

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

PREAMENDED

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

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

Bird, Pugliese, Armagost, Bradfield, Evans, Frizell, Lynch, Taggart, Weinberg, Wilson, Winter T.

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.

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 ==
24 (10) "PUBLIC FACILITIES" MEANS PUBLIC STREETS, ROADS,
25 HIGHWAYS, SIDEWALKS, STREET- AND ROAD-LIGHTING SYSTEMS, TRAFFIC
26 SIGNALS, DOMESTIC WATER SYSTEMS, STORM AND SANITARY SEWER
27 SYSTEMS, PARKS AND RECREATIONAL FACILITIES, BUILDINGS USED IN THE

1 PROVISION OF PUBLIC SERVICES, AND SCHOOLS.

2 (11) "PUBLIC SERVICES" MEANS FIRE PROTECTION AND
3 SUPPRESSION, LAW ENFORCEMENT, PUBLIC HEALTH, EDUCATION,
4 RECREATION, ENVIRONMENTAL PROTECTION, STORMWATER
5 MANAGEMENT, WASTEWATER MANAGEMENT, PUBLIC TRANSPORTATION,
6 PUBLIC INFRASTRUCTURE MAINTENANCE, WATER, SOCIAL SERVICES, AND
7 OTHER SERVICES TRADITIONALLY PROVIDED BY GOVERNMENT.

8 (12) "REGION" OR "REGIONAL" MEANS A DEFINED GEOGRAPHIC
9 AREA CONSISTING OF TERRITORY FROM MORE THAN ONE LOCAL
10 GOVERNMENT WITH A SUBSTANTIAL INTERCONNECTION IN COMMUTING
11 PATTERNS, ECONOMY, WORKFORCE, TRANSPORTATION AND TRANSIT
12 SYSTEMS, PUBLIC SERVICES, COMMUNITIES OF INTEREST, OR OTHER
13 FACTORS RELATED TO POPULATION AND HOUSING.

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

17 (14) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE
18 HOUSING THAT:

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

26 (b) RESTRICTS OR LIMITS MAXIMUM RENTAL OR SALE PRICE FOR
27 HOUSEHOLDS OF A GIVEN SIZE AT A GIVEN AREA MEDIAN INCOME, AS

1 ESTABLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF
2 HOUSING AND URBAN DEVELOPMENT; AND

3 (c) ENSURES OCCUPANCY BY LOW- TO MODERATE-INCOME
4 HOUSEHOLDS FOR A SPECIFIED PERIOD DETAILED IN A RESTRICTIVE USE
5 COVENANT OR SIMILAR RECORDED AGREEMENT. ==

6 (15) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED
7 BUILDING WITH A SINGLE DWELLING UNIT LOCATED ON A SINGLE LOT.

8 (16) "SUPPORTIVE HOUSING" OR "SUPPORTIVE UNIT" MEANS A
9 COMBINATION OF HOUSING AND SERVICES INTENDED AS A COST-EFFECTIVE
10 WAY TO HELP PEOPLE LIVE MORE STABLE, PRODUCTIVE LIVES, AND
11 TYPICALLY COMBINES AFFORDABLE HOUSING WITH INTENSIVE
12 COORDINATED SERVICES TO HELP PEOPLE MAINTAIN STABLE HOUSING AND
13 RECEIVE APPROPRIATE HEALTH CARE.

14 (17) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED
15 AND CONSTRUCTED TO BE SAFE AND ACCESSIBLE FOR ANY INDIVIDUAL
16 REGARDLESS OF AGE OR ABILITIES.

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

20 **24-32-3702. Housing needs assessment methodology -**
21 **statewide housing needs assessment - population growth projections**
22 **- displacement risk guidance. (1) (a) No LATER THAN DECEMBER 31,**
23 **2024, THE DIRECTOR SHALL DEVELOP REASONABLE METHODOLOGIES FOR**
24 **CONDUCTING STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS**
25 **ASSESSMENTS. THE METHODOLOGIES DESCRIBED IN THIS SUBSECTION**
26 **(1)(a) MUST ESTABLISH BASELINE STANDARDS THAT SEEK TO PRODUCE**
27 **ACCURATE DATA FOR INTERNAL STATE AGENCY PLANNING AND GRANT**

1 PROGRAMS AND EFFICIENTLY PROCURE DATA FOR USE BY REGIONS AND
2 LOCAL GOVERNMENTS FOR PLANNING PURPOSES, BUT MUST ALSO BE
3 NARROWLY TAILORED TO IMPOSE THE LEAST FISCAL BURDEN ON ENTITIES
4 CONDUCTING HOUSING NEEDS ASSESSMENTS. IN DEVELOPING THE REPORTS
5 DESCRIBED IN THIS SUBSECTION (1), THE DIRECTOR SHALL CONSULT WITH
6 LOCAL GOVERNMENTS AND EXPERTS IN PLANNING AND ZONING,
7 AFFORDABLE HOUSING, DISABILITY RIGHTS, HOMELESSNESS RESOLUTION
8 AND PREVENTION, TENANTS' RIGHTS, EXPERTS WITH DEMONSTRATED
9 EXPERIENCE IN CONDUCTING HIGH-QUALITY HOUSING NEEDS ASSESSMENTS
10 AND ENGAGEMENT OF UNDERREPRESENTED COMMUNITIES, AND OTHER
11 FIELDS FOCUSED ON HOUSING NEEDS PLANNING.

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

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

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

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

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

11 (IV) ESTIMATE THE NUMBER OF JOBS IN THE REGION AND EACH
12 LOCAL GOVERNMENT'S JURISDICTION THAT FORMS THE REGION, SORTED BY
13 ANNUAL SALARY AND WAGE;

14 (V) ESTIMATE AN ALLOCATION OF HOUSING NEEDS IDENTIFIED IN
15 SUBSECTION (1)(c)(II) OF THIS SECTION TO EACH LOCAL GOVERNMENT IN
16 THE REGION OR CONTRIBUTING TO HOUSING NEEDS IN THE REGION BASED
17 ON THE NUMBER OF JOBS AND EACH LOCAL GOVERNMENT'S DEPENDENCE
18 ON JOBS IN THE REGION, AMONG OTHER FACTORS, TO PROMOTE A BALANCE
19 OF JOBS AT ALL SALARY LEVELS AND HOMES AFFORDABLE TO PERSONS IN
20 THE REGION HOLDING JOBS AT ALL INCOME LEVELS IN THE REGION;

21 (VI) IDENTIFY AREAS AT ELEVATED RISK OF DISPLACEMENT IN THE
22 REGION AND EACH LOCAL GOVERNMENT'S JURISDICTION THAT FORMS THE
23 REGION;

24 (VII) ESTIMATE THE WATER SUPPLY NEEDS FOR THE DWELLING
25 UNITS IDENTIFIED IN SUBSECTIONS (1)(c)(I) AND (1)(c)(II) OF THIS
26 SECTION; AND

27 (VIII) ASSESS MARKET LIMITATIONS ON THE DEVELOPMENT OF

1 FOR-SALE MULTIFAMILY RESIDENTIAL HOUSING IN THE REGION.

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

5 (I) ESTIMATE EXISTING HOUSING STOCK IN THE LOCAL
6 GOVERNMENT'S JURISDICTION;

7 (II) ESTIMATE HOUSING NEEDS WITHIN THE LOCAL GOVERNMENT'S
8 JURISDICTION, SORTED BY INCOME LEVEL AND DWELLING TYPE, INCLUDING
9 ACCESSIBLE UNITS, VISITABLE UNITS, SUPPORTIVE UNITS, FOR-SALE UNITS,
10 AND RENTAL UNITS;

11 (III) ESTIMATE THE NUMBER OF HOUSEHOLDS IN THE LOCAL
12 GOVERNMENT'S JURISDICTION;

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

15 (V) INCORPORATE A PORTION OF HOUSING NEEDS IDENTIFIED IN
16 ANY APPLICABLE STATE AND REGIONAL HOUSING NEEDS ASSESSMENT FOR
17 THE LOCAL GOVERNMENT, AS APPROPRIATE, BASED ON THE NUMBER OF
18 JOBS AND EACH LOCAL GOVERNMENT'S DEPENDENCE ON JOBS IN THE
19 REGION, AMONG OTHER FACTORS, TO PROMOTE A BALANCE OF JOBS AT ALL
20 SALARY LEVELS AND HOMES AFFORDABLE TO PERSONS IN THE REGION
21 HOLDING JOBS AT ALL INCOME LEVELS;

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

24 (VII) ESTIMATE WATER SUPPLY NEEDS FOR THE DWELLING UNITS
25 IDENTIFIED IN SUBSECTIONS (1)(d)(I) AND (1)(d)(II) OF THIS SECTION; AND

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

1 (e) THE METHODOLOGIES FOR REGIONAL AND LOCAL HOUSING
2 NEEDS ASSESSMENTS SHOULD INCLUDE GUIDANCE REGARDING HOUSING
3 ACTION PLANS CREATED PURSUANT TO SECTION 24-32-3705, INCLUDING
4 THE INCLUSION OF RECOMMENDATIONS FOR HOUSING ACTION PLANS IN
5 HOUSING NEEDS ASSESSMENTS AND THE SEQUENCING OF HOUSING NEEDS
6 ASSESSMENTS AND HOUSING ACTION PLANS.

7 (2) THE METHODOLOGIES FOR ESTIMATING HOUSING NEEDS IN
8 HOUSING NEEDS ASSESSMENTS MUST BE BASED ON THE FOLLOWING
9 BASELINE COMPONENTS FOR EACH REGION AND LOCAL GOVERNMENT:

10 (a) EXISTING AND PROJECTED HOUSING SHORTAGES AND
11 SURPLUSES FOR DIFFERENT HOUSEHOLD TYPES AND INCOME LEVELS,
12 INCLUDING EXTREMELY LOW-, VERY LOW-, LOW-, MODERATE-, AND
13 MIDDLE-INCOME HOUSEHOLDS AS DESIGNATED BY THE UNITED STATES
14 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

15 (b) EXISTING HOUSING DIVERSITY AND STOCK;

16 (c) CURRENT JOBS BY INCOME LEVEL;

17 (d) CURRENT MEDIAN INCOME;

18 (e) FUTURE POPULATION GROWTH PROJECTIONS, JOB GROWTH
19 PROJECTIONS, AND DEMOGRAPHIC TRENDS FORECASTED BY THE STATE
20 DEMOGRAPHY OFFICE;

21 (f) POPULATION AND DEMOGRAPHICS;

22 (g) MEASURES OF LOCAL RESOURCES DEDICATED TO THE
23 DEVELOPMENT OF AFFORDABLE HOUSING;

24 (h) VACANCY RATES;

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

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

1 (3) NO LATER THAN DECEMBER 31, 2024, THE DIRECTOR SHALL
2 DEVELOP GUIDANCE FOR REGIONS AND LOCAL GOVERNMENTS TO CONDUCT
3 A DISPLACEMENT RISK ASSESSMENT. IN DEVELOPING THE GUIDANCE, THE
4 DEPARTMENT SHALL INCLUDE METHODS, WITH VARIATIONS FOR DIFFERENT
5 LOCAL CONTEXTS INCLUDING THE SIZE AND RESOURCE LEVELS OF LOCAL
6 GOVERNMENTS, FOR LOCAL GOVERNMENTS TO USE TO:

7 (a) GATHER FEEDBACK THROUGH COMMUNITY ENGAGEMENT; AND
8 (b) IDENTIFY INFORMATION FROM NEIGHBORHOOD-LEVEL EARLY
9 DISPLACEMENT WARNING AND RESPONSE SYSTEMS OR, IF THOSE SYSTEMS
10 ARE UNAVAILABLE, IDENTIFY THE BEST AVAILABLE LOCAL, REGIONAL,
11 STATE, OR FEDERAL DATA THAT CAN BE ANALYZED TO IDENTIFY
12 RESIDENTS AT ELEVATED DISPLACEMENT RISK, WHICH MAY INCLUDE:

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

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

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

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

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

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

26 (c) IDENTIFY THE LOCATION OF MANUFACTURED HOME PARKS; AND

27 (d) IDENTIFY AREAS THAT QUALIFY AS DISADVANTAGED AS

1 DETERMINED WITH THE CLIMATE AND ECONOMIC JUSTICE SCREENING TOOL
2 DEVELOPED BY THE COUNCIL ON ENVIRONMENTAL QUALITY IN THE OFFICE
3 OF THE PRESIDENT OF THE UNITED STATES; AND

4 (e) AREAS THAT WILL EXPERIENCE INCREASED ZONING CAPACITY
5 ON OR AFTER JANUARY 1, 2025.

6 ==
7 (4) ANY METHODOLOGY OR GUIDANCE DEVELOPED BY THE
8 DIRECTOR PURSUANT TO THIS SECTION MUST PERMIT THE SUBSTITUTION OF
9 AN ASSESSMENT OF HOUSING NEEDS OR DISPLACEMENT RISK CONDUCTED
10 PURSUANT TO THE REQUIREMENTS OF ANY OTHER FEDERAL OR STATE LAW
11 OR REGULATION.

12 **24-32-3703. Local housing needs assessments - procedure -**
13 **exempt local governments.** (1) (a) NO LATER THAN DECEMBER 31, 2026,
14 EACH LOCAL GOVERNMENT == SHALL CONDUCT AND PUBLISH A LOCAL
15 HOUSING NEEDS ASSESSMENT THAT CONFORMS TO THE METHODOLOGY FOR
16 CONDUCTING LOCAL HOUSING NEEDS ASSESSMENTS DEVELOPED BY THE
17 DIRECTOR PURSUANT TO SECTION 24-32-3702 (1)(d) FOR THE TERRITORY
18 COVERED BY THE LOCAL GOVERNMENT'S MASTER PLAN.

19 (b) A HOUSING NEEDS ASSESSMENT CONDUCTED BY OR ON BEHALF
20 OF A LOCAL GOVERNMENT AFTER JANUARY 1, 2022, QUALIFIES AS HAVING
21 SATISFIED THE REQUIREMENT OF SUBSECTION (1)(a) OF THIS SECTION, IF
22 THE LOCAL GOVERNMENT SUBMITS THE ASSESSMENT TO THE DEPARTMENT
23 NO LATER THAN DECEMBER 31, 2024, AND THE DEPARTMENT DETERMINES
24 THAT THE MOST RECENT VERSION OF THE ASSESSMENT CONFORMS TO THE
25 METHODOLOGY FOR CONDUCTING A REGIONAL HOUSING NEEDS
26 ASSESSMENT OR LOCAL HOUSING NEEDS ASSESSMENT PURSUANT TO
27 SECTION 24-32-3702. THE DEPARTMENT SHALL REVIEW A HOUSING NEEDS

1 ASSESSMENT AND MAKE SUCH A DETERMINATION WITHIN NINETY DAYS OF
2 A LOCAL GOVERNMENT SUBMITTING THE HOUSING NEEDS ASSESSMENT TO
3 THE DEPARTMENT. ==

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

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

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

24 (a) THE LOCAL GOVERNMENT == PARTICIPATES IN THE CREATION
25 OF A REGIONAL HOUSING NEEDS ASSESSMENT PURSUANT TO SECTION
26 24-32-3704 THAT IS UPDATED NO OFTEN THAN EVERY SIX YEARS,
27 PROVIDED THAT, TO BE EXEMPT FROM THE REQUIREMENT TO CONDUCT

1 AND PUBLISH A LOCAL HOUSING NEEDS ASSESSMENT BY DECEMBER 31,
2 2026, THE REGIONAL HOUSING NEEDS ASSESSMENT MUST BE COMPLETED
3 BY DECEMBER 31, 2026; OR

4 (b) THE LOCAL GOVERNMENT HAS A POPULATION OF LESS THAN
5 ONE THOUSAND, UNLESS THE LOCAL GOVERNMENT RECEIVES FUNDING TO
6 CONDUCT A LOCAL HOUSING NEEDS ASSESSMENT FROM THE DEPARTMENT
7 PURSUANT TO SECTION 24-32-3710.

8 (5) POPULATION AND OTHER DATA BY WHICH A LOCAL
9 GOVERNMENT IS DETERMINED TO BE SUBJECT TO THE PROVISIONS OF THIS
10 SECTION MUST BE DETERMINED TWO YEARS PRIOR TO THE DATE THAT THE
11 LOCAL GOVERNMENT IS REQUIRED TO COMPLETE A HOUSING NEEDS
12 ASSESSMENT PURSUANT TO THIS SECTION.

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

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

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

13 **24-32-3705. Housing action plan.** (1) BY JANUARY 1, 2028, AND
14 NO LESS THAN EVERY SIX YEARS THEREAFTER, A LOCAL GOVERNMENT
15 THAT HAS A POPULATION OF FIVE THOUSAND OR MORE OR THAT HAS A
16 POPULATION OF ONE THOUSAND OR MORE AND PARTICIPATED IN A
17 REGIONAL HOUSING NEEDS ASSESSMENT PURSUANT TO SECTION
18 24-32-3704 SHALL MAKE A HOUSING ACTION PLAN, WHICH PLAN IS
19 SUBJECT TO APPROVAL BY THE GOVERNING BODY FOLLOWING A PUBLIC
20 HEARING. A HOUSING ACTION PLAN MUST BE RESPONSIVE TO AN ACCEPTED
21 HOUSING NEEDS ASSESSMENT AND DEMONSTRATE THE LOCAL
22 GOVERNMENT'S COMMITMENT TO ADDRESS DEMONSTRATED HOUSING
23 NEEDS AND GUIDES THE LOCAL GOVERNMENT IN DEVELOPING LEGISLATIVE
24 ACTIONS, PROMOTING REGIONAL COORDINATION, AND INFORMING THE
25 PUBLIC OF THE LOCAL GOVERNMENT'S EFFORTS TO ADDRESS HOUSING
26 NEEDS IN THE LOCAL GOVERNMENT'S JURISDICTION.

27 (2) A LOCAL GOVERNMENT SHALL MAKE A HOUSING ACTION PLAN

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

13 (3) A HOUSING ACTION PLAN MUST INCLUDE THE FOLLOWING
14 BASELINE COMPONENTS:

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

21 (b) AN ASSESSMENT OF AND RESPONSE TO ANY ALLOCATION OF
22 HOUSING NEEDS TO THE LOCAL GOVERNMENT IN ANY APPLICABLE HOUSING
23 NEEDS ASSESSMENT;

24 (c) AN ASSESSMENT OF THE EFFECT OF EXISTING ZONING AND
25 DENSITY PERMITTED IN THE LOCAL GOVERNMENT'S JURISDICTION ON THE
26 DEVELOPMENT OF THE NUMBER AND TYPES OF DWELLING UNITS
27 IDENTIFIED IN THE APPLICABLE HOUSING NEEDS ASSESSMENT;

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

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

23 (f) A NARRATIVE ANALYSIS OF ANY AREA OR COMMUNITY THAT
24 THE LOCAL GOVERNMENT HAS IDENTIFIED AS BEING AT ELEVATED RISK OF
25 DISPLACEMENT AND A PLAN TO MITIGATE DISPLACEMENT IN THAT AREA OR
26 COMMUNITY, INCLUDING THE IDENTIFICATION OF AT LEAST ONE
27 DISPLACEMENT MITIGATION STRATEGY INCLUDED IN THE DISPLACEMENT

1 RISK MITIGATION STRATEGIES DIRECTORY DESCRIBED IN SECTION
2 24-32-3706(4) THAT THE LOCAL GOVERNMENT SELECTS TO ADDRESS THE
3 FINDINGS OF THE LOCAL GOVERNMENT'S NARRATIVE ANALYSIS AND IS
4 SUITABLE FOR THE JURISDICTION;

5 (g) A PLAN FOR THE LEGISLATIVE CONSIDERATION FOR ADOPTION
6 OF THE STRATEGIES IDENTIFIED IN SUBSECTIONS (3)(e) AND (3)(f) OF THIS
7 SECTION;

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

11 (i) AN ANALYSIS OF OPPORTUNITIES TO ACHIEVE THE
12 DEVELOPMENT OF HIGHER-DENSITY AND REGULATED AFFORDABLE
13 HOUSING WITHIN A REASONABLE DISTANCE OF MAJOR TRANSIT STOPS IN
14 THE JURISDICTION; ==

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

17 (k) A DESCRIPTION OF OPPORTUNITIES FOR INTERGOVERNMENTAL
18 COORDINATION TO ADDRESS LOCAL AND REGIONAL HOUSING NEEDS AND
19 ANY SUCH INTERGOVERNMENTAL COORDINATION EFFORTS UNDERTAKEN
20 BY THE LOCAL GOVERNMENT.

21 (4) WITHIN SIXTY DAYS OF APPROVAL BY THE GOVERNING BODY,
22 THE LOCAL GOVERNMENT SHALL SUBMIT THE HOUSING ACTION PLAN
23 DEVELOPED PURSUANT TO SUBSECTION (3) OF THIS SECTION TO THE
24 DEPARTMENT AND, IF APPLICABLE, TO THE REGIONAL ENTITY THAT
25 CONDUCTED A REGIONAL HOUSING NEEDS ASSESSMENT THAT APPLIES TO
26 THE LOCAL GOVERNMENT. THE DEPARTMENT SHALL NOT ACCEPT A
27 HOUSING ACTION PLAN THAT DOES NOT INCLUDE THE COMPONENTS

1 REQUIRED BY SECTION 24-32-3705 (3). THE DEPARTMENT SHALL NOTIFY
2 A LOCAL GOVERNMENT IF IT DOES NOT ACCEPT A HOUSING ACTION PLAN.

3 THE DEPARTMENT SHALL POST THE HOUSING ACTION PLAN ON THE
4 DEPARTMENT'S WEBSITE AFTER ACCEPTING THE PLAN.

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

13 (6) THREE YEARS AFTER ADOPTING A HOUSING ACTION PLAN, A
14 LOCAL GOVERNMENT SHALL REPORT PROGRESS TO THE DEPARTMENT
15 REGARDING THE ADOPTION OF ANY STRATEGIES OR CHANGES TO LOCAL
16 LAWS IDENTIFIED IN THE HOUSING ACTION PLAN OR THE MOST RECENT
17 UPDATED HOUSING ACTION PLAN. THE DEPARTMENT SHALL NOT ACCEPT
18 SUCH A PROGRESS REPORT, IF THE REPORT DOES NOT DEMONSTRATE THAT
19 THE LOCAL GOVERNMENT ADOPTED THE STRATEGIES AND CHANGES TO
20 LOCAL LAWS IDENTIFIED IN THE HOUSING ACTION PLAN OR THE MOST
21 RECENT UPDATED HOUSING ACTION PLAN, UNLESS THE DEPARTMENT
22 DETERMINES THAT THE LOCAL GOVERNMENT HAS BOTH MADE A GOOD
23 FAITH EFFORT TO ADOPT THESE STRATEGIES OR CHANGES TO LOCAL LAW
24 AND HAS PROVIDED THE DEPARTMENT WITH A PLAN FOR THE ADOPTION OF
25 ALTERNATIVE STRATEGIES OR CHANGES TO LOCAL LAWS IN ACCORDANCE
26 WITH THIS SECTION.

27 (7) A LOCAL GOVERNMENT MAY UPDATE A HOUSING ACTION PLAN

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

11 **24-32-3706. Directories of housing and land use strategies -**
12 **development of housing and increasing housing affordability -**
13 **displacement impact mitigation.** (1) NO LATER THAN JUNE 30, 2025,
14 THE DEPARTMENT SHALL DEVELOP A STANDARD AFFORDABILITY
15 STRATEGIES DIRECTORY THAT INCLUDES THE FOLLOWING STRATEGIES:

16 (a) IMPLEMENTING A LOCAL INCLUSIONARY ZONING ORDINANCE
17 THAT CONSIDERS LOCAL HOUSING MARKET CONDITIONS THAT IS CRAFTED
18 TO MAXIMIZE AFFORDABLE HOUSING PRODUCTION AND COMPLIES WITH
19 THE REQUIREMENTS OF SECTION 29-20-104 (1)(e.5) AND (1)(e.7);

20 (b) ADOPTING A LOCAL LAW OR PLAN TO LEVERAGE PUBLICLY
21 OWNED, SOLD, OR MANAGED LAND FOR REGULATED AFFORDABLE HOUSING
22 DEVELOPMENT;

23 (c) CREATING OR EXPANDING A PROGRAM TO SUBSIDIZE OR
24 OTHERWISE REDUCE IMPACT FEES OR OTHER SIMILAR DEVELOPMENT
25 CHARGES FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT;

26 (d) ESTABLISHING A DENSITY BONUS PROGRAM THAT GRANTS
27 INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT OF REGULATED

1 AFFORDABLE HOUSING UNITS;

2 (e) CREATING A PROGRAM TO PRIORITIZE AND EXPEDITE
3 DEVELOPMENT APPROVALS FOR REGULATED AFFORDABLE HOUSING
4 DEVELOPMENT;

5 (f) UNLESS OTHERWISE REQUIRED BY LAW, REDUCING LOCAL
6 PARKING REQUIREMENTS FOR REGULATED AFFORDABLE HOUSING TO
7 ONE-HALF SPACE PER UNIT OF REGULATED AFFORDABLE HOUSING
8 WITHOUT LOWERING THE PROTECTIONS PROVIDED FOR INDIVIDUALS WITH
9 DISABILITIES, INCLUDING THE NUMBER OF PARKING SPACES FOR
10 INDIVIDUALS WHO ARE MOBILITY IMPAIRED, UNDER THE FEDERAL
11 "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET
12 SEQ., AND PARTS 6 AND 8 OF ARTICLE 34 OF TITLE 24;

13 (g) ENACTING LOCAL LAWS THAT INCENTIVIZE THE CONSTRUCTION
14 OF ACCESSIBLE AND VISITABLE AFFORDABLE HOUSING UNITS; AND

15 (h) ANY OTHER STRATEGY DESIGNATED BY THE DEPARTMENT
16 THAT OFFERS A COMPARABLE IMPACT ON LOCAL HOUSING AFFORDABILITY.

17 (2) ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT SHALL
18 DEVELOP A LONG-TERM AFFORDABILITY STRATEGIES DIRECTORY THAT
19 INCLUDES THE FOLLOWING STRATEGIES:

20 (a) ESTABLISHING A DEDICATED LOCAL REVENUE SOURCE FOR
21 REGULATED AFFORDABLE HOUSING DEVELOPMENT, SUCH AS INSTITUTING
22 A LINKAGE FEE ON NEW, REGULATED AFFORDABLE HOUSING
23 DEVELOPMENTS;

24 (b) REGULATING SHORT-TERM RENTALS, SECOND HOMES, OR
25 OTHER UNDERUTILIZED OR VACANT UNITS IN A WAY, SUCH AS VACANCY
26 FEEES FOR UNDERUTILIZED UNITS, THAT PROMOTES MAXIMIZING THE USE OF
27 LOCAL HOUSING STOCK FOR LOCAL HOUSING NEEDS;

1 (c) MAKING A COMMITMENT TO AND REMAINING ELIGIBLE TO
2 RECEIVE FUNDING PURSUANT TO ARTICLE 32 OF THIS TITLE 29;

3 (d) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM
4 THAT FACILITATES INVESTMENT IN LAND BANKING OR COMMUNITY LAND
5 TRUSTS;

6 (e) ESTABLISHING AN AFFORDABLE HOMEOWNERSHIP STRATEGY
7 SUCH AS:

8 (I) ACQUIRING OR PRESERVING DEED RESTRICTIONS ON CURRENT
9 HOUSING UNITS;

10 (II) ESTABLISHING AN INCENTIVE PROGRAM TO ENCOURAGE
11 REALTORS TO WORK WITH LOW-INCOME AND MINORITY PROSPECTIVE
12 HOME BUYERS; OR

13 (III) ESTABLISHING AN AFFORDABLE RENT-TO-OWN PROGRAM;
14 AND

15 (f) ANY OTHER STRATEGY DESIGNATED BY THE DEPARTMENT THAT
16 OFFERS A COMPARABLE IMPACT ON LOCAL HOUSING AFFORDABILITY.

17 (3) A LOCAL GOVERNMENT MAY SUBMIT AN EXISTING OR
18 PROPOSED LOCAL LAW, IN A FORM AND MANNER DETERMINED BY THE
19 DEPARTMENT, TO THE DEPARTMENT, AND THE DEPARTMENT MAY
20 DETERMINE THAT THE ADOPTION OF THAT LOCAL LAW QUALIFIES AS AN
21 AFFORDABILITY STRATEGY FOR PURPOSES OF THIS SECTION, SO LONG AS
22 THE LOCAL LAW SUPPORTS EQUAL OR GREATER HOUSING AFFORDABILITY
23 AND ACCESSIBILITY THAN THE STRATEGIES DESCRIBED IN SUBSECTIONS (1)
24 AND (2) OF THIS SECTION.

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

1 (a) CREATING A LOCALLY FUNDED AND ADMINISTERED RENTAL
2 AND MORTGAGE ASSISTANCE PROGRAM;

3 (b) CREATING AN EVICTION AND FORECLOSURE NO-COST LEGAL
4 REPRESENTATION PROGRAM;

5 (c) ESTABLISHING A HOUSING COUNSELING AND NAVIGATION
6 PROGRAM;

7 (d) CREATING A PROPERTY TAX AND DOWN PAYMENT ASSISTANCE
8 PROGRAM;

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

12 (f) PRIORITIZING LOCAL MONEY TOWARD REGULATED AFFORDABLE
13 HOUSING UNIT PRESERVATION OR IMPLEMENTING OR CONTINUING DEED
14 RESTRICTIONS FOR AFFORDABLE HOUSING UNITS;

15 (g) IDENTIFYING PARTNERSHIPS WITH REGIONAL AND NONPROFIT
16 ENTITIES TO IMPLEMENT STRATEGIES; AND

17 (h) OTHER STRATEGIES IDENTIFIED BY THE DEPARTMENT THAT
18 PROVIDE DISPLACEMENT MITIGATION THAT IS EQUIVALENT TO THE OTHER
19 STRATEGIES DESCRIBED IN THIS SUBSECTION (4). _____

20 **24-32-3707. Statewide strategic growth report.** (1) NO LATER
21 THAN OCTOBER 31, 2025, THE DIRECTOR SHALL SUBMIT TO THE GENERAL
22 ASSEMBLY A STATEWIDE STRATEGIC GROWTH REPORT. THE REPORT MUST
23 SUPPLEMENT THE STATEWIDE CLIMATE PREPAREDNESS STRATEGIC PLAN
24 AND ROADMAP PUBLISHED PURSUANT TO SECTION 24-38.8-103 AND ANY
25 OTHER CURRENT REPORT OF A STATE AGENCY OR TASK FORCE ADDRESSING
26 THE MATTERS COVERED IN THIS SECTION.

27 (2) THE STRATEGIC GROWTH REPORT DESCRIBED IN SUBSECTION

1 (1) OF THIS SECTION MUST:

2 (a) INCLUDE AN ANALYSIS OF POLICY-DRIVEN LAND USE
3 SCENARIOS, INCLUDING A STRATEGIC GROWTH SCENARIO, AND EXAMINE
4 THE IMPACTS OF THESE SCENARIOS ON THE COST AND AVAILABILITY OF
5 HOUSING, INFRASTRUCTURE, CLIMATE AND AIR QUALITY, WATER SUPPLY,
6 TRANSPORTATION AND TRANSIT, PARKS AND OPEN SPACE, RESOURCE
7 LANDS, WILDFIRE RISK, AND CRITICAL AREAS;

8 (b) INCLUDE AN ANALYSIS OF THE IMPACT OF EXISTING STATE
9 POLICIES AND PROGRAMS ON LAND USE DEVELOPMENT PATTERNS AND THE
10 ENCOURAGEMENT OF SPRAWL;

11 (c) CONSIDER THE CONTEXT OF DIFFERENT REGIONS AND
12 COMMUNITIES ACROSS THE STATE, EMPOWER AND PROMOTE LOCAL
13 INITIATIVES AND IDEAS THAT LEAD TO STRATEGIC GROWTH, AND
14 RECOGNIZE THAT ALL COMMUNITIES HAVE UNIQUE NEEDS THAT OFTEN
15 CALL FOR ADDITIONAL FLEXIBILITY WHEN APPLYING STRATEGIC GROWTH
16 GOALS, ESPECIALLY COMMUNITIES OUTSIDE OF METROPOLITAN AREAS AND
17 COMMUNITIES VULNERABLE TO DISPLACEMENT; AND

18 (d) INCLUDE RECOMMENDATIONS FOR STATE LEGISLATION AND
19 LOCAL LAWS, TO ENCOURAGE ENVIRONMENTALLY AND FISCALLY
20 SUSTAINABLE GROWTH, INCLUDING BUT NOT LIMITED TO ECONOMIC
21 INCENTIVES, FINANCING TOOLS, ACCESS CHARGES, URBAN GROWTH AREAS,
22 THREE MILE PLANS, TRANSFER OF DEVELOPMENT RIGHTS, ANNEXATION,
23 AND SPECIAL DISTRICTS.

24 (3) IN DEVELOPING THE STRATEGIC GROWTH REPORT DESCRIBED
25 IN SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL CONSULT WITH
26 STATE AGENCIES AND LOCAL GOVERNMENTS WITH FUNCTIONS OR
27 JURISDICTION REGARDING THE MATTERS COVERED IN THIS SECTION AND

1 LOCAL GOVERNMENTS, REGIONAL PLANNING AGENCIES, WATER
2 PROVIDERS, UTILITY PROVIDERS, ECONOMIC DEVELOPMENT ENTITIES, AND
3 EXPERTS IN FIELDS RELATED TO STRATEGIC GROWTH.

4 ==
5 **24-32-3708. Natural land and agricultural interjurisdictional**

6 **opportunities report.** (1) NO LATER THAN DECEMBER 31, 2025, THE
7 DIRECTOR, IN CONSULTATION WITH RELEVANT STATE AGENCIES INCLUDING
8 THE DEPARTMENT OF AGRICULTURE, THE DIVISION OF PARKS AND WILDLIFE
9 IN THE DEPARTMENT OF NATURAL RESOURCES, THE OUTDOOR RECREATION
10 INDUSTRY OFFICE IN THE OFFICE OF ECONOMIC DEVELOPMENT, AND THE
11 COLORADO TOURISM OFFICE, SHALL DEVELOP AND PUBLISH A NATURAL
12 LAND AND AGRICULTURAL INTERJURISDICTIONAL OPPORTUNITIES REPORT
13 THAT MUST INCLUDE:

14 (a) OPPORTUNITIES FOR LOCAL GOVERNMENTS AND
15 METROPOLITAN PLANNING ORGANIZATIONS TO ACHIEVE CONNECTIVITY TO
16 OPEN SPACE, WILDLIFE HABITAT, AND OTHER PRIORITY LANDSCAPES;

17 (b) OPPORTUNITIES FOR LOCAL GOVERNMENTS AND
18 METROPOLITAN PLANNING ORGANIZATIONS TO ACHIEVE THE
19 PRESERVATION OF AGRICULTURAL LAND, HISTORIC AND CULTURAL
20 RESOURCES, URBAN PARKS AND GREEN SPACES, EXURBAN OPEN SPACES,
21 RECREATIONAL RESOURCES, WILDLIFE HABITATS, AND ECOSYSTEMS WITH
22 THE GREATEST NEED FOR CONSERVATION AND MITIGATION OF HAZARDS;
23 AND

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

26 (2) THE NATURAL LAND AND AGRICULTURAL
27 INTERJURISDICTIONAL OPPORTUNITIES REPORT MUST INTEGRATE AND

1 INCLUDE INFORMATION FROM RELEVANT STATE, REGIONAL, AND LOCAL
2 PLANS THAT ADDRESS THE SUBJECT MATTERS IDENTIFIED IN SUBSECTION
3 (1) OF THIS SECTION.

4 **24-32-3709. Technical assistance.** (1) THE DIVISION OF LOCAL
5 GOVERNMENT SHALL PROVIDE TECHNICAL ASSISTANCE, MATERIALS,
6 BRIEFINGS, CONSULTING SERVICES, TEMPLATES, TOOLS, TRAININGS,
7 WEBINARS, OR OTHER GUIDANCE TO ASSIST LOCAL GOVERNMENTS IN:

8 (a) ESTABLISHING REGIONAL ENTITIES;

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

11 (c) CONDUCTING A DISPLACEMENT RISK ANALYSIS WITH A
12 STATE-CREATED TOOL;

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

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

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

22 (g) CREATING STRATEGIC GROWTH ELEMENTS IN MASTER PLANS
23 AS DESCRIBED IN SECTION 30-28-106 (3)(a.5)(III) OR SECTION 31-23-206
24 (1.5)(d).

25 (2) IN DETERMINING TO WHOM IT WILL PROVIDE ASSISTANCE
26 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE DIVISION OF LOCAL
27 GOVERNMENT SHALL PRIORITIZE REQUESTS FOR TECHNICAL ASSISTANCE

1 RELATED TO:

2 (a) FORMING REGIONAL ENTITIES; AND

3 (b) ENACTING LAWS AND POLICIES TO PRESERVE OR CREATE
4 REGULATED AFFORDABLE HOUSING, MITIGATE DISPLACEMENT, OR
5 INCREASE OPPORTUNITIES FOR MULTIFAMILY RESIDENTIAL HOUSING NEAR
6 MAJOR TRANSIT STOPS.

7 (3) IN ASSISTING LOCAL GOVERNMENTS PURSUANT TO SUBSECTION
8 (1) OF THIS SECTION, THE DIVISION OF LOCAL GOVERNMENT SHALL
9 PROVIDE FUNDING THROUGH EITHER A GRANT PROGRAM, THE PROVISION
10 OF CONSULTANT SERVICES, OR BOTH DIRECTLY TO LOCAL GOVERNMENTS
11 OR THROUGH A REGIONAL ENTITY AND SHALL PRIORITIZE FUNDING AND
12 GRANT PROGRAMS ADMINISTERED BY THE DEPARTMENT FOR THE
13 PURPOSES OF THIS SECTION, SO LONG AS DOING SO IS NOT INCONSISTENT
14 WITH FEDERAL OR STATE LAW.

15 (4) BEGINNING JANUARY 1, 2025, AND EVERY YEAR THEREAFTER,
16 THE DIVISION OF LOCAL GOVERNMENT SHALL PROVIDE A REPORT ON THE
17 ASSISTANCE REQUESTED BY LOCAL GOVERNMENTS PURSUANT TO THIS
18 SECTION, WHETHER OR NOT ADEQUATE STATE FUNDING IS AVAILABLE TO
19 PROVIDE THE ASSISTANCE REQUESTED BY LOCAL GOVERNMENTS, AND ANY
20 ADDITIONAL RESOURCES THAT THE DIVISION OF LOCAL GOVERNMENT OR
21 LOCAL GOVERNMENTS HAVE IDENTIFIED THAT WOULD ASSIST LOCAL
22 GOVERNMENTS IN IDENTIFYING AND IMPLEMENTING LAWS AND POLICIES
23 THAT WOULD INCREASE THE AVAILABILITY OF HOUSING IN COLORADO.

24 (5) (a) THE DIVISION OF LOCAL GOVERNMENT SHALL SERVE AS A
25 CLEARING HOUSE, FOR THE BENEFIT OF LOCAL GOVERNMENTS AND
26 REGIONAL ENTITIES, OF INFORMATION RELATING TO THIS PART 37 AND
27 SHALL REFER LOCAL GOVERNMENTS TO STATE AND FEDERAL RESOURCES

1 AND APPROPRIATE DEPARTMENTS OR AGENCIES OF THE STATE OR FEDERAL
2 GOVERNMENT FOR ADVICE, ASSISTANCE, OR AVAILABLE SERVICES
3 RELATING TO THIS PART 37.

4 (b) THE DIVISION OF LOCAL GOVERNMENT SHALL IDENTIFY
5 OPPORTUNITIES FOR, ENCOURAGE, AND, WHEN SO REQUESTED, ASSIST
6 COOPERATIVE EFFORTS AMONG LOCAL GOVERNMENTS IN SOLVING
7 COMMON PROBLEMS RELATED TO POPULATION GROWTH AND THE
8 IMPLEMENTATION OF THIS PART 37.

9 (c) THE DEPARTMENT MAY ATTEMPT TO MEDIATE DISPUTES
10 BETWEEN LOCAL GOVERNMENTS REGARDING THE ENACTMENT OF LOCAL
11 LAWS OR POLICIES RELATED TO THE CREATION OF HOUSING NEEDS
12 ASSESSMENTS AND HOUSING ACTION PLANS PURSUANT TO THIS PART 37,
13 INTERJURISDICTIONAL COORDINATION OR DISPUTES REGARDING THE
14 DEVELOPMENT OF LAND FOR RESIDENTIAL USES, INCLUDING REGULATED
15 AFFORDABLE HOUSING USES AND THE PROVISION OF WATER AND SEWER
16 SERVICES, AND ANYTHING ELSE COVERED BY THIS PART 37 OR REFER
17 LOCAL GOVERNMENTS TO THE LIST OF MEDIATORS MAINTAINED PURSUANT
18 TO SECTION 24-32-3209 TO ASSIST IN THE RESOLUTION OF SUCH DISPUTES.

19 (6) (a) THE HOUSING NEEDS PLANNING TECHNICAL ASSISTANCE
20 FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF GIFTS,
21 GRANTS, AND DONATIONS CREDITED TO THE FUND AND ANY OTHER MONEY
22 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE
23 FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME
24 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE HOUSING
25 NEEDS PLANNING TECHNICAL ASSISTANCE FUND TO THE FUND.

26 (b) MONEY IN THE HOUSING NEEDS PLANNING TECHNICAL
27 ASSISTANCE FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT

1 FOR THE PURPOSES OF PROVIDING TECHNICAL ASSISTANCE AND
2 IMPLEMENTING A GRANT PROGRAM PURSUANT TO THIS SECTION.

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

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

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

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

14 **24-32-3710. Prioritization for conformity with planning**
15 **expectations.** (1) ON OR AFTER DECEMBER 1, 2027, ANY GRANT
16 PROGRAM ADMINISTERED BY THE DEPARTMENT, THE COLORADO ENERGY
17 OFFICE, THE OFFICE OF ECONOMIC DEVELOPMENT, THE DEPARTMENT OF
18 TRANSPORTATION, THE DEPARTMENT OF NATURAL RESOURCES, THE
19 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR THE
20 DEPARTMENT OF PERSONNEL AND ADMINISTRATION THAT AWARDS
21 GRANTS TO COUNTIES AND MUNICIPALITIES FOR THE PRIMARY PURPOSE OF
22 SUPPORTING LAND USE PLANNING OR HOUSING, EXCLUDING LAND USE
23 PLANNING OR HOUSING PURSUANT TO ARTICLE 32 OF TITLE 29, MUST, SO
24 LONG AS DOING SO IS NOT INCONSISTENT WITH FEDERAL LAW OR THE
25 STATE CONSTITUTION, INCLUDE PRIORITIZATION CRITERIA THAT CONSIDER
26 WHETHER:

27 (a) A CURRENT LOCAL OR REGIONAL HOUSING NEEDS ASSESSMENT

1 HAS BEEN COMPLETED FOR THE LOCAL GOVERNMENT AND HAS BEEN
2 ACCEPTED BY THE DEPARTMENT PURSUANT TO SECTION 24-32-3703 OR
3 24-32-3704;

4 (b) A HOUSING ACTION PLAN HAS BEEN ADOPTED BY THE LOCAL
5 GOVERNMENT AND ACCEPTED BY THE DEPARTMENT PURSUANT TO SECTION
6 24-32-3705;

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

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

13 (2) IN CONSIDERING AWARDING A GRANT TO A LOCAL
14 GOVERNMENT THAT IS NOT SUBJECT TO ANY OF THE PROVISIONS
15 IDENTIFIED IN THE PRIORITIZATION CRITERIA DESCRIBED IN SUBSECTION (1)
16 OF THIS SECTION, THE DEPARTMENT SHALL TREAT THE LOCAL
17 GOVERNMENT AS IF IT HAS SATISFIED THE PRIORITIZATION CRITERIA IN
18 SUBSECTION (1) OF THIS SECTION.

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

22 **30-28-106. Master plan - definition.** (1) It is the duty of a
23 county planning commission to make and adopt a master plan for the
24 physical development of the unincorporated territory of the county,
25 SUBJECT TO THE APPROVAL OF THE COUNTY COMMISSION HAVING
26 JURISDICTION THEREOF. When a county planning commission decides to
27 adopt a master plan, the commission shall conduct public hearings, after

1 notice of such public hearings has been published in a newspaper of
2 general circulation in the county in a manner sufficient to notify the
3 public of the time, place, and nature of the public hearing, prior to final
4 adoption of a master plan in order to encourage public participation in and
5 awareness of the development of such plan and shall accept and consider
6 oral and written public comments throughout the process of developing
7 the plan.

8 (3) (a) THE MASTER PLAN OF A COUNTY OR REGION, WITH THE
9 ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE AND
10 EXPLANATORY MATTER, MUST SHOW THE COUNTY OR REGIONAL PLANNING
11 COMMISSION'S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE
12 TERRITORY COVERED BY THE MASTER PLAN. THE MASTER PLAN OF A
13 COUNTY OR REGION IS AN ADVISORY DOCUMENT TO GUIDE LAND
14 DEVELOPMENT DECISIONS; HOWEVER, THE MASTER PLAN OR ANY PART
15 THEREOF MAY BE MADE BINDING BY INCLUSION IN THE COUNTY'S OR
16 REGION'S ADOPTED SUBDIVISION, ZONING, PLATTING, PLANNED UNIT
17 DEVELOPMENT, OR OTHER SIMILAR LAND DEVELOPMENT REGULATIONS
18 AFTER SATISFYING NOTICE, DUE PROCESS, AND HEARING REQUIREMENTS
19 FOR LEGISLATIVE OR QUASI-JUDICIAL PROCESSES AS APPROPRIATE.

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

25 (II) IN ADOPTING OR AMENDING A MASTER PLAN, THE COUNTY OR
26 REGIONAL PLANNING COMMISSION SHALL CONSIDER THE FOLLOWING,
27 WHERE APPLICABLE OR APPROPRIATE, AND ANY OTHER INFORMATION

1 DEEMED RELEVANT BY THE COUNTY OR REGIONAL PLANNING COMMISSION:

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

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

6 ==
7 (C) THE NATURAL LAND AND AGRICULTURAL OPPORTUNITIES
8 REPORT PUBLISHED PURSUANT TO SECTION 24-32-3708; AND

9 (D) THE COLORADO WATER PLAN ADOPTED PURSUANT TO SECTION
10 37-60-106.3.

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

12 (I) A NARRATIVE DESCRIPTION OF THE PROCEDURE USED FOR THE
13 DEVELOPMENT AND ADOPTION OF THE MASTER PLAN, INCLUDING A
14 SUMMARY OF ANY OBJECTIONS TO THE MASTER PLAN MADE BY
15 NEIGHBORING JURISDICTIONS AS DEFINED IN SECTION 24-32-3209 (1)(h)
16 AND A DESCRIPTION OF THE RESOLUTION OR OUTCOME OF THE OBJECTIONS;

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

23 (B) THE WATER SUPPLY ELEMENT MUST ESTIMATE A RANGE OF
24 WATER SUPPLIES AND FACILITIES NEEDED TO SUPPORT THE POTENTIAL
25 PUBLIC AND PRIVATE DEVELOPMENT DESCRIBED IN THE MASTER PLAN, AND
26 == INCLUDE WATER CONSERVATION POLICIES, TO BE DETERMINED BY THE
27 COUNTY OR LOCAL GOVERNMENTS WITHIN A REGION, WHICH MAY INCLUDE

1 GOALS SPECIFIED IN THE COLORADO WATER PLAN ADOPTED PURSUANT TO
2 SECTION 37-60-106.3 AND POLICIES TO IMPLEMENT WATER CONSERVATION
3 AND OTHER COLORADO WATER PLAN GOALS AS A CONDITION OF
4 DEVELOPMENT APPROVAL, FOR SUBDIVISIONS, PLANNED UNIT
5 DEVELOPMENTS, SPECIAL USE PERMITS, AND ZONING CHANGES.

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

10 (D) NOTHING IN THIS SUBSECTION (3)(a.5)(II) SUPERSEDES,
11 ABROGATES, OR OTHERWISE IMPAIRS THE ALLOCATION OF WATER
12 PURSUANT TO THE STATE CONSTITUTION OR ANY OTHER PROVISION OF
13 LAW, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES,
14 CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION,
15 MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

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

21 (III) 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 DEMONSTRATED HOUSING
25 NEEDS OF THE COUNTY OR REGION AND MITIGATE THE NEED FOR
26 EXTENSION OF INFRASTRUCTURE AND PUBLIC SERVICES TO DEVELOP
27 NATURAL AND AGRICULTURAL LANDS FOR RESIDENTIAL USES. THE

1 STRATEGIC GROWTH ELEMENT MUST INCLUDE:

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

4 (B) AN ANALYSIS OF VACANT AND UNDERUTILIZED SITES THAT
5 IDENTIFIES VACANT, PARTIALLY VACANT, AND UNDERUTILIZED LAND NEAR
6 EXISTING OR PLANNED TRANSIT OR JOB CENTERS THAT COULD BE USED FOR
7 INFILL DEVELOPMENT, REDEVELOPMENT, AND NEW DEVELOPMENT OF
8 HOUSING; ASSESSES THE GENERAL FEASIBILITY OF THE DEVELOPMENT OR
9 REDEVELOPMENT OF SUCH SITES FOR RESIDENTIAL USE BASED ON EXISTING
10 AND NEEDED INFRASTRUCTURE, TRANSPORTATION CAPACITY, ACCESS TO
11 PUBLIC TRANSIT, AND PUBLIC FACILITIES AND SERVICES TO SERVE SUCH
12 SITES; DESCRIBES THE PUBLIC BENEFITS OF THE DEVELOPMENT OR
13 REDEVELOPMENT OF SUCH SITES TO THE COUNTY OR REGION AS AN
14 ALTERNATIVE TO THE DEVELOPMENT OF PREVIOUSLY UNDEVELOPED
15 NATURAL OR AGRICULTURAL LAND; AND IN A MANNER THAT IS
16 CONSISTENT WITH THE MASTER PLAN, DESIGNATES SUCH SITES FOR WHICH
17 DEVELOPMENT OR REDEVELOPMENT IS DEEMED TO BE GENERALLY
18 FEASIBLE FOR FUTURE USES THAT INCLUDE RESIDENTIAL USES IN A
19 MANNER THAT ADDRESSES THE DEMONSTRATED HOUSING NEEDS OF THE
20 COUNTY OR REGION AT ALL INCOME LEVELS; AND

21 (C) AN ANALYSIS OF UNDEVELOPED SITES THAT IDENTIFIES
22 PREVIOUSLY UNDEVELOPED PARCELS THAT ARE NOT ADJACENT TO
23 DEVELOPED LAND, INCLUDING EXISTING NATURAL AND AGRICULTURAL
24 LAND, UNDER CONSIDERATION FOR FUTURE DEVELOPMENT, AND, FOR A
25 COUNTY OR REGION IN A METROPOLITAN PLANNING ORGANIZATION
26 ESTABLISHED UNDER THE "FEDERAL TRANSIT ACT OF 1998," 49 U.S.C.
27 SEC. 5301 ET SEQ., AS AMENDED, LAND OUTSIDE OF CENSUS URBAN AREAS

1 AS DEFINED BY THE UNITED STATES BUREAU OF THE CENSUS; ASSESSES
2 THE GENERAL FEASIBILITY OF THE DEVELOPMENT OF SUCH SITES FOR
3 RESIDENTIAL USE BASED ON EXISTING AND NEEDED INFRASTRUCTURE,
4 TRANSPORTATION CAPACITY, ACCESS TO PUBLIC TRANSIT, AND PUBLIC
5 FACILITIES AND SERVICES TO SERVE SUCH SITES; AND DESCRIBES THE
6 LONG-TERM FISCAL IMPACT TO THE COUNTY OR REGION OF THE
7 CONSTRUCTION, OWNERSHIP, MAINTENANCE, AND REPLACEMENT OF
8 INFRASTRUCTURE AND PUBLIC FACILITIES AND THE PROVISION OF PUBLIC
9 SERVICES TO SERVE DEVELOPMENT OF SUCH SITES;

10

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11 (IV) THE MOST RECENT HOUSING ACTION PLAN OR PLANS ADOPTED
12 BY THE COUNTY OR MUNICIPALITIES WITHIN THE REGION PURSUANT TO
13 SECTION 24-32-3705; AND

14 (V) FOR A MASTER PLAN BY A REGIONAL PLANNING COMMISSION,
15 THE MOST RECENT VERSION OF THE MASTER PLAN REQUIRED BY SECTION
16 31-12-105 (1)(e) BY EACH MUNICIPALITY THAT IS PART OF THE REGIONAL
17 PLANNING COMMISSION AND A DESCRIPTION OF HOW EACH JURISDICTION
18 WILL INTEGRATE THAT PLAN INTO THE MASTER PLAN.

19 (a.7) (I) A COUNTY OR REGION WITH A MASTER PLAN SHALL
20 ENSURE THAT ITS MASTER PLAN INCLUDES A WATER SUPPLY ELEMENT AND
21 A STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (3)(a.5) OF
22 THIS SECTION AT THE FIRST AMENDING OF THE MASTER PLAN THAT OCCURS
23 ON OR AFTER JANUARY 1, 2026, BUT NOT LATER THAN DECEMBER 31,
24 2026. THE MASTER PLAN OF A COUNTY OR REGION ADOPTED OR AMENDED
25 AFTER DECEMBER 31, 2026, MUST INCLUDE A WATER SUPPLY ELEMENT
26 AND STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (3)(a.5)
27 OF THIS SECTION. THE COUNTY OR REGION MUST UPDATE THE WATER

1 SUPPLY ELEMENT AND STRATEGIC GROWTH ELEMENT NO LESS
2 FREQUENTLY THAN EVERY FIVE YEARS.

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

7 (A) HAS A POPULATION OF TWENTY THOUSAND OR LESS AND HAS
8 EXPERIENCED NEGATIVE POPULATION GROWTH IN THE MOST RECENT
9 DECENNIAL CENSUS; OR

10 (B) HAS A POPULATION OF FIVE THOUSAND OR LESS.

11 (a.9) THE MASTER PLAN MAY INCLUDE, WHERE APPLICABLE OR
12 APPROPRIATE:

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

25 (II) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
26 INCLUDING PUBLIC SCHOOLS; CULTURALLY, HISTORICALLY, OR
27 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS;

1 PLAYGROUNDS, FORESTS, RESERVATIONS, SQUARES, PARKS, AIRPORTS,
2 AVIATION FIELDS, MILITARY INSTALLATIONS; AND OTHER PUBLIC WAYS,
3 GROUNDS, OPEN SPACES, TRAILS, AND DESIGNATED FEDERAL, STATE, AND
4 LOCAL WILDLIFE AREAS. FOR PURPOSES OF THIS SECTION, "MILITARY
5 INSTALLATION" HAS THE SAME MEANING AS SPECIFIED IN SECTION
6 29-20-105.6 (2)(b).

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

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

22 (V) METHODS FOR ASSURING ACCESS TO APPROPRIATE CONDITIONS
23 FOR SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING
24 GEOTHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
25 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
26 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
27 GENERATION;

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

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

16 (VIII) A LAND CLASSIFICATION AND UTILIZATION PROGRAM;

17 (IX) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS
18 TO ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED
19 INCREMENTS OF TIME. THE COUNTY OR REGION MAY BASE THESE
20 PROJECTIONS UPON DATA FROM THE DEPARTMENT OF LOCAL AFFAIRS AND
21 UPON THE COUNTY'S OR REGION'S LOCAL OBJECTIVES.

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

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

3 (B) 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 (C) 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 (D) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
11 DEFINING AND MAPPING FLOODPLAINS, FLOODWAYS, AND FLOOD RISK
12 ZONES;

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

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

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

27 **31-23-206. Master plan.** (1) IT IS THE DUTY OF THE COMMISSION

1 TO MAKE AND ADOPT A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT
2 OF THE MUNICIPALITY, INCLUDING ANY AREAS OUTSIDE ITS BOUNDARIES,
3 SUBJECT TO THE APPROVAL OF THE GOVERNMENTAL BODY HAVING
4 JURISDICTION THEREOF, THAT IN THE COMMISSION'S JUDGMENT BEAR
5 RELATION TO THE PLANNING OF THE MUNICIPALITY. THE MASTER PLAN OF
6 A MUNICIPALITY IS AN ADVISORY DOCUMENT TO GUIDE LAND
7 DEVELOPMENT DECISIONS; HOWEVER, THE MASTER PLAN OR ANY PART
8 THEREOF MAY BE MADE BINDING BY INCLUSION IN THE MUNICIPALITY'S
9 ADOPTED SUBDIVISION, ZONING, PLATTING, PLANNED UNIT DEVELOPMENT,
10 OR OTHER SIMILAR LAND DEVELOPMENT REGULATIONS AFTER SATISFYING
11 NOTICE, DUE PROCESS, AND HEARING REQUIREMENTS FOR LEGISLATIVE OR
12 QUASI-JUDICIAL PROCESSES AS APPROPRIATE. THE MASTER PLAN, WITH
13 THE ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE MATTER,
14 MUST SHOW THE COMMISSION'S RECOMMENDATIONS FOR THE
15 DEVELOPMENT OF THE MUNICIPALITY AND OUTLYING AREAS.

16 (1.3)(a) WHEN A COMMISSION DECIDES TO ADOPT A MASTER PLAN,
17 THE COMMISSION SHALL CONDUCT PUBLIC HEARINGS, AFTER NOTICE OF
18 SUCH PUBLIC HEARINGS HAS BEEN PUBLISHED IN A NEWSPAPER OF
19 GENERAL CIRCULATION IN THE MUNICIPALITY IN A MANNER SUFFICIENT TO
20 NOTIFY THE PUBLIC OF THE TIME, PLACE, AND NATURE OF THE PUBLIC
21 HEARING, PRIOR TO FINAL ADOPTION OF A MASTER PLAN IN ORDER TO
22 ENCOURAGE PUBLIC PARTICIPATION IN AND AWARENESS OF THE
23 DEVELOPMENT OF THE MASTER PLAN AND SHALL ACCEPT AND CONSIDER
24 ORAL AND WRITTEN PUBLIC COMMENTS THROUGHOUT THE PROCESS OF
25 DEVELOPING THE MASTER PLAN.

26 (b) THE COMMISSION SHALL FOLLOW THE PROCEDURES IN SECTION
27 24-32-3209. FOR PURPOSES OF THIS SECTION, ANY SPECIAL DISTRICT THAT

1 WITH ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE MUNICIPALITY
2 TO ENSURE COORDINATION ON WATER SUPPLY AND FACILITY PLANNING.
3 NOTHING IN THIS SECTION REQUIRES THE PUBLIC DISCLOSURE OF
4 CONFIDENTIAL INFORMATION RELATED TO WATER SUPPLY OR FACILITIES.

5 (II) THE WATER SUPPLY ELEMENT MUST:

6 (A) ESTIMATE A RANGE OF WATER SUPPLIES AND FACILITIES
7 NEEDED TO SUPPORT THE POTENTIAL PUBLIC AND PRIVATE DEVELOPMENT
8 DESCRIBED IN THE MASTER PLAN; AND

9 (B) INCLUDE WATER CONSERVATION POLICIES, TO BE DETERMINED
10 BY THE MUNICIPALITY, WHICH MAY INCLUDE GOALS SPECIFIED IN THE
11 COLORADO WATER PLAN ADOPTED PURSUANT TO SECTION 37-60-106.3
12 AND POLICIES TO IMPLEMENT WATER CONSERVATION AND OTHER
13 COLORADO WATER PLAN GOALS AS A CONDITION OF DEVELOPMENT
14 APPROVAL, INCLUDING SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS,
15 SPECIAL USE PERMITS, AND ZONING CHANGES.

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

20 (IV) NOTHING IN THIS SUBSECTION (1.5)(c) SUPERSEDES,
21 ABROGATES, OR OTHERWISE IMPAIRS THE ALLOCATION OF WATER
22 PURSUANT TO THE STATE CONSTITUTION OR ANY OTHER PROVISION OF
23 LAW, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES,
24 CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION,
25 MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY;
26 AND

27 (V) THE DEPARTMENT OF LOCAL AFFAIRS MAY HIRE AND EMPLOY

1 ONE FULL-TIME EMPLOYEE TO PROVIDE EDUCATIONAL RESOURCES AND
2 ASSISTANCE TO MUNICIPALITIES THAT INCLUDE WATER CONSERVATION
3 POLICIES IN THE WATER SUPPLY ELEMENTS OF MASTER PLANS AS REQUIRED
4 BY THIS SUBSECTION (1.5)(c).

5 (d) A STRATEGIC GROWTH ELEMENT THAT INTEGRATES ELEMENTS
6 OF THE MASTER PLAN TO DISCOURAGE SPRAWL AND PROMOTE THE
7 DEVELOPMENT OR REDEVELOPMENT OF VACANT AND UNDERUTILIZED
8 PARCELS IN URBAN AREAS TO ADDRESS THE MUNICIPALITY'S
9 DEMONSTRATED HOUSING NEEDS AND MITIGATE THE NEED FOR EXTENSION
10 OF INFRASTRUCTURE AND PUBLIC SERVICES TO DEVELOP NATURAL AND
11 AGRICULTURAL LANDS FOR RESIDENTIAL USES. THE STRATEGIC GROWTH
12 ELEMENT MUST INCLUDE:

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

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

16 (A) IDENTIFIES VACANT, PARTIALLY VACANT, AND UNDERUTILIZED
17 LAND NEAR EXISTING OR PLANNED TRANSIT OR JOB CENTERS THAT COULD
18 BE USED FOR INFILL DEVELOPMENT, REDEVELOPMENT, AND NEW
19 DEVELOPMENT OF HOUSING;

20 (B) ASSESSES THE GENERAL FEASIBILITY OF THE DEVELOPMENT OR
21 REDEVELOPMENT OF SUCH SITES FOR RESIDENTIAL USE BASED ON EXISTING
22 AND NEEDED INFRASTRUCTURE, TRANSPORTATION CAPACITY, ACCESS TO
23 PUBLIC TRANSIT, AND PUBLIC FACILITIES AND SERVICES TO SERVE SUCH
24 SITES;

25 (C) DESCRIBES THE PUBLIC BENEFITS OF THE DEVELOPMENT OR
26 REDEVELOPMENT OF SUCH SITES TO THE MUNICIPALITY AS AN
27 ALTERNATIVE TO THE DEVELOPMENT OF PREVIOUSLY UNDEVELOPED

1 NATURAL OR AGRICULTURAL LAND; AND

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

7 (III) AN ANALYSIS OF UNDEVELOPED SITES THAT:

8 (A) IDENTIFIES PREVIOUSLY UNDEVELOPED PARCELS THAT ARE
9 NOT ADJACENT TO DEVELOPED LAND, INCLUDING EXISTING NATURAL AND
10 AGRICULTURAL LAND, UNDER CONSIDERATION FOR FUTURE
11 DEVELOPMENT, AND, FOR A MUNICIPALITY IN A METROPOLITAN PLANNING
12 ORGANIZATION ESTABLISHED UNDER THE "FEDERAL TRANSIT ACT OF
13 1998," 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED, LAND OUTSIDE OF
14 CENSUS URBAN AREAS AS DEFINED BY THE UNITED STATES BUREAU OF
15 THE CENSUS;

16 (B) ASSESSES THE GENERAL FEASIBILITY OF THE DEVELOPMENT OF
17 SUCH SITES FOR RESIDENTIAL USE BASED ON EXISTING AND NEEDED
18 INFRASTRUCTURE, TRANSPORTATION CAPACITY, ACCESS TO PUBLIC
19 TRANSIT, AND PUBLIC FACILITIES AND SERVICES TO SERVE SUCH SITES; AND

20 (C) DESCRIBES THE LONG-TERM FISCAL IMPACT TO THE
21 MUNICIPALITY OF THE CONSTRUCTION, OWNERSHIP, MAINTENANCE, AND
22 REPLACEMENT OF INFRASTRUCTURE AND PUBLIC FACILITIES AND THE
23 PROVISION OF PUBLIC SERVICES TO SERVE DEVELOPMENT OF SUCH SITES;

24 AND

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

27 (1.7) (a) A MUNICIPALITY WITH A MASTER PLAN SHALL ENSURE

1 THAT ITS MASTER PLAN INCLUDES A WATER SUPPLY ELEMENT AND
2 STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (1.5) OF THIS
3 SECTION AT THE FIRST AMENDING OF THE MASTER PLAN THAT OCCURS ON
4 OR AFTER JANUARY 1, 2026, BUT NOT LATER THAN DECEMBER 31, 2026.
5 THE MASTER PLAN OF A MUNICIPALITY ADOPTED OR AMENDED AFTER
6 DECEMBER 31, 2026, MUST INCLUDE A WATER SUPPLY ELEMENT AND
7 STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (1.5) OF THIS
8 SECTION. A MUNICIPALITY SHALL UPDATE THE WATER SUPPLY ELEMENT
9 AND STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (1.5) OF
10 THIS SECTION NO LESS FREQUENTLY THAN EVERY FIVE YEARS.

11 (b) A MUNICIPALITY WITH A MASTER PLAN IS NOT REQUIRED TO
12 INCLUDE A STRATEGIC GROWTH ELEMENT IF THE MUNICIPALITY HAS NOT
13 RECEIVED FUNDING TO INCLUDE THE STRATEGIC GROWTH ELEMENT
14 PURSUANT TO SECTION 24-32-3710 AND EITHER:

15 (I) HAS A POPULATION OF TWENTY THOUSAND OR LESS AND HAS
16 EXPERIENCED NEGATIVE POPULATION GROWTH IN THE MOST RECENT
17 DECENNIAL CENSUS; OR

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

19 (1.9) THE MASTER PLAN MAY INCLUDE, WHERE APPLICABLE OR
20 APPROPRIATE:

21 (a) THE GENERAL LOCATION, CHARACTER, AND EXTENT OF
22 EXISTING, PROPOSED, OR PROJECTED STREETS, ROADS, RIGHTS-OF-WAY,
23 BRIDGES, WATERWAYS, WATERFRONTS, PARKWAYS, HIGHWAYS, MASS
24 TRANSIT ROUTES AND CORRIDORS, AND ANY TRANSPORTATION PLAN
25 PREPARED BY ANY METROPOLITAN PLANNING ORGANIZATION THAT
26 COVERS ALL OR A PORTION OF THE MUNICIPALITY AND THAT THE
27 MUNICIPALITY HAS RECEIVED NOTIFICATION OF OR, IF THE MUNICIPALITY

1 IS NOT LOCATED IN AN AREA COVERED BY A METROPOLITAN PLANNING
2 ORGANIZATION, ANY TRANSPORTATION PLAN PREPARED BY THE
3 DEPARTMENT OF TRANSPORTATION THAT THE MUNICIPALITY HAS
4 RECEIVED NOTIFICATION OF AND THAT COVERS ALL OR A PORTION OF THE
5 MUNICIPALITY;

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

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

21 (d) THE ACCEPTANCE, REMOVAL, RELOCATION, WIDENING,
22 NARROWING, VACATING, ABANDONMENT, MODIFICATION, CHANGE OF USE,
23 OR EXTENSION OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
24 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
25 OF OTHER MUNICIPALITIES, COUNTIES, OR REGIONS, GROUNDS, OPEN
26 SPACES, BUILDINGS, PROPERTY, UTILITY, OR TERMINALS REFERRED TO IN
27 SUBSECTIONS (1.5)(c), (1.7)(a), AND (1.7)(b) OF THIS SECTION;

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

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

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

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

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

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

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

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

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

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

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

27 (VI) THE COLORADO STATE FOREST SERVICE FOR LOCATING

1 WILDFIRE HAZARD AREAS.

2 (8) THE COMMISSION SHALL SUBMIT THE MASTER PLAN AND ANY
3 SEPARATELY APPROVED WATER SUPPLY ELEMENT AND STRATEGIC
4 GROWTH ELEMENT TO THE DIVISION OF LOCAL GOVERNMENT IN THE
5 DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT
6 SHALL REVIEW MASTER PLANS AND MAY PROVIDE COMMENTS TO THE
7 COMMISSION.

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

10 **38-33.3-106.5. Prohibitions contrary to public policy -**
11 **patriotic, political, or religious expression - public rights-of-way - fire**
12 **prevention - renewable energy generation devices - affordable**
13 **housing - drought prevention measures - child care - definitions.**

14 (3) (a) AN ASSOCIATION SHALL NOT PROHIBIT OR RESTRICT THE
15 CONSTRUCTION OF ACCESSORY DWELLING UNITS OR MIDDLE HOUSING IF
16 THE ZONING LAWS OF THE LOCAL JURISDICTION WOULD OTHERWISE ALLOW
17 SUCH USES ON A PROPERTY. THIS SUBSECTION (3)(a) APPLIES ONLY TO ANY
18 DECLARATION RECORDED ON OR AFTER JULY 1, 2024, OR IN ANY BYLAWS
19 OR RULES AND REGULATIONS OF THE ASSOCIATION ADOPTED OR AMENDED
20 ON OR AFTER JULY 1, 2024, UNLESS THE DECLARATION, BYLAWS, OR RULES
21 AND REGULATIONS CONTAINED SUCH A RESTRICTION AS OF THE EFFECTIVE
22 DATE OF THIS SUBSECTION (3)(a).

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

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

1 (II) "MIDDLE HOUSING" MEANS A RESIDENTIAL STRUCTURE OR
2 STRUCTURES THAT INCLUDE BETWEEN TWO AND FOUR SEPARATE
3 DWELLING UNITS IN A STRUCTURE, A TOWNHOME BUILDING, OR A COTTAGE
4 CLUSTER OF UP TO FOUR UNITS.

5 **SECTION 5. Appropriation.** (1) For the 2024-25 state fiscal
6 year, \$2,842,697 is appropriated to the department of natural resources
7 for use by the Colorado water conservation board. This appropriation is
8 from the Colorado water conservation board construction fund created in
9 section 37-60-121 (1)(a), C.R.S. To implement this act, the board may use
10 this appropriation for personal services.

11 (2) For the 2024-25 state fiscal year, \$583,864 is appropriated to
12 the office of the governor for use by the office of information technology.
13 This appropriation is from reappropriated funds received from the
14 department of local affairs from the housing needs planning technical
15 assistance fund created in section 24-32-3709 (6)(a), C.R.S. To
16 implement this act, the office may use this appropriation to provide
17 information technology services for the department of local affairs.

18 **SECTION 6. Safety clause.** The general assembly finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety or for appropriations for
21 the support and maintenance of the departments of the state and state
22 institutions.