

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

ENGROSSED

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

LLS NO. 24-0151.01 Pierce Lively x2059

SENATE BILL 24-174

SENATE SPONSORSHIP

Kirkmeyer and Zenzinger, Bridges, Baisley, Gardner, Ginal, Liston, Lundeen, Pelton B., Pelton R., Rich, Simpson, Smallwood, Will

HOUSE SPONSORSHIP

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Senate Committees

Local Government & Housing
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING STATE SUPPORT FOR SUSTAINABLE AFFORDABLE**
102 **HOUSING, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

Bill Summary

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

Housing needs assessments. The bill requires the executive director of the department of local affairs (director), no later than December 31, 2024, to develop reasonable methodologies for conducting statewide, regional, and local housing needs assessments and reasonable guidance for a local government to identify areas at elevated risk of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
Amended 2nd Reading
April 18, 2024

displacement.

The bill requires the director, no later than November 30, 2027, and every 6 years thereafter, to conduct a statewide housing needs assessment that analyzes existing and future statewide housing needs and to publish a report identifying current housing stock and estimating statewide housing needs.

The bill requires each local government, beginning December 31, 2026, and every 6 years thereafter, to conduct and publish a local housing needs assessment. The bill outlines the process for a local government conducting a local housing needs assessment and for determining when a local government is exempt from conducting a local housing needs assessment. The bill requires local governments to submit local housing needs assessments to the department of local affairs (department), which shall publish those assessments on the department's website.

Relatedly, the bill allows a regional entity to conduct a regional housing needs assessment. If a regional entity conducts a regional housing needs assessment, the bill requires the regional entity to submit the assessment both to each local government in the region and to the department, which shall publish those assessments on the department's website.

Housing action plans. A housing action plan is an advisory document that demonstrates a local government's commitment to address housing needs and that guides a local government in developing legislative actions, promoting regional coordination, and informing the public of the local government's efforts to address housing needs in the local government's jurisdiction. The bill requires a local government with a population of 1,000 or more to make a housing action plan no later than January 1, 2028, and every 6 years thereafter. The bill identifies the specific elements that a housing action plan must include, explains how a local government may update a housing action plan, requires a local government to report its progress in implementing the plan to the department, and requires a local government to submit a housing action plan to the department, which shall publish those assessments on the department's website.

Publishing of reports. The bill requires the director to publish reports on the following no later than December 31, 2024:

- A directory of housing and land use strategies to guide local governments in encouraging the development of a range of housing types with a primary focus on increasing housing affordability; and
- A directory of housing and land use strategies to guide local governments in avoiding, reducing, and mitigating the impact of displacement.

The bill establishes the minimum required elements for both types of directories of housing and land use strategies. The bill also requires the

director to develop and publish:

- No later than June 30, 2025, in consultation with the Colorado water conservation board, a joint report concerning water supply; and
- No later than December 31, 2025, in coordination with relevant state agencies, a natural land and agricultural interjurisdictional opportunities report.

Technical assistance. The bill requires the division of local government (division) to provide technical assistance and guidance through a grant program, the provision of consultant services, or both to aid local governments in:

- Establishing regional entities;
- Creating local and regional housing needs assessments;
- Making a housing action plan;
- Enacting laws and policies that encourage the development of a range of housing types or mitigate the impact of displacement; and
- Creating strategic growth elements in master plans.

The bill creates the continuously appropriated housing needs planning technical assistance fund to contain the money necessary for the division to provide this technical assistance and guidance. The bill requires the state treasurer to transfer \$15 million from the general fund to this fund.

Further, the bill directs the division to serve as a clearing house for the benefit of local governments and regional entities in accomplishing the goals of the bill. The division shall report on the assistance requested and provided under the bill.

Grant program prioritization criteria. On and after December 1, 2027, for any grant program conducted by the department, the Colorado energy office, the office of economic development the department of transportation, the department of natural resources, the department of public health and environment, and the department of personnel and administration that awards grants to local governments for the primary purpose of supporting land use planning or housing, the bill requires the awarding entity to prioritize awarding grants to a local government that:

- Is the subject of a completed and filed housing needs assessment;
- Has adopted a housing action plan that has been accepted by the department;
- Has reported progress to the department regarding the adoption of any strategies or changes to local laws identified in the housing action plan; and
- Is the subject of a master plan that includes a water element and a strategic growth element.

In the case of a local government that is not required to do any of the above, the department is required to prioritize that local government in the same way that it prioritizes a local government that has done all of the above.

Master plans. The bill modifies the requirements of both county and municipal master plans so that those master plans must include:

- A narrative description of the procedure used for the development and adoption of the master plan;
- No later than December 31, 2026, a water supply element; and
- No later than December 31, 2026, a strategic growth element, so long as the county or municipality meets certain requirements.

The water element in a county or municipal master plan must identify the general location and extent of an adequate and suitable supply of water, identify supplies and facilities sufficient to meet the needs of local infrastructure, and include water conservation policies.

The strategic growth element in a master plan must include:

- A buildable sites analysis that identifies vacant, partially vacant, and underutilized land that can accommodate infill development, redevelopment, and new development without the development of previously undeveloped land;
- An identification of areas within a reasonable distance of rail transit and frequent bus service that can accommodate the development of housing to address the housing needs of current and future residents at all income levels; and
- A description of existing and needed infrastructure, transportation, and public facilities and services to serve these sites.

The bill requires both counties and municipalities to submit their master plan and any separately approved water or strategic growth element to the division for the division's review.

Prohibition contrary to public policy. The bill prohibits a unit owners' association of a common interest community from, through any declaration or bylaw, rules, or regulation adopted or amended by an association on or after July 1, 2024, prohibiting or restricting the construction of accessory dwelling units or middle housing, if the zoning laws of the association's local jurisdiction would otherwise allow such construction.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 37 to article

1 32 of title 24 as follows:

2 PART 37

3 HOUSING NEEDS PLANNING

4 **24-32-3701. Definitions.** AS USED IN THIS PART 37, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "ACCESSIBLE HOUSING" OR "ACCESSIBLE UNIT" MEANS
7 HOUSING THAT SATISFIES THE REQUIREMENTS OF THE FEDERAL "FAIR
8 HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., AS AMENDED, AND
9 INCORPORATES UNIVERSAL DESIGN.

10 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

11 (3) "DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
12 DEPARTMENT OF LOCAL AFFAIRS.

13 (4) "DISPLACEMENT" MEANS:

14 (a) THE INVOLUNTARY RELOCATION OF RESIDENTS, PARTICULARLY
15 LOW-INCOME RESIDENTS, OR LOCALLY OWNED COMMUNITY SERVING
16 BUSINESSES AND INSTITUTIONS DUE TO:

17 (I) INCREASED REAL ESTATE PRICES OR RENTS, PROPERTY
18 REHABILITATION, REDEVELOPMENT, DEMOLITION, OR OTHER ECONOMIC
19 FACTORS;

20 (II) PHYSICAL CONDITIONS RESULTING FROM NEGLECT AND
21 UNDERINVESTMENT THAT RENDER A RESIDENCE UNINHABITABLE; OR

22 (III) PHYSICAL DISPLACEMENT WHEREIN EXISTING HOUSING UNITS
23 AND COMMERCIAL SPACES ARE LOST DUE TO PROPERTY REHABILITATION,
24 REDEVELOPMENT, OR DEMOLITION; OR

25 (b) INDIRECT DISPLACEMENT RESULTING FROM CHANGES IN
26 NEIGHBORHOOD POPULATION, IF, WHEN LOW-INCOME HOUSEHOLDS MOVE
27 OUT OF HOUSING UNITS, THOSE SAME HOUSING UNITS DO NOT REMAIN

1 AFFORDABLE TO OTHER LOW-INCOME HOUSEHOLDS IN THE
2 NEIGHBORHOOD, OR DEMOGRAPHIC CHANGES THAT REFLECT THE
3 RELOCATION OF EXISTING RESIDENTS FOLLOWING WIDESPREAD
4 RELOCATION OF THEIR COMMUNITY AND COMMUNITY SERVING ENTITIES.

5 (5) "DIVISION OF LOCAL GOVERNMENT" MEANS THE DIVISION OF
6 LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN
7 SECTION 24-32-103.

8 ==
9 (6) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE
10 INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS,
11 INCLUDING PERMANENT PROVISIONS FOR COOKING, EATING, LIVING,
12 SANITATION, AND SLEEPING.

13 ==
14 (7) "LOCAL GOVERNMENT" MEANS A HOME RULE, TERRITORIAL, OR
15 STATUTORY COUNTY, CITY AND COUNTY, CITY, OR TOWN.

16 (8) "MAJOR TRANSIT STOP" MEANS A STATION FOR BOARDING AND
17 EXITING GENERAL PUBLIC PASSENGER RAIL, INCLUDING COMMUTER RAIL
18 AND LIGHT RAIL, OR A STOP ON A BUS ROUTE WITH A SERVICE FREQUENCY
19 OF NO MORE THAN EVERY FIFTEEN MINUTES FOR THE MAJORITY OF A DAY.

20 (9) "MULTIFAMILY RESIDENTIAL HOUSING" MEANS A BUILDING OR
21 GROUP OF BUILDINGS ON A LOT WITH FIVE OR MORE SEPARATE DWELLING
22 UNITS.

23 (10) "NEIGHBORHOOD CENTER" MEANS AN AREA THAT MEETS THE
24 FOLLOWING CRITERIA:

25 (a) ALLOWS A NET HOUSING DENSITY WITHIN ZONING THAT
26 SUPPORTS MIXED-USE PEDESTRIAN-ORIENTED NEIGHBORHOODS, THE
27 DEVELOPMENT OF REGULATED AFFORDABLE HOUSING, AND INCREASED

1 PUBLIC TRANSIT RIDERSHIP, AS APPLICABLE;

2 (b) USES AN EFFICIENT DEVELOPMENT REVIEW PROCESS FOR
3 MULTIFAMILY RESIDENTIAL DEVELOPMENT ON PARCELS IN THE AREA THAT
4 ARE NO LARGER THAN A SIZE DETERMINED BY THE DEPARTMENT;

5 (c) INCLUDES ASPECTS OF MIXED-USE PEDESTRIAN-ORIENTED
6 NEIGHBORHOODS, AS DETERMINED BY CRITERIA ESTABLISHED BY THE
7 DEPARTMENT; AND

8 (d) SATISFIES ANY OTHER CRITERIA, AS DETERMINED BY THE
9 DEPARTMENT, AND AS MAY VARY BY REGIONAL CONTEXT, FOR THE
10 QUALIFICATION OF AN AREA AS A NEIGHBORHOOD CENTER.

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12 (11) "PUBLIC FACILITIES" MEANS PUBLIC STREETS, ROADS,
13 HIGHWAYS, SIDEWALKS, STREET- AND ROAD-LIGHTING SYSTEMS, TRAFFIC
14 SIGNALS, DOMESTIC WATER SYSTEMS, STORM AND SANITARY SEWER
15 SYSTEMS, PARKS AND RECREATIONAL FACILITIES, BUILDINGS USED IN THE
16 PROVISION OF PUBLIC SERVICES, AND SCHOOLS.

17 (12) "PUBLIC SERVICES" MEANS FIRE PROTECTION AND
18 SUPPRESSION, LAW ENFORCEMENT, PUBLIC HEALTH, EDUCATION,
19 RECREATION, ENVIRONMENTAL PROTECTION, STORMWATER
20 MANAGEMENT, WASTEWATER MANAGEMENT, PUBLIC TRANSPORTATION,
21 PUBLIC INFRASTRUCTURE MAINTENANCE, WATER, SOCIAL SERVICES, AND
22 OTHER SERVICES TRADITIONALLY PROVIDED BY GOVERNMENT.

23 (13) "REGION" OR "REGIONAL" MEANS A DEFINED GEOGRAPHIC
24 AREA CONSISTING OF TERRITORY FROM MORE THAN ONE LOCAL
25 GOVERNMENT WITH A SUBSTANTIAL INTERCONNECTION IN COMMUTING
26 PATTERNS, ECONOMY, WORKFORCE, TRANSPORTATION AND TRANSIT
27 SYSTEMS, PUBLIC SERVICES, COMMUNITIES OF INTEREST, OR OTHER

1 FACTORS RELATED TO POPULATION AND HOUSING.

2 (14) "REGIONAL ENTITY" MEANS A COUNCIL OF GOVERNMENTS, A
3 PUBLIC ENTITY FORMED BY THE VOLUNTARY AGREEMENT OF LOCAL
4 GOVERNMENTS IN THE REGION, OR A REGIONAL PLANNING COMMISSION.

5 (15) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE
6 HOUSING THAT:

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

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

18 (c) ENSURES OCCUPANCY BY LOW- TO MODERATE-INCOME
19 HOUSEHOLDS FOR A SPECIFIED PERIOD DETAILED IN A RESTRICTIVE USE
20 COVENANT OR SIMILAR RECORDED AGREEMENT. ___

21 (16) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED
22 BUILDING WITH A SINGLE DWELLING UNIT LOCATED ON A SINGLE LOT.

23 (17) "SUPPORTIVE HOUSING" OR "SUPPORTIVE UNIT" MEANS A
24 COMBINATION OF HOUSING AND SERVICES INTENDED AS A COST-EFFECTIVE
25 WAY TO HELP PEOPLE LIVE MORE STABLE, PRODUCTIVE LIVES, AND
26 TYPICALLY COMBINES AFFORDABLE HOUSING WITH INTENSIVE
27 COORDINATED SERVICES TO HELP PEOPLE MAINTAIN STABLE HOUSING AND

1 RECEIVE APPROPRIATE HEALTH CARE.

2 (18) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED
3 AND CONSTRUCTED TO BE SAFE AND ACCESSIBLE FOR ANY INDIVIDUAL
4 REGARDLESS OF AGE OR ABILITIES.

5 (19) "VISITABLE HOUSING" OR "VISITABLE UNIT" MEANS A
6 DWELLING UNIT THAT A PERSON WITH A DISABILITY CAN ENTER, MOVE
7 AROUND THE PRIMARY ENTRANCE FLOOR OF, AND USE THE BATHROOM IN.

8 **24-32-3702. Housing needs assessment methodology -**
9 **statewide housing needs assessment ___ - displacement risk guidance.**

10 (1) (a) NO LATER THAN DECEMBER 31, 2024, THE DIRECTOR SHALL
11 DEVELOP REASONABLE METHODOLOGIES FOR CONDUCTING STATEWIDE,
12 REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS. THE
13 METHODOLOGIES DESCRIBED IN THIS SUBSECTION (1)(a) MUST ESTABLISH
14 BASELINE STANDARDS THAT SEEK TO PRODUCE ACCURATE DATA FOR
15 INTERNAL STATE AGENCY PLANNING AND GRANT PROGRAMS AND
16 EFFICIENTLY PROCURE DATA FOR USE BY REGIONS AND LOCAL
17 GOVERNMENTS FOR PLANNING PURPOSES, BUT MUST ALSO BE DESIGNED
18 TO MINIMIZE THE FISCAL BURDEN ON LOCAL GOVERNMENTS AND REGIONAL
19 ENTITIES CONDUCTING HOUSING NEEDS ASSESSMENTS. IN DEVELOPING THE
20 REPORTS DESCRIBED IN THIS SUBSECTION (1), THE DIRECTOR SHALL
21 CONSULT WITH LOCAL GOVERNMENTS AND EXPERTS IN PLANNING AND
22 ZONING, AFFORDABLE HOUSING, DISABILITY RIGHTS, HOMELESSNESS
23 RESOLUTION AND PREVENTION, TENANTS' RIGHTS, EXPERTS WITH
24 DEMONSTRATED EXPERIENCE IN CONDUCTING HIGH-QUALITY HOUSING
25 NEEDS ASSESSMENTS AND ENGAGEMENT OF UNDERREPRESENTED
26 COMMUNITIES, AND OTHER FIELDS FOCUSED ON HOUSING NEEDS
27 PLANNING.

1 (b) NO LATER THAN NOVEMBER 30, 2027, AND EVERY SIX YEARS
2 THEREAFTER, THE DIRECTOR SHALL CONDUCT A STATEWIDE HOUSING
3 NEEDS ASSESSMENT THAT ANALYZES EXISTING AND FUTURE STATEWIDE
4 HOUSING NEEDS. THE DIRECTOR SHALL PUBLISH A REPORT BASED ON THE
5 STATEWIDE HOUSING NEEDS ASSESSMENT AND REGIONAL AND LOCAL
6 HOUSING NEEDS ASSESSMENTS ACCEPTED BY THE DEPARTMENT PURSUANT
7 TO SECTION 24-32-3703 (3) OR 24-32-3704 (3) THAT IDENTIFIES CURRENT
8 HOUSING STOCK AND ESTIMATES THE NUMBER AND TYPE OF DWELLING
9 UNITS NEEDED TO ACCOMMODATE FUTURE HOUSING NEEDS OF THE STATE
10 BASED ON POPULATION CHANGE PROJECTIONS. THE REPORT SHALL
11 CATEGORIZE STATEWIDE HOUSING NEEDS BY HOUSEHOLD SIZE;
12 HOUSEHOLD TYPE, INCLUDING ACCESSIBLE, VISITABLE, SUPPORTIVE,
13 FOR-SALE, AND RENTAL HOUSING; AND INCOME LEVELS, INCLUDING
14 EXTREMELY LOW-, VERY LOW-, LOW-, MODERATE-, AND MIDDLE-INCOME
15 HOUSEHOLDS AS DESIGNATED BY THE UNITED STATES DEPARTMENT OF
16 HOUSING AND URBAN DEVELOPMENT.

17 (c) THE METHODOLOGY FOR CONDUCTING A REGIONAL HOUSING
18 NEEDS ASSESSMENT MUST INCLUDE METHODS FOR A REGIONAL ENTITY TO:

19 (I) ESTIMATE EXISTING HOUSING STOCK IN THE REGION AND IN
20 EACH LOCAL JURISDICTION THAT FORMS THE REGION;

21 (II) ESTIMATE HOUSING NEEDS IN THE REGION AND EACH LOCAL
22 GOVERNMENT'S JURISDICTION THAT FORMS THE REGION, SORTED BY
23 INCOME LEVEL AND DWELLING TYPE, INCLUDING ACCESSIBLE UNITS,
24 SUPPORTIVE UNITS, FOR-SALE UNITS, AND RENTAL UNITS;

25 (III) ESTIMATE THE NUMBER OF HOUSEHOLDS IN THE REGION AND
26 EACH LOCAL GOVERNMENT'S JURISDICTION THAT FORMS THE REGION;

27 (IV) ESTIMATE THE NUMBER OF JOBS IN THE REGION AND EACH

1 LOCAL GOVERNMENT'S JURISDICTION THAT FORMS THE REGION, SORTED BY
2 ANNUAL SALARY AND WAGE;

3 (V) ESTIMATE AN ALLOCATION OF HOUSING NEEDS IDENTIFIED IN
4 SUBSECTION (1)(c)(II) OF THIS SECTION TO EACH LOCAL GOVERNMENT IN
5 THE REGION OR CONTRIBUTING TO HOUSING NEEDS IN THE REGION BASED
6 ON THE NUMBER OF JOBS AND EACH LOCAL GOVERNMENT'S DEPENDENCE
7 ON JOBS IN THE REGION, AMONG OTHER FACTORS, TO PROMOTE A BALANCE
8 OF JOBS AT ALL SALARY LEVELS AND HOMES AFFORDABLE TO PERSONS IN
9 THE REGION HOLDING JOBS AT ALL INCOME LEVELS IN THE REGION;

10 (VI) IDENTIFY AREAS AT ELEVATED RISK OF DISPLACEMENT IN THE
11 REGION AND EACH LOCAL GOVERNMENT'S JURISDICTION THAT FORMS THE
12 REGION;

13 (VII) ESTIMATE THE WATER SUPPLY NEEDS FOR THE DWELLING
14 UNITS IDENTIFIED IN SUBSECTIONS (1)(c)(I) AND (1)(c)(II) OF THIS SECTION
15 USING PER CAPITA WATER USE RATES IDENTIFIED IN CONSULTATION WITH
16 THE DEPARTMENT OF NATURAL RESOURCES; AND

17 (VIII) ASSESS MARKET LIMITATIONS ON THE DEVELOPMENT OF
18 FOR-SALE MULTIFAMILY RESIDENTIAL HOUSING IN THE REGION.

19 (d) THE METHODOLOGY FOR CONDUCTING A LOCAL HOUSING
20 NEEDS ASSESSMENT MUST INCLUDE METHODS AND ACCEPTABLE PUBLICLY
21 AVAILABLE DATA SOURCES FOR A LOCAL GOVERNMENT TO:

22 (I) ESTIMATE EXISTING HOUSING STOCK IN THE LOCAL
23 GOVERNMENT'S JURISDICTION;

24 (II) ESTIMATE HOUSING NEEDS WITHIN THE LOCAL GOVERNMENT'S
25 JURISDICTION, SORTED BY INCOME LEVEL AND DWELLING TYPE, INCLUDING
26 ACCESSIBLE UNITS, VISITABLE UNITS, SUPPORTIVE UNITS, FOR-SALE UNITS,
27 AND RENTAL UNITS;

1 (III) ESTIMATE THE NUMBER OF HOUSEHOLDS IN THE LOCAL
2 GOVERNMENT'S JURISDICTION;

3 (IV) ESTIMATE THE NUMBER OF JOBS IN THE LOCAL GOVERNMENT'S
4 JURISDICTION SORTED BY ANNUAL SALARY AND WAGE;

5 (V) INCORPORATE A PORTION OF HOUSING NEEDS IDENTIFIED IN
6 ANY APPLICABLE STATE AND REGIONAL HOUSING NEEDS ASSESSMENT FOR
7 THE LOCAL GOVERNMENT, AS APPROPRIATE, BASED ON THE NUMBER OF
8 JOBS AND EACH LOCAL GOVERNMENT'S DEPENDENCE ON JOBS IN THE
9 REGION, AMONG OTHER FACTORS, TO PROMOTE A BALANCE OF JOBS AT ALL
10 SALARY LEVELS AND HOMES AFFORDABLE TO PERSONS IN THE REGION
11 HOLDING JOBS AT ALL INCOME LEVELS;

12 (VI) IDENTIFY AREAS AT ELEVATED RISK OF DISPLACEMENT IN THE
13 LOCAL GOVERNMENT'S JURISDICTION;

14 (VII) ESTIMATE WATER SUPPLY NEEDS FOR THE DWELLING UNITS
15 IDENTIFIED IN SUBSECTIONS (1)(d)(I) AND (1)(d)(II) OF THIS SECTION
16 USING PER CAPITA WATER USE RATES IDENTIFIED IN CONSULTATION WITH
17 THE DEPARTMENT OF NATURAL RESOURCES; AND

18 (VIII) ASSESS MARKET LIMITATIONS ON THE DEVELOPMENT OF
19 HOUSING IN THE LOCAL GOVERNMENT'S JURISDICTION.

20 (e) THE METHODOLOGIES FOR REGIONAL AND LOCAL HOUSING
21 NEEDS ASSESSMENTS SHOULD INCLUDE GUIDANCE REGARDING HOUSING
22 ACTION PLANS CREATED PURSUANT TO SECTION 24-32-3705, INCLUDING
23 THE INCLUSION OF RECOMMENDATIONS FOR HOUSING ACTION PLANS IN
24 HOUSING NEEDS ASSESSMENTS AND THE SEQUENCING OF HOUSING NEEDS
25 ASSESSMENTS AND HOUSING ACTION PLANS.

26 (2) THE METHODOLOGIES FOR ESTIMATING HOUSING NEEDS IN
27 HOUSING NEEDS ASSESSMENTS MUST BE BASED ON THE FOLLOWING

1 BASELINE COMPONENTS FOR EACH REGION AND LOCAL GOVERNMENT:

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

7 (b) EXISTING HOUSING DIVERSITY AND STOCK;

8 (c) CURRENT JOBS BY INCOME LEVEL;

9 (d) CURRENT MEDIAN INCOME;

10 (e) POPULATION CHANGE PROJECTIONS, JOB GROWTH PROJECTIONS,
11 AND DEMOGRAPHIC TRENDS FORECASTED BY THE STATE DEMOGRAPHY
12 OFFICE;

13 (f) POPULATION AND DEMOGRAPHICS;

14 (g) MEASURES OF LOCAL RESOURCES DEDICATED TO THE
15 DEVELOPMENT OF AFFORDABLE HOUSING;

16 (h) VACANCY RATES;

17 (i) MEASURES OF HOMELESSNESS AND HOUSING INSTABILITY; AND

18 (j) THE JOB-HOUSING BALANCE, INCLUDING THE AVAILABILITY OF
19 HOUSING FOR LOW-INCOME WORKERS.

20 (3) NO LATER THAN DECEMBER 31, 2024, THE DIRECTOR SHALL
21 DEVELOP GUIDANCE FOR REGIONS AND LOCAL GOVERNMENTS TO CONDUCT
22 A DISPLACEMENT RISK ASSESSMENT. IN DEVELOPING THE GUIDANCE, THE
23 DEPARTMENT SHALL INCLUDE METHODS, WITH VARIATIONS FOR DIFFERENT
24 LOCAL CONTEXTS INCLUDING THE SIZE AND RESOURCE LEVELS OF LOCAL
25 GOVERNMENTS, FOR LOCAL GOVERNMENTS TO USE TO:

26 (a) GATHER FEEDBACK THROUGH COMMUNITY ENGAGEMENT;

27 (b) IDENTIFY INFORMATION FROM NEIGHBORHOOD-LEVEL EARLY

1 DISPLACEMENT WARNING AND RESPONSE SYSTEMS OR, IF THOSE SYSTEMS
2 ARE UNAVAILABLE, IDENTIFY THE BEST AVAILABLE LOCAL, REGIONAL,
3 STATE, OR FEDERAL DATA THAT CAN BE ANALYZED TO IDENTIFY
4 RESIDENTS AT ELEVATED DISPLACEMENT RISK, WHICH MAY INCLUDE:

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

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

9 (III) THE PERCENTAGE OF COST-BURDENED HOUSEHOLDS, DEFINED
10 AS HOUSEHOLDS THAT SPEND MORE THAN THIRTY PERCENT OF THE
11 HOUSEHOLD'S INCOME ON HOUSING NEEDS;

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

15 (V) THE PERCENTAGE OF HOUSEHOLDS IN WHICH ENGLISH IS NOT
16 THE PRIMARY SPOKEN LANGUAGE; AND

17 (VI) THE PERCENTAGE OF HOUSING STOCK BUILT PRIOR TO 1970;

18 (c) IDENTIFY THE LOCATION OF MANUFACTURED HOME PARKS;

19 (d) IDENTIFY AREAS THAT QUALIFY AS DISADVANTAGED AS
20 DETERMINED WITH THE CLIMATE AND ECONOMIC JUSTICE SCREENING TOOL
21 DEVELOPED BY THE COUNCIL ON ENVIRONMENTAL QUALITY IN THE OFFICE
22 OF THE PRESIDENT OF THE UNITED STATES; AND

23 (e) IDENTIFY AREAS THAT WILL EXPERIENCE INCREASED ZONING
24 CAPACITY ON OR AFTER JANUARY 1, 2025.

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26 (4) ANY METHODOLOGY OR GUIDANCE DEVELOPED BY THE
27 DIRECTOR PURSUANT TO THIS SECTION MUST PERMIT THE SUBSTITUTION OF

1 AN ASSESSMENT OF HOUSING NEEDS OR DISPLACEMENT RISK CONDUCTED
2 PURSUANT TO THE REQUIREMENTS OF ANY OTHER FEDERAL OR STATE LAW
3 OR REGULATION.

4 **24-32-3703. Local housing needs assessments - procedure -**
5 **exempt local governments.** (1) (a) NO LATER THAN DECEMBER 31, 2026,
6 EACH LOCAL GOVERNMENT SHALL CONDUCT AND PUBLISH A LOCAL
7 HOUSING NEEDS ASSESSMENT THAT CONFORMS TO THE METHODOLOGY FOR
8 CONDUCTING LOCAL HOUSING NEEDS ASSESSMENTS DEVELOPED BY THE
9 DIRECTOR PURSUANT TO SECTION 24-32-3702 (1)(d) FOR THE TERRITORY
10 COVERED BY THE LOCAL GOVERNMENT'S MASTER PLAN.

11 (b) A HOUSING NEEDS ASSESSMENT CONDUCTED BY OR ON BEHALF
12 OF A LOCAL GOVERNMENT AFTER JANUARY 1, 2022, QUALIFIES AS HAVING
13 SATISFIED THE REQUIREMENT OF SUBSECTION (1)(a) OF THIS SECTION, IF
14 THE LOCAL GOVERNMENT SUBMITS THE ASSESSMENT TO THE DEPARTMENT
15 NO LATER THAN DECEMBER 31, 2024, AND THE DEPARTMENT DETERMINES
16 THAT THE MOST RECENT VERSION OF THE ASSESSMENT CONFORMS TO THE
17 METHODOLOGY FOR CONDUCTING A REGIONAL HOUSING NEEDS
18 ASSESSMENT OR LOCAL HOUSING NEEDS ASSESSMENT PURSUANT TO
19 SECTION 24-32-3702. THE DEPARTMENT SHALL REVIEW A HOUSING NEEDS
20 ASSESSMENT AND MAKE SUCH A DETERMINATION WITHIN NINETY DAYS OF
21 A LOCAL GOVERNMENT SUBMITTING THE HOUSING NEEDS ASSESSMENT TO
22 THE DEPARTMENT.

23 (2) BEGINNING ON DECEMBER 31, 2026, A LOCAL GOVERNMENT
24 SHALL COMPLETE A HOUSING NEEDS ASSESSMENT NO LESS OFTEN THAN
25 EVERY SIX YEARS, EXCEPT AS PROVIDED IN THIS SECTION.

26 (3) UPON CONDUCTING A LOCAL GOVERNMENT HOUSING NEEDS
27 ASSESSMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION, A LOCAL

1 GOVERNMENT'S GOVERNING BODY SHALL CONSIDER THE LOCAL HOUSING
2 NEEDS ASSESSMENT AT A PUBLIC MEETING. WITHIN SIXTY DAYS OF
3 CONSIDERING THE LOCAL HOUSING NEEDS ASSESSMENT AT A PUBLIC
4 MEETING, THE LOCAL GOVERNMENT SHALL SUBMIT THE HOUSING NEEDS
5 ASSESSMENT ALONG WITH ANY COMMENTS OF THE LOCAL GOVERNMENT'S
6 GOVERNING BODY TO THE DEPARTMENT. THE DEPARTMENT SHALL NOT
7 ACCEPT A HOUSING NEEDS ASSESSMENT FROM A LOCAL GOVERNMENT
8 THAT DOES NOT INCLUDE THE ELEMENTS LISTED IN SECTION 24-32-3702
9 (1)(d)(I) THROUGH (VI) AND DEMONSTRATE CONSIDERATION OF THE
10 BASELINE COMPONENTS LISTED IN SECTION 24-32-3702 (2). THE
11 DEPARTMENT SHALL NOTIFY A LOCAL GOVERNMENT IF IT DOES NOT
12 ACCEPT AN ASSESSMENT. THE DEPARTMENT SHALL POST THE HOUSING
13 NEEDS ASSESSMENT ON ITS WEBSITE AFTER ACCEPTING THE ASSESSMENT.

14 (4) A LOCAL GOVERNMENT IS EXEMPT FROM THE REQUIREMENTS
15 OF THIS SECTION IF:

16 (a) THE LOCAL GOVERNMENT ___ PARTICIPATES IN THE CREATION
17 OF A REGIONAL HOUSING NEEDS ASSESSMENT PURSUANT TO SECTION
18 24-32-3704 THAT IS UPDATED NO LESS OFTEN THAN EVERY SIX YEARS,
19 PROVIDED THAT, TO BE EXEMPT FROM THE REQUIREMENT TO CONDUCT
20 AND PUBLISH A LOCAL HOUSING NEEDS ASSESSMENT BY DECEMBER 31,
21 2026, THE REGIONAL HOUSING NEEDS ASSESSMENT MUST BE COMPLETED
22 BY DECEMBER 31, 2026; OR

23 (b) THE LOCAL GOVERNMENT HAS A POPULATION OF LESS THAN
24 ONE THOUSAND, OR HAS EXPERIENCED A NEGATIVE POPULATION CHANGE
25 OF AT LEAST ONE PERCENT IN THE MOST RECENT DECENNIAL CENSUS,
26 UNLESS THE LOCAL GOVERNMENT RECEIVES FUNDING TO CONDUCT A
27 LOCAL HOUSING NEEDS ASSESSMENT FROM THE DEPARTMENT PURSUANT

1 TO SECTION 24-32-3710.

2 (5) (a) POPULATION AND OTHER DATA BY WHICH A LOCAL
3 GOVERNMENT IS DETERMINED TO BE SUBJECT TO THE PROVISIONS OF THIS
4 SECTION MUST BE DETERMINED TWO YEARS PRIOR TO THE DATE THAT THE
5 LOCAL GOVERNMENT IS REQUIRED TO COMPLETE A HOUSING NEEDS
6 ASSESSMENT PURSUANT TO THIS SECTION.

7 (b) FOR THE PURPOSES OF BOTH THIS SECTION AND SECTION
8 24-32-3705, A COUNTY'S POPULATION INCLUDES ONLY THE POPULATION
9 WITHIN A COUNTY'S UNINCORPORATED TERRITORY.

10 **24-32-3704. Regional housing needs assessments.** (1) A
11 REGIONAL ENTITY MAY CONDUCT AND PUBLISH A REGIONAL HOUSING
12 NEEDS ASSESSMENT THAT CONFORMS TO THE METHODOLOGY FOR
13 CONDUCTING REGIONAL HOUSING NEEDS ASSESSMENTS DEVELOPED BY
14 THE DIRECTOR PURSUANT TO SECTION 24-32-3702 (1)(c) FOR THE
15 TERRITORY COVERED BY THE MASTER PLAN OF ANY LOCAL GOVERNMENT
16 IN THE REGION.

17 (2) UPON CONDUCTING A REGIONAL HOUSING NEEDS ASSESSMENT
18 PURSUANT TO SUBSECTION (1) OF THIS SECTION, A REGIONAL ENTITY
19 SHALL PROVIDE THE REGIONAL HOUSING NEEDS ASSESSMENT TO EACH
20 LOCAL GOVERNMENT INCLUDED IN THE REGION. WITHIN SIXTY DAYS OF
21 RECEIVING THE REGIONAL HOUSING NEEDS ASSESSMENT, A LOCAL
22 GOVERNMENT'S GOVERNING BODY SHALL REVIEW THE ASSESSMENT AT A
23 PUBLIC MEETING AND SHALL SUBMIT COMMENTS TO THE REGIONAL
24 ENTITY.

25 (3) WITHIN SIXTY DAYS OF RECEIVING THE LOCAL GOVERNMENTS'
26 COMMENTS ON THE REGIONAL HOUSING NEEDS ASSESSMENT PURSUANT TO
27 SUBSECTION (2) OF THIS SECTION, A REGIONAL ENTITY SHALL SUBMIT THE

1 HOUSING NEEDS ASSESSMENT ALONG WITH THE COMMENTS OF EACH
2 LOCAL GOVERNMENT TO THE DEPARTMENT. THE DEPARTMENT SHALL NOT
3 ACCEPT A HOUSING NEEDS ASSESSMENT FROM A REGIONAL ENTITY THAT
4 DOES NOT INCLUDE THE ELEMENTS LISTED IN SECTION 24-32-3702 (1)(c)(I)
5 THROUGH (VI) AND DEMONSTRATE CONSIDERATION OF THE BASELINE
6 COMPONENTS LISTED IN SECTION 24-32-3702 (2). THE DEPARTMENT SHALL
7 NOTIFY A REGIONAL ENTITY IF IT DOES NOT ACCEPT AN ASSESSMENT. THE
8 DEPARTMENT SHALL POST THE HOUSING NEEDS ASSESSMENT ON ITS
9 WEBSITE AFTER ACCEPTING THE ASSESSMENT.

10 **24-32-3705. Housing action plan.** (1) (a) BY JANUARY 1, 2028,
11 AND NO LESS THAN EVERY SIX YEARS THEREAFTER, A LOCAL GOVERNMENT
12 SHALL MAKE A HOUSING ACTION PLAN, WHICH PLAN IS SUBJECT TO
13 APPROVAL BY THE GOVERNING BODY FOLLOWING A PUBLIC HEARING. A
14 HOUSING ACTION PLAN MUST BE RESPONSIVE TO AN ACCEPTED HOUSING
15 NEEDS ASSESSMENT AND DEMONSTRATE THE LOCAL GOVERNMENT'S
16 COMMITMENT TO ADDRESS DEMONSTRATED HOUSING NEEDS AND GUIDES
17 THE LOCAL GOVERNMENT IN DEVELOPING LEGISLATIVE ACTIONS,
18 PROMOTING REGIONAL COORDINATION, AND INFORMING THE PUBLIC OF
19 THE LOCAL GOVERNMENT'S EFFORTS TO ADDRESS HOUSING NEEDS IN THE
20 LOCAL GOVERNMENT'S JURISDICTION.

21 (b) THE REQUIREMENTS OF THIS SECTION ONLY APPLY TO A LOCAL
22 GOVERNMENT THAT HAS A POPULATION OF:

23 (I) FIVE THOUSAND OR MORE; OR

24 (II) ONE THOUSAND OR MORE AND EITHER PARTICIPATED IN A
25 REGIONAL HOUSING NEEDS ASSESSMENT OR WOULD HAVE BEEN DEEMED,
26 AS OF JANUARY 1, 2024, TO BE A RURAL RESORT COMMUNITY AS DEFINED
27 IN SECTION 29-32-101 (10).

1 (c) THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO A
2 LOCAL GOVERNMENT THAT HAS EXPERIENCED A NEGATIVE POPULATION
3 CHANGE OF AT LEAST ONE PERCENT IN THE MOST RECENT DECENNIAL
4 CENSUS.

5 (2) A LOCAL GOVERNMENT SHALL MAKE A HOUSING ACTION PLAN
6 THROUGH AN INCLUSIVE PROCESS WITH PUBLIC OUTREACH AND
7 ENGAGEMENT THROUGHOUT THE PROCESS, INCLUDING OUTREACH TO AND
8 ENGAGEMENT OF COMMUNITIES AT RISK OF DISPLACEMENT AND
9 CONSIDERATION FOR PARTICIPATION BY PERSONS UNABLE TO ATTEND
10 MEETINGS IN PERSON OR AT THE LOCAL GOVERNMENT'S REGULAR MEETING
11 TIMES. A HOUSING ACTION PLAN MUST CONSIDER ANY APPLICABLE
12 HOUSING NEEDS ASSESSMENTS, APPLICABLE REGIONAL AND LOCAL PLANS,
13 AND ANY AVAILABLE ASSESSMENTS OF THE ADEQUACY OF PUBLIC
14 SERVICES AND PUBLIC FACILITIES IN THE LOCAL GOVERNMENT'S
15 JURISDICTION. A PROPOSED HOUSING ACTION PLAN MUST BE POSTED
16 PUBLICLY ON A LOCAL GOVERNMENT'S WEBSITE AT LEAST THIRTY DAYS
17 BEFORE THE PUBLIC HEARING ON THE PLAN.

18 (3) A HOUSING ACTION PLAN MUST INCLUDE THE FOLLOWING
19 BASELINE COMPONENTS:

20 (a) A SUMMARY REPORT OF THE LOCAL GOVERNMENT'S PROGRESS
21 TOWARDS ADDRESSING THE FINDINGS OF THE APPLICABLE HOUSING NEEDS
22 ASSESSMENT WITHIN THE LOCAL GOVERNMENT'S JURISDICTION. THE
23 SUMMARY REPORT MUST INCLUDE THE NUMBER OF DWELLING UNITS
24 CONSTRUCTED OR PERMITTED IN THE LOCAL GOVERNMENT'S JURISDICTION
25 DURING THE PRECEDING SIX YEARS, IF SUCH INFORMATION IS AVAILABLE.

26 (b) AN ASSESSMENT OF AND RESPONSE TO ANY ALLOCATION OF
27 HOUSING NEEDS TO THE LOCAL GOVERNMENT IN ANY APPLICABLE HOUSING

1 NEEDS ASSESSMENT;

2 (c) AN ASSESSMENT OF THE EFFECT OF EXISTING ZONING AND
3 DENSITY PERMITTED IN THE LOCAL GOVERNMENT'S JURISDICTION ON THE
4 DEVELOPMENT OF THE NUMBER AND TYPES OF DWELLING UNITS
5 IDENTIFIED IN THE APPLICABLE HOUSING NEEDS ASSESSMENT;

6 (d) A PLAN TO PROMOTE THE EQUITABLE AND EFFICIENT
7 DEVELOPMENT OF THE NUMBER AND TYPES OF DWELLING UNITS
8 IDENTIFIED THROUGH ANY APPLICABLE HOUSING NEEDS ASSESSMENT AS
9 NECESSARY TO SATISFY HOUSING NEEDS IN THE LOCAL GOVERNMENT'S
10 JURISDICTION AT DIFFERENT INCOME LEVELS, INCLUDING EXTREMELY
11 LOW-, VERY LOW-, MODERATE-, AND MIDDLE-INCOME HOUSEHOLDS AS
12 DESIGNATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND
13 URBAN DEVELOPMENT, SUBJECT TO THE AVAILABILITY OF ADEQUATE
14 PUBLIC FACILITIES, PUBLIC SERVICES, AND WATER SUPPLY;

15 (e) LOCALLY-APPROPRIATE GOALS, STRATEGIES, AND ACTIONS FOR
16 PROMOTING THE PRODUCTION AND PRESERVATION OF AFFORDABLE
17 HOUSING DEVELOPMENT AND REGULATED AFFORDABLE HOUSING,
18 INCLUDING AT LEAST TWO STRATEGIES INCLUDED IN THE STANDARD
19 AFFORDABILITY STRATEGIES DIRECTORY DESCRIBED IN SECTION
20 24-32-3706 (1) AND ONE STRATEGY INCLUDED IN THE LONG-TERM
21 AFFORDABILITY STRATEGIES DIRECTORY DESCRIBED IN SECTION
22 24-32-3706 (2) THAT ARE SELECTED TO ADDRESS THE DEMONSTRATED
23 HOUSING NEEDS IN THE LOCAL GOVERNMENT'S JURISDICTION AND ARE
24 SUITABLE FOR THE JURISDICTION OR, IF THE LOCAL GOVERNMENT
25 PARTICIPATED IN A REGIONAL HOUSING NEEDS ASSESSMENT, THE
26 DEMONSTRATED HOUSING NEEDS OF THE APPLICABLE REGION AND ANY
27 REGIONAL HOUSING NEEDS ALLOCATED TO THE LOCAL GOVERNMENT;

1 (f) A NARRATIVE ANALYSIS OF ANY AREA OR COMMUNITY THAT
2 THE LOCAL GOVERNMENT HAS IDENTIFIED AS BEING AT ELEVATED RISK OF
3 DISPLACEMENT AND A PLAN TO MITIGATE DISPLACEMENT IN THAT AREA OR
4 COMMUNITY, INCLUDING THE IDENTIFICATION OF AT LEAST ONE
5 DISPLACEMENT MITIGATION STRATEGY INCLUDED IN THE DISPLACEMENT
6 RISK MITIGATION STRATEGIES DIRECTORY DESCRIBED IN SECTION
7 24-32-3706(4) THAT THE LOCAL GOVERNMENT SELECTS TO ADDRESS THE
8 FINDINGS OF THE LOCAL GOVERNMENT'S NARRATIVE ANALYSIS AND IS
9 SUITABLE FOR THE JURISDICTION;

10 (g) A PLAN FOR THE LEGISLATIVE CONSIDERATION FOR ADOPTION
11 OF THE STRATEGIES IDENTIFIED IN SUBSECTIONS (3)(e) AND (3)(f) OF THIS
12 SECTION;

13 (h) ANY RECOMMENDED CHANGES TO LOCAL LAWS AFFECTING
14 ZONING AND DENSITY IN THE LOCAL GOVERNMENT'S JURISDICTION BEFORE
15 THE LOCAL GOVERNMENT CONDUCTS THE NEXT HOUSING ACTION PLAN;

16 (i) AN ANALYSIS OF OPPORTUNITIES TO ACHIEVE THE
17 DEVELOPMENT OF HIGHER-DENSITY AND REGULATED AFFORDABLE
18 HOUSING WITHIN A REASONABLE DISTANCE OF MAJOR TRANSIT STOPS IN
19 THE JURISDICTION; ==

20 (j) A NARRATIVE DESCRIPTION OF THE PUBLIC OUTREACH AND
21 ENGAGEMENT PROCESS FOR THE HOUSING ACTION PLAN; AND

22 (k) A DESCRIPTION OF OPPORTUNITIES FOR INTERGOVERNMENTAL
23 COORDINATION TO ADDRESS LOCAL AND REGIONAL HOUSING NEEDS AND
24 ANY SUCH INTERGOVERNMENTAL COORDINATION EFFORTS UNDERTAKEN
25 BY THE LOCAL GOVERNMENT.

26 (4) WITHIN SIXTY DAYS OF APPROVAL BY THE GOVERNING BODY,
27 THE LOCAL GOVERNMENT SHALL SUBMIT THE HOUSING ACTION PLAN

1 DEVELOPED PURSUANT TO SUBSECTION (3) OF THIS SECTION TO THE
2 DEPARTMENT AND, IF APPLICABLE, TO THE REGIONAL ENTITY THAT
3 CONDUCTED A REGIONAL HOUSING NEEDS ASSESSMENT THAT APPLIES TO
4 THE LOCAL GOVERNMENT. THE DEPARTMENT SHALL NOT ACCEPT A
5 HOUSING ACTION PLAN THAT DOES NOT INCLUDE THE COMPONENTS
6 REQUIRED BY SECTION 24-32-3705 (3). THE DEPARTMENT SHALL NOTIFY
7 A LOCAL GOVERNMENT IF IT DOES NOT ACCEPT A HOUSING ACTION PLAN.
8 THE DEPARTMENT SHALL POST THE HOUSING ACTION PLAN ON THE
9 DEPARTMENT'S WEBSITE AFTER ACCEPTING THE PLAN.

10 (5) A LOCAL GOVERNMENT THAT ADOPTED A PLAN THAT
11 SUBSTANTIALLY MEETS THE REQUIREMENTS OF SUBSECTION (3) OF THIS
12 SECTION AND WAS THE SUBJECT OF A PUBLIC HEARING HELD NO EARLIER
13 THAN JANUARY 1, 2024, AND NO LATER THAN JULY 1, 2024, IS NOT
14 REQUIRED TO CONDUCT A HOUSING ACTION PLAN UNTIL FIVE YEARS AFTER
15 THE DATE OF THE ADOPTION OF THE PLAN THAT SUBSTANTIALLY MEETS
16 THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION,
17 NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION.

18 (6) THREE YEARS AFTER ADOPTING A HOUSING ACTION PLAN, A
19 LOCAL GOVERNMENT SHALL REPORT PROGRESS TO THE DEPARTMENT
20 REGARDING THE ADOPTION OF ANY STRATEGIES OR CHANGES TO LOCAL
21 LAWS IDENTIFIED IN THE HOUSING ACTION PLAN OR THE MOST RECENT
22 UPDATED HOUSING ACTION PLAN. THE DEPARTMENT SHALL NOT ACCEPT
23 SUCH A PROGRESS REPORT, IF THE REPORT DOES NOT DEMONSTRATE THAT
24 THE LOCAL GOVERNMENT ADOPTED THE STRATEGIES AND CHANGES TO
25 LOCAL LAWS IDENTIFIED IN THE HOUSING ACTION PLAN OR THE MOST
26 RECENT UPDATED HOUSING ACTION PLAN, UNLESS THE DEPARTMENT
27 DETERMINES THAT THE LOCAL GOVERNMENT HAS BOTH MADE A GOOD

1 FAITH EFFORT TO ADOPT THESE STRATEGIES OR CHANGES TO LOCAL LAW
2 AND HAS PROVIDED THE DEPARTMENT WITH A PLAN FOR THE ADOPTION OF
3 ALTERNATIVE STRATEGIES OR CHANGES TO LOCAL LAWS IN ACCORDANCE
4 WITH THIS SECTION.

5 (7) A LOCAL GOVERNMENT MAY UPDATE A HOUSING ACTION PLAN
6 AT ANY TIME BY FOLLOWING THE PROCESS IN SUBSECTION (2) OF THIS
7 SECTION. A LOCAL GOVERNMENT SHALL SUBMIT ANY UPDATE TO A
8 HOUSING ACTION PLAN TO THE DEPARTMENT AND, IF APPLICABLE, A
9 REGIONAL ENTITY AS PROVIDED IN SUBSECTION (4) OF THIS SECTION. THE
10 DEPARTMENT SHALL NOT ACCEPT ANY UPDATE THAT WOULD RESULT IN A
11 HOUSING ACTION PLAN THAT DOES NOT INCLUDE THE COMPONENTS
12 REQUIRED BY SECTION 24-32-3705 (3). THE DEPARTMENT SHALL NOTIFY
13 THE LOCAL GOVERNMENT IF IT DOES NOT ACCEPT AN UPDATE. THE
14 DEPARTMENT SHALL POST THE UPDATE ON ITS WEBSITE, AFTER ACCEPTING
15 THE UPDATE.

16 (8) POPULATION BY WHICH A LOCAL GOVERNMENT IS DETERMINED
17 TO BE SUBJECT TO THE PROVISIONS OF THIS SECTION MUST BE DETERMINED
18 TWO YEARS PRIOR TO THE DATE THAT THE LOCAL GOVERNMENT IS
19 REQUIRED TO COMPLETE A HOUSING ACTION PLAN PURSUANT TO THIS
20 SECTION.

21 **24-32-3706. Directories of housing and land use strategies -**
22 **development of housing and increasing housing affordability -**
23 **displacement impact mitigation.** (1) NO LATER THAN JUNE 30, 2025,
24 THE DEPARTMENT SHALL DEVELOP A STANDARD AFFORDABILITY
25 STRATEGIES DIRECTORY THAT INCLUDES THE FOLLOWING STRATEGIES:

26 (a) IMPLEMENTING A LOCAL INCLUSIONARY ZONING ORDINANCE
27 THAT CONSIDERS LOCAL HOUSING MARKET CONDITIONS THAT IS CRAFTED

1 TO SUBSTANTIALLY INCREASE AFFORDABLE HOUSING INCLUDING
2 REGULATED AFFORDABLE HOUSING PRODUCTION AND COMPLIES WITH THE
3 REQUIREMENTS OF SECTION 29-20-104 (1)(e.5) AND (1)(e.7);

4 (b) ADOPTING A LOCAL LAW OR PLAN TO LEVERAGE PUBLICLY
5 OWNED, SOLD, OR MANAGED LAND FOR REGULATED AFFORDABLE HOUSING
6 DEVELOPMENT;

7 (c) CREATING OR EXPANDING A PROGRAM TO SUBSIDIZE OR
8 OTHERWISE REDUCE IMPACT FEES OR OTHER SIMILAR DEVELOPMENT
9 CHARGES FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT;

10 (d) ESTABLISHING A DENSITY BONUS PROGRAM THAT GRANTS
11 INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT OF REGULATED
12 AFFORDABLE HOUSING UNITS;

13 (e) CREATING A PROGRAM TO PRIORITIZE AND EXPEDITE
14 DEVELOPMENT APPROVALS FOR REGULATED AFFORDABLE HOUSING
15 DEVELOPMENT;

16 (f) CREATING OR EXPANDING A PROGRAM TO SUBSIDIZE OR
17 OTHERWISE REDUCE PERMIT FEES OTHER THAN IMPACT FEES OR SIMILAR
18 DEVELOPMENT CHARGES FOR REGULATED AFFORDABLE HOUSING;

19 (g) UNLESS OTHERWISE PROHIBITED BY LAW, REDUCING LOCAL
20 PARKING REQUIREMENTS FOR REGULATED AFFORDABLE HOUSING TO
21 ONE-HALF SPACE PER UNIT OF REGULATED AFFORDABLE HOUSING
22 WITHOUT LOWERING THE PROTECTIONS PROVIDED FOR INDIVIDUALS WITH
23 DISABILITIES, INCLUDING THE NUMBER OF PARKING SPACES FOR
24 INDIVIDUALS WHO ARE MOBILITY IMPAIRED, UNDER THE FEDERAL
25 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET
26 SEQ., AND PARTS 6 AND 8 OF ARTICLE 34 OF TITLE 24;

27 (h) ENACTING LOCAL LAWS THAT INCENTIVIZE THE CONSTRUCTION

1 OF ACCESSIBLE AND VISITABLE AFFORDABLE HOUSING UNITS; AND
2 (i) ANY OTHER STRATEGY DESIGNATED BY THE DEPARTMENT THAT
3 OFFERS A COMPARABLE IMPACT ON LOCAL HOUSING AFFORDABILITY.
4 (2) ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT SHALL
5 DEVELOP A LONG-TERM AFFORDABILITY STRATEGIES DIRECTORY THAT
6 INCLUDES THE FOLLOWING STRATEGIES:
7 (a) ESTABLISHING A DEDICATED LOCAL REVENUE SOURCE FOR
8 REGULATED AFFORDABLE HOUSING DEVELOPMENT, SUCH AS INSTITUTING
9 A LINKAGE FEE ON MARKET RATE HOUSING DEVELOPMENT TO SUPPORT
10 NEW, REGULATED AFFORDABLE HOUSING DEVELOPMENTS;
11 (b) REGULATING SHORT-TERM RENTALS, SECOND HOMES, OR
12 OTHER UNDERUTILIZED OR VACANT UNITS IN A WAY, SUCH AS VACANCY
13 FEES FOR UNDERUTILIZED UNITS, THAT PROMOTES A SUBSTANTIAL
14 INCREASE IN THE USE OF LOCAL HOUSING STOCK FOR LOCAL HOUSING
15 NEEDS;
16 (c) MAKING A COMMITMENT TO AND REMAINING ELIGIBLE TO
17 RECEIVE FUNDING PURSUANT TO ARTICLE 32 OF THIS TITLE 29;
18 (d) AMENDING ZONING ORDINANCES THAT ALLOW THE
19 CONSTRUCTION OF SINGLE-UNIT DETACHED DWELLINGS TO ALLOW EITHER
20 ACCESSORY DWELLING UNITS OR DUPLEXES, TRIPLEXES, QUADPLEXES, AND
21 TOWNHOMES IN A SUBSTANTIAL PORTION OF THE JURISDICTION;
22 (e) AMENDING LOCAL LAWS TO ESTABLISH THE USE OF
23 ADMINISTRATIVE PROCESSES FOR THE REVIEW AND APPROVAL OF HOUSING
24 DEVELOPMENT THAT DO NOT INCLUDE A REQUIREMENT OF A PUBLIC
25 HEARING;
26 (f) DESIGNATING A NEIGHBORHOOD CENTER IN ACCORDANCE WITH
27 STANDARDS ADOPTED BY THE DEPARTMENT THAT MAY ESTABLISH

1 DIFFERENT CRITERIA FOR REGIONAL AND LOCAL CONTEXTS INCLUDING THE
2 MINIMUM SIZE OF A NEIGHBORHOOD CENTER AND MINIMUM NET DENSITY;
3 (g) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM
4 THAT FACILITATES INVESTMENT IN LAND BANKING OR COMMUNITY LAND
5 TRUSTS;
6 (h) ESTABLISHING AN AFFORDABLE HOMEOWNERSHIP STRATEGY
7 SUCH AS:
8 (I) ESTABLISHING A RIGHT OF FIRST REFUSAL PROGRAM OR
9 PROGRAMS THAT TRANSITION EXISTING HOUSING STOCK TO REGULATED
10 AFFORDABLE HOUSING;
11 (II) INCENTIVIZING AFFORDABLE CONDOMINIUM DEVELOPMENTS;
12 (III) ACQUIRING OR PRESERVING DEED RESTRICTIONS ON CURRENT
13 HOUSING UNITS;
14 (IV) ESTABLISHING AN INCENTIVE PROGRAM TO ENCOURAGE
15 REALTORS TO WORK WITH LOW-INCOME AND MINORITY PROSPECTIVE
16 HOME BUYERS; OR
17 (V) ESTABLISHING AN AFFORDABLE RENT-TO-OWN PROGRAM; AND
18 (i) ANY OTHER STRATEGY DESIGNATED BY THE DEPARTMENT THAT
19 OFFERS A COMPARABLE IMPACT ON LOCAL HOUSING AFFORDABILITY.
20 (3) A LOCAL GOVERNMENT MAY SUBMIT AN EXISTING OR
21 PROPOSED LOCAL LAW OR PROGRAM, IN A FORM AND MANNER
22 DETERMINED BY THE DEPARTMENT, TO THE DEPARTMENT, AND THE
23 DEPARTMENT MAY DETERMINE THAT THE ADOPTION OF THAT LOCAL LAW
24 OR PROGRAM QUALIFIES AS AN AFFORDABILITY STRATEGY FOR PURPOSES
25 OF THIS SECTION, SO LONG AS THE LOCAL LAW OR PROGRAM SUPPORTS
26 EQUAL OR GREATER HOUSING AFFORDABILITY AND ACCESSIBILITY AS THE
27 STRATEGIES DESCRIBED IN SUBSECTIONS (1) AND (2) OF THIS SECTION.

1 (4) NO LATER THAN JUNE 30, 2025, THE DEPARTMENT SHALL
2 DEVELOP A DISPLACEMENT RISK MITIGATION STRATEGIES DIRECTORY. THE
3 DIRECTORY MUST INCLUDE THE FOLLOWING STRATEGIES:

4 (a) CREATING A LOCALLY FUNDED AND ADMINISTERED RENTAL
5 AND MORTGAGE ASSISTANCE PROGRAM;

6 (b) CREATING AN EVICTION AND FORECLOSURE NO-COST LEGAL
7 REPRESENTATION PROGRAM;

8 (c) ESTABLISHING A HOUSING COUNSELING AND NAVIGATION
9 PROGRAM;

10 (d) CREATING A PROPERTY TAX AND DOWN PAYMENT ASSISTANCE
11 PROGRAM;

12 (e) DEVELOPING A PROGRAM TO OFFER TECHNICAL ASSISTANCE
13 AND FINANCIAL SUPPORT FOR COMMUNITY ORGANIZATIONS TO DEVELOP
14 INDEPENDENT COMMUNITY LAND TRUSTS;

15 (f) PRIORITIZING LOCAL MONEY TOWARD REGULATED AFFORDABLE
16 HOUSING UNIT PRESERVATION OR IMPLEMENTING OR CONTINUING DEED
17 RESTRICTIONS FOR AFFORDABLE HOUSING UNITS;

18 (g) IDENTIFYING PARTNERSHIPS WITH REGIONAL AND NONPROFIT
19 ENTITIES TO IMPLEMENT STRATEGIES; AND

20 (h) OTHER STRATEGIES IDENTIFIED BY THE DEPARTMENT THAT
21 PROVIDE DISPLACEMENT MITIGATION THAT IS EQUIVALENT TO THE OTHER
22 STRATEGIES DESCRIBED IN THIS SUBSECTION (4).

23 (5) A LOCAL GOVERNMENT MAY SUBMIT AN EXISTING OR
24 PROPOSED LOCAL LAW OR PROGRAM, IN A FORM AND MANNER
25 DETERMINED BY THE DEPARTMENT, TO THE DEPARTMENT, AND THE
26 DEPARTMENT MAY DETERMINE THAT THE ADOPTION OF THE LOCAL LAW OR
27 PROGRAM QUALIFIES AS A DISPLACEMENT RISK MITIGATION STRATEGY FOR

1 PURPOSES OF THIS SECTION, SO LONG AS THE LOCAL LAW OR PROGRAM
2 SUPPORTS EQUAL OR GREATER MITIGATION OF DISPLACEMENT RISK AS THE
3 STRATEGIES DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

4 (6) NOTWITHSTANDING THE ABSENCE OF SPECIFIC AUTHORIZATION
5 IN ANY OTHER LAW, A LOCAL GOVERNMENT HAS THE AUTHORITY TO
6 ENACT ORDINANCES OR RESOLUTIONS TO ADOPT AND IMPLEMENT THE
7 STRATEGIES IDENTIFIED IN THIS SECTION. _____

8 **24-32-3707. Statewide strategic growth report.** (1) NO LATER
9 THAN OCTOBER 31, 2025, THE DIRECTOR SHALL SUBMIT TO THE GENERAL
10 ASSEMBLY A STATEWIDE STRATEGIC GROWTH REPORT. THE REPORT MUST
11 SUPPLEMENT THE STATEWIDE CLIMATE PREPAREDNESS STRATEGIC PLAN
12 AND ROADMAP PUBLISHED PURSUANT TO SECTION 24-38.8-103 AND ANY
13 OTHER CURRENT REPORT OF A STATE AGENCY OR TASK FORCE ADDRESSING
14 THE MATTERS COVERED IN THIS SECTION.

15 (2) THE STRATEGIC GROWTH REPORT DESCRIBED IN SUBSECTION
16 (1) OF THIS SECTION MUST:

17 (a) INCLUDE AN ANALYSIS OF POLICY-DRIVEN LAND USE
18 SCENARIOS, INCLUDING A STRATEGIC GROWTH SCENARIO, AND EXAMINE
19 THE IMPACTS OF THESE SCENARIOS ON THE COST AND AVAILABILITY OF
20 HOUSING, INFRASTRUCTURE, CLIMATE AND AIR QUALITY, WATER SUPPLY,
21 TRANSPORTATION AND TRANSIT, PARKS AND OPEN SPACE, RESOURCE
22 LANDS, WILDFIRE RISK, AND CRITICAL AREAS;

23 (b) INCLUDE AN ANALYSIS OF THE IMPACT OF EXISTING STATE
24 POLICIES AND PROGRAMS ON LAND USE DEVELOPMENT PATTERNS AND THE
25 ENCOURAGEMENT OF SPRAWL;

26 (c) CONSIDER THE CONTEXT OF DIFFERENT REGIONS AND
27 COMMUNITIES ACROSS THE STATE, EMPOWER AND PROMOTE LOCAL

1 INITIATIVES AND IDEAS THAT LEAD TO STRATEGIC GROWTH, AND
2 RECOGNIZE THAT ALL COMMUNITIES HAVE UNIQUE NEEDS THAT OFTEN
3 CALL FOR ADDITIONAL FLEXIBILITY WHEN APPLYING STRATEGIC GROWTH
4 GOALS, ESPECIALLY COMMUNITIES OUTSIDE OF METROPOLITAN AREAS AND
5 COMMUNITIES VULNERABLE TO DISPLACEMENT; AND

6 (d) INCLUDE RECOMMENDATIONS FOR STATE LEGISLATION AND
7 LOCAL LAWS, TO ENCOURAGE ENVIRONMENTALLY AND FISCALLY
8 SUSTAINABLE GROWTH, INCLUDING BUT NOT LIMITED TO ECONOMIC
9 INCENTIVES, FINANCING TOOLS, ACCESS CHARGES, URBAN GROWTH AREAS,
10 THREE MILE PLANS, TRANSFER OF DEVELOPMENT RIGHTS, ANNEXATION,
11 AND SPECIAL DISTRICTS.

12 (3) IN DEVELOPING THE STRATEGIC GROWTH REPORT DESCRIBED
13 IN SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL CONSULT WITH
14 STATE AGENCIES AND LOCAL GOVERNMENTS WITH FUNCTIONS OR
15 JURISDICTION REGARDING THE MATTERS COVERED IN THIS SECTION AND
16 LOCAL GOVERNMENTS, REGIONAL PLANNING AGENCIES, WATER
17 PROVIDERS, UTILITY PROVIDERS, ECONOMIC DEVELOPMENT ENTITIES, AND
18 EXPERTS IN FIELDS RELATED TO STRATEGIC GROWTH.

19
20 **24-32-3708. Natural land and agricultural interjurisdictional**
21 **opportunities report.** (1) No LATER THAN DECEMBER 31, 2025, THE
22 DIRECTOR, IN CONSULTATION WITH RELEVANT STATE AGENCIES INCLUDING
23 THE DEPARTMENT OF AGRICULTURE, THE DIVISION OF PARKS AND WILDLIFE
24 IN THE DEPARTMENT OF NATURAL RESOURCES, THE OUTDOOR RECREATION
25 INDUSTRY OFFICE IN THE OFFICE OF ECONOMIC DEVELOPMENT, AND THE
26 COLORADO TOURISM OFFICE, SHALL DEVELOP AND PUBLISH A NATURAL
27 LAND AND AGRICULTURAL INTERJURISDICTIONAL OPPORTUNITIES REPORT

1 THAT MUST INCLUDE:

2 (a) OPPORTUNITIES FOR LOCAL GOVERNMENTS AND
3 METROPOLITAN PLANNING ORGANIZATIONS TO ACHIEVE CONNECTIVITY TO
4 OPEN SPACE, WILDLIFE HABITAT, AND OTHER PRIORITY LANDSCAPES;

5 (b) OPPORTUNITIES FOR LOCAL GOVERNMENTS AND
6 METROPOLITAN PLANNING ORGANIZATIONS TO ACHIEVE THE
7 PRESERVATION OF AGRICULTURAL LAND, HISTORIC AND CULTURAL
8 RESOURCES, URBAN PARKS AND GREEN SPACES, EXURBAN OPEN SPACES,
9 RECREATIONAL RESOURCES, WILDLIFE HABITATS, AND ECOSYSTEMS WITH
10 THE GREATEST NEED FOR CONSERVATION AND MITIGATION OF HAZARDS;
11 AND

12 (c) BEST PRACTICES, TOOLS, AND RESOURCES RELATED TO
13 SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION.

14 (2) THE NATURAL LAND AND AGRICULTURAL
15 INTERJURISDICTIONAL OPPORTUNITIES REPORT MUST INTEGRATE AND
16 INCLUDE INFORMATION FROM RELEVANT STATE, REGIONAL, AND LOCAL
17 PLANS THAT ADDRESS THE SUBJECT MATTERS IDENTIFIED IN SUBSECTION
18 (1) OF THIS SECTION.

19 **24-32-3709. Technical assistance.** (1) THE DIVISION OF LOCAL
20 GOVERNMENT SHALL PROVIDE TECHNICAL ASSISTANCE, MATERIALS,
21 BRIEFINGS, CONSULTING SERVICES, TEMPLATES, TOOLS, TRAININGS,
22 WEBINARS, OR OTHER GUIDANCE TO ASSIST LOCAL GOVERNMENTS IN:

23 (a) ESTABLISHING REGIONAL ENTITIES;

24 (b) CREATING HOUSING NEEDS ASSESSMENTS PURSUANT TO
25 SECTIONS 24-32-3703 AND 24-32-3704;

26 (c) CONDUCTING A DISPLACEMENT RISK ANALYSIS WITH A
27 STATE-CREATED TOOL;

1 (d) IDENTIFYING AND IMPLEMENTING STRATEGIES, INCLUDING IN
2 THE DIRECTORIES DESCRIBED IN SECTION 24-32-3706;

3 (e) MAKING AND ADOPTING A HOUSING ACTION PLAN IN
4 ACCORDANCE WITH SECTION 24-32-3705;

5 (f) ENACTING LAWS AND POLICIES PURSUANT TO ACCEPTED
6 HOUSING NEEDS ASSESSMENTS AND ACCEPTED HOUSING ACTION PLANS
7 THAT ENCOURAGE THE DEVELOPMENT OF A RANGE OF HOUSING TYPES,
8 INCLUDING REGULATED AFFORDABLE HOUSING, OR MITIGATE THE IMPACT
9 OF DISPLACEMENT IN ACCORDANCE WITH SECTION 24-32-3706; AND

10 (g) CREATING STRATEGIC GROWTH ELEMENTS IN MASTER PLANS
11 AS DESCRIBED IN SECTION 30-28-106 (3)(a.5)(III) OR SECTION 31-23-206
12 (1.5)(d).

13 (2) IN DETERMINING TO WHOM IT WILL PROVIDE ASSISTANCE
14 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE DIVISION OF LOCAL
15 GOVERNMENT SHALL PRIORITIZE REQUESTS FOR TECHNICAL ASSISTANCE
16 RELATED TO:

17 (a) FORMING REGIONAL ENTITIES; AND

18 (b) ENACTING LAWS AND POLICIES TO PRESERVE OR CREATE
19 REGULATED AFFORDABLE HOUSING, MITIGATE DISPLACEMENT, OR
20 INCREASE OPPORTUNITIES FOR MULTIFAMILY RESIDENTIAL HOUSING NEAR
21 MAJOR TRANSIT STOPS.

22 (3) IN ASSISTING LOCAL GOVERNMENTS PURSUANT TO SUBSECTION
23 (1) OF THIS SECTION, THE DIVISION OF LOCAL GOVERNMENT SHALL
24 PROVIDE FUNDING THROUGH EITHER A GRANT PROGRAM, THE PROVISION
25 OF CONSULTANT SERVICES, OR BOTH DIRECTLY TO LOCAL GOVERNMENTS
26 OR THROUGH A REGIONAL ENTITY AND SHALL PRIORITIZE FUNDING AND
27 GRANT PROGRAMS ADMINISTERED BY THE DEPARTMENT FOR THE

1 PURPOSES OF THIS SECTION, SO LONG AS DOING SO IS NOT INCONSISTENT
2 WITH FEDERAL OR STATE LAW.

3 (4) BEGINNING JANUARY 1, 2025, AND EVERY YEAR THEREAFTER,
4 THE DIVISION OF LOCAL GOVERNMENT SHALL PROVIDE A REPORT ON THE
5 ASSISTANCE REQUESTED BY LOCAL GOVERNMENTS PURSUANT TO THIS
6 SECTION, WHETHER OR NOT ADEQUATE STATE FUNDING IS AVAILABLE TO
7 PROVIDE THE ASSISTANCE REQUESTED BY LOCAL GOVERNMENTS, AND ANY
8 ADDITIONAL RESOURCES THAT THE DIVISION OF LOCAL GOVERNMENT OR
9 LOCAL GOVERNMENTS HAVE IDENTIFIED THAT WOULD ASSIST LOCAL
10 GOVERNMENTS IN IDENTIFYING AND IMPLEMENTING LAWS AND POLICIES
11 THAT WOULD INCREASE THE AVAILABILITY OF HOUSING IN COLORADO.

12 (5) (a) THE DIVISION OF LOCAL GOVERNMENT SHALL SERVE AS A
13 CLEARING HOUSE, FOR THE BENEFIT OF LOCAL GOVERNMENTS AND
14 REGIONAL ENTITIES, OF INFORMATION RELATING TO THIS PART 37 AND
15 SHALL REFER LOCAL GOVERNMENTS TO STATE AND FEDERAL RESOURCES
16 AND APPROPRIATE DEPARTMENTS OR AGENCIES OF THE STATE OR FEDERAL
17 GOVERNMENT FOR ADVICE, ASSISTANCE, OR AVAILABLE SERVICES
18 RELATING TO THIS PART 37.

19 (b) THE DIVISION OF LOCAL GOVERNMENT SHALL IDENTIFY
20 OPPORTUNITIES FOR, ENCOURAGE, AND, WHEN SO REQUESTED, ASSIST
21 COOPERATIVE EFFORTS AMONG LOCAL GOVERNMENTS IN SOLVING
22 COMMON PROBLEMS RELATED TO POPULATION CHANGE AND THE
23 IMPLEMENTATION OF THIS PART 37.

24 (c) THE DEPARTMENT MAY ATTEMPT TO MEDIATE DISPUTES
25 BETWEEN LOCAL GOVERNMENTS REGARDING THE ENACTMENT OF LOCAL
26 LAWS OR POLICIES RELATED TO THE CREATION OF HOUSING NEEDS
27 ASSESSMENTS AND HOUSING ACTION PLANS PURSUANT TO THIS PART 37,

1 INTERJURISDICTIONAL COORDINATION OR DISPUTES REGARDING THE
2 DEVELOPMENT OF LAND FOR RESIDENTIAL USES, INCLUDING REGULATED
3 AFFORDABLE HOUSING USES AND THE PROVISION OF WATER AND SEWER
4 SERVICES, AND ANYTHING ELSE COVERED BY THIS PART 37 OR REFER
5 LOCAL GOVERNMENTS TO THE LIST OF MEDIATORS MAINTAINED PURSUANT
6 TO SECTION 24-32-3209 TO ASSIST IN THE RESOLUTION OF SUCH DISPUTES.

7 (6) (a) THE HOUSING NEEDS PLANNING TECHNICAL ASSISTANCE
8 FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF GIFTS,
9 GRANTS, AND DONATIONS CREDITED TO THE FUND AND ANY OTHER MONEY
10 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE
11 FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME
12 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE HOUSING
13 NEEDS PLANNING TECHNICAL ASSISTANCE FUND TO THE FUND.

14 (b) MONEY IN THE HOUSING NEEDS PLANNING TECHNICAL
15 ASSISTANCE FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT
16 FOR THE PURPOSES OF PROVIDING TECHNICAL ASSISTANCE AND
17 IMPLEMENTING A GRANT PROGRAM PURSUANT TO THIS SECTION.

18 (c) (I) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER
19 TO THE HOUSING NEEDS PLANNING TECHNICAL ASSISTANCE FUND:

20 (A) NOTWITHSTANDING THE ALLOCATION OF FUNDS DESCRIBED IN
21 SECTION 39-29-110, OR ANY OTHER LAW TO THE CONTRARY, TEN MILLION
22 FIVE HUNDRED THOUSAND DOLLARS FROM THE LOCAL GOVERNMENT
23 SEVERANCE TAX FUND CREATED IN SECTION 39-29-110; AND

24 (B) NOTWITHSTANDING THE ALLOCATION OF FUNDS DESCRIBED IN
25 SECTION 34-63-102, OR ANY OTHER LAW TO THE CONTRARY, FOUR
26 MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE LOCAL
27 GOVERNMENT MINERAL IMPACT FUND CREATED IN SECTION 34-63-102 (5).

1 (II) THIS SUBSECTION (6)(c) IS REPEALED, EFFECTIVE JULY 1, 2025.

2 **24-32-3710. Prioritization for conformity with planning**

3 **expectations.** (1) ON OR AFTER DECEMBER 1, 2027, ANY GRANT
4 PROGRAM ADMINISTERED BY THE DEPARTMENT, THE COLORADO ENERGY
5 OFFICE, THE OFFICE OF ECONOMIC DEVELOPMENT, THE DEPARTMENT OF
6 TRANSPORTATION, THE DEPARTMENT OF NATURAL RESOURCES, THE
7 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR THE
8 DEPARTMENT OF PERSONNEL AND ADMINISTRATION THAT AWARDS
9 GRANTS TO COUNTIES AND MUNICIPALITIES FOR THE PRIMARY PURPOSE OF
10 SUPPORTING LAND USE PLANNING OR HOUSING, EXCLUDING LAND USE
11 PLANNING OR HOUSING PURSUANT TO ARTICLE 32 OF TITLE 29, MUST, SO
12 LONG AS DOING SO IS NOT INCONSISTENT WITH FEDERAL LAW OR THE
13 STATE CONSTITUTION, INCLUDE PRIORITIZATION CRITERIA THAT CONSIDER
14 WHETHER:

15 (a) A CURRENT LOCAL OR REGIONAL HOUSING NEEDS ASSESSMENT
16 HAS BEEN COMPLETED FOR THE LOCAL GOVERNMENT AND HAS BEEN
17 ACCEPTED BY THE DEPARTMENT PURSUANT TO SECTION 24-32-3703 OR
18 24-32-3704;

19 (b) A HOUSING ACTION PLAN HAS BEEN ADOPTED BY THE LOCAL
20 GOVERNMENT AND ACCEPTED BY THE DEPARTMENT PURSUANT TO SECTION
21 24-32-3705;

22 (c) A REPORT HAS BEEN SUBMITTED BY THE LOCAL GOVERNMENT
23 AND ACCEPTED BY THE DEPARTMENT PURSUANT TO SECTION 24-32-3705
24 (6); AND

25 (d) THE MASTER PLAN FOR THE LOCAL GOVERNMENT INCLUDES A
26 WATER SUPPLY ELEMENT AND STRATEGIC GROWTH ELEMENT AS
27 DESCRIBED IN SECTIONS 30-28-106 (3)(a.5) AND 31-23-206 (1.5).

1 (2) IN CONSIDERING AWARDING A GRANT TO A LOCAL
2 GOVERNMENT THAT IS NOT SUBJECT TO ANY OF THE PROVISIONS
3 IDENTIFIED IN THE PRIORITIZATION CRITERIA DESCRIBED IN SUBSECTION (1)
4 OF THIS SECTION, THE DEPARTMENT SHALL TREAT THE LOCAL
5 GOVERNMENT AS IF IT HAS SATISFIED THE PRIORITIZATION CRITERIA IN
6 SUBSECTION (1) OF THIS SECTION.

7 **SECTION 2.** In Colorado Revised Statutes, 30-28-106, **amend**
8 **(1); repeal and reenact, with amendments, (3)(a); and add (3)(a.3),**
9 **(3)(a.5), (3)(a.7), (3)(a.9), and (8) as follows:**

10 **30-28-106. Master plan - definition.** (1) It is the duty of a
11 county planning commission to make and adopt a master plan for the
12 physical development of the unincorporated territory of the county,
13 SUBJECT TO THE APPROVAL OF THE COUNTY COMMISSION HAVING
14 JURISDICTION THEREOF. When a county planning commission decides to
15 adopt a master plan, the commission shall conduct public hearings, after
16 notice of such public hearings has been published in a newspaper of
17 general circulation in the county in a manner sufficient to notify the
18 public of the time, place, and nature of the public hearing, prior to final
19 adoption of a master plan in order to encourage public participation in and
20 awareness of the development of such plan and shall accept and consider
21 oral and written public comments throughout the process of developing
22 the plan.

23 (3) (a) THE MASTER PLAN OF A COUNTY OR REGION, WITH THE
24 ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE AND
25 EXPLANATORY MATTER, MUST SHOW THE COUNTY OR REGIONAL PLANNING
26 COMMISSION'S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE
27 TERRITORY COVERED BY THE MASTER PLAN. THE MASTER PLAN OF A

1 COUNTY OR REGION IS AN ADVISORY DOCUMENT TO GUIDE LAND
2 DEVELOPMENT DECISIONS; HOWEVER, THE MASTER PLAN OR ANY PART
3 THEREOF MAY BE MADE BINDING BY INCLUSION IN THE COUNTY'S OR
4 REGION'S ADOPTED SUBDIVISION, ZONING, PLATTING, PLANNED UNIT
5 DEVELOPMENT, OR OTHER SIMILAR LAND DEVELOPMENT REGULATIONS
6 AFTER SATISFYING NOTICE, DUE PROCESS, AND HEARING REQUIREMENTS
7 FOR LEGISLATIVE OR QUASI-JUDICIAL PROCESSES AS APPROPRIATE.

8 (a.3) (I) THE COUNTY OR REGIONAL PLANNING COMMISSION SHALL
9 FOLLOW THE PROCEDURES IN SECTION 24-32-3209. FOR PURPOSES OF THIS
10 SECTION, ANY SPECIAL DISTRICT THAT SUPPLIES WATER TO THE AREA
11 COVERED BY THE MASTER PLAN IS A NEIGHBORING JURISDICTION AS
12 DEFINED IN SECTION 24-32-3209 (1)(h).

13 (II) IN ADOPTING OR AMENDING A MASTER PLAN, THE COUNTY OR
14 REGIONAL PLANNING COMMISSION SHALL CONSIDER THE FOLLOWING,
15 WHERE APPLICABLE OR APPROPRIATE, AND ANY OTHER INFORMATION
16 DEEMED RELEVANT BY THE COUNTY OR REGIONAL PLANNING COMMISSION:

17 (A) THE APPLICABLE HOUSING NEEDS ASSESSMENTS PUBLISHED
18 PURSUANT TO SECTIONS 24-32-3702 (1)(b), 24-32-3703, AND 24-32-3704;

19 (B) THE STATEWIDE STRATEGIC GROWTH REPORT CREATED
20 PURSUANT TO SECTION 24-32-3707;

21
22 (C) THE NATURAL LAND AND AGRICULTURAL OPPORTUNITIES
23 REPORT PUBLISHED PURSUANT TO SECTION 24-32-3708; AND

24 (D) THE COLORADO WATER PLAN ADOPTED PURSUANT TO SECTION
25 37-60-106.3.

26 (a.5) THE MASTER PLAN MUST INCLUDE:

27 (I) A NARRATIVE DESCRIPTION OF THE PROCEDURE USED FOR THE

1 DEVELOPMENT AND ADOPTION OF THE MASTER PLAN, INCLUDING A
2 SUMMARY OF ANY OBJECTIONS TO THE MASTER PLAN MADE BY
3 NEIGHBORING JURISDICTIONS AS DEFINED IN SECTION 24-32-3209 (1)(h)
4 AND A DESCRIPTION OF THE RESOLUTION OR OUTCOME OF THE OBJECTIONS;

5 (II) (A) A WATER SUPPLY ELEMENT DEVELOPED IN CONSULTATION
6 WITH ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE COUNTY OR
7 REGION TO ENSURE COORDINATION ON WATER SUPPLY AND FACILITY
8 PLANNING. NOTHING IN THIS SECTION REQUIRES THE PUBLIC DISCLOSURE
9 OF CONFIDENTIAL INFORMATION RELATED TO WATER SUPPLY OR
10 FACILITIES.

11 (B) THE WATER SUPPLY ELEMENT MUST ESTIMATE A RANGE OF
12 WATER SUPPLIES AND FACILITIES NEEDED TO SUPPORT THE POTENTIAL
13 PUBLIC AND PRIVATE DEVELOPMENT DESCRIBED IN THE MASTER PLAN, AND
14 INCLUDE WATER CONSERVATION POLICIES, TO BE DETERMINED BY THE
15 COUNTY OR LOCAL GOVERNMENTS WITHIN A REGION, WHICH MAY INCLUDE
16 GOALS SPECIFIED IN THE COLORADO WATER PLAN ADOPTED PURSUANT TO
17 SECTION 37-60-106.3 AND POLICIES TO IMPLEMENT WATER CONSERVATION
18 AND OTHER COLORADO WATER PLAN GOALS AS A CONDITION OF
19 DEVELOPMENT APPROVAL, FOR SUBDIVISIONS, PLANNED UNIT
20 DEVELOPMENTS, SPECIAL USE PERMITS, AND ZONING CHANGES.

21 (C) A COUNTY OR REGION WITH A MASTER PLAN THAT INCLUDES
22 A WATER SUPPLY ELEMENT SHALL ENSURE THAT ITS MASTER PLAN
23 INCLUDES WATER CONSERVATION POLICIES AT THE FIRST AMENDING OF
24 THE MASTER PLAN, BUT NOT LATER THAN JULY 1, 2025.

25 (D) NOTHING IN THIS SUBSECTION (3)(a.5)(II) SUPERSEDES,
26 ABROGATES, OR OTHERWISE IMPAIRS THE ALLOCATION OF WATER
27 PURSUANT TO THE STATE CONSTITUTION OR ANY OTHER PROVISION OF

1 LAW, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES,
2 CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION,
3 MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

4 (E) THE DEPARTMENT OF LOCAL AFFAIRS MAY HIRE AND EMPLOY
5 ONE FULL-TIME EMPLOYEE TO PROVIDE EDUCATIONAL RESOURCES AND
6 ASSISTANCE TO A COUNTY OR REGION THAT INCLUDES WATER
7 CONSERVATION POLICIES IN THE WATER SUPPLY ELEMENTS OF MASTER
8 PLANS AS REQUIRED BY THIS SUBSECTION (3)(a.5)(II).

9 (III) A STRATEGIC GROWTH ELEMENT THAT INTEGRATES ELEMENTS
10 OF THE MASTER PLAN TO DISCOURAGE SPRAWL AND PROMOTE THE
11 DEVELOPMENT OR REDEVELOPMENT OF VACANT AND UNDERUTILIZED
12 PARCELS IN URBAN AREAS TO ADDRESS THE DEMONSTRATED HOUSING
13 NEEDS OF THE COUNTY OR REGION AND MITIGATE THE NEED FOR
14 EXTENSION OF INFRASTRUCTURE AND PUBLIC SERVICES TO DEVELOP
15 NATURAL AND AGRICULTURAL LANDS FOR RESIDENTIAL USES. THE
16 STRATEGIC GROWTH ELEMENT MUST INCLUDE:

17 (A) A DESCRIPTION OF EXISTING AND POTENTIAL POLICIES AND
18 TOOLS TO PROMOTE STRATEGIC GROWTH AND PREVENT SPRAWL;

19 (B) AN ANALYSIS OF VACANT AND UNDERUTILIZED SITES THAT
20 IDENTIFIES VACANT, PARTIALLY VACANT, AND UNDERUTILIZED LAND NEAR
21 EXISTING OR PLANNED TRANSIT OR JOB CENTERS THAT COULD BE USED FOR
22 INFILL DEVELOPMENT, REDEVELOPMENT, AND NEW DEVELOPMENT OF
23 HOUSING; ASSESSES THE GENERAL FEASIBILITY OF THE DEVELOPMENT OR
24 REDEVELOPMENT OF SUCH SITES FOR RESIDENTIAL USE BASED ON EXISTING
25 AND NEEDED INFRASTRUCTURE, TRANSPORTATION CAPACITY, ACCESS TO
26 PUBLIC TRANSIT, AND PUBLIC FACILITIES AND SERVICES TO SERVE SUCH
27 SITES; DESCRIBES THE PUBLIC BENEFITS OF THE DEVELOPMENT OR

1 REDEVELOPMENT OF SUCH SITES TO THE COUNTY OR REGION AS AN
2 ALTERNATIVE TO THE DEVELOPMENT OF PREVIOUSLY UNDEVELOPED
3 NATURAL OR AGRICULTURAL LAND; AND IN A MANNER THAT IS
4 CONSISTENT WITH THE MASTER PLAN, DESIGNATES SUCH SITES FOR WHICH
5 DEVELOPMENT OR REDEVELOPMENT IS DEEMED TO BE GENERALLY
6 FEASIBLE FOR FUTURE USES THAT INCLUDE RESIDENTIAL USES IN A
7 MANNER THAT ADDRESSES THE DEMONSTRATED HOUSING NEEDS OF THE
8 COUNTY OR REGION AT ALL INCOME LEVELS; AND

9 (C) AN ANALYSIS OF UNDEVELOPED SITES THAT IDENTIFIES
10 PREVIOUSLY UNDEVELOPED PARCELS THAT ARE NOT ADJACENT TO
11 DEVELOPED LAND, INCLUDING EXISTING NATURAL AND AGRICULTURAL
12 LAND, UNDER CONSIDERATION FOR FUTURE DEVELOPMENT, AND, FOR A
13 COUNTY OR REGION IN A METROPOLITAN PLANNING ORGANIZATION
14 ESTABLISHED UNDER THE "FEDERAL TRANSIT ACT OF 1998," 49 U.S.C.
15 SEC. 5301 ET SEQ., AS AMENDED, LAND OUTSIDE OF CENSUS URBAN AREAS
16 AS DEFINED BY THE UNITED STATES BUREAU OF THE CENSUS; ASSESSES
17 THE GENERAL FEASIBILITY OF THE DEVELOPMENT OF SUCH SITES FOR
18 RESIDENTIAL USE BASED ON EXISTING AND NEEDED INFRASTRUCTURE,
19 TRANSPORTATION CAPACITY, ACCESS TO PUBLIC TRANSIT, AND PUBLIC
20 FACILITIES AND SERVICES TO SERVE SUCH SITES; AND DESCRIBES THE
21 LONG-TERM FISCAL IMPACT TO THE COUNTY OR REGION OF THE
22 CONSTRUCTION, OWNERSHIP, MAINTENANCE, AND REPLACEMENT OF
23 INFRASTRUCTURE AND PUBLIC FACILITIES AND THE PROVISION OF PUBLIC
24 SERVICES TO SERVE DEVELOPMENT OF SUCH SITES;

25 =====
26 (IV) THE MOST RECENT HOUSING ACTION PLAN OR PLANS ADOPTED
27 BY THE COUNTY OR MUNICIPALITIES WITHIN THE REGION PURSUANT TO

1 SECTION 24-32-3705; AND

2 (V) FOR A MASTER PLAN BY A REGIONAL PLANNING COMMISSION,
3 THE MOST RECENT VERSION OF THE MASTER PLAN REQUIRED BY SECTION
4 31-12-105 (1)(e) BY EACH MUNICIPALITY THAT IS PART OF THE REGIONAL
5 PLANNING COMMISSION AND A DESCRIPTION OF HOW EACH JURISDICTION
6 WILL INTEGRATE THAT PLAN INTO THE MASTER PLAN.

7 (a.7) (I) A COUNTY OR REGION WITH A MASTER PLAN SHALL
8 ENSURE THAT ITS MASTER PLAN INCLUDES A WATER SUPPLY ELEMENT AND
9 A STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (3)(a.5) OF
10 THIS SECTION AT THE FIRST AMENDING OF THE MASTER PLAN THAT OCCURS
11 ON OR AFTER JANUARY 1, 2026, BUT NOT LATER THAN DECEMBER 31,
12 2026. THE MASTER PLAN OF A COUNTY OR REGION ADOPTED OR AMENDED
13 AFTER DECEMBER 31, 2026, MUST INCLUDE A WATER SUPPLY ELEMENT
14 AND STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (3)(a.5)
15 OF THIS SECTION. THE COUNTY OR REGION MUST UPDATE THE WATER
16 SUPPLY ELEMENT AND STRATEGIC GROWTH ELEMENT NO LESS
17 FREQUENTLY THAN EVERY FIVE YEARS.

18 (II) A COUNTY OR REGION WITH A MASTER PLAN IS NOT REQUIRED
19 TO INCLUDE A STRATEGIC GROWTH ELEMENT, IF THE COUNTY OR REGION
20 HAS NOT RECEIVED FUNDING TO INCLUDE THE STRATEGIC GROWTH
21 ELEMENT PURSUANT TO SECTION 24-32-3710 AND EITHER:

22 (A) HAS A POPULATION OF TWENTY THOUSAND OR LESS IN THE
23 COUNTY'S UNINCORPORATED TERRITORY AND HAS EXPERIENCED NEGATIVE
24 POPULATION CHANGE IN THE MOST RECENT DECENNIAL CENSUS; OR

25 (B) HAS A POPULATION OF FIVE THOUSAND OR LESS IN THE
26 COUNTY'S UNINCORPORATED TERRITORY.

27 (a.9) THE MASTER PLAN MAY INCLUDE, WHERE APPLICABLE OR

1 APPROPRIATE:

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

14 (II) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
15 INCLUDING PUBLIC SCHOOLS; CULTURALLY, HISTORICALLY, OR
16 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS;
17 PLAYGROUNDS, FORESTS, RESERVATIONS, SQUARES, PARKS, AIRPORTS,
18 AVIATION FIELDS, MILITARY INSTALLATIONS; AND OTHER PUBLIC WAYS,
19 GROUNDS, OPEN SPACES, TRAILS, AND DESIGNATED FEDERAL, STATE, AND
20 LOCAL WILDLIFE AREAS. FOR PURPOSES OF THIS SECTION, "MILITARY
21 INSTALLATION" HAS THE SAME MEANING AS SPECIFIED IN SECTION
22 29-20-105.6 (2)(b).

23 (III) THE GENERAL LOCATION AND EXTENT OF PUBLIC UTILITIES,
24 TERMINALS, CAPITAL FACILITIES, AND TRANSFER FACILITIES, WHETHER
25 PUBLICLY OR PRIVATELY OWNED, FOR WATER, LIGHT, POWER, SANITATION,
26 TRANSPORTATION, COMMUNICATION, HEAT, AND OTHER PURPOSES AND
27 ANY PROPOSED OR PROJECTED NEEDS FOR CAPITAL FACILITIES AND

1 UTILITIES, INCLUDING THE PRIORITIES, ANTICIPATED COSTS, AND FUNDING
2 PROPOSALS FOR SUCH FACILITIES AND UTILITIES;

3 (IV) THE ACCEPTANCE, WIDENING, REMOVAL, EXTENSION,
4 RELOCATION, NARROWING, VACATION, ABANDONMENT, MODIFICATION, OR
5 CHANGE OF USE OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
6 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
7 OF OTHER COUNTIES, REGIONS, OR MUNICIPALITIES, GROUNDS, OPEN
8 SPACES, BUILDINGS, PROPERTIES, UTILITIES, OR TERMINALS REFERRED TO
9 IN SUBSECTIONS (3)(a.5)(II)(C), (3)(a.9)(I), (3)(a.9)(II), AND (3)(a.9)(III)
10 OF THIS SECTION;

11 (V) METHODS FOR ASSURING ACCESS TO APPROPRIATE CONDITIONS
12 FOR SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING
13 GEOTHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
14 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
15 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
16 GENERATION;

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

27 (VII) THE GENERAL LOCATION AND EXTENT OF FORESTS,

1 AGRICULTURAL AREAS, FLOOD CONTROL AREAS, AND OPEN DEVELOPMENT
2 AREAS FOR PURPOSES OF CONSERVATION, FOOD AND WATER SUPPLY,
3 SANITARY AND DRAINAGE FACILITIES, FLOOD CONTROL, OR THE
4 PROTECTION OF URBAN DEVELOPMENT;

5 (VIII) A LAND CLASSIFICATION AND UTILIZATION PROGRAM;

6 (IX) PROJECTIONS OF POPULATION CHANGE AND HOUSING NEEDS
7 TO ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED
8 INCREMENTS OF TIME. THE COUNTY OR REGION MAY BASE THESE
9 PROJECTIONS UPON DATA FROM THE DEPARTMENT OF LOCAL AFFAIRS AND
10 UPON THE COUNTY'S OR REGION'S LOCAL OBJECTIVES.

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

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

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

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

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

1 ZONES;

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

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

7 (8) A COUNTY OR REGIONAL PLANNING COMMISSION SHALL SUBMIT
8 THE MASTER PLAN AND ANY SEPARATELY APPROVED WATER SUPPLY
9 ELEMENT AND STRATEGIC GROWTH ELEMENT TO THE DIVISION OF LOCAL
10 GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF
11 LOCAL GOVERNMENT SHALL REVIEW MASTER PLANS AND MAY PROVIDE
12 COMMENTS TO THE COMMISSION.

13 **SECTION 3.** In Colorado Revised Statutes, 31-23-206, **repeal**
14 **and reenact, with amendments,** (1); and **add** (1.3), (1.5), (1.7), (1.9),
15 and (8) as follows:

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

1 QUASI-JUDICIAL PROCESSES AS APPROPRIATE. THE MASTER PLAN, WITH
2 THE ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE MATTER,
3 MUST SHOW THE COMMISSION'S RECOMMENDATIONS FOR THE
4 DEVELOPMENT OF THE MUNICIPALITY AND OUTLYING AREAS.

5 (1.3)(a) WHEN A COMMISSION DECIDES TO ADOPT A MASTER PLAN,
6 THE COMMISSION SHALL CONDUCT PUBLIC HEARINGS, AFTER NOTICE OF
7 SUCH PUBLIC HEARINGS HAS BEEN PUBLISHED IN A NEWSPAPER OF
8 GENERAL CIRCULATION IN THE MUNICIPALITY IN A MANNER SUFFICIENT TO
9 NOTIFY THE PUBLIC OF THE TIME, PLACE, AND NATURE OF THE PUBLIC
10 HEARING, PRIOR TO FINAL ADOPTION OF A MASTER PLAN IN ORDER TO
11 ENCOURAGE PUBLIC PARTICIPATION IN AND AWARENESS OF THE
12 DEVELOPMENT OF THE MASTER PLAN AND SHALL ACCEPT AND CONSIDER
13 ORAL AND WRITTEN PUBLIC COMMENTS THROUGHOUT THE PROCESS OF
14 DEVELOPING THE MASTER PLAN.

15 (b) THE COMMISSION SHALL FOLLOW THE PROCEDURES IN SECTION
16 24-32-3209. FOR PURPOSES OF THIS SECTION, ANY SPECIAL DISTRICT THAT
17 SUPPLIES WATER TO THE AREA COVERED BY THE MASTER PLAN IS A
18 NEIGHBORING JURISDICTION AS DEFINED IN SECTION 24-32-3209 (1)(h).

19 (c) FOR ANY MASTER PLAN ADOPTED AFTER JANUARY 1, 2026, THE
20 COMMISSION SHALL CONSIDER THE FOLLOWING, WHERE APPLICABLE OR
21 APPROPRIATE, AND ANY OTHER INFORMATION DEEMED RELEVANT BY THE
22 COMMISSION:

23 (I) THE APPLICABLE HOUSING NEEDS ASSESSMENTS PUBLISHED
24 PURSUANT TO SECTION 24-32-3702 (1)(b), 24-32-3703, OR 24-32-3704;

25
26 (II) THE STATEWIDE STRATEGIC GROWTH REPORT CREATED
27 PURSUANT TO SECTION 24-32-3707;

1 (III) THE NATURAL LAND AND AGRICULTURAL OPPORTUNITIES
2 REPORT PUBLISHED PURSUANT TO SECTION 24-32-3708; AND

3 (IV) THE COLORADO WATER PLAN ADOPTED PURSUANT TO
4 SECTION 37-60-106.3.

5 (1.5) THE MASTER PLAN MUST INCLUDE:

6 (a) A NARRATIVE DESCRIPTION OF THE PROCEDURE USED FOR THE
7 DEVELOPMENT AND ADOPTION OF THE MASTER PLAN, INCLUDING A
8 SUMMARY OF ANY OBJECTIONS TO THE MASTER PLAN MADE BY
9 NEIGHBORING JURISDICTIONS PURSUANT TO SECTION 24-32-3209 AND A
10 DESCRIPTION OF THE RESOLUTION OR OUTCOME OF THE OBJECTIONS;

11 (b) THE MOST RECENT VERSION OF THE MASTER PLAN REQUIRED BY
12 SECTION 31-12-105 (1)(e) OR A SIMILAR MASTER PLAN FOR AREAS OF
13 POTENTIAL GROWTH WITHIN THREE MILES OF THE MUNICIPALITY'S
14 EXISTING BOUNDARIES AND A DESCRIPTION OF HOW THE MUNICIPALITY
15 INTENDS TO INTEGRATE THAT PLAN INTO THE MASTER PLAN;

16 (c) (I) A WATER SUPPLY ELEMENT DEVELOPED IN CONSULTATION
17 WITH ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE MUNICIPALITY
18 TO ENSURE COORDINATION ON WATER SUPPLY AND FACILITY PLANNING.
19 NOTHING IN THIS SECTION REQUIRES THE PUBLIC DISCLOSURE OF
20 CONFIDENTIAL INFORMATION RELATED TO WATER SUPPLY OR FACILITIES.

21 (II) THE WATER SUPPLY ELEMENT MUST:

22 (A) ESTIMATE A RANGE OF WATER SUPPLIES AND FACILITIES
23 NEEDED TO SUPPORT THE POTENTIAL PUBLIC AND PRIVATE DEVELOPMENT
24 DESCRIBED IN THE MASTER PLAN; AND

25 (B) INCLUDE WATER CONSERVATION POLICIES, TO BE DETERMINED
26 BY THE MUNICIPALITY, WHICH MAY INCLUDE GOALS SPECIFIED IN THE
27 COLORADO WATER PLAN ADOPTED PURSUANT TO SECTION 37-60-106.3

1 AND POLICIES TO IMPLEMENT WATER CONSERVATION AND OTHER
2 COLORADO WATER PLAN GOALS AS A CONDITION OF DEVELOPMENT
3 APPROVAL, INCLUDING SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS,
4 SPECIAL USE PERMITS, AND ZONING CHANGES.

5 (III) A MUNICIPALITY WITH A MASTER PLAN THAT INCLUDES A
6 WATER SUPPLY ELEMENT SHALL ENSURE THAT ITS MASTER PLAN INCLUDES
7 WATER CONSERVATION POLICIES AT THE FIRST AMENDING OF THE MASTER
8 PLAN, BUT NOT LATER THAN JULY 1, 2025;

9 (IV) NOTHING IN THIS SUBSECTION (1.5)(c) SUPERSEDES,
10 ABROGATES, OR OTHERWISE IMPAIRS THE ALLOCATION OF WATER
11 PURSUANT TO THE STATE CONSTITUTION OR ANY OTHER PROVISION OF
12 LAW, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES,
13 CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION,
14 MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY;
15 AND

16 (V) THE DEPARTMENT OF LOCAL AFFAIRS MAY HIRE AND EMPLOY
17 ONE FULL-TIME EMPLOYEE TO PROVIDE EDUCATIONAL RESOURCES AND
18 ASSISTANCE TO MUNICIPALITIES THAT INCLUDE WATER CONSERVATION
19 POLICIES IN THE WATER SUPPLY ELEMENTS OF MASTER PLANS AS REQUIRED
20 BY THIS SUBSECTION (1.5)(c).

21 (d) A STRATEGIC GROWTH ELEMENT THAT INTEGRATES ELEMENTS
22 OF THE MASTER PLAN TO DISCOURAGE SPRAWL AND PROMOTE THE
23 DEVELOPMENT OR REDEVELOPMENT OF VACANT AND UNDERUTILIZED
24 PARCELS IN URBAN AREAS TO ADDRESS THE MUNICIPALITY'S
25 DEMONSTRATED HOUSING NEEDS AND MITIGATE THE NEED FOR EXTENSION
26 OF INFRASTRUCTURE AND PUBLIC SERVICES TO DEVELOP NATURAL AND
27 AGRICULTURAL LANDS FOR RESIDENTIAL USES. THE STRATEGIC GROWTH

1 ELEMENT MUST INCLUDE:

2 (I) A DESCRIPTION OF EXISTING AND POTENTIAL POLICIES AND
3 TOOLS TO PROMOTE STRATEGIC GROWTH AND PREVENT SPRAWL;

4 (II) AN ANALYSIS OF VACANT AND UNDERUTILIZED SITES THAT:

5 (A) IDENTIFIES VACANT, PARTIALLY VACANT, AND UNDERUTILIZED
6 LAND NEAR EXISTING OR PLANNED TRANSIT OR JOB CENTERS THAT COULD
7 BE USED FOR INFILL DEVELOPMENT, REDEVELOPMENT, AND NEW
8 DEVELOPMENT OF HOUSING;

9 (B) ASSESSES THE GENERAL FEASIBILITY OF THE DEVELOPMENT OR
10 REDEVELOPMENT OF SUCH SITES FOR RESIDENTIAL USE BASED ON EXISTING
11 AND NEEDED INFRASTRUCTURE, TRANSPORTATION CAPACITY, ACCESS TO
12 PUBLIC TRANSIT, AND PUBLIC FACILITIES AND SERVICES TO SERVE SUCH
13 SITES;

14 (C) DESCRIBES THE PUBLIC BENEFITS OF THE DEVELOPMENT OR
15 REDEVELOPMENT OF SUCH SITES TO THE MUNICIPALITY AS AN
16 ALTERNATIVE TO THE DEVELOPMENT OF PREVIOUSLY UNDEVELOPED
17 NATURAL OR AGRICULTURAL LAND; AND

18 (D) IN A MANNER THAT IS CONSISTENT WITH THE MASTER PLAN,
19 DESIGNATES SUCH SITES FOR WHICH DEVELOPMENT OR REDEVELOPMENT
20 IS DEEMED TO BE GENERALLY FEASIBLE FOR FUTURE USES THAT INCLUDE
21 RESIDENTIAL USES IN A MANNER THAT ADDRESSES THE MUNICIPALITY'S
22 DEMONSTRATED HOUSING NEEDS AT ALL INCOME LEVELS; AND

23 (III) AN ANALYSIS OF UNDEVELOPED SITES THAT:

24 (A) IDENTIFIES PREVIOUSLY UNDEVELOPED PARCELS THAT ARE
25 NOT ADJACENT TO DEVELOPED LAND, INCLUDING EXISTING NATURAL AND
26 AGRICULTURAL LAND, UNDER CONSIDERATION FOR FUTURE
27 DEVELOPMENT, AND, FOR A MUNICIPALITY IN A METROPOLITAN PLANNING

1 ORGANIZATION ESTABLISHED UNDER THE "FEDERAL TRANSIT ACT OF
2 1998," 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED, LAND OUTSIDE OF
3 CENSUS URBAN AREAS AS DEFINED BY THE UNITED STATES BUREAU OF
4 THE CENSUS;

5 (B) ASSESSES THE GENERAL FEASIBILITY OF THE DEVELOPMENT OF
6 SUCH SITES FOR RESIDENTIAL USE BASED ON EXISTING AND NEEDED
7 INFRASTRUCTURE, TRANSPORTATION CAPACITY, ACCESS TO PUBLIC
8 TRANSIT, AND PUBLIC FACILITIES AND SERVICES TO SERVE SUCH SITES; AND

9 (C) DESCRIBES THE LONG-TERM FISCAL IMPACT TO THE
10 MUNICIPALITY OF THE CONSTRUCTION, OWNERSHIP, MAINTENANCE, AND
11 REPLACEMENT OF INFRASTRUCTURE AND PUBLIC FACILITIES AND THE
12 PROVISION OF PUBLIC SERVICES TO SERVE DEVELOPMENT OF SUCH SITES;

13 AND

14 (e) THE MOST RECENT HOUSING ACTION PLAN ADOPTED BY THE
15 MUNICIPALITY PURSUANT TO SECTION 24-32-3705.

16 (1.7) (a) A MUNICIPALITY WITH A MASTER PLAN SHALL ENSURE
17 THAT ITS MASTER PLAN INCLUDES A WATER SUPPLY ELEMENT AND
18 STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (1.5) OF THIS
19 SECTION AT THE FIRST AMENDING OF THE MASTER PLAN THAT OCCURS ON
20 OR AFTER JANUARY 1, 2026, BUT NOT LATER THAN DECEMBER 31, 2026.
21 THE MASTER PLAN OF A MUNICIPALITY ADOPTED OR AMENDED AFTER
22 DECEMBER 31, 2026, MUST INCLUDE A WATER SUPPLY ELEMENT AND
23 STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (1.5) OF THIS
24 SECTION. A MUNICIPALITY SHALL UPDATE THE WATER SUPPLY ELEMENT
25 AND STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (1.5) OF
26 THIS SECTION NO LESS FREQUENTLY THAN EVERY FIVE YEARS.

27 (b) A MUNICIPALITY WITH A MASTER PLAN IS NOT REQUIRED TO

1 INCLUDE A STRATEGIC GROWTH ELEMENT IF THE MUNICIPALITY HAS NOT
2 RECEIVED FUNDING TO INCLUDE THE STRATEGIC GROWTH ELEMENT
3 PURSUANT TO SECTION 24-32-3710 AND EITHER:

4 (I) HAS A POPULATION OF TWENTY THOUSAND OR LESS AND HAS
5 EXPERIENCED NEGATIVE POPULATION CHANGE IN THE MOST RECENT
6 DECENNIAL CENSUS; OR

7 (II) HAS A POPULATION OF TWO THOUSAND OR LESS.

8 (1.9) THE MASTER PLAN MAY INCLUDE, WHERE APPLICABLE OR
9 APPROPRIATE:

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

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

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

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

10 (d) THE ACCEPTANCE, REMOVAL, RELOCATION, WIDENING,
11 NARROWING, VACATING, ABANDONMENT, MODIFICATION, CHANGE OF USE,
12 OR EXTENSION OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
13 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
14 OF OTHER MUNICIPALITIES, COUNTIES, OR REGIONS, GROUNDS, OPEN
15 SPACES, BUILDINGS, PROPERTY, UTILITY, OR TERMINALS REFERRED TO IN
16 SUBSECTIONS (1.5)(c), (1.7)(a), AND (1.7)(b) OF THIS SECTION;

17 (e) A ZONING PLAN FOR THE CONTROL OF THE HEIGHT, AREA, BULK,
18 LOCATION, AND USE OF BUILDINGS AND PREMISES. SUCH A ZONING PLAN
19 MAY PROTECT AND ASSURE ACCESS TO APPROPRIATE CONDITIONS FOR
20 SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING
21 GEOTHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
22 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
23 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
24 GENERATION; HOWEVER, REGULATIONS AND RESTRICTIONS OF THE HEIGHT,
25 NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES, AND
26 THE HEIGHT AND LOCATION OF TREES AND OTHER VEGETATION SHALL NOT
27 APPLY TO EXISTING BUILDINGS, STRUCTURES, TREES, OR VEGETATION

1 EXCEPT FOR NEW GROWTH ON SUCH VEGETATION;

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

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

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

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

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

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

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

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

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

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

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

18 (8) THE COMMISSION SHALL SUBMIT THE MASTER PLAN AND ANY
19 SEPARATELY APPROVED WATER SUPPLY ELEMENT AND STRATEGIC
20 GROWTH ELEMENT TO THE DIVISION OF LOCAL GOVERNMENT IN THE
21 DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT
22 SHALL REVIEW MASTER PLANS AND MAY PROVIDE COMMENTS TO THE
23 COMMISSION.

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

26 **38-33.3-106.5. Prohibitions contrary to public policy -**
27 **patriotic, political, or religious expression - public rights-of-way - fire**

1 **prevention - renewable energy generation devices - affordable**
2 **housing - drought prevention measures - child care - definitions.**

3 (3) (a) AN ASSOCIATION SHALL NOT PROHIBIT OR RESTRICT THE
4 CONSTRUCTION OF ACCESSORY DWELLING UNITS OR MIDDLE HOUSING IF
5 THE ZONING LAWS OF THE LOCAL JURISDICTION WOULD OTHERWISE ALLOW
6 SUCH USES ON A PROPERTY. THIS SUBSECTION (3)(a) APPLIES ONLY TO ANY
7 DECLARATION RECORDED ON OR AFTER JULY 1, 2024, OR IN ANY BYLAWS
8 OR RULES AND REGULATIONS OF THE ASSOCIATION ADOPTED OR AMENDED
9 ON OR AFTER JULY 1, 2024, UNLESS THE DECLARATION, BYLAWS, OR RULES
10 AND REGULATIONS CONTAINED SUCH A RESTRICTION AS OF THE EFFECTIVE
11 DATE OF THIS SUBSECTION (3)(a).

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

14 (I) "ACCESSORY DWELLING UNIT" MEANS AN INTERNAL,
15 ATTACHED, OR DETACHED DWELLING UNIT THAT IS LOCATED ON THE SAME
16 LOT AS A PROPOSED OR EXISTING PRIMARY RESIDENCE.

17 (II) "MIDDLE HOUSING" MEANS A RESIDENTIAL STRUCTURE OR
18 STRUCTURES THAT INCLUDE BETWEEN TWO AND FOUR SEPARATE
19 DWELLING UNITS IN A STRUCTURE, A TOWNHOME BUILDING, OR A COTTAGE
20 CLUSTER OF UP TO FOUR UNITS.

21 **SECTION 5. Appropriation.** For the 2024-25 state fiscal year,
22 \$583,864 is appropriated to the office of the governor for use by the
23 office of information technology. This appropriation is from
24 reappropriated funds received from the department of local affairs from
25 the housing needs planning technical assistance fund created in section
26 24-32-3709 (6)(a), C.R.S. To implement this act, the office may use this
27 appropriation to provide information technology services for the

1 department of local affairs.

2 **SECTION 6. Safety clause.** The general assembly finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety or for appropriations for
5 the support and maintenance of the departments of the state and state
6 institutions.