

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

ENGROSSED

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

LLS NO. 25-0668.01 Caroline Martin x5902

HOUSE BILL 25-1093

HOUSE SPONSORSHIP

Stewart R. and Barron,

SENATE SPONSORSHIP

Ball,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING LIMITATIONS ON LOCAL LAND USE POLICIES THAT**
102 **IMPOSE CONDITIONS THAT LIMIT GROWTH.**

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>.)

Current law preempts any local governmental entity housing growth restriction (anti-growth law) that explicitly limits the growth of the population in the local governmental entity's jurisdiction or the number of development permits or building permit applications for residential development unless it is a temporary, nonrenewable anti-growth law following a declared disaster emergency.

The bill clarifies that an anti-growth law also includes any

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.*

HOUSE
Amended 2nd Reading
February 14, 2025

restriction that explicitly seeks to impose additional restrictions or limitations on a particular housing type that exceed a governmental entity's zoning or building codes.

The bill also clarifies when a local government must provide the option of paying a fee in lieu of land dedication for a private property owner whose property does not meet the local government's standards for dedication.

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

2 **SECTION 1.** In Colorado Revised Statutes, 29-20-104.2, **amend**
3 (2)(a) as follows:

4 **29-20-104.2. Anti-growth law - preemption - legislative**
5 **declaration - definitions.** (2) As used in this section, unless the context
6 otherwise requires:

7 (a) "Anti-growth law" means a **GENERALLY APPLICABLE land use**
8 **law that explicitly limits either the growth of the population in the**
9 **governmental entity's jurisdiction or the number of development permits**
10 **or building permit applications for residential development or the**
11 **residential component of any mixed use development submitted to,**
12 **reviewed by, approved by, or issued by a governmental entity for any**
13 **calendar or fiscal year OR THAT, IN CENSUS URBAN AREAS AS DEFINED BY**
14 **THE UNITED STATES CENSUS BUREAU, EXPLICITLY DECREASES THE**
15 **PERMITTED RESIDENTIAL DENSITY OR USES OF LAND TO LESS DENSITY OR**
16 **FEWER USES THAN WERE ALLOWED UNDER ITS PREVIOUS USAGE WITHOUT**
17 **ENSURING A CORRESPONDING INCREASE OF RESIDENTIAL DENSITY OR USES**
18 **ELSEWHERE IN THE JURISDICTION.** As used in this subsection (2)(a), "land
19 use law" means any statute, resolution, ordinance, code, rule, regulation,
20 plan, policy, procedure, standard, initiative, guideline, requirement, or law
21 that regulates the use or division of property or any interest in property.

22 **SECTION 2.** In Colorado Revised Statutes, 29-20-203, **add** (3)

1 as follows:

2 **29-20-203. Conditions on land-use approvals.**

3 (3) NOTWITHSTANDING ANY OTHER LAW, AT ANY TIME BEFORE AN
4 ELECTION IS ORDERED PURSUANT TO SECTION 31-11-104, A MUNICIPALITY
5 MAY SEEK A JUDICIAL DETERMINATION AS TO THE LEGALITY OF A
6 PROPOSED LAND USE ORDINANCE THAT RESTRICTS OR LIMITS THE
7 DEVELOPMENT OR USE OF LAND SUBMITTED TO THE LEGISLATIVE BODY
8 PURSUANT TO SECTION 31-11-104 WITH REGARD TO ANY PROVISION OF
9 THE UNITED STATES CONSTITUTION OR THE STATE CONSTITUTION, THIS
10 SECTION, ARTICLE 68 OF TITLE 24, OR SECTION 29-20-104.2. THE OWNERS
11 OF PROPERTY SPECIFICALLY SUBJECT TO THE PROPOSED ORDINANCE AND
12 PERSONS DESIGNATED AS REPRESENTING THE PETITION PROPONENTS
13 PURSUANT TO SECTION 31-11-106 (2) SHALL BE ENTITLED TO INTERVENE
14 IN THE PROCEEDING. THE TIME PERIOD TO ADOPT AN INITIATED ORDINANCE
15 OR CALL AN ELECTION PURSUANT TO SECTION 31-11-104 (1) SHALL BE
16 TOLLED DURING THE PENDENCY OF ANY ACTION FILED PURSUANT TO THIS
17 SUBSECTION (3) INCLUDING ANY APPEAL.

18 **SECTION 3. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly; except
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V
22 of the state constitution against this act or an item, section, or part of this
23 act within such period, then the act, item, section, or part will not take
24 effect unless approved by the people at the general election to be held in
25 November 2026 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.