

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

REREVISED

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

LLS NO. 24-0469.03 Pierce Lively x2059

HOUSE BILL 24-1304

HOUSE SPONSORSHIP

Vigil and Woodrow, Bacon, Boesenecker, deGruy Kennedy, Epps, Froelich, Hernandez, Herod, Jodeh, Joseph, Kipp, Mabrey, Rutinel, Sirota

SENATE SPONSORSHIP

Priola and Hinrichsen,

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

Local Government & Housing

SENATE
Amended 3rd Reading
May 4, 2024

A BILL FOR AN ACT

101 **CONCERNING PARKING REQUIREMENTS WITHIN METROPOLITAN**
102 **PLANNING ORGANIZATIONS.**

SENATE
Amended 2nd Reading
May 3, 2024

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>.)

HOUSE
3rd Reading Unamended
April 17, 2024

The bill prohibits a county or municipality, on or after January 1, 2025, from enforcing minimum parking requirements for real property that is within a metropolitan planning organization. This prohibition does not prohibit a county or municipality from:

- Lowering the protections provided for persons with disabilities;

HOUSE
Amended 2nd Reading
April 16, 2024

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.

1 REGIONAL TRANSPORTATION DISTRICT STATIONS PROVIDE FORTY PERCENT
2 MORE PARKING THAN RESIDENTS UTILIZE AT PEAK TIMES, AND
3 INCOME-RESTRICTED HOUSING DEVELOPMENTS PROVIDE FIFTY PERCENT
4 MORE PARKING THAN IS USED.

5 (c) THE 2021 STUDY "PARKING & AFFORDABLE HOUSING" OF
6 PARKING UTILIZATION AT AFFORDABLE HOUSING DEVELOPMENTS ALONG
7 THE FRONT RANGE FOUND THAT HALF OF PARKING SPACES BUILT ON
8 AVERAGE GO UNUSED, AND THAT REQUIREMENTS CAN BE UP TO FIVE TIMES
9 THE NEED ESPECIALLY FOR BUILDINGS SERVING LOWER AREA MEDIAN
10 INCOMES;

11 (d) LOCAL GOVERNMENT LAND USE DECISIONS THAT REQUIRE A
12 MINIMUM AMOUNT OF PARKING SPACES BEYOND WHAT IS NECESSARY TO
13 MEET MARKET DEMAND INCREASE VEHICLE MILES TRAVELED AND
14 ASSOCIATED GREENHOUSE GAS EMISSIONS. ACCORDING TO A UNIVERSITY
15 OF CALIFORNIA INSTITUTE OF TRANSPORTATION STUDIES ARTICLE TITLED
16 "WHAT DO RESIDENTIAL LOTTERIES SHOW US ABOUT TRANSPORTATION
17 CHOICES?", HIGHER AMOUNTS OF FREE PARKING PROVIDED IN RESIDENTIAL
18 DEVELOPMENTS CAUSE HIGHER RATES OF VEHICLE OWNERSHIP, HIGHER
19 RATES OF VEHICLE MILES TRAVELED, AND LESS FREQUENT TRANSIT USE.

20 (e) ACCORDING TO THE STUDY "EFFECTS OF PARKING PROVISION
21 ON AUTOMOBILE USE IN U.S. CITIES: INFERRING CAUSALITY" IN THE
22 JOURNAL TRANSPORTATION RESEARCH RECORD, AN INCREASE IN PARKING
23 PROVISIONS FROM ONE-TENTH TO ONE-HALF PARKING SPACE PER PERSON
24 IS ASSOCIATED WITH AN INCREASE IN AUTOMOBILE MODE SHARE OF
25 ROUGHLY THIRTY PERCENT;

26 (f) ACCORDING TO THE ARTICLE "HOUSEHOLDS WITH
27 CONSTRAINED OFF-STREET PARKING DRIVE FEWER MILES" IN THE

1 JOURNAL TRANSPORTATION, VEHICLE OWNERSHIP RATES ARE FOURTEEN
2 PERCENT HIGHER FOR HOUSEHOLDS WITH MORE THAN ONE AVAILABLE
3 PARKING SPACE PER UNIT COMPARED TO THOSE WITH ONE OR FEWER, AND
4 FOR EVERY ADDITIONAL VEHICLE PER HOUSEHOLD, THE HOUSEHOLD
5 TRAVELS ON AVERAGE SEVENTEEN MORE MILES OF TOTAL VEHICLE MILES
6 TRAVELED PER DAY;

7 (g) COLORADANS DRIVE MORE MILES PER PERSON THAN THEY USED
8 TO, WHICH PUTS STRESS ON TRANSPORTATION INFRASTRUCTURE AND
9 INCREASING HOUSEHOLD COSTS. SINCE 1981, PER CAPITA VEHICLE MILES
10 TRAVELED IN COLORADO HAVE RISEN BY OVER TWENTY PERCENT
11 ACCORDING TO DATA FROM THE FEDERAL HIGHWAY ADMINISTRATION.

12 (h) INCREASED VEHICLE OWNERSHIP AND THE RESULTING VEHICLE
13 MILES TRAVELED IMPACT NEIGHBORING JURISDICTIONS BY INCREASING
14 CONGESTION, ROADWAY INFRASTRUCTURE MAINTENANCE COSTS, AIR
15 POLLUTION, NOISE, AND GREENHOUSE GAS EMISSIONS;

16 (i) GIVEN THE CLOSE PROXIMITY AND INTERCONNECTED NATURE
17 OF JURISDICTIONS WITHIN COLORADO'S METROPOLITAN REGIONS, MANY
18 RESIDENTS TRAVEL FREQUENTLY BETWEEN JURISDICTIONS FOR WORK,
19 SHOPPING, RECREATION, AND OTHER TRIPS;

20 (j) IN COLORADO'S MAJOR CITIES, A SIGNIFICANT SHARE OF
21 EMPLOYEES COMMUTE TO JOBS IN THE CITY BUT LIVE ELSEWHERE,
22 INCLUDING SEVENTY PERCENT OF EMPLOYEES IN DENVER, FORTY-FIVE
23 PERCENT IN COLORADO SPRINGS, SIXTY PERCENT IN FORT COLLINS, FIFTY
24 PERCENT IN PUEBLO, AND SIXTY-FIVE PERCENT IN GRAND JUNCTION,
25 ACCORDING TO 2021 DATA FROM THE FEDERAL CENSUS;

26 (k) EXCESSIVE PARKING REQUIREMENTS LIMIT COMPACT,
27 WALKABLE DEVELOPMENT BY MANDATING ADDITIONAL SPACE BETWEEN

1 USES, WHICH THEN NECESSITATES DRIVING TO REACH MOST DESTINATIONS;

2

3 (l) LOWER DENSITY DEVELOPMENT HAS LOWERED REVENUE AND
4 INCREASED CAPITAL AND MAINTENANCE COSTS COMPARED TO MORE
5 COMPACT DEVELOPMENT. NATIONAL STUDIES, SUCH AS THE ARTICLE
6 "RELATIONSHIPS BETWEEN DENSITY AND PER CAPITA MUNICIPAL
7 SPENDING IN THE UNITED STATES", PUBLISHED IN URBAN SCIENCE, HAVE
8 FOUND THAT LOWER DENSITY COMMUNITIES HAVE HIGHER GOVERNMENT
9 CAPITAL AND MAINTENANCE COSTS FOR WATER, SEWER, AND
10 TRANSPORTATION INFRASTRUCTURE AND LOWER PROPERTY AND SALES
11 TAX REVENUE. THESE INCREASED COSTS ARE OFTEN BORNE BY BOTH
12 STATE AND LOCAL GOVERNMENTS.

13 (m) VEHICLE TRAFFIC, WHICH INCREASES WHEN LAND USE
14 PATTERNS ARE MORE DISPERSED, CONTRIBUTES TWENTY PERCENT OF
15 NITROGEN OXIDE EMISSIONS, A KEY OZONE PRECURSOR, ACCORDING TO
16 THE EXECUTIVE SUMMARY OF THE MODERATE AREA OZONE STATE
17 IMPLEMENTATION PLAN FOR THE 2015 OZONE NATIONAL AMBIENT AIR
18 QUALITY STANDARDS BY THE REGIONAL AIR QUALITY COUNCIL;

19 (n) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
20 HAS CLASSIFIED THE DENVER METRO AREA AND THE NORTH FRONT RANGE
21 AREA AS BEING IN SEVERE NONATTAINMENT FOR OZONE AND GROUND
22 LEVEL OZONE, WHICH HAS SERIOUS IMPACTS ON HUMAN HEALTH,
23 PARTICULARLY FOR VULNERABLE POPULATIONS;

24 (o) ACCORDING TO THE GREENHOUSE GAS POLLUTION REDUCTION
25 ROADMAP, PUBLISHED BY THE COLORADO ENERGY OFFICE AND DATED
26 JANUARY 14, 2021, THE TRANSPORTATION SECTOR IS THE SINGLE LARGEST
27 SOURCE OF GREENHOUSE GAS POLLUTION IN COLORADO;

1 (p) NEARLY SIXTY PERCENT OF THE GREENHOUSE GAS EMISSIONS
2 FROM THE TRANSPORTATION SECTOR COME FROM LIGHT-DUTY VEHICLES,
3 THE MAJORITY OF CARS AND TRUCKS THAT COLORADANS DRIVE EVERY
4 DAY;

5 (q) SECTION 43-1-128 (3) DIRECTS THE DEPARTMENT OF
6 TRANSPORTATION TO ESTABLISH GREENHOUSE GAS REDUCTION TARGETS,
7 GUIDELINES, AND PROCEDURES FOR STATE AND REGIONAL
8 TRANSPORTATION PLANS, AND THE RESULTING GREENHOUSE GAS
9 PLANNING RULE AND ASSOCIATED MITIGATION POLICY DIRECTIVES
10 INCLUDE A LIST OF GREENHOUSE GAS MITIGATION MEASURES TO ACHIEVE
11 THOSE TARGETS, INCLUDING THE ELIMINATION OF MINIMUM PARKING
12 REQUIREMENTS AND OTHER PARKING MANAGEMENT STRATEGIES;

13 (r) LOCAL GOVERNMENT LAND USE DECISIONS THAT REQUIRE A
14 MINIMUM AMOUNT OF PARKING SPACES INCREASE THE COST OF NEW
15 RESIDENTIAL PROJECTS, WHICH INCREASES HOUSING COSTS. ACCORDING
16 TO THE REGIONAL TRANSPORTATION DISTRICT STUDY TITLED
17 "RESIDENTIAL PARKING IN STATION AREAS: A STUDY OF METRO
18 DENVER", STRUCTURED PARKING SPACES IN THE DENVER METROPOLITAN
19 AREA COST TWENTY-FIVE THOUSAND DOLLARS EACH TO BUILD IN 2020
20 AND USE SPACE THAT WOULD OTHERWISE BE USED FOR REVENUE
21 GENERATING RESIDENTIAL UNITS, DECREASING THE PROFITABILITY OF
22 RESIDENTIAL DEVELOPMENT. AS A RESULT, PARKING REQUIREMENTS THAT
23 NECESSITATE THE CONSTRUCTION OF STRUCTURED PARKING SPACES MAY
24 DISCOURAGE DEVELOPERS FROM BUILDING NEW RESIDENTIAL PROJECTS,
25 OR, IF THEY DO MOVE FORWARD WITH PROJECTS, FORCE THEM TO RECOUP
26 THE COSTS OF BUILDING EXCESSIVE PARKING BY INCREASING HOUSING
27 PRICES.

1 (s) OFF-STREET SURFACE PARKING COSTS UP TO TEN THOUSAND
2 DOLLARS PER SPACE, AND EACH SPACE REQUIRES UP TO TWO AND
3 ONE-HALF TIMES ITS SQUARE FOOTAGE TO ACCOMMODATE. AS A RESULT,
4 OFF-STREET SURFACE PARKING REQUIREMENTS ALSO MAY DISCOURAGE
5 DEVELOPERS FROM BUILDING NEW RESIDENTIAL PROJECTS, OR, IF THEY DO
6 MOVE FORWARD WITH PROJECTS, FORCE THEM TO BUILD FEWER UNITS
7 THAN THEY OTHERWISE COULD AND RECOUP THE EXCESSIVE COST BY
8 INCREASING HOME PRICES AND RENTS. AN ANALYSIS CONDUCTED BY THE
9 PARKING REFORM NETWORK FOUND THAT AN OFF-STREET PARKING SPACE
10 CAN ADD BETWEEN TWO HUNDRED AND FIVE HUNDRED DOLLARS PER
11 MONTH IN RENT. WHETHER THESE COSTS ARE NECESSARY VARIES FROM
12 ONE BUILDING PROJECT TO THE NEXT, AND THOSE VARIABLES ARE NOT
13 ACCOUNTED FOR IN MANDATED PARKING MINIMUMS.

14 (t) MINIMUM PARKING REQUIREMENTS PUT SMALL BUSINESSES AT
15 A DISADVANTAGE RELATIVE TO LARGE CORPORATIONS. LARGE
16 CORPORATIONS HAVE MORE CAPITAL AT THEIR DISPOSAL TO FULFILL
17 COSTLY PARKING REQUIREMENTS AND ARE LESS RELIANT ON FOOT
18 TRAFFIC, HUMAN-SCALE VISIBILITY, AND A SENSE OF PLACE TO ATTRACT
19 CUSTOMERS.

20 (u) IMPERVIOUS SURFACES SUCH AS THOSE BUILT FOR VEHICLE
21 PARKING CREATE AN URBAN HEAT ISLAND EFFECT, CONTRIBUTING TO
22 RISING TEMPERATURES, INCREASING ENERGY COSTS FOR AIR
23 CONDITIONING, AND WORSENING GROUND LEVEL AIR QUALITY. EXCESSIVE
24 LAND COVERAGE OF THIS KIND MAKES STORMWATER MANAGEMENT
25 DIFFICULT AND EXPENSIVE, AND CONTRIBUTES TO FLASH FLOODING AND
26 EROSION, CAUSING INTERJURISDICTIONAL CONFLICTS AND LEGAL
27 DISPUTES.

1 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
2 REQUIRED MINIMUM AMOUNT OF PARKING SPACES FOR A REAL PROPERTY
3 IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

4 **29-35-102. Definitions.** AS USED IN THIS ARTICLE 35, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "ADAPTIVE REUSE" MEANS THE CONVERSION OF AN EXISTING
7 STRUCTURE FROM THE USE FOR WHICH IT WAS CONSTRUCTED TO A NEW
8 USE BY MAINTAINING ELEMENTS OF THE STRUCTURE AND ADAPTING SUCH
9 ELEMENTS TO A NEW USE.

10 (2) "APPLICABLE TRANSIT PLAN" MEANS A PLAN OF A TRANSIT
11 AGENCY WHOSE SERVICE TERRITORY IS WITHIN A METROPOLITAN
12 PLANNING ORGANIZATION, INCLUDING A SYSTEM OPTIMIZATION PLAN OR
13 A TRANSIT MASTER PLAN THAT:

14 (a) HAS BEEN APPROVED BY THE GOVERNING BODY OF A TRANSIT
15 AGENCY ON OR AFTER JANUARY 1, 2019, AND ON OR BEFORE JANUARY 1,
16 2024;

17 (b) IDENTIFIES THE PLANNED FREQUENCY AND SPAN OF SERVICE
18 FOR TRANSIT SERVICE OR SPECIFIC TRANSIT ROUTES; AND

19 (c) IDENTIFIES SPECIFIC TRANSIT ROUTES FOR SHORT-TERM
20 IMPLEMENTATION ACCORDING TO THAT PLAN, OR IMPLEMENTATION
21 BEFORE JANUARY 1, 2027.

22 (3) "APPLICABLE TRANSIT SERVICE AREA" MEANS AN AREA
23 DESIGNATED BY THE MAP CREATED IN SECTION 29-35-106.

24 (4) "BUS RAPID TRANSIT SERVICE" MEANS A TRANSIT SERVICE
25 THAT:

26 (a) IS IDENTIFIED AS BUS RAPID TRANSIT BY A TRANSIT AGENCY, IN
27 A METROPOLITAN PLANNING ORGANIZATION'S FISCALLY CONSTRAINED

1 LONG RANGE TRANSPORTATION PLAN OR IN AN APPLICABLE TRANSIT PLAN;

2 AND

3 (b) INCLUDES ANY NUMBER OF THE FOLLOWING:

4 (I) SERVICE THAT IS SCHEDULED TO RUN EVERY FIFTEEN MINUTES
5 OR LESS FOR FOUR HOURS OR MORE ON WEEKDAYS, EXCLUDING SEASONAL
6 SERVICE;

7 (II) DEDICATED LANES OR BUSWAYS;

8 (III) TRAFFIC SIGNAL PRIORITY;

9 (IV) OFF-BOARD FARE COLLECTION;

10 (V) ELEVATED PLATFORMS; OR

11 (VI) ENHANCED STATIONS.

12 (5) "COMMUNITY-BASED ORGANIZATION" MEANS A
13 COLORADO-BASED NONPROFIT ENTITY THAT:

14 (a) HAS A MISSION TO IMPROVE THE ENVIRONMENTAL, ECONOMIC,
15 SOCIAL, CULTURAL, OR QUALITY OF LIFE CONDITIONS OF A COMMON
16 COMMUNITY OF INTEREST;

17 (b) IS ACCESSIBLE FOR RESIDENTS OF ALL AGES, INCOMES,
18 LANGUAGES, AND ABILITIES; OR

19 (c) ADDRESSES THE NEEDS OF DISPROPORTIONATELY IMPACTED
20 AND MARGINALIZED COMMUNITIES IN THE REGION AND CENTERS VOICES
21 OF MARGINALIZED COMMUNITIES IN TRANSPORTATION PLANNING, BOTH IN
22 THEIR COMMUNITY AND AROUND THE REGION.

23 (6) "COMMUTER BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID
24 TRANSIT SERVICE THAT OPERATES FOR A MAJORITY OF ITS ROUTE ON A
25 FREEWAY WITH ACCESS THAT IS LIMITED TO GRADE-SEPARATED
26 INTERCHANGES.

27 (7) "COUNTY" MEANS A COUNTY, INCLUDING A HOME RULE

1 COUNTY BUT EXCLUDING A CITY AND COUNTY.

2 (8) "LAND USE APPROVAL" MEANS ANY FINAL ACTION OF A LOCAL
3 GOVERNMENT THAT HAS THE EFFECT OF AUTHORIZING THE USE OR
4 DEVELOPMENT OF A PARTICULAR PARCEL OF REAL PROPERTY.

5 (9) "LOADING SPACE" MEANS AN OFF-STREET SPACE OR BERTH
6 THAT:

7 (a) IS ON THE SAME SITE WITH A BUILDING OR CONTIGUOUS TO A
8 GROUP OF BUILDINGS;

9 (b) IS DESIGNATED FOR THE TEMPORARY PARKING OF EITHER:

10 (I) A COMMERCIAL VEHICLE WHILE MATERIALS ARE LOADED IN OR
11 UNLOADED FROM THE VEHICLE; OR

12 (II) A VEHICLE WHILE PASSENGERS BOARD OR DISEMBARK FROM
13 THE VEHICLE; AND

14 (c) ABUTS UPON A STREET, ALLEY, OR OTHER MEANS OF ACCESS.

15 (10) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY THAT IS
16 WITHIN A METROPOLITAN PLANNING ORGANIZATION OR A COUNTY THAT
17 HAS UNINCORPORATED AREAS WITHIN A METROPOLITAN PLANNING
18 ORGANIZATION.

19 (11) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY,
20 REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT
21 GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING LAND USE
22 CODES, ZONING CODES, AND SUBDIVISION CODES.

23 (12) "MAXIMUM PARKING REQUIREMENT" MEANS A REQUIREMENT
24 ESTABLISHED IN LOCAL LAW THAT LIMITS THE NUMBER OF █ PARKING
25 SPACES █ THAT MAY BE MADE AVAILABLE IN CONNECTION WITH A REAL
26 PROPERTY.

27 (13) "METROPOLITAN PLANNING ORGANIZATION" MEANS A

1 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT
2 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

3 (14) "MINIMUM PARKING REQUIREMENT" MEANS A REQUIREMENT
4 ESTABLISHED IN LOCAL LAW THAT A NUMBER OF █ PARKING SPACES █
5 BE MADE AVAILABLE IN CONNECTION WITH A REAL PROPERTY.

6 (15) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY
7 OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

8 (16) "PARKING SPACE" MEANS AN OFF-STREET _____ SPACE
9 DESIGNATED FOR MOTOR VEHICLE PARKING. A PARKING SPACE DOES NOT
10 INCLUDE A LOADING SPACE.

11 (17) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE
12 HOUSING THAT:

13 (a) HAS RECEIVED LOANS, GRANTS, EQUITY, BONDS, OR TAX
14 CREDITS FROM ANY SOURCE TO SUPPORT THE CREATION, PRESERVATION,
15 OR REHABILITATION OF AFFORDABLE HOUSING THAT, AS A CONDITION OF
16 FUNDING, ENCUMBERS THE PROPERTY WITH A RESTRICTED USE COVENANT
17 OR SIMILAR RECORDED AGREEMENT TO ENSURE AFFORDABILITY, OR HAS
18 BEEN INCOME-RESTRICTED UNDER A LOCAL INCLUSIONARY ZONING
19 ORDINANCE OR OTHER REGULATION OR PROGRAM;

20 (b) RESTRICTS OR LIMITS MAXIMUM RENTAL OR SALE PRICE FOR
21 HOUSEHOLDS OF A GIVEN SIZE AT A GIVEN AREA MEDIAN INCOME, AS
22 ESTABLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF
23 HOUSING AND URBAN DEVELOPMENT; AND

24 (c) ENSURES OCCUPANCY BY LOW- TO MODERATE-INCOME
25 HOUSEHOLDS FOR A SPECIFIED PERIOD DETAILED IN A RESTRICTIVE USE
26 COVENANT OR SIMILAR RECORDED AGREEMENT.

27 **29-35-103. Limitations on minimum parking requirements.**

1 (1) ON OR AFTER JUNE 30, 2025, A MUNICIPALITY SHALL NEITHER ENACT
2 NOR ENFORCE LOCAL LAWS THAT ESTABLISH A MINIMUM PARKING
3 REQUIREMENT THAT APPLIES TO A LAND USE APPROVAL FOR A
4 MULTIFAMILY RESIDENTIAL DEVELOPMENT, ADAPTIVE RE-USE FOR
5 RESIDENTIAL PURPOSES, OR ADAPTIVE RE-USE MIXED-USE PURPOSES
6 WHICH INCLUDE AT LEAST FIFTY PERCENT OF USE FOR RESIDENTIAL
7 PURPOSES THAT IS _____ WITHIN THE MUNICIPALITY, A METROPOLITAN
8 PLANNING ORGANIZATION, AND AT LEAST PARTIALLY WITHIN AN
9 APPLICABLE TRANSIT SERVICE AREA.

10 (2) ON OR AFTER JUNE 30, 2025, A COUNTY SHALL NEITHER ENACT
11 NOR ENFORCE LOCAL LAWS THAT ESTABLISH A MINIMUM PARKING
12 REQUIREMENT THAT APPLIES TO A LAND USE APPROVAL FOR A
13 MULTIFAMILY RESIDENTIAL DEVELOPMENT, ADAPTIVE RE-USE FOR
14 RESIDENTIAL PURPOSES, OR ADAPTIVE RE-USE MIXED-USE PURPOSES
15 WHICH INCLUDE AT LEAST FIFTY PERCENT OF USE FOR RESIDENTIAL
16 PURPOSES THAT IS WITHIN _____ THE UNINCORPORATED AREA OF THE
17 COUNTY, A METROPOLITAN PLANNING ORGANIZATION, AND AT LEAST
18 PARTIALLY WITHIN AN APPLICABLE TRANSIT SERVICE AREA.

19 _____

20 (3) NOTHING IN THIS SECTION:

21 (a) LOWERS THE PROTECTIONS PROVIDED FOR PERSONS WITH
22 DISABILITIES, INCLUDING THE NUMBER OF PARKING SPACES FOR PERSONS
23 WHO ARE MOBILITY IMPAIRED, UNDER THE FEDERAL "AMERICANS WITH
24 DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND PARTS 6
25 AND 8 OF ARTICLE 34 OF TITLE 24;

26 (b) PREVENTS A LOCAL GOVERNMENT FROM ENACTING OR
27 ENFORCING LOCAL LAWS THAT ESTABLISH A MAXIMUM PARKING

1 REQUIREMENT;

2 (c) PREVENTS A LOCAL GOVERNMENT OR A DEVELOPER FROM
3 BEING AWARDED FUNDING FOR AFFORDABLE HOUSING THAT REQUIRES A
4 RATIO OF A CERTAIN NUMBER OF PARKING SPACES;

5 (d) AFFECTS THE ABILITY OF A LOCAL GOVERNMENT TO ENFORCE
6 ANY AGREEMENT MADE IN CONNECTION WITH A LAND USE APPROVAL
7 PRIOR TO THE EFFECTIVE DATE OF HOUSE BILL 24-1304, ENACTED IN 2024,
8 TO PROVIDE REGULATED AFFORDABLE HOUSING IN EXCHANGE FOR
9 REDUCING MINIMUM PARKING REQUIREMENTS;

10 (e) PREVENTS A LOCAL GOVERNMENT FROM ENACTING OR
11 ENFORCING LOCAL LAWS THAT ESTABLISH A MINIMUM REQUIREMENT
12 FOR BICYCLE PARKING; OR

13 (f) PREVENTS A LOCAL GOVERNMENT FROM IMPOSING THE
14 FOLLOWING REQUIREMENTS ON A PARKING SPACE THAT IS
15 VOLUNTARILY PROVIDED IN CONNECTION WITH A LAND USE APPROVAL:

16 (I) THAT THE OWNERS OF SUCH A PARKING SPACE CHARGE FOR
17 THE USE OF THE SPACE;

18 (II) THAT THE OWNER OF A SUCH A PARKING SPACE CONTRIBUTE
19 TO A PARKING ENTERPRISE, PERMITTING SYSTEM, OR SHARED PARKING
20 PLAN; AND

21 (III) THAT SUCH A PARKING SPACE ALLOWS FOR ELECTRIC
22 VEHICLE CHARGING STATIONS IN ACCORDANCE WITH EXISTING LAW.

23 **29-35-104. Limitations on minimum parking requirements.**

24 (1) NOTWITHSTANDING SECTION 29-35-103, A LOCAL GOVERNMENT MAY
25 IMPOSE OR ENFORCE A MINIMUM PARKING REQUIREMENT IN CONNECTION
26 WITH A HOUSING DEVELOPMENT PROJECT THAT IS INTENDED TO CONTAIN
27 TWENTY UNITS OR MORE OR CONTAIN REGULATED AFFORDABLE HOUSING

1 BY REQUIRING NO MORE THAN ONE PARKING SPACE PER DWELLING UNIT IN
2 THE HOUSING DEVELOPMENT.

3 (2) (a) IN ORDER TO IMPOSE A MINIMUM PARKING REQUIREMENT
4 PURSUANT TO SUBSECTION (1) OF THIS SECTION IN CONNECTION WITH A
5 HOUSING DEVELOPMENT PROJECT, A LOCAL GOVERNMENT MUST, NO LATER
6 THAN NINETY DAYS AFTER RECEIVING A COMPLETED APPLICATION FOR THE
7 HOUSING DEVELOPMENT PROJECT, PUBLICLY PUBLISH WRITTEN FINDINGS
8 THAT FIND THAT NOT IMPOSING OR ENFORCING A MINIMUM PARKING
9 REQUIREMENT IN CONNECTION WITH THE HOUSING DEVELOPMENT PROJECT
10 WOULD HAVE A SUBSTANTIAL NEGATIVE IMPACT.

11 (b) A LOCAL GOVERNMENT'S WRITTEN FINDINGS PUBLISHED
12 PURSUANT TO SUBSECTION (2)(a) MUST:

13 (I) BE SUPPORTED BY SUBSTANTIAL EVIDENCE THAT SUPPORTS THE
14 FINDING OF A SUBSTANTIAL NEGATIVE IMPACT ON:

15 (A) SAFE PEDESTRIAN, BICYCLE, OR EMERGENCY ACCESS TO THE
16 HOUSING DEVELOPMENT PROJECT; OR

17 (B) EXISTING ON- OR OFF-STREET PARKING SPACES WITHIN ONE
18 EIGHTH-MILE OF THE HOUSING DEVELOPMENT PROJECT;

19 (II) BE REVIEWED AND APPROVED BY A PROFESSIONAL ENGINEER,
20 AS DEFINED IN SECTION 12-120-202 (7).

21 (III) INCLUDE PARKING UTILIZATION DATA COLLECTED FROM THE
22 AREA WITHIN ONE EIGHTH-MILE OF THE HOUSING DEVELOPMENT PROJECT;

23 AND

24 (IV) DEMONSTRATE THAT THE LOCAL GOVERNMENT
25 IMPLEMENTATION OF STRATEGIES TO MANAGE DEMAND FOR ON-STREET
26 PARKING FOR THE AREA WITHIN ONE EIGHTH-MILE OF THE HOUSING
27 DEVELOPMENT PROJECT WOULD NOT BE EFFECTIVE TO MITIGATE A

1 SUBSTANTIAL NEGATIVE IMPACT FOUND PURSUANT TO THIS SECTION.

2 (3) ON OR BEFORE DECEMBER 31, 2026, AND EVERY DECEMBER
3 31ST THEREAFTER, IF APPLICABLE, A LOCAL GOVERNMENT SHALL, IN A
4 FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL AFFAIRS,
5 SUBMIT INFORMATION REGARDING A MINIMUM PARKING REQUIREMENT
6 IMPOSED OR ENFORCED PURSUANT TO THIS SECTION TO THE DEPARTMENT
7 OF LOCAL AFFAIRS.

8 (4) THE DEPARTMENT OF LOCAL AFFAIRS MAY ISSUE POLICIES AND
9 PROCEDURES AS NECESSARY TO IMPLEMENT THIS SECTION.

10

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11 **29-35-105. Parking management technical assistance.**

12 (1) (a) ON OR BEFORE DECEMBER 31, 2024, THE DEPARTMENT OF LOCAL
13 AFFAIRS, IN CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION,
14 AND THE COLORADO ENERGY OFFICE, SHALL, WITHIN EXISTING
15 RESOURCES, TO THE EXTENT FEASIBLE, DEVELOP AND PUBLISH BEST
16 PRACTICES AND TECHNICAL ASSISTANCE MATERIALS CONCERNING
17 OPTIMIZING PARKING SUPPLY AND MANAGING PARKING IN WAYS THAT
18 INCREASE THE PRODUCTION OF AFFORDABLE HOUSING AND HOUSING
19 SUPPLY. THESE BEST PRACTICES AND TECHNICAL ASSISTANCE MATERIALS
20 MUST INCLUDE, BUT ARE NOT LIMITED TO, ELEMENTS RELATED TO:

21 (I) THE IMPLEMENTATION OF LOCAL PARKING MAXIMUMS;

22 (II) SAMPLE LANGUAGE TO REPLACE EXISTING LOCAL PARKING
23 CODES WITH OTHER INCENTIVES FOR THE PRODUCTION OF AFFORDABLE
24 HOUSING, TRANSPORTATION DEMAND MANAGEMENT STRATEGIES, AND
25 OTHER DESIRED OUTCOMES;

26 (III) THE DESIGN AND IMPLEMENTATION OF PARKING BENEFIT
27 DISTRICTS AND ON-STREET PARKING MANAGEMENT;

1 (IV) STRATEGIES FOR DEVELOPERS TO MANAGE THE SUPPLY AND
2 PRICE OF PARKING SPACES TO MINIMIZE PARKING DEMAND BASED ON
3 DIFFERENT LOCATION AND LAND USE CHARACTERISTICS AND TAKING INTO
4 CONSIDERATION THE NUMBER OF RESIDENTS WHO NEED ACCESS TO
5 PARKING AND ACCESS TO MASS TRANSIT;

6 (V) STRATEGIES THAT PRIORITIZE THE TRANSPORTATION NEEDS OF
7 RESIDENTS OF REGULATED AFFORDABLE HOUSING, LOW-INCOME
8 COMMUNITIES, AND COMMUNITIES WITH LOW RATES OF CAR OWNERSHIP;

9 (VI) STRATEGIES TO OPTIMIZE THE USE OF EXISTING PARKING
10 THROUGH SHARED PARKING AGREEMENTS AND OTHER STRATEGIES; AND

11 (VII) INFORMATION FROM AFFORDABLE HOUSING PROVIDERS AND
12 EXISTING STUDIES ON PARKING NEEDS FOR RESIDENTS OF REGULATED
13 AFFORDABLE HOUSING BASED ON DIFFERENT LOCATION AND LAND USE
14 CHARACTERISTICS.

15 (b) (I) IN DEVELOPING THE MATERIALS AND BEST PRACTICES
16 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT OF
17 LOCAL AFFAIRS SHALL CONSULT WITH VARIOUS STAKEHOLDERS,
18 INCLUDING LOCAL GOVERNMENTS, METROPOLITAN PLANNING
19 ORGANIZATIONS, DISPROPORTIONATELY IMPACTED COMMUNITIES,
20 COMMUNITY-BASED ORGANIZATIONS, AFFORDABLE HOUSING PROVIDERS,
21 TRANSIT AGENCIES, AND ACTIVE TRANSPORTATION ORGANIZATIONS. IN
22 CONSULTING WITH THESE STAKEHOLDERS, THE DEPARTMENT OF LOCAL
23 AFFAIRS MAY COLLECT THIS FEEDBACK THROUGH MULTIPLE MEANS,
24 INCLUDING ONLINE OR IN-PERSON SURVEYS OR PUBLIC FEEDBACK
25 SESSIONS.

26 (2) DURING THE FIRST REGULAR SESSION OF THE SEVENTY-FIFTH
27 GENERAL ASSEMBLY, THE DEPARTMENT OF LOCAL AFFAIRS SHALL PRESENT

1 THE MATERIALS AND BEST PRACTICES DESCRIBED IN SUBSECTION (1)(a) OF
2 THIS SECTION TO THE LOCAL GOVERNMENT AND HOUSING COMMITTEE OF
3 THE SENATE AND THE TRANSPORTATION, HOUSING AND LOCAL
4 GOVERNMENT COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR THEIR
5 SUCCESSOR COMMITTEES.

6

7

8 **29-35-106. Applicable transit service areas map. (1) ON OR**
9 **BEFORE SEPTEMBER 30, 2024, THE DEPARTMENT OF LOCAL AFFAIRS, IN**
10 **CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, COLORADO**
11 **ENERGY OFFICE, METROPOLITAN PLANNING ORGANIZATIONS, AND TRANSIT**
12 **AGENCIES THAT OPERATE WITHIN METROPOLITAN PLANNING**
13 **ORGANIZATIONS, SHALL PUBLISH A MAP THAT DESIGNATES APPLICABLE**
14 **TRANSIT SERVICE AREAS TO BE USED BY LOCAL GOVERNMENTS IN**
15 **COMPLYING WITH THIS PART 1.**

16 **(2) IN PUBLISHING THE MAP DESCRIBED IN SUBSECTION (1) OF THIS**
17 **SECTION, THE DEPARTMENT OF LOCAL AFFAIRS SHALL DESIGNATE**
18 **APPLICABLE TRANSIT SERVICE AREAS AS AREAS THAT ARE WITHIN:**

19 **(a) ONE QUARTER-MILE OF EXISTING STATIONS SERVED BY ROUTES**
20 **IDENTIFIED IN AN APPLICABLE TRANSIT PLAN FOR:**

21 **(I) COMMUTER BUS RAPID TRANSIT;**

22 **(II) COMMUTER RAIL WITH PLANNED OR SCHEDULED SERVICE THAT**
23 **IS SCHEDULED TO RUN EVERY THIRTY MINUTES OR MORE FREQUENT**
24 **BETWEEN SEVEN A.M. AND TEN A.M. AND BETWEEN FOUR P.M. AND SEVEN**
25 **P.M.;**

26 **(III) LIGHT RAIL WITH PLANNED OR SCHEDULED SERVICE THAT IS**
27 **SCHEDULED TO RUN EVERY THIRTY MINUTES OR MORE FREQUENT**

1 BETWEEN SEVEN A.M. AND TEN A.M. AND BETWEEN FOUR P.M. AND SEVEN
2 P.M.; AND

3 (IV) A PUBLIC BUS ROUTE THAT HAS A PLANNED OR SCHEDULED
4 FREQUENCY OF EVERY THIRTY MINUTES OR MORE FREQUENT FOR FOUR
5 HOURS OR MORE ON WEEKDAYS, EXCLUDING SEASONAL SERVICE;

6 (b) ONE QUARTER-MILE OF CURRENTLY PLANNED OR EXISTING
7 STATIONS AND STOPS SERVED BY PUBLIC BUS ROUTES THAT:

8 (I) HAVE A PLANNED OR SCHEDULED FREQUENCY OF EVERY THIRTY
9 MINUTES OR MORE FREQUENT FOR FOUR HOURS OR MORE ON WEEKDAYS,
10 EXCLUDING SEASONAL SERVICE; AND

11 (II) ARE IDENTIFIED WITHIN AN APPLICABLE TRANSIT PLAN FOR
12 SHORT-TERM IMPLEMENTATION OR IMPLEMENTATION BEFORE JANUARY 1,
13 2030, ACCORDING TO THAT PLAN; OR

14 (c) FOR TRANSIT AGENCIES WITHIN METROPOLITAN PLANNING
15 ORGANIZATIONS THAT DO NOT HAVE APPLICABLE TRANSIT PLANS, ONE
16 QUARTER-MILE OF PUBLIC BUS ROUTES WITH EXISTING TRANSIT SERVICE
17 LEVELS AS OF JANUARY 1, 2024, WITH A SCHEDULED FREQUENCY OF
18 EVERY THIRTY MINUTES OR MORE FREQUENT DURING THE FOUR HOURS OR
19 MORE ON WEEKDAYS, EXCLUDING SEASONAL SERVICE.

20 **SECTION 2.** In Colorado Revised Statutes, 29-20-104, **amend**
21 (1) introductory portion as follows:

22 **29-20-104. Powers of local governments - definition.**

23 (1) Except as expressly provided in section 29-20-104.2, ~~or~~ SECTION
24 29-20-104.5, AND ARTICLE 35 OF THIS TITLE 29, the power and authority
25 granted by this section does not limit any power or authority presently
26 exercised or previously granted. Except as provided in section
27 29-20-104.2, each local government within its respective jurisdiction has

1 the authority to plan for and regulate the use of land by:

2 **SECTION 3.** In Colorado Revised Statutes, 30-15-401, **amend**
3 (1)(h)(I)(B) as follows:

4 **30-15-401. General regulations - definitions.** (1) In addition to
5 those powers granted by sections 30-11-101 and 30-11-107 and by parts
6 1, 2, and 3 of this article 15, the board of county commissioners may
7 adopt ordinances for control or licensing of those matters of purely local
8 concern that are described in the following enumerated powers:

9 (h) (I) To control and regulate the movement and parking of
10 vehicles and motor vehicles on public property; except that:

11 (B) For the purposes of any minimum parking requirement a
12 board of county commissioners imposes, the board of county
13 commissioners is subject to ~~section 30-28-140~~ ARTICLE 35 OF TITLE 29
14 AND SECTION 30-28-140; and

15 **SECTION 4. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly; except
18 that, if a referendum petition is filed pursuant to section 1 (3) of article V
19 of the state constitution against this act or an item, section, or part of this
20 act within such period, then the act, item, section, or part will not take
21 effect unless approved by the people at the general election to be held in
22 November 2024 and, in such case, will take effect on the date of the
23 official declaration of the vote thereon by the governor.