15 OF MIXED STATEWIDE AND LOCAL CONCERN.

16 **29-33-302. Applicability - transit-oriented areas model code**  
17 **- transit-oriented areas minimum standards - adoption of model code**  
18 **or minimum standards - definitions. (1) Definitions. AS USED IN THIS**  
19 **SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

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

21 (I) A STANDARD EXEMPT PARCEL;

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

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

25 OR

26 (IV) ON OR A SITE THAT:

27 (A) IS CURRENTLY USED FOR AN INDUSTRIAL USE;

- 1           (B) CURRENTLY ALLOWS INDUSTRIAL USES;
- 2           (C) IS DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST  
3 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN;
- 4           (D) IS OWNED BY, USED AS, OR OPERATED BY AN AIRPORT; OR
- 5           (E) IS CURRENTLY USED AS A MOBILE HOME PARK, AS DEFINED IN  
6 SECTION 38-12-201.5 (6).
- 7           (b) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS FOR  
8 TRANSIT-ORIENTED AREAS ESTABLISHED IN SUBSECTION (4) OF THIS  
9 SECTION.
- 10          (c) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY  
11 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET  
12 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF  
13 THE AREA MEDIAN INCOME. FOR THE PURPOSES OF THIS SUBSECTION (1)(c)  
14 "MIXED-INCOME MULTIFAMILY HOUSING" MEANS A SUBJECT JURISDICTION  
15 WITH A LOCAL INCLUSIONARY ZONING ORDINANCE THAT APPLIES IN KEY  
16 CORRIDORS MAY APPLY SUCH AN ORDINANCE'S PROVISIONS, INCLUDING  
17 AREA MEDIAN INCOME THRESHOLDS AND REQUIREMENTS FOR THE  
18 PERCENTAGE OF UNITS THAT MUST BE SET ASIDE FOR HOUSEHOLDS BELOW  
19 THAT AREA MEDIAN INCOME.
- 20          (d) "MODEL CODE" MEANS THE TRANSIT-ORIENTED AREAS MODEL  
21 CODE PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT  
22 TO SUBSECTION (3) OF THIS SECTION.
- 23          (e) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN  
24 MUNICIPALITY THAT CONTAINS A TRANSIT-ORIENTED AREA.
- 25          (2) Applicability. (a) THE REQUIREMENTS OF THIS SECTION ONLY  
26 APPLY IN A TRANSIT-ORIENTED AREA IN A TIER ONE URBAN MUNICIPALITY.
- 27          (b) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL

1 LAWS ADOPTED PURSUANT TO THIS SECTION ONLY APPLY TO ELIGIBLE  
2 PARCELS THAT ALLOW COMMERCIAL, INSTITUTIONAL, MIXED USES,  
3 MULTI-FAMILY HOUSING, OR OTHER NON-RESIDENTIAL USES AS PERMITTED  
4 USES.

5 (c) IF A TRANSIT-ORIENTED AREA IS LOCATED WITHIN MULTIPLE  
6 JURISDICTIONS, A SUBJECT JURISDICTION NEED ONLY MEET THE  
7 REQUIREMENTS OF THIS SECTION IN THE PARTS OF A TRANSIT-ORIENTED  
8 AREA LOCATED WITHIN THE SUBJECT JURISDICTION.

9 (d) WHERE THE REQUIREMENTS OF THIS SECTION APPLY TO  
10 PARCELS OR LOTS TO WHICH PART 2 OF THIS ARTICLE 33 OR SECTIONS  
11 29-33-303 AND 29-33-304 ALSO APPLY, THE REQUIREMENTS OF THIS  
12 SECTION SHALL SUPERSEDE WHERE THERE IS CONFLICT WITH OTHER  
13 RELEVANT SECTIONS OR PART 2.

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

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

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

22 (I) A REQUIREMENT THAT SUBJECT JURISDICTIONS MAY NOT  
23 REQUIRE NEW OFF-STREET VEHICLE PARKING WITHIN TRANSIT-ORIENTED  
24 AREAS FOR ANY USES IN CONJUNCTION WITH EITHER A MULTIFAMILY  
25 DEVELOPMENT OR MIXED-INCOME MULTIFAMILY HOUSING DEVELOPMENT  
26 PERMIT; AND

27 (III) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW

1 MIXED-INCOME MULTIFAMILY HOUSING OF UP TO AT LEAST SIXTY UNITS  
2 PER ACRE NET DENSITY AS A USE BY RIGHT IN TRANSIT-ORIENTED AREAS.

3 (c) NOTHING IN THE MODEL CODE SHALL PREVENT A SUBJECT  
4 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN  
5 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,  
6 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS THE SUBJECT  
7 JURISDICTION HAS ADOPTED A LOCAL INCLUSIONARY ZONING ORDINANCE  
8 THAT APPLIES WITHIN TRANSIT-ORIENTED AREAS.

9 (4) **Minimum standards.** (a) (I) NOTWITHSTANDING ANY LOCAL  
10 LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT  
11 THE MODEL CODE SHALL CREATE OR UPDATE A ZONING DISTRICT WITHIN  
12 EACH TRANSIT-ORIENTED AREA IN WHICH MULTIFAMILY HOUSING IS  
13 ALLOWED AS A USE BY RIGHT AND A MINIMUM AVERAGE NET DENSITY OF  
14 UP TO AT LEAST FORTY UNITS OF MULTIFAMILY HOUSING PER ACRE IS  
15 ALLOWED. SUBJECT JURISDICTIONS MAY ESTABLISH SUBDISTRICTS WITHIN  
16 THESE ZONING DISTRICTS THAT ALLOW A DIFFERENT DENSITY OF  
17 MULTIFAMILY HOUSING DEVELOPMENT SO LONG AS EACH DISTRICT  
18 ALLOWS AN AVERAGE NET DENSITY OF MULTIFAMILY HOUSING OF UP TO  
19 AT LEAST FORTY UNITS PER ACRE. THE MINIMUM AREA OF THE ZONING  
20 DISTRICT OR SUBDISTRICTS MUST IN TOTAL BE GREATER THAN OR EQUAL  
21 TO FIFTY PERCENT OF THE AREA OF ELIGIBLE PARCELS IN EACH  
22 TRANSIT-ORIENTED AREA IN A SUBJECT JURISDICTION. A SUBJECT  
23 JURISDICTION MAY CHOOSE TO INCLUDE PARCELS THAT WOULD OTHERWISE  
24 NOT QUALIFY AS ELIGIBLE PARCELS, WHEN CALCULATING THE AREA OF  
25 ELIGIBLE PARCELS IN EACH TRANSIT-ORIENTED AREA IN A SUBJECT  
26 JURISDICTION.

27 (II) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A

1 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY  
2 MEET THE AVERAGE NET DENSITY ESTABLISHED IN THE MINIMUM  
3 STANDARDS BY ADOPTING LOCAL LAWS APPLICABLE TO A DISTRICT  
4 COVERING AREAS OUTSIDE OF TRANSIT-ORIENTED AREAS SO LONG AS THE  
5 DISTRICT IS AT LEAST THE SAME SIZE AS THE ELIGIBLE PARCELS IN THE  
6 TRANSIT-ORIENTED AREAS, IF EITHER:

- 7 (A) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR
- 8 (B) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING  
9 AREAS FOR TRANSIT-COMPATIBLE USE IN ADJACENT AREAS.

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

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

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

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

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

26 (II) IN SATISFYING THE NET DENSITY REQUIREMENTS OF  
27 SUBSECTIONS (4)(b)(I)(A) AND (4)(b)(I)(B) OF THIS SECTION, A SUBJECT

1 JURISDICTION SHALL NOT INCLUDE MIDDLE HOUSING AREAS AS  
2 DETERMINED PURSUANT TO SECTION 29-33-304 (2)(b).

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

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

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

10 (B) ADOPT THE MODEL CODE.

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

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

27 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A

1 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION  
2 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT  
3 JURISDICTION SHALL APPROVE THE PROJECT; AND

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

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

9 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE  
10 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
11 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED  
12 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

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

18 (c) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN  
19 TRANSIT-ORIENTED AREAS IN ACCORDANCE WITH THE REQUIREMENTS OF  
20 SECTION 29-20-104 (e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE  
21 20 OF TITLE 29;

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

24 (e) PERMITTING MIXED-USE DEVELOPMENT IN A  
25 TRANSIT-ORIENTED AREA;

26 (f) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A  
27 TRANSIT-ORIENTED AREA; OR

1           (g) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC  
2 DISTRICT TO A PARCEL ON WHICH HOUSING IN A TRANSIT-ORIENTED AREA  
3 IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATING TO  
4 DEMOLITION.

5           **29-33-303. Key corridors map - applicability - key corridors**  
6 **model code - key corridors minimum standards - adoption of model**  
7 **code or minimum standards - definitions. (1) Definitions. AS USED IN**  
8 **THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:**

9           (a) "ELIGIBLE PARCEL" MEANS A PARCEL, EXCLUDING THE PARCELS  
10 IDENTIFIED IN SUBSECTION (3)(c) OF THIS SECTION THAT ALLOWS  
11 COMMERCIAL, INSTITUTIONAL, MIXED USE, MULTI-FAMILY, OR OTHER  
12 NON-RESIDENTIAL USES AS PERMITTED USES.

13           (b) "INDUSTRIAL USE" MEANS A BUSINESS USE OR ACTIVITY AT A  
14 SCALE GREATER THAN HOME INDUSTRY INVOLVING MANUFACTURING,  
15 FABRICATION, ASSEMBLY, WAREHOUSING, OR STORAGE.

16           (c) "MINIMUM STANDARDS" MEANS THE KEY CORRIDORS MINIMUM  
17 STANDARDS ESTABLISHED IN SUBSECTION (5) OF THIS SECTION.

18           (d) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY  
19 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET  
20 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF  
21 THE AREA MEDIAN INCOME. FOR THE PURPOSES OF THIS SUBSECTION  
22 (1)(d), "MIXED-INCOME MULTIFAMILY HOUSING" MEANS A SUBJECT  
23 JURISDICTION WITH A LOCAL INCLUSIONARY ZONING ORDINANCE THAT  
24 APPLIES IN KEY CORRIDORS MAY APPLY ITS ORDINANCE'S PROVISIONS  
25 INCLUDING AREA MEDIAN INCOME THRESHOLDS AND REQUIREMENTS FOR  
26 THE PERCENTAGE OF UNITS THAT MUST BE SET ASIDE FOR HOUSEHOLDS  
27 BELOW THAT AREA MEDIAN INCOME.



1           (e) "MODEL CODE" MEANS THE KEY CORRIDORS MODEL CODE  
2 PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO  
3 SUBSECTION (4) OF THIS SECTION.

4           (f) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN  
5 MUNICIPALITY.

6           (2) Key corridors map. (a) (I) NO LATER THAN MARCH 31, 2024,  
7 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION  
8 SHALL CREATE A KEY CORRIDORS MAP THAT DESIGNATES KEY CORRIDORS.

9           (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE  
10 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
11 OF TRANSPORTATION CONCERNING THE CREATION OF THE KEY CORRIDORS  
12 MAP PURSUANT TO SECTION 29-33-305.

13           (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
14 TRANSPORTATION SHALL INCLUDE THE FOLLOWING AREAS WITHIN TIER  
15 ONE URBAN MUNICIPALITIES IN THE KEY CORRIDORS MAP:

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

19           (II) AREAS WITHIN ONE-QUARTER MILE OF:

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

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

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

27           (D) A BUS STOP SERVED BY A BUS ROUTE THAT IS SCHEDULED TO

1 RUN EVERY FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY  
2 SERVICE HOURS, IS AT LEAST ONE MILE LONG, AND THAT RUNS ON A  
3 LIMITED ACCESS HIGHWAY.

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

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

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

11 (III) FUTURE TRANSIT SERVICE LEVELS, PLANNED AS OF JANUARY  
12 1, 2023, AS DESCRIBED IN FEDERALLY REQUIRED TRANSPORTATION PLANS.

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

16 (e) WHERE THE REQUIREMENTS OF THIS SECTION APPLY TO  
17 PARCELS OR LOTS TO WHICH PART 2 OF THIS ARTICLE 33 OR SECTIONS  
18 29-33-302 AND 29-33-304 ALSO APPLY, THE REQUIREMENTS OF THIS  
19 SECTION SHALL SUPERSEDE WHERE THERE IS CONFLICT WITH OTHER  
20 RELEVANT SECTIONS OR PART 2.

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

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

27 (I) A STANDARD EXEMPT PARCEL;

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

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

4 OR

5           (IV) ON A SITE THAT:

6           (A) IS CURRENTLY USED FOR AN INDUSTRIAL USE;

7           (B) CURRENTLY ALLOWS INDUSTRIAL USES;

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

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

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

13          (c) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO A  
14 TIER ONE URBAN MUNICIPALITY WITH BOTH A POPULATION OF LESS THAN  
15 TWENTY-FIVE THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME  
16 OF LESS THAN FIFTY-FIVE THOUSAND DOLLARS, IF THE MUNICIPALITY  
17 SENDS A LETTER TO THE DEPARTMENT OF LOCAL AFFAIRS, IN A FORM AND  
18 MANNER DETERMINED BY THE DEPARTMENT, INDICATING THAT THE  
19 MUNICIPALITY DOES NOT INTEND TO COMPLY WITH THIS SECTION.

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

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

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

27          (I) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW

1 MIXED-INCOME MULTIFAMILY HOUSING AS A USE BY RIGHT IN KEY  
2 CORRIDORS WITH DENSITIES UP TO AT LEAST:

3 (A) FORTY DWELLING UNITS PER ACRE NET DENSITY IN AREAS  
4 DESIGNATED IN A KEY CORRIDORS MAP DUE TO THEIR PROXIMITY TO  
5 COMMUTER BUS RAPID TRANSIT SERVICE OR URBAN BUS RAPID TRANSIT  
6 SERVICE; AND

7 (B) THIRTY DWELLING UNITS PER ACRE NET DENSITY FOR ALL  
8 OTHER AREAS DESIGNATED AS A KEY CORRIDOR;

9 (c) AFFORDABLE UNITS WITHIN MIXED-INCOME MULTIFAMILY  
10 HOUSING DEVELOPMENTS MUST BE OF A SIMILAR SIZE AS THE OTHER UNITS  
11 IN THE DEVELOPMENT.

12 (d) THE MODEL CODE MUST NOT ALLOW MINIMUM PARKING  
13 REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING  
14 OF MULTIFAMILY HOUSING IN KEY CORRIDORS THAT ARE GREATER THAN  
15 ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE  
16 ROUNDED UP.

17 (5) **Minimum standards.** (a) NOTWITHSTANDING ANY LOCAL LAW  
18 TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT THE  
19 MODEL CODE SHALL CREATE A ZONING DISTRICT OR DISTRICTS WITHIN KEY  
20 CORRIDORS IN WHICH MULTIFAMILY HOUSING IS ALLOWED AS A USE BY  
21 RIGHT.

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

26 (A) TWENTY-FIVE PERCENT OF THE AREA OF ELIGIBLE PARCELS IN  
27 KEY CORRIDORS IN THE SUBJECT JURISDICTION; OR

1           (B) TEN PERCENT OF THE TOTAL AREA OF ELIGIBLE PARCELS IN THE  
2           SUBJECT JURISDICTION.

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

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

10          (II) IN SATISFYING THE NET DENSITY REQUIREMENTS OF  
11          SUBSECTION (5)(c)(I) OF THIS SECTION, A SUBJECT JURISDICTION SHALL  
12          NOT INCLUDE MIDDLE HOUSING AREAS AS DETERMINED PURSUANT TO  
13          SECTION 39-22-304 (2)(b).

14          (d) SUBJECT JURISDICTIONS MAY ESTABLISH MULTIPLE ZONING  
15          DISTRICTS THAT ALLOW DIFFERENT DENSITIES OF MULTIFAMILY HOUSING,  
16          SO LONG AS THE AVERAGE NET DENSITY IS MET ACROSS ALL OF THE  
17          ZONING DISTRICT OR DISTRICTS REQUIRED BY SUBSECTION (5)(a) OF THIS  
18          SECTION IN THE SUBJECT JURISDICTION. SUBJECT JURISDICTIONS ARE  
19          ENCOURAGED TO LOCATE DISTRICTS IN CENTERS OR ALONG CORRIDORS  
20          THAT ARE PLANNED FOR MIXED-USE, WALKABLE AREAS.

21          (e) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A  
22          SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY  
23          MEET THE AVERAGE NET DENSITY REQUIREMENTS ESTABLISHED IN THE  
24          MINIMUM STANDARDS BY ADOPTING LOCAL LAWS APPLICABLE TO A  
25          ZONING DISTRICT OR ZONING DISTRICTS COVERING AREAS OUTSIDE OF KEY  
26          CORRIDORS, SO LONG AS THE ZONING DISTRICT OR ZONING DISTRICTS  
27          SATISFY THE AREA REQUIREMENTS OF SUBSECTION (5)(b) OF THIS SECTION,

1 AND IF EITHER:

2 (I) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR

3 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING  
4 AREAS FOR TRANSIT-COMPATIBLE USE IN OTHER AREAS.

5 (f) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A  
6 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL  
7 NOT, IN THE DISTRICTS IT ESTABLISHES PURSUANT TO SUBSECTION (5)(d)(I)  
8 OF THIS SECTION:

9 (I) APPLY STANDARDS THAT MAKE THE PERMITTING, SITING, OR  
10 CONSTRUCTION OF MULTIFAMILY HOUSING IN KEY CORRIDORS PHYSICALLY  
11 IMPOSSIBLE OR PRACTICALLY DIFFICULT;

12 (II) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT MAKE THE  
13 DENSITY REQUIREMENTS ESTABLISHED IN SUBSECTION (5)(c) OF THIS  
14 SECTION PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT; OR

15 (III) APPLY MINIMUM OFF-STREET VEHICLE PARKING  
16 REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING  
17 OF MULTIFAMILY HOUSING IN KEY CORRIDORS THAT ARE GREATER THAN  
18 ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE  
19 ROUNDED UP.

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

23 (h) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROVIDE TECHNICAL  
24 ASSISTANCE OR FUNDING TO METROPOLITAN PLANNING ORGANIZATIONS  
25 AND SUBJECT JURISDICTIONS TO ADOPT MINIMUM STANDARDS FOR KEY  
26 CORRIDORS THAT SUPPORT REGIONAL PLANNING GOALS.

27 (6) Adoption of model code and minimum standards. (a) No

1 LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION SHALL EITHER:

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

4 (II) ADOPT THE MODEL CODE.

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

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

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

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

26 (7) Subject jurisdiction restrictions. (a) NOTHING IN THIS PART  
27 PREVENTS A SUBJECT JURISDICTION FROM:

1           (I) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE  
2           FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
3           12101 ET SEQ., AS AMENDED;

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

9           (III) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN  
10           KEY CORRIDORS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION  
11           29-20-104 (e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE 20 OF TITLE  
12           29;

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

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

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

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

21           **29-33-304. Middle housing applicability - middle housing**  
22           **model code - middle housing minimum standards - adoption of model**  
23           **code or minimum standards - subject jurisdiction restrictions -**  
24           **definitions. (1) Definitions. AS USED IN THIS SECTION, UNLESS THE**  
25           **CONTEXT OTHERWISE REQUIRES:**

26           (a) "MIDDLE HOUSING AREA" MEANS THE AREA WITHIN A MIDDLE  
27           HOUSING SUBJECT JURISDICTION THAT IS IDENTIFIED BY THE SUBJECT



1 JURISDICTION PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

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

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

7 (2) Applicability. (a) (I) THE REQUIREMENTS OF THIS SECTION  
8 SHALL ONLY APPLY IN TIER ONE URBAN MUNICIPALITIES.

9 (II) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO A  
10 TIER ONE URBAN MUNICIPALITY WITH BOTH A POPULATION OF LESS THAN  
11 TWENTY-FIVE THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME  
12 OF LESS THAN FIFTY-FIVE THOUSAND DOLLARS, IF THE MUNICIPALITY  
13 SENDS A LETTER TO THE DEPARTMENT OF LOCAL AFFAIRS, IN A FORM AND  
14 MANNER DETERMINED BY THE DEPARTMENT, INDICATING THAT THE  
15 MUNICIPALITY DOES NOT INTEND TO COMPLY WITH THIS SECTION.

16 (b) (I) A TIER ONE URBAN MUNICIPALITY THAT ADOPTS LOCAL  
17 LAWS THAT SATISFY THE MINIMUM STANDARDS SHALL CREATE ZONING  
18 DISTRICTS THAT CONSTITUTE A MIDDLE HOUSING AREA. THE TOTAL AREA  
19 OF THE ZONING DISTRICTS WITHIN THE APPLICABLE HOUSING AREA MUST  
20 BE EQUAL TO OR GREATER THAN THE GREATER OF:

21 (A) THE TOTAL AREA OF LAND IN WHICH SINGLE-UNIT DETACHED  
22 DWELLINGS ARE ALLOWED AS A USE BY RIGHT WITHIN THE TIER ONE  
23 URBAN MUNICIPALITY THAT IS EITHER A KEY CORRIDOR OR A  
24 TRANSIT-ORIENTED AREA; OR

25 (B) THIRTY PERCENT OF THE TOTAL AREA OF LAND IN WHICH  
26 SINGLE-UNIT DETACHED DWELLINGS ARE ALLOWED AS A USE BY RIGHT  
27 WITHIN THE TIER ONE URBAN MUNICIPALITY.

1           (II) A TIER ONE URBAN MUNICIPALITY MAY LOCATE A MIDDLE  
2           HOUSING AREA WITHIN OR ADJACENT TO TRANSIT-ORIENTED AREAS AND  
3           KEY CORRIDORS, AND IN WALKABLE MIXED-USE NEIGHBORHOOD CENTERS.  
4           IN DETERMINING THE LOCATION OF A MIDDLE HOUSING AREAS, A TIER ONE  
5           MUNICIPALITY SHALL CONSIDER THE NARRATIVE ANALYSIS THAT IT  
6           COMPLETED OF ANY AREA AT ELEVATED RISK OF RESIDENTIAL  
7           DISPLACEMENT PURSUANT TO SECTION 29-33-105 (4)(g).

8           (c) UNLESS A TIER ONE URBAN MUNICIPALITY DECIDES OTHERWISE,  
9           LOCAL LAWS ADOPTED PURSUANT TO THIS SECTION MUST NOT APPLY TO  
10          STANDARD EXEMPT PARCELS.

11          (3) **Model code.** (a) (I) NO LATER THAN JUNE 30, 2024, THE  
12          EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL  
13          PROMULGATE A HOUSING MODEL CODE.

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

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

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

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

25          (c) THE MODEL CODE MUST NOT ALLOW MINIMUM OFF-STREET  
26          VEHICLE PARKING REQUIREMENTS IN CONNECTION WITH THE  
27          CONSTRUCTION OR PERMITTING OF MIDDLE HOUSING THAT ARE GREATER

1 THAN ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE  
2 ROUNDED UP.

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

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

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

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

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

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

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

25 (II) APPLY MINIMUM SETBACKS, LOT WIDTHS, LOT DEPTHS, OR LOT  
26 SIZE STANDARDS TO MIDDLE HOUSING THAT ARE MORE RESTRICTIVE THAN  
27 THE STANDARDS THAT THE TIER ONE URBAN MUNICIPALITY WOULD APPLY

1 TO SINGLE-UNIT DETACHED DWELLINGS ON THE SAME PROPERTY;

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

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

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

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

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

21 (5) Adoption of model code or minimum standards. (a) (I) No  
22 LATER THAN JUNE 30, 2025, A TIER ONE URBAN MUNICIPALITY SHALL  
23 EITHER:

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

26 (B) ADOPT THE MODEL CODE.

27 (II) IF A TIER ONE URBAN MUNICIPALITY DOES NOT SATISFY THE

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

11 (b) IF A TIER ONE URBAN MUNICIPALITY ADOPTS THE MODEL CODE,  
12 OR THE MODEL CODE IS OTHERWISE IN EFFECT, THE MUNICIPALITY SHALL:

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

17 (II) MAKE MIDDLE HOUSING DECISIONS CONSISTENT WITH THE  
18 MODEL CODE; AND

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

21 (6) **Subject jurisdiction restrictions.** (a) NOTHING IN THIS  
22 SECTION PREVENTS A TIER ONE URBAN MUNICIPALITY FROM:

23 (I) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE  
24 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
25 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED  
26 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

27 (II) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE

1 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES IN  
2 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5 OR THE  
3 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF  
4 SECTION PART 2 OF ARTICLE 20 OF TITLE 29;

5 (III) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO  
6 MIDDLE HOUSING IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION  
7 29-20-104 (e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE 20 OF TITLE  
8 29;

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

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

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

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

19 **29-33-305. Public comment and hearing process.** (1) IN  
20 DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE  
21 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE  
22 MULTI-AGENCY ADVISORY COMMITTEE CREATED IN SECTION 29-33-103  
23 (1), RURAL RESORT AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103  
24 (8), OR THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103  
25 (9), SHALL CONDUCT A PUBLIC COMMENT AND HEARING PROCESS ABOUT  
26 CREATING:

27 (a) A MODEL FOR TRANSIT-ORIENTED AREAS PURSUANT TO

1 SECTION 29-33-302 (3)(a)(I);  
2 (b) A KEY CORRIDORS MAP PURSUANT TO SECTION 29-33-303  
3 (2)(a);  
4 (c) A KEY CORRIDOR MODEL CODE PURSUANT TO SECTION  
5 29-33-303 (4)(a); AND  
6 (d) A MODEL CODE FOR MIDDLE HOUSING PURSUANT TO SECTION  
7 29-33-304 (3)(a)(I).  
8 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE  
9 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE  
10 MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:  
11 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC  
12 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO  
13 COMMENT ON THE MODEL CODE;  
14 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE  
15 MODEL CODE;  
16 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL  
17 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND  
18 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, RACIAL EQUITY  
19 AND HOMELESSNESS PREVENTION, AFFORDABLE HOUSING, FAIR HOUSING,  
20 PLANNING, ZONING, AND RELATED FIELDS.  
21 **29-33-306. Exemption or extension. (1) NO LATER THAN JUNE**  
22 **30, 2024, A TIER ONE MUNICIPALITY MAY NOTIFY THE DEPARTMENT OF**  
23 **LOCAL AFFAIRS THAT AN EXEMPTION OR AN EXTENSION IS NECESSARY**  
24 **FROM THE REQUIREMENTS OF SECTIONS 29-33-302 (5), 29-33-303 (6), OR**  
25 **29-33-304 (5).**  
26 (2) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,  
27 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN

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

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

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

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

24 **29-33-307. Report.** (1) NO LATER THAN DECEMBER JUNE 30,  
25 2025, A TIER ONE URBAN MUNICIPALITY SUBJECT TO SHALL SUBMIT TO THE  
26 DEPARTMENT OF LOCAL AFFAIRS, IN A FORM AND MANNER DETERMINED BY  
27 THE DEPARTMENT OF LOCAL AFFAIRS, REPORTS CONCERNING THE



1 IMPLEMENTATION OF THE MODEL CODES REQUIRED BY SECTIONS  
2 29-33-302 (3), 29-33-303 (4), AND 29-33-304 (3) OR LOCAL LAWS THAT  
3 COMPLY WITH THE MINIMUM STANDARDS DESCRIBED IN SECTIONS  
4 29-33-302 (4), 29-33-3034 (5), AND 29-33-302 (4).

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

12 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A TIER ONE  
13 URBAN MUNICIPALITY'S REPORT, THE RELEVANT MODEL CODE GOES INTO  
14 EFFECT IMMEDIATELY FOR THE TIER ONE URBAN MUNICIPALITY UNTIL THE  
15 DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE TIER ONE URBAN  
16 MUNICIPALITY HAS ADOPTED LAWS THAT COMPLY WITH THE RELEVANT  
17 MINIMUM STANDARDS. \_\_\_\_\_

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

20 **24-34-104. General assembly review of regulatory agencies**  
21 **and functions for repeal, continuation, or reestablishment - legislative**  
22 **declaration - repeal.** (34) (a) The following agencies, functions, or  
23 both, are scheduled for repeal on September 1, 2033:

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

26 **SECTION 4.** In Colorado Revised Statutes, 24-32-705, **add** (8)  
27 as follows:

1           **24-32-705. Functions of division.** (8) THE DIVISION SHALL  
2 CONSULT WITH THE ADVISORY COMMITTEE ON FACTORY-BUILT  
3 STRUCTURES AND TINY HOMES CREATED IN SECTION 24-32-3305 (3) TO  
4 PRODUCE A REPORT NO LATER THAN JUNE 30, 2024, ON THE  
5 OPPORTUNITIES AND BARRIERS IN CURRENT STATE LAWS AND  
6 REGULATIONS CONCERNING THE BUILDING OF MANUFACTURED HOMES,  
7 MODULAR HOMES, AND TINY HOMES.

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

10           **24-32-3301. Legislative declaration.** (1) The general assembly  
11 hereby finds, determines, and declares that mobile homes, manufactured  
12 housing, and factory-built structures are important and effective ways to  
13 meet Colorado's affordable housing needs. The general assembly further  
14 finds and declares that, because of the housing crisis in Colorado, there  
15 is a need to promote the affordability and accessibility of new  
16 manufactured homes and factory-built structures. The general assembly  
17 encourages local governments to enact ordinances and rules that  
18 effectively treat factory-built structures certified through the state  
19 program and manufactured housing certified through the federal program  
20 the same as site-built homes. The general assembly further finds,  
21 determines, and declares that:

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

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

1 or tiny homes; and

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

4 **24-32-3303. Division of housing - powers and duties - rules.**

5 (1) The division has the following powers and duties pursuant to this part  
6 33:

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

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

12 **24-32-3311. Certification of factory-built structures - rules.**

13 (1) (a.3) Manufacturers of factory-built structures to be installed in the  
14 state shall register with the division as provided in board rules and are  
15 subject to enforcement action, including suspension or revocation of their  
16 registration for failing to comply with requirements contained in this part  
17 33 and board rules. ~~A manufacturer shall:~~

18 ~~(I) Comply with escrow requirements of down payments as~~  
19 ~~established by the board by rule; and~~

20 ~~(II) Provide a letter of credit, certificate of deposit issued by a~~  
21 ~~licensed financial institution, or surety bond issued by an authorized~~  
22 ~~insurer in an amount and process established by the board by rule. A~~  
23 ~~financial institution or authorized insurer shall pay the division the letter~~  
24 ~~of credit, certificate of deposit, or surety bond if a court of competent~~  
25 ~~jurisdiction has rendered a final judgment in favor of the division based~~  
26 ~~on a finding that:~~

27 ~~(A) The manufacturer failed to deliver the factory-built structure;~~

1           (B) ~~The manufacturer failed to refund a down payment made~~  
2 ~~toward the purchase of the factory-built structure; or~~

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

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

7           **24-67-105. Standards and conditions for planned unit**  
8 **development - definitions.** (5.5) (a) A PLANNED UNIT DEVELOPMENT  
9 RESOLUTION OR ORDINANCE ADOPTED PURSUANT TO THIS ARTICLE 67, IF  
10 THE PLANNED UNIT DEVELOPMENT HAS A RESIDENTIAL USE, MUST NOT  
11 RESTRICT THE PERMITTING OF ACCESSORY DWELLING UNITS, MIDDLE  
12 HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, OR HOUSING IN KEY  
13 CORRIDORS IN THE JURISDICTIONS AND AREAS TO WHICH ARTICLE 33 OF  
14 TITLE 29 APPLIES AND IN ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF  
15 TITLE 29.

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

24           (c) AS USED IN THIS SUBSECTION (5.5), UNLESS THE CONTEXT  
25 OTHERWISE REQUIRES:

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

1 (II) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN  
2 SECTION 29-33-502 (3).

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

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

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

9 **29-20-110. Local government residential occupancy limits -**  
10 **definitions.** (1) NOTWITHSTANDING ANY OTHER PROVISION TO THE  
11 CONTRARY, A LOCAL GOVERNMENT SHALL NOT ENACT OR ENFORCE  
12 RESIDENTIAL OCCUPANCY LIMITS THAT DIFFER BASED ON THE  
13 RELATIONSHIPS OF THE OCCUPANTS OF A DWELLING.

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

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

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

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

25 **SECTION 10.** In Colorado Revised Statutes, 30-28-106, **repeal**  
26 **and reenact, with amendments, (3)(a); and add (3)(a.5), (8), and (9) as**  
27 **follows:**

1           **30-28-106. Adoption of master plan - contents. (3) (a) THE**  
2           MASTER PLAN OF A COUNTY OR REGION, WITH THE ACCOMPANYING MAPS,  
3           PLATS, CHARTS, AND DESCRIPTIVE AND EXPLANATORY MATTER, MUST  
4           SHOW THE COUNTY OR REGIONAL PLANNING COMMISSION'S  
5           RECOMMENDATIONS FOR THE DEVELOPMENT OF THE TERRITORY COVERED  
6           BY THE PLAN. THE MASTER PLAN OF A COUNTY OR REGION IS AN ADVISORY  
7           DOCUMENT TO GUIDE LAND DEVELOPMENT DECISIONS; HOWEVER, THE  
8           PLAN OR ANY PART THEREOF MAY BE MADE BINDING BY INCLUSION IN THE  
9           COUNTY'S OR REGION'S ADOPTED SUBDIVISION, ZONING, PLATTING,  
10           PLANNED UNIT DEVELOPMENT, OR OTHER SIMILAR LAND DEVELOPMENT  
11           REGULATIONS AFTER SATISFYING NOTICE, DUE PROCESS, AND HEARING  
12           REQUIREMENTS FOR LEGISLATIVE OR QUASI-JUDICIAL PROCESSES AS  
13           APPROPRIATE. A MASTER PLAN ADOPTED ON OR AFTER JUNE 30, 2024,  
14           MUST INCLUDE:

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

18           (II) A HOUSING ELEMENT;

19           (III) FOR COUNTIES WITH A POPULATION OF GREATER THAN TWO  
20           HUNDRED FIFTY THOUSAND, A BUILDABLE LANDS ANALYSIS THAT IS  
21           CONDUCTED IN THE SAME MANNER AND ON THE SAME TIMELINE AS THE  
22           ANALYSIS REQUIRED IN SECTION 29-33-105 (4)(d);

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

25           (B) IN COMPLETING A WATER SUPPLY ELEMENT, THE PLANNING  
26           COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR  
27           USE WITHIN THE COUNTY OR REGION TO ENSURE COORDINATION ON WATER

1 SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT MUST  
2 IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS  
3 OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED  
4 OR IDENTIFIED IN THE PLANNING PROCESS;

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

13 (D) THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION  
14 24-1-125 MAY HIRE AND EMPLOY ONE FULL-TIME EMPLOYEE TO PROVIDE  
15 EDUCATIONAL RESOURCES AND ASSISTANCE TO COUNTIES THAT INCLUDE  
16 WATER CONSERVATION POLICIES IN THEIR MASTER PLANS AS DESCRIBED  
17 IN SUBSECTION (3)(a)(IV)(C) OF THIS SECTION.

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

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

1 BY A METROPOLITAN PLANNING ORGANIZATION, ANY TRANSPORTATION  
2 PLAN PREPARED BY THE DEPARTMENT OF TRANSPORTATION THAT THE  
3 COUNTY OR REGION HAS RECEIVED NOTIFICATION OF AND THAT APPLIES TO  
4 THE COUNTY OR REGION;

5 (II) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,  
6 INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR  
7 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS,  
8 PLAYGROUNDS, FORESTS, RESERVATIONS, SQUARES, PARKS, AIRPORTS,  
9 AVIATION FIELDS, MILITARY INSTALLATIONS, AND OTHER PUBLIC WAYS,  
10 GROUND, OPEN SPACES, TRAILS, AND DESIGNATED FEDERAL, STATE, AND  
11 LOCAL WILDLIFE AREAS. FOR PURPOSES OF THIS SECTION, "MILITARY  
12 INSTALLATION" HAS THE SAME MEANING AS SPECIFIED IN SECTION  
13 29-20-105.6 (2)(b).

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

21 (IV) THE ACCEPTANCE, WIDENING, REMOVAL, EXTENSION,  
22 RELOCATION, NARROWING, VACATION, ABANDONMENT, MODIFICATION, OR  
23 CHANGE OF USE OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING  
24 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY  
25 OF OTHER COUNTIES, REGIONS, OR MUNICIPALITIES, GROUND, OPEN  
26 SPACES, BUILDINGS, PROPERTIES, UTILITIES, OR TERMINALS, REFERRED TO  
27 IN SUBSECTIONS (1)(a.5)(I) THROUGH (1)(a.5)(IV) OF THIS SECTION;



1           (V) METHODS FOR ASSURING ACCESS TO APPROPRIATE CONDITIONS  
2           FOR SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING  
3           GEOHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR  
4           COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE  
5           BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY  
6           GENERATION;

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

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

22           (VIII) A LAND CLASSIFICATION AND UTILIZATION PROGRAM;

23           (IX) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS  
24           TO ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED  
25           INCREMENTS OF TIME. THE COUNTY OR REGION MAY BASE THESE  
26           PROJECTIONS UPON DATA FROM THE DEPARTMENT OF LOCAL AFFAIRS AND  
27           UPON THE COUNTY'S OR REGION'S LOCAL OBJECTIVES.

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

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

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

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

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

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

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

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

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

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

9           **31-15-713. Power to sell public works - real property.** (1) The  
10          governing body of each municipality has the power:

11          (d) NOTWITHSTANDING SUBSECTIONS (1)(a) AND (1)(b) OF THIS  
12          SECTION, TO SELL AND DISPOSE OF, BY ORDINANCE, ANY PUBLIC BUILDING  
13          OR REAL PROPERTY OWNED BY A MUNICIPALITY THAT IS HELD FOR  
14          GOVERNMENT PURPOSES OTHER THAN PARK PURPOSES, IF THE SALE AND  
15          DISPOSITION OF THE PUBLIC BUILDING OR REAL PROPERTY IS FOR THE  
16          PURPOSE OF PROVIDING PROPERTY TO BE USED FOR THE DEVELOPMENT OF  
17          AFFORDABLE HOUSING, AS THE TERM IS DEFINED IN SECTION 29-33-102 (3).  
18          THE GOVERNING BODY SHALL DETERMINE THE TERMS AND CONDITIONS OF  
19          THE SALE AND DISPOSITION AT A REGULAR OR SPECIAL MEETING AND  
20          SHALL MAKE THESE TERMS AND CONDITIONS PUBLICLY AVAILABLE.

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

24          **31-23-301. Grant of power.** (5) (a) As used in this subsection  
25          (5), unless the context otherwise requires:

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

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

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

7           (A) Homes certified by the division of housing created in section  
8           24-32-704 or a party authorized to act on its behalf; THE APPROVAL  
9           PROCESSES OF MODULAR HOMES SHALL BE BASED ON OBJECTIVE  
10           STANDARDS AND ADMINISTRATIVE REVIEW THAT ARE EQUIVALENT TO  
11           THAT REQUIRED FOR SITE-BUILT HOMES, UNLESS A MUNICIPALITY  
12           REGULATES SITE-BUILT HOMES THROUGH A SUBJECTIVE REVIEW PROCESS,  
13           IN WHICH CASE A MUNICIPALITY MAY USE AN EQUIVALENT REVIEW  
14           PROCESS FOR A MODULAR HOME AND A SITE-BUILT HOME;

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

25           (b) (I.5) A MUNICIPALITY SHALL NOT IMPOSE MORE RESTRICTIVE  
26           STANDARDS ON MANUFACTURED AND MODULAR HOMES THAN THOSE THE  
27           MUNICIPALITY APPLIES TO SITE BUILT HOMES IN THE SAME RESIDENTIAL

1 ZONES. RESTRICTIVE STANDARDS INCLUDE ZONING REGULATIONS,  
2 SUBDIVISION REGULATIONS, AND ANY OTHER REGULATION AFFECTING  
3 DEVELOPMENT SUCH AS REQUIREMENTS RELATING TO:

- 4 (A) PERMANENT FOUNDATIONS;
- 5 (B) MINIMUM FLOOR SPACE;
- 6 (C) HOME SIZE OR SECTIONAL REQUIREMENTS;
- 7 (D) IMPROVEMENT LOCATION STANDARDS;
- 8 (E) SIDE YARD STANDARDS; AND
- 9 (F) SETBACK STANDARDS.

10

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

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

1 PUBLIC HEARINGS, AFTER NOTICE OF SUCH PUBLIC HEARINGS HAS BEEN  
2 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE  
3 MUNICIPALITY IN A MANNER SUFFICIENT TO NOTIFY THE PUBLIC OF THE  
4 TIME, PLACE, AND NATURE OF THE PUBLIC HEARING, PRIOR TO FINAL  
5 ADOPTION OF A MASTER PLAN IN ORDER TO ENCOURAGE PUBLIC  
6 PARTICIPATION IN AND AWARENESS OF THE DEVELOPMENT OF SUCH PLAN  
7 AND SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS  
8 THROUGHOUT THE PROCESS OF DEVELOPING THE PLAN. THE PLAN,  
9 ADOPTED OR AMENDED ON OR AFTER JUNE 30, 2024, WITH THE  
10 ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE MATTER, MUST  
11 INCLUDE:

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

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

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

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

22 (II) IN COMPLETING THE WATER SUPPLY ELEMENT, THE PLANNING  
23 COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR  
24 USE WITHIN THE MUNICIPALITY TO ENSURE COORDINATION ON WATER  
25 SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT MUST  
26 IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS  
27 OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED

1 OR IDENTIFIED IN THE PLANNING PROCESS;

2 (III) THE WATER SUPPLY ELEMENT MUST INCLUDE WATER  
3 CONSERVATION POLICIES, TO BE DETERMINED BY THE MUNICIPALITY,  
4 WHICH MAY INCLUDE GOALS SPECIFIED IN THE STATE WATER PLAN  
5 ADOPTED PURSUANT TO SECTION 37-60-106.3 AND MAY INCLUDE POLICIES  
6 TO IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER PLAN  
7 GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING  
8 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND  
9 ZONING CHANGES;

10 (V) NOTHING IN THIS SUBSECTION (1)(d) SHALL BE CONSTRUED TO  
11 SUPERSEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF  
12 WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS, THE RIGHT TO  
13 BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER  
14 WATER USE AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR,  
15 REPLACEMENT, OR USE OF ANY WATER FACILITY.

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

20 (1.5) A MASTER PLAN MAY INCLUDE:

21 (a) THE GENERAL SOURCE, CHARACTER, AND EXTENT OF EXISTING,  
22 PROPOSED, OR PROJECTED STREETS, ROADS, RIGHTS-OF-WAY, BRIDGES,  
23 WATERWAYS, WATERFRONTS, PARKWAYS, HIGHWAYS, MASS TRANSIT  
24 ROUTES AND CORRIDORS, AND ANY TRANSPORTATION PLAN PREPARED BY  
25 ANY METROPOLITAN PLANNING ORGANIZATION THAT COVERS ALL OR A  
26 PORTION OF THE MUNICIPALITY AND THAT THE MUNICIPALITY HAS  
27 RECEIVED NOTIFICATION OF OR, IF THE MUNICIPALITY IS NOT LOCATED IN

1 AN AREA COVERED BY A METROPOLITAN PLANNING ORGANIZATION, ANY  
2 TRANSPORTATION PLAN PREPARED BY THE DEPARTMENT OF  
3 TRANSPORTATION THAT THE MUNICIPALITY HAS RECEIVED NOTIFICATION  
4 OF AND THAT COVERS ALL OR A PORTION OF THE MUNICIPALITY;

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

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

20 (d) THE ACCEPTANCE, REMOVAL, RELOCATION, WIDENING,  
21 NARROWING, VACATING, ABANDONMENT, MODIFICATION, CHANGE OF USE,  
22 OR EXTENSION OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING  
23 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY  
24 OF OTHER MUNICIPALITIES, COUNTIES, OR REGIONS, GROUNDS, OPEN  
25 SPACES, BUILDINGS, PROPERTY, UTILITY, OR TERMINALS, REFERRED TO IN  
26 SUBSECTIONS (1.5) (a) THROUGH (a) OF THIS SECTION AND SUBSECTION  
27 (1)(d) OF THIS SECTION;



1           (e) A ZONING PLAN FOR THE CONTROL OF THE HEIGHT, AREA, BULK,  
2           LOCATION, AND USE OF BUILDINGS AND PREMISES. SUCH A ZONING PLAN  
3           MAY PROTECT AND ASSURE ACCESS TO APPROPRIATE CONDITIONS FOR  
4           SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING  
5           GEOHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR  
6           COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE  
7           BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY  
8           GENERATION; HOWEVER, REGULATIONS AND RESTRICTIONS OF THE HEIGHT,  
9           NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES, AND  
10          THE HEIGHT AND LOCATION OF TREES AND OTHER VEGETATION SHALL NOT  
11          APPLY TO EXISTING BUILDINGS, STRUCTURES, TREES, OR VEGETATION  
12          EXCEPT FOR NEW GROWTH ON SUCH VEGETATION.

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

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

24           (h) A PLAN FOR THE LOCATION AND PLACEMENT OF PUBLIC  
25          UTILITIES THAT FACILITATES THE PROVISION OF SUCH UTILITIES TO ALL  
26          EXISTING, PROPOSED, OR PROJECTED DEVELOPMENTS IN THE  
27          MUNICIPALITY;

1           (i) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS TO  
2           ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED INCREMENTS  
3           OF TIME. THE MUNICIPALITY MAY BASE THESE PROJECTIONS UPON DATA  
4           FROM THE DEPARTMENT OF LOCAL AFFAIRS AND UPON THE MUNICIPALITY'S  
5           LOCAL OBJECTIVES.

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

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

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

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

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

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

27           (VI) THE COLORADO STATE FOREST SERVICE FOR LOCATING

1 WILDFIRE HAZARD AREAS.

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

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

12

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

15 **31-23-301. Grant of power.** (6) NEITHER A TIER ONE URBAN  
16 MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (38) NOR A TIER TWO  
17 URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (39) SHALL  
18 IMPOSE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL  
19 UNITS IN THE APPROVAL OF RESIDENTIAL DWELLING UNIT CONSTRUCTION  
20 PERMITS UNLESS DOING SO IS NECESSARY FOR HEALTH AND SAFETY IN THE  
21 URBAN MUNICIPALITY.

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

24 **37-60-126. Water conservation and drought mitigation**  
25 **planning - programs - relationship to state assistance for water**  
26 **facilities - guidelines - water efficiency grant program - definitions -**  
27 **repeal.** (9) (b) The board and the Colorado water resources and power

1 development authority, to which any covered entity has applied for  
2 financial assistance for the construction of a water diversion, storage,  
3 conveyance, water treatment, or wastewater treatment facility, shall  
4 consider any water conservation plan filed pursuant to this section AND  
5 ANY VALIDATED WATER LOSS AUDIT REPORT REQUIRED BY SUBSECTION  
6 (13)(d) OF THIS SECTION in determining whether to render financial  
7 assistance to such entity. Such consideration shall be carried out within  
8 the discretion accorded the board and the Colorado water resources and  
9 power development authority pursuant to which such board and authority  
10 render such financial assistance to such covered entity.

11 (13) (a) **Short title.** THE SHORT TITLE OF THIS SUBSECTION (13) IS  
12 THE "WATER LOSS ACCOUNTING ACT OF 2023".

13 (b) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS  
14 THAT:

15 (I) SAFE AND AFFORDABLE DRINKING WATER IS ESSENTIAL TO  
16 PUBLIC HEALTH, AFFORDABLE HOUSING, AND ECONOMIC DEVELOPMENT  
17 THROUGHOUT THE STATE;

18 (II) THE COST OF PROVIDING RELIABLE DRINKING WATER IS  
19 INCREASING DUE TO FACTORS SUCH AS AGING INFRASTRUCTURE, LOW  
20 DENSITY LAND USE DEVELOPMENT THAT IS COSTLY TO SERVE, INCREASED  
21 ENERGY COSTS, AND MORE COMPLEX AND COSTLY CHANGES TO THE  
22 REGULATORY REQUIREMENTS FOR SAFE DRINKING WATER;

23 (III) COMPACT INFILL DEVELOPMENT REDUCES WATER DEMAND  
24 AND INFRASTRUCTURE COSTS THROUGH THE USE OF SHORTER PIPES THAT  
25 REDUCE LOSSES, SMALLER IRRIGATED LANDSCAPE SPACE PER UNIT, AND BY  
26 BETTER UTILIZING EXISTING INFRASTRUCTURE;

27 (IV) WATER MAIN BREAKS ARE VISIBLE AND DISRUPTIVE

1 MANIFESTATIONS OF THE MORE WIDESPREAD PHENOMENON OF LEAKAGE  
2 FROM WATER SYSTEMS;

3 (V) LEAKAGE OF DRINKING WATER FROM WATER DISTRIBUTION  
4 SYSTEMS ADDS TO THE COST OF SERVICE TO CUSTOMERS AND MAY LEAD  
5 TO INCREASED RAW WATER DEMANDS THAT NEGATIVELY IMPACT THE  
6 NATURAL ENVIRONMENT;

7 (VI) THE FAILURE TO RECOVER REVENUE FROM WATER DELIVERED  
8 TO USERS DUE TO METERING AND BILLING INACCURACIES AND THEFT ALSO  
9 INCREASES THE COST PER UNIT OF WATER THAT IS BILLED TO CUSTOMERS;

10 (VII) THE AMERICAN WATER WORKS ASSOCIATION, A NATIONAL  
11 ASSOCIATION OF DRINKING WATER UTILITIES AND PROFESSIONALS, HAS  
12 RECOMMENDED THAT DRINKING WATER SUPPLIERS CONDUCT AN AUDIT OF  
13 WATER LOSSES ON AN ANNUAL BASIS;

14 (VIII) THE AMERICAN WATER WORKS ASSOCIATION HAS  
15 PUBLISHED SOFTWARE FOR USE IN CATEGORIZING AND REPORTING WATER  
16 LOSSES AND HAS MADE THIS SOFTWARE AVAILABLE WITHOUT CHARGE;

17 (IX) SEVERAL STATES NOW RECOMMEND OR REQUIRE THAT PUBLIC  
18 WATER SUPPLIERS UNDER THEIR JURISDICTIONS CONDUCT AN AUDIT OF  
19 WATER LOSSES EACH YEAR USING THE STANDARDIZED TERMS AND  
20 METHODS PUBLISHED BY THE AMERICAN WATER WORKS ASSOCIATION;

21 AND

22 (X) REGULAR AUDITING OF WATER LOSSES IS A NECESSARY  
23 FOUNDATION FOR THE ADOPTION OF COST-EFFECTIVE STRATEGIES TO  
24 REDUCE THE AMOUNTS OF LOST WATER AND REVENUE TO ECONOMICALLY  
25 REASONABLE LEVELS.

26 (c) **Definitions.** AS USED IN THIS SUBSECTION (13), UNLESS THE  
27 CONTEXT OTHERWISE REQUIRES:

1 (I) "VALIDATION" MEANS THE PROCESS WHEREBY A COVERED  
2 ENTITY USES A TECHNICAL EXPERT TO CONFIRM THE BASIS OF ALL DATA  
3 ENTRIES IN THE COVERED ENTITY'S WATER LOSS AUDIT REPORT AND TO  
4 APPROPRIATELY CHARACTERIZE THE QUALITY OF THE REPORTED DATA.  
5 THE VALIDATION PROCESS MUST FOLLOW THE PRINCIPLES AND  
6 TERMINOLOGY LAID OUT BY THE AMERICAN WATER WORKS ASSOCIATION  
7 IN THE LATEST EDITION OF "WATER AUDITS AND LOSS CONTROL  
8 PROGRAMS", MANUAL M36, AND IN THE AMERICAN WATER WORKS  
9 ASSOCIATION'S FREE WATER AUDIT SOFTWARE. A VALIDATED WATER LOSS  
10 AUDIT REPORT MUST INCLUDE THE NAME AND TECHNICAL QUALIFICATIONS  
11 OF THE PERSON ENGAGED FOR VALIDATION.

12 (II) "WATER LOSS" MEANS THE DIFFERENCE BETWEEN THE ANNUAL  
13 VOLUME OF WATER ENTERING A WATER DISTRIBUTION SYSTEM AND THE  
14 ANNUAL VOLUME OF METERED AND UNMETERED WATER TAKEN BY  
15 REGISTERED CUSTOMERS, THE WATER SUPPLIER, AND OTHERS WHO ARE  
16 IMPLICITLY OR EXPLICITLY AUTHORIZED TO DO SO. "WATER LOSS"  
17 INCLUDES THE ANNUAL VOLUMES LOST THROUGH ALL TYPES OF LEAKS,  
18 BREAKS, AND OVERFLOWS ON MAINS, SERVICE RESERVOIRS, AND SERVICE  
19 CONNECTIONS UP TO THE POINT OF CUSTOMER METERING IN ADDITION TO  
20 UNAUTHORIZED CONSUMPTION, ALL TYPES OF METERING INACCURACIES,  
21 AND SYSTEMIC DATA-HANDLING ERRORS.

22 (d) Water loss program requirements. (I) NO LATER THAN  
23 JANUARY 1, 2025, THE BOARD SHALL ADOPT GUIDELINES FOR THE  
24 CONDUCT OF STANDARDIZED VALIDATED WATER LOSS AUDITS BY  
25 COVERED ENTITIES.

26 (II) NO LATER THAN JUNE 30, 2026, EACH COVERED ENTITY SHALL  
27 SUBMIT A COMPLETED AND VALIDATED WATER LOSS AUDIT REPORT FOR

1 THE PREVIOUS CALENDAR YEAR. FOR REPORTS SUBMITTED IN SUBSEQUENT  
2 YEARS, EACH COVERED ENTITY SHALL SUBMIT A COMPLETED AND  
3 VALIDATED WATER LOSS AUDIT REPORT COVERING THE PREVIOUS  
4 CALENDAR YEAR NO LATER THAN JUNE 30 CONCURRENT WITH SECTION  
5 37-60-126 (4.5)(a). \_\_\_\_\_

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

8 **38-33.3-106.5. Prohibitions contrary to public policy -**  
9 **patriotic, political, or religious expression - public rights-of-way - fire**  
10 **prevention - renewable energy generation devices - affordable**  
11 **housing - drought prevention measures - child care - definitions.**

12 (3) (a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,  
13 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE  
14 CONTRARY, AN ASSOCIATION SHALL NOT PROHIBIT ACCESSORY DWELLING  
15 UNITS, MIDDLE HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, AND  
16 HOUSING IN KEY CORRIDORS IN THE JURISDICTION AND AREAS TO WHICH  
17 ARTICLE 33 OF TITLE 29 APPLIES. ANY SUCH PROHIBITION ON THE  
18 PERMITTING OF ACCESSORY DWELLING UNITS, MIDDLE HOUSING, HOUSING  
19 IN TRANSIT-ORIENTED AREAS, AND HOUSING IN KEY CORRIDORS IS VOID AS  
20 A MATTER OF PUBLIC POLICY IN ANY WAY THAT IS PROHIBITED BY ARTICLE  
21 33 OF TITLE 29.

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

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

26 (II) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN  
27 SECTION 29-33-502 (3).

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

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

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

7 **43-1-106. Transportation commission - powers and duties -**  
8 **rules - definitions - efficiency and accountability committee.** (15) In  
9 addition to any other duties required by law, the commission shall have  
10 the following charges:

11 (d) To study and make recommendations for existing and future  
12 transportation systems in Colorado with a focus of such study and  
13 recommendations being a ten-year plan for each mode of transportation.  
14 ~~Such~~ THE ten-year plan ~~shall~~ MUST be based on what can be reasonably  
15 expected to be implemented with the estimated revenues which are likely  
16 to be available AND MUST INCLUDE PRIORITIZATION CRITERIA THAT ARE  
17 CONSISTENT WITH STATE STRATEGIC GROWTH OBJECTIVES FOR  
18 REGIONALLY SIGNIFICANT TRANSPORTATION PROJECTS.

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

26 **SECTION 18.** In Colorado Revised Statutes, 43-1-113, **add** (20)  
27 as follows:



1           **43-1-113. Funds - budgets - fiscal year - reports and**  
2 **publications.** (20) BEFORE DECEMBER 31, 2024, OR BEFORE THE NEXT  
3 REGIONAL TRANSPORTATION PLANNING CYCLE BEGINS, THE DEPARTMENT  
4 SHALL ENSURE THAT THE PRIORITIZATION CRITERIA FOR ANY GRANT  
5 PROGRAM ADMINISTERED BY THE DEPARTMENT ARE CONSISTENT WITH  
6 STATE STRATEGIC GROWTH OBJECTIVES, SO LONG AS DOING SO DOES NOT  
7 VIOLATE FEDERAL LAW.

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

10           **43-1-1103. Transportation planning.** (2.5) BEGINNING  
11 DECEMBER 31, 2024, ANY REGIONAL TRANSPORTATION PLAN THAT IS  
12 CREATED OR UPDATED MUST ADDRESS AND ENSURE CONSISTENCY WITH  
13 STATE STRATEGIC GROWTH OBJECTIVES AS DETERMINED IN SECTION  
14 29-33-108.

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

- 21           (i) Effective, efficient, and safe freight transport; ~~and~~
- 22           (j) Reduction of greenhouse gas emissions; AND
- 23           (k) BEGINNING DECEMBER 31, 2024, ADDRESS AND ENSURE
- 24 CONSISTENCY WITH STATE STRATEGIC GROWTH OBJECTIVES.

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

27           **43-4-1103. Multimodal transportation options fund - creation**

1 - revenue sources for fund - use of fund. (2) (e) FEE REVENUES FROM  
2 THE MULTIMODAL TRANSPORTATION OPTIONS FUND GENERATED ON OR  
3 AFTER JANUARY 1, 2025, AND OTHER STATE FUNDS TRANSFERRED TO THE  
4 MULTIMODAL TRANSPORTATION OPTIONS FUND ON OR AFTER JULY 1, 2024,  
5 SHALL ONLY BE MADE FOR MULTIMODAL PROJECTS THAT THE DEPARTMENT  
6 DETERMINES ARE CONSISTENT WITH STATE STRATEGIC GROWTH  
7 OBJECTIVES, AS DETERMINED IN SECTION 29-33-108.

8 **SECTION 21. Appropriation.** For the 2023-24 state fiscal year,  
9 \$15,000,000 is appropriated to the housing plans assistance fund created  
10 in section 29-33-112 (3), C.R.S. This appropriation is from the general  
11 fund. The department of local affairs is responsible for the accounting  
12 related to this appropriation. Any unexpended and unencumbered money  
13 appropriated to the department of local affairs for state fiscal year  
14 2023-24 remains available for expenditure by the division of local  
15 government in the department of local affairs or local government  
16 grantees through state fiscal year 2026-27 without further appropriation  
17 for the department of local affairs and local grantees to comply with  
18 planning requirements in the legislation.

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