

CHAPTER 268

GOVERNMENT - LOCAL

HOUSE BILL 01-1174

BY REPRESENTATIVE(S) Sanchez, Borodkin, Boyd, Cloer, Coleman, Daniel, Garcia, Groff, Hodge, Jahn, Larson, Lawrence, Mace, Madden, Marshall, Plant, Romanoff, Saliman, Stafford, Tapia, Tochtrop, Veiga, and Vigil;
also SENATOR(S) Hagedorn, Gordon, Hernandez, Linkhart, Matsunaka, Pascoe, Phillips, Reeves, Tate, Tupa, and Windels.

AN ACT

CONCERNING THE PROMOTION OF AFFORDABLE HOUSING BY LOCAL GOVERNMENTS, AND, IN CONNECTION THEREWITH, AUTHORIZING THE ESTABLISHMENT OF AFFORDABLE HOUSING DWELLING UNIT ADVISORY BOARDS BY LOCAL GOVERNMENTS.

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

SECTION 1. Title 29, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 26
Affordable Housing Dwelling Unit Advisory Boards

29-26-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) IT IS IN THE PUBLIC INTEREST TO MAINTAIN A DIVERSE HOUSING STOCK IN ORDER TO PRESERVE SOME DIVERSITY OF HOUSING OPPORTUNITIES FOR THE STATE'S RESIDENTS AND PEOPLE OF LOW- AND MODERATE-INCOME.

(b) A HOUSING SHORTAGE FOR PERSONS OF LOW- AND MODERATE-INCOME IS DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE. IN PARTICULAR, THE INABILITY OF SUCH PERSONS TO RESIDE NEAR WHERE THEY WORK NEGATIVELY AFFECTS THE BALANCE BETWEEN JOBS AND HOUSING IN MANY REGIONS OF THE STATE AND HAS SERIOUS DETRIMENTAL TRANSPORTATION AND ENVIRONMENTAL CONSEQUENCES.

(c) AS AN INITIAL STEP IN FOSTERING THE ESTABLISHMENT OF AFFORDABLE HOUSING DWELLING UNIT PROGRAMS THAT WILL SATISFY THE HOUSING NEEDS OF ALL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE RESIDENTS OF A PARTICULAR JURISDICTION, IT IS APPROPRIATE FOR THE GENERAL ASSEMBLY TO AUTHORIZE LOCAL GOVERNMENTS TO ESTABLISH AFFORDABLE HOUSING DWELLING UNIT ADVISORY BOARDS.

(d) IN SELECTING MEMBERS OF THE ADVISORY BOARDS, THE GOVERNING BODIES OF LOCAL GOVERNMENT SHALL GIVE PREFERENCE TO RESIDENTS OF THE JURISDICTION WHO HAVE DEMONSTRATED EXPERIENCE IN HOUSING MATTERS, PREFERABLY WITHIN THE TERRITORIAL BOUNDARIES OF THE JURISDICTION, AS A RESULT OF THEIR CURRENT OR FORMER EXPERIENCE, WITHOUT LIMITATION, AS A:

(I) REGISTERED OR CERTIFIED CIVIL ENGINEER OR ARCHITECT;

(II) PLANNER;

(III) REAL ESTATE SALESPERSON OR BROKER LICENSED IN ACCORDANCE WITH PART 1 OF ARTICLE 61 OF TITLE 12, C.R.S.;

(IV) REPRESENTATIVE OF A LENDING INSTITUTION THAT FINANCES RESIDENTIAL DEVELOPMENT WITHIN THE TERRITORIAL BOUNDARIES OF THE LOCAL GOVERNMENT;

(V) REPRESENTATIVE OF THE LOCAL HOUSING AUTHORITY;

(VI) RESIDENTIAL BUILDER WITH EXTENSIVE EXPERIENCE IN PRODUCING SINGLE-FAMILY OR MULTIPLE-FAMILY DWELLING UNITS;

(VII) REPRESENTATIVE OF EITHER THE PUBLIC WORKS OR PLANNING DEPARTMENT OF THE LOCAL GOVERNMENT; OR

(VIII) REPRESENTATIVE OF A NONPROFIT HOUSING ORGANIZATION THAT PROVIDES SERVICES WITHIN THE TERRITORIAL BOUNDARIES OF THE LOCAL GOVERNMENT.

(e) IN ADDITION, ONE OR MORE MEMBERS OF THE BOARD, IN THE DISCRETION OF THE LOCAL GOVERNMENT, SHALL BE A RESIDENT OF THE JURISDICTION WITHOUT DEMONSTRATED EXPERIENCE IN HOUSING MATTERS.

(2) IN CREATING THIS ARTICLE, THE GENERAL ASSEMBLY INTENDS THAT AFFORDABLE HOUSING DWELLING UNIT ADVISORY BOARDS SHALL ADDRESS THE HOUSING NEEDS OF LOW- AND MODERATE-INCOME PERSONS, PROMOTE A FULL RANGE OF HOUSING CHOICES, AND DEVELOP EFFECTIVE POLICES TO ENCOURAGE THE CONSTRUCTION AND CONTINUED EXISTENCE OF AFFORDABLE HOUSING.

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

(1) "AFFORDABLE HOUSING DWELLING UNIT" MEANS A RESIDENTIAL STRUCTURE THAT IS PURCHASED OR RENTED BY AND IS OCCUPIED AS A PRIMARY RESIDENCE BY ONE OR MORE INCOME ELIGIBLE HOUSEHOLDS, OR A COMPARABLE DEFINITION AS ESTABLISHED BY A LOCAL GOVERNMENT THAT IS CONSISTENT WITH THE PURPOSES OF THIS ARTICLE.

(2) "BOARD" MEANS AN AFFORDABLE HOUSING DWELLING UNIT ADVISORY BOARD

ESTABLISHED PURSUANT TO THIS ARTICLE.

(3) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE OR STATUTORY CITY, TERRITORIAL CHARTER CITY, TOWN, OR CITY AND COUNTY.

(4) "LOCAL HOUSING AUTHORITY" MEANS THE HOUSING AUTHORITY OF A LOCAL GOVERNMENT.

(5) "ORDINANCE" MEANS ANY ORDINANCE, RESOLUTION, STATUTE, REGULATION, OR RULE PROMULGATED BY A LOCAL GOVERNMENT PURSUANT TO THIS ARTICLE.

29-26-103. Affordable housing dwelling unit advisory boards. (1) TO FURTHER THE PURPOSES OF THIS ARTICLE, AS SPECIFIED IN SECTION 29-26-101, THE GOVERNING BODY OF ANY LOCAL GOVERNMENT MAY, BY ORDINANCE, ESTABLISH AN AFFORDABLE HOUSING DWELLING UNIT ADVISORY BOARD. ANY SUCH BOARD OR SIMILAR ENTITY IN EFFECT PRIOR TO JULY 1, 2001, SHALL CONTINUE TO BE IN FULL FORCE AND EFFECT AFTER THAT DATE.

(2) AN ORDINANCE PROMULGATED UNDER THIS ARTICLE MAY AUTHORIZE THE BOARD TO MAKE RECOMMENDATIONS TO THE LOCAL GOVERNMENT OR THE LOCAL HOUSING AUTHORITY AS TO ONE OR MORE OF THE FOLLOWING:

(a) A JURISDICTION-WIDE DEFINITION OF AFFORDABLE HOUSING AND AFFORDABLE HOUSING DWELLING UNIT;

(b) QUANTIFYING JURISDICTION-WIDE AFFORDABLE HOUSING DWELLING UNIT SALES PRICES AND RENTAL RATES. IN DEVELOPING ITS RECOMMENDATIONS AS TO THE SALES PRICES AND RENTAL RATES, THE BOARD SHALL CONSIDER ALL ORDINARY, NECESSARY, AND REASONABLE COSTS REQUIRED TO CONSTRUCT AND MARKET THE REQUIRED NUMBER OF AFFORDABLE HOUSING DWELLING UNITS BY PRIVATE INDUSTRY IN THE JURISDICTION AND OTHER RELEVANT INFORMATION, SUCH AS THE JURISDICTION'S GENERAL MARKET AND ECONOMIC CONDITIONS.

(c) JURISDICTION-WIDE AFFORDABLE HOUSING DWELLING UNIT QUALIFYING INCOME GUIDELINES;

(d) CHANGES IN DENSITY REQUIREMENTS CONTAINED IN THE JURISDICTION'S ZONING OR PLANNING ORDINANCES TO ENCOURAGE THE PROVISION OF AFFORDABLE HOUSING;

(e) POLICIES FOR THE MODIFICATION OF REQUIREMENTS ADOPTED IN CONNECTION WITH AN AFFORDABLE HOUSING DWELLING UNIT PROGRAM ESTABLISHED BY THE LOCAL GOVERNMENT; AND

(f) ANY OTHER MATTERS THAT, IN THE DISCRETION OF THE BOARD, SHALL AFFECT THE CONSTRUCTION AND CONTINUED EXISTENCE OF AFFORDABLE HOUSING DWELLING UNITS OR SHALL OTHERWISE FURTHER THE PURPOSES OF THIS ARTICLE.

(3) (a) MEMBERS OF A BOARD FOR ANY GIVEN JURISDICTION SHALL BE APPOINTED BY THE GOVERNING BODY OF THE LOCAL GOVERNMENT. SELECTION OF THE CHAIR AND OTHER ORGANIZATIONAL MATTERS SHALL BE ADDRESSED EITHER BY THE BOARD

ITSELF OR BY THE LOCAL GOVERNMENT THROUGH ORDINANCE IN THE DISCRETION OF THE GOVERNING BODY OF THE LOCAL GOVERNMENT ESTABLISHING THE BOARD PURSUANT TO THIS PARAGRAPH (a).

(b) The number of members of a board and their terms shall be established by the governing body of the local government through ordinance. To the greatest extent practicable, membership on such boards shall reflect the intent of this article as expressed in section 29-26-101 (1).

29-26-104. No effect upon local housing agency. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO AFFECT THE OPERATION OF A LOCAL HOUSING AUTHORITY AND ANY BOARD CREATED BY THIS ARTICLE IS ENCOURAGED TO COOPERATE WITH A LOCAL HOUSING AUTHORITY IN THE ESTABLISHMENT AND IMPLEMENTATION OF POLICIES THAT SHALL FURTHER THE INTENT OF THIS ARTICLE.

SECTION 2. 30-11-107 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

30-11-107. Powers of the board. (1) The board of county commissioners of each county has power at any meeting:

(hh) TO ESTABLISH AN AFFORDABLE HOUSING DWELLING UNIT ADVISORY BOARD FOR THE COUNTY IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 26 OF TITLE 29, C.R.S.

SECTION 3. 31-15-201 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

31-15-201. Administrative powers. (1) The governing bodies in municipalities shall have the following general powers in relation to the administration of the municipality's affairs:

(i) TO ESTABLISH AN AFFORDABLE HOUSING DWELLING UNIT ADVISORY BOARD FOR THE MUNICIPALITY IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 26 OF TITLE 29, C.R.S.

SECTION 4. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 5, 2001