

Senate Local Government & Housing

04/23/2024 02:00 PM

HB24-1313 Housing in Transit-Oriented Communities

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
BENJAMIN Fuller For themselves	<p>I used to live in Acres Green. I ended up moving to denver to live nearer to work, and ended up enjoying so much living in an area where I could live without a car. I believe transit oriented communities can open up that possibility for way more people. I used to think having to live with a car was the only way to a certain degree, although I used it as little as possible. Now that I don't have one I'm living my best life.</p> <p>The fact that my community and many others would be illegal in much of colorado, while the same people who voted it down are complaining about 10-20 dollars of property tax, while they're sitting on secure housing for the rest of their lives is absurd. We need a colorado which is livable for everyone. A colorado that's for people not for automobiles. A colorado that actually cares about the environment instead of just using it as a bludgeon against housing.</p>
Fran MANDEL SHEETS Against themselves	<p>As a long time resident, I ask: does Colorado really need new housing when more people left the state last year than arrived?</p> <p>The huge new apartments/condos built in Boulder in the last 4 years are wiping out our views, our quality of life and the livability of our city.</p> <p>This one-size-fits all, top-down legislation is unnecessary and inappropriate for Colorado and NOT NEEDED. The new housing has no parks available and our infrastructure cannot meet the demand but how would you know that making the decision in Denver?</p> <p>Leave some local control. But increase RTD scheduling to manage all the people you are inviting.</p> <p>None of this seems to impact or lessen the unhoused on the streets. Why not have subsidized housing again so we can utilize our central park and unhoused can have some dignity?</p>
Charles Kopp	To committee members:

<p>Against themselves</p>	<p>I strongly urge you to vote NO on HB24 1313. I regard it as one of the worst in a series of perhaps well-intended, but very misguided bills to solve Colorado's current housing problems---which vex so many other parts of the country. My first objection is that it's blatant overreach of the state's authority, which may even be challenged legally if it passes. And also result in much discord and resentment in many communities, where there may also be a lot of non-compliance. It would be appropriate for the state to offer guidance on housing matters---but NOT to mandate them!</p> <p>Since this bill relies on a market and supply side approach to providing more affordable housing, I believe it would result in largely just a lot more expensive housing, and that the main beneficiaries will be the developers and investors who are no doubt big supporters and influencers of this bill. If we really want more affordable housing, we should insure that less costly housing is built, and in the right places. Though higher density in transit areas can be a good idea, it should not be mandated across the board because there are too many complications with existing infrastructure (water supply, sewage, etc.) and other factors that only local governments can really evaluate.</p> <p>And have you thought that building more in transit zones will probably INCREASE the cost of those properties that will have another selling point? And there's no guarantee that public transit opportunities will be used as expected---especially in a region that like most of the country has a big car culture. It's unrealistic to think that people so used to the convenience of their own vehicles will suddenly shift to taking more time-consuming buses and trains on a mass scale. Even Denver isn't like New York City.</p> <p>So please kill this bill! And the legions of us who care about preserving Colorado's great natural environment and quality of life will be watching the way you all vote on another bill that will lead to excessive development and population growth with all its consequent problems, while probably not achieving the affordable housing that's the main goal. At best, it's a real gamble, and one not worth taking.</p> <p>Sincerely,</p>
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	<p>Charles Kopp Fort Collins</p>
<p>Trudy A Haines Against Fort Collins HOA (Home Owners Association) Coalition</p>	<p>Please vote no on HB24-1313, the extreme "one size fits all" state density mandate.</p> <p>Just like last year's failed SB23-213 bill, HB24-1313 usurps all local land use planning and control from local city planning departments. Local officials best know their widely varying, unique land use situations. It's punitive and it favors developers over our residents and voters. Having density near transit is a good goal, but this bill is extreme overreach.</p>
<p>Ted Harberg For themselves</p>	<p>I am a resident of Olde Town Arvada and am an urban planner. I am writing today to encourage your support for HB24-1313. As an AICP certified planner, I was attracted to the profession by my love for dense, walkable communities, and for the New Urbanist and Smart Growth movements. Unfortunately I have learned that these progressive movements, which are championed by our profession and encourage more sustainable development patterns, have not been widely accepted by the political leaders in many municipalities. Instead of working toward more functional and attractive development patterns; planners often get bogged down in meaningless debates about density that are rooted in fear.</p> <p>As a planner, I would like to specifically push back against the idea that some cities have put forth that they cannot accommodate the infrastructure necessary to allow up to forty dwelling units per acre. The communities making this claim fail to acknowledge that they are also not taking advantage of a critical tool at their disposal - specifically Impact Fees. In fact, Amendment L.043 to this bill specifically acknowledges that nothing in this bill interferes with a local government's authority to set and collect impact fees.</p> <p>It may be true that some of the cities you will hear from during this process don't yet have financing mechanisms set up to upgrade existing infrastructure, but it is not correct to suggest that financing this infrastructure is impossible. Please don't accept such claims without considering the full scope of this argument. Please understand that many of the cities making these claims are also planning for developers to pay to extend water, sewer, and roadway</p>

	<p>networks into previously undeveloped lands where the city will later provide service.</p> <p>It is insincere to claim to lack capacity for density while continuing to plan for sprawl. Horizontal expansion of a city's infrastructure ALWAYS requires greater resources than upgrading existing infrastructure. Forty dwelling units per acre is a reasonable density target, and every community in Colorado is capable of accommodating this level of density. When a community says that they lack the resources to support a sustainable level of density, what they are really saying is that they do not take the underlying problem seriously.</p>
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April 23, 2024

My name is Candice Svoboda and I am writing to provide testimony on behalf of the City of Arvada regarding our concerns for **HB24-1313: Housing in Transit-Oriented Communities**. If the bill were to pass in its current state, the City would experience significant strain on existing infrastructure and financial resources.

The bill does not take into consideration the work that Arvada has already done and continues to do to incentivize higher-density housing development near transit corridors, as Arvada's zoning adjacent to the transit lines already does not impose density caps. Additionally, the proposed language does not ensure affordability of units. This requires the City to devise new affordability and displacement strategies with minimal financial support from the state and federal government.

Some additional concerns that we'd like to see addressed in amendments to this bill include:

- There is lack of clarity around how the parking strategies in this bill interact with the HB24-1304: Minimum Parking Requirements.
- Highway Users Tax Fund (HUTF) distributions can still be withheld for non-compliance and cities can be sued for non-compliance. There should be no penalties that take HUTF from the City for purposes unrelated to housing production. HUTF shouldn't be a component of this bill at all.
- There is uncertainty around whether the proposed \$35 million grant fund will be sufficient to help all designated communities develop plans.
- There should be data presented that considers the impacts of much higher densities on water, sewer and transportation infrastructure. Arvada's growth has been anticipated via the Comprehensive Plan, which did not calculate these projected population increases, and Arvada's infrastructure is not designed to handle the increased capacities without significant cost increases to the community.



8101 Ralston Road, Arvada, CO 80002

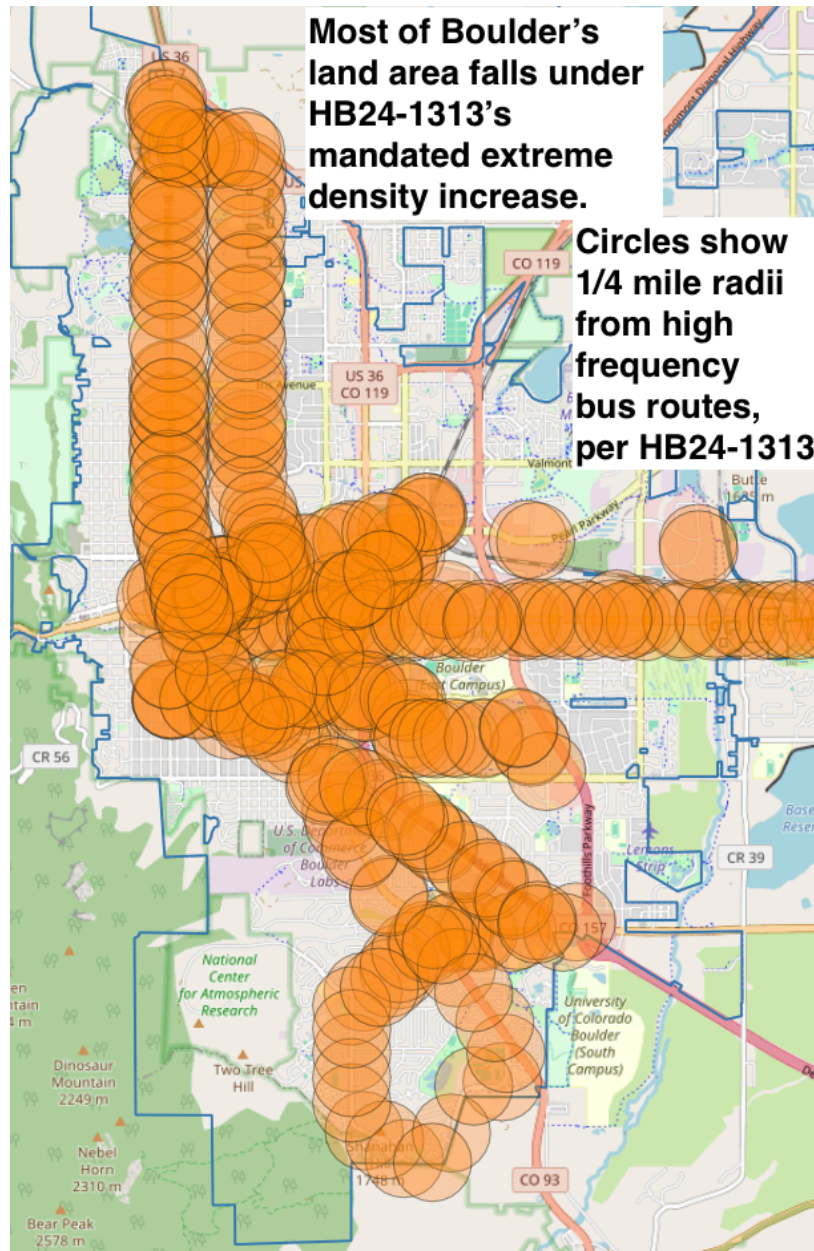
We would like you to consider working with impacted communities to understand what they have already accomplished before reintroducing further amendments to the bill. The next legislative session could be an appropriate time to consider a collaborative approach with communities that incentivizes housing production first instead of forcing pre-emptive mandates with no understanding of the consequences to infrastructure and identity of the municipalities.

While new language was added that limits impacted areas in Arvada to be within a half of a mile of G-Line Stations, we still anticipate our Housing Opportunity Goal to be around 25-30,000 units. The additional population growth, if achieved as this bill contemplates, has not been anticipated, and our resources (parks, open space, amenities, water and sewer infrastructure) are not equipped to manage the increase. Staff and leadership need time to analyze the impacts in order to effectively engage with the community and allocate appropriate funding, time and resources to meet the change.

We anticipate updating the City's Comprehensive Plan in the next year, and all of these concerns could be discussed and vetted with the community during that time. Without that crucial opportunity to connect with residents and stakeholders, we compromise community cohesion, trust, and the value of collaboration.

Sincerely,

Candice Svoboda
Assistant to the City Manager
City of Arvada



This map depicts 1/4 mile distance radii from the 204, 209, 225, Skip, Hop, Jump, and Flatiron Flyer – Boulder's "high frequency" bus routes, per HB24-1313's definition of every 15 minute service. These areas are subject to the bill's mandated density increases to 15 to 40 dwelling units/acre.

Low density zoning = 3 to 6 units/acre.

Medium = 7 to 14 units/acre.

High = 15 or more units/acre.



April 23, 2024

Senate Local Government & Housing Committee
Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

RE: Ceres Support for HB24-1313 Housing in Transit Oriented Communities

Dear Chair Exum and Committee Members:

On behalf of Ceres, I appreciate the opportunity to provide comments in support of HB24-1313 Housing in Transit Oriented Communities. For more than 30 years, Ceres has convened influential investors, Fortune 500 companies, and thought leaders to tackle a wide range of sustainability challenges. As a part of our work, we run the [BICEP \(Business for Innovative Climate and Energy Policy\) Network](#) — a coalition of more than 80 major businesses across the United States, many of whom have substantial operations or are headquartered in Colorado.

Businesses support holistic emissions reduction policies because climate change, water contamination, and air pollution threaten the health and livelihood of the communities in which they operate, and where their customers and employees live and work. Investing in neighborhoods with more compact, transit connected, and mixed-use development has a lower climate impact, but also serves a strong demand to live near jobs and transit.

Now is a critical time for states to strengthen their commitments and strategies to significantly reduce emissions while addressing the housing crisis. We view HB24-1313 as critical policy for Colorado to fast-track strong transit and housing policies and programs that are in harmony with federal investment opportunities in the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA). This approach will help Colorado reach our business and state goals more swiftly and cost-effectively while also minimizing the health and economic risks tied to climate change.

HB24-1313 is essential for preparing Colorado's economy to meet the needs of the future across workforce demands, GHG emissions reductions, public health, and economic development:

- **Workforce Benefits – HB24-1313 supports greater affordable housing supply that allows our workforce to live closer to employment and the services they need.** Increasing housing affordability near transit and jobs increases access to economic opportunity for workers and alleviates workforce shortage challenges for business.

- **GHG Emissions Reductions Benefits – HB24-1313 supports housing development that reduces emissions from both transportation and building sectors.** Sprawl increases driving commute times, pollution, transportation expenses, and land and water consumption. However, attached and multifamily housing conserve more water, and are easier to heat and cool. They emit fewer pollutants, typically using just 30-60% of the building energy needed for a single-unit detached home.
- **Public Health Benefits – HB24-1313 supports neighborhoods that are designed to be livable, walkable, and free of pollution.** Transportation contributes to a significant portion of Colorado’s GHG emissions and toxic air pollution, and Colorado is currently off track to achieve its emission reduction targets in this sector. Employees and consumers would greatly benefit from residing closer to employment opportunities, public transit, schools, healthcare facilities, and other services.
- **Economic Development Benefits – HB24-1313 invests and reinvests in existing communities, while protecting a variety of open spaces from sprawl, which benefits diverse sectors of Colorado’s economy.** This bill streamlines the process for approving new housing development, thus reducing costs and expediting local commercial development opportunities, while stewarding Colorado’s signature and beloved outdoor recreation spaces and economy. It also supports strong and financially healthy transit systems which rely on adequate housing density.

To protect Coloradans from the effects of climate change, we must expand housing opportunities that mitigate sprawl, reduce emissions, and support economic opportunity for local governments and residents. HB24-1313 would allow Colorado to make real progress against the complexities across housing, transportation and climate challenges. We respectfully urge you to pass HB24-1313 to ensure another generation of growth for the state and its key industries while protecting the resources that have made it so attractive to so many.

Thank you for your consideration.

Sincerely,
Kelly Trombley
Senior Manager, State Policy
Ceres



Dear Committee Members,

I write on behalf of the Colorado Housing Affordability Project (CHAP). CHAP is a diverse group of professionals and academics in planning, economics, public policy, and law, who came together to research and advocate for effective solutions to our housing crisis. CHAP supports this bill. The bill is consistent with CHAP's goal of reducing regulatory barriers to the construction of new, more affordable forms of housing. Below, I'll emphasize three points.

First, this bill's reach is limited. It applies only to a few large communities in metro areas where taxpayers have already funded transit investments. If enacted, the bill will make good on those investments by bringing their benefit to a broader share of Coloradans, while offering resources to address concerns about water and infrastructure.

Second, this bill offers great flexibility. It sets a zoning capacity while affording communities discretion as to how to achieve it. This approach preserves a high degree of local control. And it is consistent with legal principles of shared authority in areas of mixed state and local concern—of which housing is one, as confirmed by Colorado's Supreme Court more than 20 years ago. CHAP has authored a memo on this subject, which is available on our website at <https://cohousingaffordabilityproject.org/wp-content/uploads/2023/03/CHAP-Preemption-Memorandum-Final.pdf>.

Third, this bill is research-backed. Data demonstrates that the policy responses that enable housing density near transit are the most successful. Minneapolis upzoned land near transit, enabling the private market to deliver abundant new housing and the city to tame housing-cost inflation more effectively than any other U.S. city. CHAP's own research demonstrates that modest density increases would enable Colorado to eliminate its housing shortage over a reasonable period of time.

It is clear by now that the local control, business-as-usual model – even if supplemented by more studies and more money – will not close the gap on Colorado's housing shortage. To be fair, local government and its leaders are not the problem. The problem is a system that is designed to, and has in fact, underproduced housing.

This bill offers an innovative, first-in-the-nation approach giving local governments flexibility within a proven, effective path to the development of new, affordable forms of housing, and we therefore urge its passage.

Kind regards,

A handwritten signature in blue ink, appearing to read "Brian J. Connolly".

Brian J. Connolly
for the Colorado Housing Affordability Project



April 23, 2024

I am Cindi Hammond, the Director of Programs with Habitat for Humanity of Colorado. Habitat for Humanity builds for-sale affordable housing in over 45 communities across the state. Habitat homebuyers work in healthcare, retail education, manufacturing, and local government. They are people that help our communities thrive and they want to live in the communities they serve.

Our organization knows first-hand the importance of being a unified voice for solutions that create access to more affordable housing. We believe that the Transit-oriented communities bill (HB24-1313) will help to increase the number of affordable housing units once transit is more accessible. Habitat prides itself on increasing the supply of homeownership opportunities but recognizes the importance of lending our voice and support to legislation that we believe will help to move the needle on affordable housing in our state.

Part of the conversation related to affordable housing requires multiple approaches to housing solutions. By Including affordable housing in transit-oriented developments we are being deliberate about the equitable access to housing and transportation.

Since our organization sees the impact on a family's life when they can achieve the stability and security through housing, we have an opportunity with this bill to help impact educational outcomes for children, improve mental and physical health and positively promote financial improvement by pairing transit and housing. Investment by the state to plan strategically and coordinate both housing and transportation offerings will help achieve better results for Coloradans who need an affordable place to call home.

We appreciate the sponsors of this bill and the thoughtful approach to promote collaborative ideas to promote affordable housing solutions. We hope you will join them in supporting HB24-1313.

Transit-Oriented Upzoning in Colorado Can Deliver Jobs, Growth, and Affordability

SALIM FURTH

Senior Research Fellow, Urbanity Project, Mercatus Center at George Mason University

Colorado Senate, Local Government and Housing Committee
HB 24-1313 Housing in Transit-Oriented Communities

April 23, 2024

Chair Exum, Vice Chair Gonzales, and members of the committee, thank you for inviting me to comment on transit-oriented communities. I am an economist at the Mercatus Center at George Mason University, and I study housing markets. The Mercatus Center is a non-profit, non-partisan research center dedicated to bridging the gap between academic ideas and real-world problems.

The Housing Theory of Everything

Housing costs in Colorado spiked in the early 2020s, as they did across the US. Median apartment rent in metropolitan Denver is 21 percent higher now than it was on the eve of the pandemic, four years ago.¹ And median single-family home prices are 35 percent higher.² Those cost increases are eating up a big chunk of average wage growth over those years.

Economists and others who watch housing markets have begun to buy into the “housing theory of everything.”³ The theory goes that most major problems in modern society are downstream of housing—providing abundant housing in high-demand locations would make it easier to increase economic growth, redress racial injustices, balance budgets, slow climate change, produce great art, strengthen families, find a good job, and so on and on.

¹ Zillow Observed Rent Index (multifamily, smoothed and seasonally adjusted) Jan 2020–Jan 2024, Zillow Data, <https://www.zillow.com/research/data/> (accessed 3/3/2024).

² Zillow Housing Value Index (single family, smoothed and seasonally adjusted) Jan 2020–Jan 2024, Zillow Data, <https://www.zillow.com/research/data/> (accessed 3/3/2024).

³ John Myers, Sam Bowman, and Ben Southwood, “The Housing Theory of Everything,” *Works in Progress*, September 14, 2021; Salim Furth, “Why We Need to Achieve Housing Abundance,” *Discourse*, February 9, 2023, <https://www.discoursemagazine.com/p/why-we-need-to-achieve-housing-abundance>.

Let me zoom in on two of those downstream phenomena: jobs and economic growth. Cities are fundamentally labor markets.⁴ But regulatory limits on housing construction in job-rich areas put jobs out of reach. Some people respond to the artificial housing shortage by moving to cheaper land at the edge of the metro area. There, they can reach most jobs, but not ones on the far side of the metro area. Other people respond to the lack of available, attainable housing by moving away altogether. Both groups end up missing out on job opportunities.

Economic growth, of course, is just the sum of individual income growth. So, when zoning prevents individuals from bettering themselves, it shows up in the national accounts.⁵

Mile-High Problems, Mile-High Solutions

A number I reference often is minus two-thirds. That's the best estimate of the rent elasticity of housing demand.⁶ In English, it means that to decrease rent by two percent, you need a three percent increase in the stock of housing. Most lawmakers are hoping for something more like a 20 percent decrease in rent—which means they should be thinking about making space for 30 percent more homes in job-accessible locations.

The bill before you, HB 24-1313, is at a scale big enough that you can reasonably hope it will lead to double-digit rent decreases. Back of the envelope math suggests that the bill will create regulatory space for over a million dwellings in the Denver metro area.⁷ Building takes time. Major upzonings like this deliver new housing for decades: Arlington, Virginia, where my office is located, is still opening new apartment buildings in a large transit corridor that was initiated before I was born.⁸

Slow and steady wins the race: A statewide upzoning of the scale conceived in HB 24-1313 would open a multi-generational spigot of new housing, create decades of downward pressure on prices, and put the state, its citizens, and its businesses in position to weather future crises.

⁴ Alain Bertaud, *Order Without Design: How Markets Shape Cities* (MIT Press, 2018).

⁵ Gilles Duranton and Diego Puga, "Urban Growth and Its Aggregate Implications," *Econometrica* 91(6): 2219–51, December 2023; Fil Babalievsky et al., "The Impact of Commercial Real Estate Regulations on US Output," (National Bureau of Economic Research Working Paper No. 31895, November 2023).

⁶ David Albouy, Gabriel Ehrlich, and Yingyi Liu, "Housing Demand, Cost-of-Living Inequality, and the Affordability Crisis," (National Bureau of Economic Research Working Paper No. 22816, November 2016).

⁷ I cannot stress enough that this is back-of-the-envelope math aimed at estimating the order of magnitude. The Denver metro area has 78 RTD stations plus several dozen miles of frequent bus service (State of Colorado, *Housing Proposals Overview*, unpublished presentation). The half-mile circle around each station contains 500 acres; each mile of frequent bus service creates a "transit corridor area" of 320 acres. I assume that half of the covered land is non-exempt. At 40 units per acre, this would imply a zoning capacity requirement of 10,000 units per station and 6,400 per mile of frequent bus service. Allowing for some overlap, this might yield 700,000 units of zoning capacity near rail stations and as many or more on bus corridors. Existing zoning, of course allows dense housing on much of this land. The net new capacity is likely half or less of the total capacity.

⁸ The version of this testimony given in the House inadvertently included the word "don't" in this sentence, reversing its meaning. The author regrets the error.



Dear Chair and Members of the Senate Local Government & Housing Committee:

Enterprise is a national organization working to preserve and produce affordable homes and improve housing stability. We do so through capital investments, place-based programmatic engagement, and policy work at all levels of government.

I'm writing to share Enterprise's amend position on HB 1313 and to thank Senators Winter and Hansen, as well as the Governor's and state departmental staff for their tireless discussions on our and others' feedback, which has brought Enterprise close to being able to fully support the bill.

Our and many of our partners' efforts on HB 1313 have focused on guaranteeing newly built housing in transit-oriented communities includes homes affordable to people living on fixed, low, and moderate incomes, and on protecting against the displacement of individuals, locally owned businesses, and communities amid such accelerated and high-density development.

At this point, we have a handful of remaining priority asks that we've previously shared and believe you will have the opportunity to consider today:

- Revising the definition of "displacement" to better reflect the development-driven phenomena of involuntary relocation of especially low-income residents and locally owned and community-serving businesses.
- Improving the bill's ability to mitigate such displacement by requiring a community's housing opportunity goal report to include at least one long-term displacement mitigation strategy and revising the menu of standard and long-term strategy options to better reflect interventions demonstrated to successfully stem such displacement.
- Ensuring the affordability menu option to enact a local inclusionary zoning ordinance can be an additive, market-driven choice to promote affordability without necessitating the use of public funding that may be better used for other affordability initiatives.

We are very grateful for sponsors' consideration of these changes and urge your yes vote on any amendments brought today to meaningfully advance these goals.

Enterprise supports the overall aims of HB 1313 and appreciates the state resources that come with it to further affordability. We look forward to continuing to engage on this legislation, including to promote alignment of the affordability and displacement mitigation provisions with those in SB 174 and to help ensure local governments would not have to engage in duplicative or incongruent assessment and reporting requirements if, as we hope, both bills move ahead.

Thank you for your consideration,
Kinsey Hasstedt

HB24-1313 Testimony
Steve Pomerance, Boulder – Tuesday, 4/23/24

I served on the Boulder City Council for 10 years and on the DRCOG board for 6 years. I was a Legislative aide, and was nominated to the PUC in the 1980's. I've been doing public policy work on land use, housing, water supply, and energy issues for about 40 years.

MY RECOMMENDATIONS –

- **DROP THIS BILL. DESTROYING PEOPLE'S NEIGHBORHOODS IS NOT O.K.**
- **SET UP A GROUP OF PEOPLE WHO ARE KNOWLEDGABLE AND REPRESENT DIVERSE VIEWPOINTS TO RE-LOOK AT THE ISSUES OBJECTIVELY.**
- **SEE WHAT ISSUES EMERGE WITH THE "NO OCCUPANCY LIMITS", "ACCESSORY DWELLING UNITS", AND "RENTERS RIGHTS" BILLS FIRST.**

THE BASICS:

THE BILL LACKS ANY MARKET DEMAND ANALYSIS. THE DATA I'VE SEEN SUGGEST THAT DEMAND FOR THE FRONT RANGE IS SO HUGE RIGHT NOW THAT WE WOULD HAVE TO ADD 3 OR 4 TIMES AS MANY PEOPLE AS ARE HERE NOW TO SATISFY IT.

DO YOU REALLY WANT TO ADD THAT MANY PEOPLE TO COLORADO?

THE BILL LACKS ANY ANALYSIS OF PRICE ELASTICITY. WITH ALL THIS DEMAND, PRICES ARE PROBABLY GOING TO BE PRETTY INELASTIC. AND THE BILL'S AFFORDABILITY PROVISIONS ARE VERY WEAK AND LACK THE NEEDED QUANTITATIVE REQUIREMENTS.

ADDING ALL THIS MARKET RATE HOUSING WON'T MATERIALLY AFFECT PRICES.

THE BILL MAKES NO ATTEMPT TO CALCULATE HOW MUCH LAND WILL BE REQUIRED TO BE DENSIFIED UNDER THIS BILL. NOR DOES IT ATTEMPT TO CALCULATE HOW MANY NEW PEOPLE THIS BILL WILL ADD TO THE METRO AREAS OF THE FRONT RANGE.

WILL IT BE HUNDREDS OF THOUSANDS? OR MANY MILLIONS?

THOSE NUMERICAL DIFFERENCES DRAMATICALLY AFFECTS THE SIZE OF THE NEED TO PROVIDE INFRASTRUCTURE AND PUBLIC FACILITIES– EVERYTHING FROM WATER SUPPLIES TO ROADS TO SEWER SYSTEMS TO PARKS AND REC CENTERS TO HOSPITALS TO SENIOR CENTERS TO MOUNTAIN TRAILS. AND IT ALSO WILL AFFECT AIR QUALITY.

INFRASTRUCTURE COSTS AND ENVIRONMENTAL IMPACTS NEED TO BE ANALYZED.

THERE IS NO REQUIREMENT THAT ALL THIS ADDITIONAL HOUSING – AND IT'S A HUGE AMOUNT – MUST BE NET ZERO ON CARBON EMISSIONS, OR EVEN THAT IT BE MAXIMALLY ENERGY EFFICIENT. THAT IS A RIDICULOUS OVERSIGHT.

NET ZERO ON GHG EMISSIONS MUST BE PART OF THE BILL.

THE AFFORDABLE HOUSING PROVISIONS IN THE BILL RELATED TO INCLUSIONARY HOUSING, JOBS-HOUSING LINKAGE FEES, BUY-DOWN PROGRAMS, ETC., HAVE NO NUMERICAL OR PERCENTAGE REQUIREMENTS. I HAVE BEEN HEAVILY INVOLVED IN EVERY ONE OF BOULDER'S AFFORDABLE HOUSING EFFORTS, WHICH ARE PROBABLY THE MOST COMPREHENSIVE IN THE STATE. I KNOW THAT QUANTITATIVE STANDARDS ARE KEY.
QUANTITATIVE AFFORDABLE HOUSING RULES MUST BE INCLUDED.

TRANSIT FUNDING, WHICH THIS BILL RELYS ON, IS NOT ADDRESSED AT ALL. RTD IS CURRENTLY 95% FUNDED BY REVENUES THAT DO NOT COME FROM RIDERS (IT'S ALL SALES TAXES AND GRANTS), AND ONLY AROUND 6-7% OF METRO AREA RESIDENTS USE RTD TO COMMUTE. THIS BILL RELYS ON HAVING ALMOST ALL OF THE NEW FOLKS RIDING TRANSIT. BUT RUSH HOUR TRANSIT IS ALREADY NEARLY MAXED OUT. SO, THERE SHOULD BE A SIGNIFICANT LOOK AT HOW THIS ADDITIONAL TRANSIT WILL BE FUNDED AND WHO WILL PAY FOR IT.

THE BILL MUST ADDRESS WHO AND HOW TO PAY FOR MORE TRANSIT FUNDING.

THE DEFINITION OF "BUS RAPID TRANSIT SERVICE" IS TOTALLY UNCLEAR, WITH ITS LANGUAGE OF "TYPICALLY INCLUDES ANY NUMBER OF THE FOLLOWING". WHAT DO "TYPICALLY" AND "ANY NUMBER" MEAN? THIS IS CRITICAL.

WHETHER CERTAIN CITIES AND AREAS ARE INCLUDED DEPEND ON THIS DEFINITION.

UNDER THIS BILL ALL AREAS WITH BUSINESSES, OFFICES, SHOPPING CENTERS, RECREATION, MOVIE THEATERS, CULTURAL AREAS, ETC., ARE INCLUDED IN THE HIGH-DENSITY HOUSING CALCULATIONS. SO, THESE USEFUL DESTINATIONS MAY HAVE TO BE TORN DOWN TO MEET THE HOUSING DENSITY REQUIREMENTS.

WHERE WILL PEOPLE TAKE BUSES TO IF YOU TEAR DOWN THEIR DESTINATIONS?

THE BILL'S WATER REQUIREMENTS ARE RIDICULOUSLY WEAK. LOOKING AT THE LAST 3 YEARS (AS THE BILL SPECIFIES) IS MEANINGLESS WHEN EVALUATING FRONT RANGE SUPPLIES COMING FROM TRANS-MOUNTAIN DIVERSIONS OF THE COLORADO RIVER.

WATER SUPPLIES NEED TO BE EVALUATED AT ON A LONG TERM, REALISTIC BASIS.

THE BILL FAILS TO LOOK AT DISPLACEMENT FROM INCREASED PROPERTY TAXES DUE TO DENSIFICATION. **DO YOU REALLY WANT TO FORCE SENIORS ON FIXED INCOMES OUT?**

THE BILL CONTINUES OEDIT'S SUBSIDIES TO FRONT RANGE BUSINESS GROWTH.

WHY KEEP USING OUR MONEY TO MAKE THE HOUSING SITUATION WORSE?

FINALLY, GOING TO THE MOUNTAINS IS HARD ENOUGH NOW – WITH ALL THESE ADDITIONAL FOLKS, RESERVATION SYSTEMS WILL BECOME UBIQUITOUS.

THIS BILL WILL MAKE COLORADO MUCH LESS DESIRABLE AS A PLACE TO LIVE.

THE MAP OF HIGH FREQUENCY BUS ROUTES IN BOULDER (attached) SHOWS THAT MOST OF THE CITY WOULD BE CONVERTED TO HIGH DENSITY HOUSING UNDER THE BILL'S REQUIREMENT, ASSUMING BOULDER IS SUBJECT TO THE BRTS DEFINITION AS IT CAN BE READ. AND EVEN THESE ONLY ¼ MILE RADII CIRCLES COVER THE MAJORITY OF BOULDER. IF THEY ARE REALLY ½ MILE RADII (AS I READ THE REVISED BILL), ALMOST ALL OF OUR LONG EXISTING NEIGHBORHOODS WILL BE DRAMATICALLY ALTERED OR DESTROYED. **IF YOU DENSIFY MOST OF THE FRONT RANGE THIS WAY, YOU WILL FACE A REVOLT.**

April 22, 2024

To: Members of the Senate Local Government and Housing Committee
From: Alan and Joan Lamborn, Fort Collins
Subject: HB 24-1313, Transit Oriented Communities

We write to express our dismay that an idea as laudable as encouraging increased housing density along transportation corridors in cities and towns should have gone as badly awry as it has in this proposed legislation. We urge the Committee – and the Legislature – to reject this draft and develop an approach that is more collaborative and eliminates the bureaucratic overreach that permeates every aspect of this version.

Our conclusions and recommendations reflect our understanding of the issues involved. We have read quite a few research papers on this topic over the last several years, several iconic books on urban planning and politics, and have closely followed the debates within Fort Collins. One of us is also an emeritus professor of political science who was tasked with evaluating draft legislation when he was in an administrative position at Colorado State University. With this background, we read the entire bill with great care.

We will state our principal concerns briefly.

1. The legislation's approach places far too much power and administrative discretion in the hands of the Department of Local Affairs in collaboration with Energy and Transportation. The negative effects of this centralization are exacerbated by the extraordinary number and complexity of the factors these Departments are supposed to take into account. Indeed, the web of factors is so complex and intertwined that it reminds us of all the reasons why planned economies failed so completely in the Soviet bloc during the Cold War.
2. While the comprehensiveness of the list of factors the bureaucracy is instructed to take into account is no doubt intended to be indicative of the drafters' knowledge of the issues involved, several key factors are perplexingly omitted. If these Transit Areas are to be effective in achieving the announced goals, there must be more than housing in the Transit Areas, there must also be employment centers. Moreover, in a society in which multiple members of a household typically work (and, often, work in different locations), and in a state where most households will want cars to get out onto the plains and into the mountains when not working, the ability of Transit Areas to reduce the need for parking and car ownership is highly limited. Automobile use can be reduced, and that would be highly valuable, but ownership and parking not nearly as much.

These initial concerns suggest a disquieting pattern. On the one hand, the state's departments are tasked with a bureaucratic evaluation and determination of a lengthy and complex set of considerations when identifying the Transit Areas, Transit Corridors, and Transit Centers. On the other hand, the implicit claim that the mere complexity, length, and comprehensiveness of these considerations reflects erudition and expertise is unpersuasive. In our view, what the length and complexity of these considerations really reveals is a lack of attention to the practicalities involved in successfully implementing the legislation.

This absence of wisdom about practicalities and possible unintended consequences is accentuated by several of the following considerations.

3. The reporting requirements for cities are so overwhelming as being highly unlikely to be effectively met within existing budgets and personnel.
4. The top-down nature of the processes envisioned by the legislation and the overwhelming reporting requirements will make the inevitable bureaucratic missteps and unintended negative effects profoundly illegitimate politically, thereby undermining faith in government and feeding into the narrative of governmental overreach and arrogance.
5. When one analyzes the details of what constitutes a Transit Area (which includes analyzing the embedded definitions of a Transit Station, Transit Corridor, and Transit Center), it turns out that the emphasis on increasing density along Transit Areas is a Trojan Horse for widespread rezoning of large swatches on the city. Especially in those cities, such as Fort Collins, that have organized bus transit lines along a grid system in which the arterials are typically a mile apart, the one-quarter to one-half mile box defining the Transit Area (the legislation allows for an additional one-quarter mile for areas adjacent to bus transit under certain conditions) will cover large sections of the City. The title suggests one thing – a largely uncontroversial emphasis on several already densely used corridors. The details suggest a more comprehensive re-zoning.
6. One of the effects of the previous points will be to penalize communities that have already done the most to promote transit. The more bus lines there already are and the more frequently they run – or are planned to run – the more areas in a city that will be labeled as being in a Transit Area. It is a classic “no good deed goes unpunished” scenario: The better a city’s existing services and plans, the more that city will be turned upside down by state bureaucrats.
7. One of the most likely unintended consequences of this legislation: The greater the percentage of a city that falls within a Transit Area designation, the greater the number of current residents who will want to move out of the city into rural areas or exurbs to recreate their preferred single-family neighborhood existence.

The cumulative effect of these characteristics of the legislation is to draw a picture that combines an absence of wisdom about possible unintended consequences and the practicalities involved in implementing the legislation with a determination to plow ahead bulldozing all opposition. That approach is straight out of the critique of the potential “tyranny of the majority” in the Federalist Papers.

For all these reasons, we suggest that the Legislature adopt an approach that is built around collaboration, incentives, and incremental experimentation to see what works. The implicit assumption that the very real issues involving housing affordability, energy, transportation, and the environment can be solved in one fell swoop is as misguided as it is arrogant.

Page 8 29-35-103. Definitions.

Pages 9 and 10

(3) "BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID TRANSIT SERVICE:

(a) AS IDENTIFIED IN A METROPOLITAN PLANNING ORGANIZATION'S

FISCALLY CONSTRAINED LONG RANGE TRANSPORTATION PLAN;AND

(b) THAT TYPICALLY INCLUDES ANY NUMBER OF THE FOLLOWING:

(I) SERVICE THAT IS SCHEDULED TO RUN EVERY FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS;

(II) DEDICATED LANES OR BUSWAYS; (III) TRAFFIC SIGNAL PRIORITY;

(IV) OFF-BOARD FARE COLLECTION; (V) ELEVATED PLATFORMS; OR

(VI) ENHANCED STATIONS.

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

NOTE – THIS DEFINITION IS COMPLETELY VAGUE. WHAT DOES “TYPICALLY INCLUDES ANY NUMBER OF THE FOLLOWING:” ACTUALLY MEAN? IS THE “NUMBER” ZERO, ONE, OR TWO, OR WHAT? AND HOW MANY ARE NEEDED TO MAKE IT “TYPICALLY”

AND THIS DEFINITION IS CRITICAL TO ALL OF THE STUFF THAT FOLLOWS, ESPECIALLY THE DEFINITIONS IN 29-35-202.

THIS MUST GET FIXED!! IT MAKES ALL THE DIFFERENCE AS TO WHETHER THE BILL'S MANDATES APPLY OR NOT TO A TOWN OR OTHER COMMUNITY.

Page 12 (16) "URBAN BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID TRANSIT SERVICE THAT OPERATES ON A SURFACE STREET FOR THE MAJORITY OF ITS ROUTE.

Pages 10 and 11 " DISPLACEMENT MEANS:

- (a) THE INVOLUNTARY RELOCATION, DUE TO INCREASED REAL ESTATE PRICES, RENTS, PROPERTY REHABILITATION, REDEVELOPMENT, DEMOLITION OR OTHER ECONOMIC FACTORS OF LOW INCOME RESIDENTS OR OF LOW- OR LOCALLY-OWNED COMMUNITY-SERVICE BUSINESSES AND INSTITUTIONS IN LOW-INCOME AREAS; AND (b) INDIRECT DISPLACEMENT RESULTING FROM CHANGES IN NEIGHBORHOOD POPULATION, IF, WHEN LOW- INCOME MOVE OUT OF HOUSING UNITS, THOSE SAME HOUSING UNITS DO NOT REMAIN AFFORDABLE TO OTHER LOW-INCOME HOUSEHOLDS.

NOTE – BUT WHAT ABOUT PEOPLE WHO ARE NOT SO “LOW INCOME” BUT CANNOT AFFORD TO REPLACE THE HOUSE THEY BOUGHT OR BUILT DECADES AGO. WHERE DO THEY GO?

Page 11 "URBAN BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID TRANSIT SERVICE THAT OPERATES ON A SURFACE STREET FOR THE MAJORITY OF ITS ROUTE.

PAGE 12 TRANSIT ORIENTED COMMUNITIES

29-35-201 Legislative Declaration:

NOTE -- ALL OF THESE PAGES OF ARGUMENTS NEED A REAL CRITICAL LOOK BY PEOPLE WHO AREN'T TRUE BELIEVERS. JUST FOR EXAMPLE:

Page 15 (1) SCENARIOS ANALYZED FOR THE "COLORADO WATER AND GROWTH DIALOGUE FINAL REPORT" WITH HIGHER PERCENTAGE OF FUTURE HOUSING SHIFTING TO HIGHER DENSITIES WERE ESTIMATED TO ACHIEVE A TOTAL DECREASE IN WATER DEMAND BETWEEN BETWEEN FOUR AND EIGHT TENTHS PERCENT AND NINETEEN AND FOUR TENTHS PERCENT;

THIS IS HOGWASH. YOU CAN XERISCAPE LAND SO THAT IT USES NO WATER ON THE EXTERIOR, BUT YOU CAN'T XERISCAPE A MULTI UNIT APARTMENT BUILDING. THERE MAY BE A DECREASE IN CONSUMPTION PER UNIT BECAUSE OF LOWER OCCUPANCY PER UNIT, BUT NOT OVERALL.

AND THERE IS ZERO DISCUSSION OF THE EFFECTS OF CUTS OF COLORADO RIVER WATER TO FRONT RANGE CITIES DUE TO THEIR JUNIOR RIGHTS FOR THEIR TRANSMOUNTAIN DIVERSIONS. THESE CUTS COULD BE HUGE AND HAVE A MAJOR IMPACT ON SUPPLIES.

Page 20 29-35-202 Definitions

“Exempt Parcel” means:

NOTE – THIS EXEMPTS INDUSTRIAL LAND BUT NOT BUSINESS OR RESTAURANTS OR SHOPPING. WHAT EXACTLY IS THE INTENT? THAT ALL OF THOSE BE CONVERTED TO HIGH DENSITY HOUSING? AND IF SO, WHERE WILL ALL THESE COMMUTERS GO?

NOTE – IT’S ALSO INTERESTING THAT C.U. LAND IS NOT EXEMPT, SINCE IT IS NOT OWNED BY THE STATE, BUT BY THE REGENTS.

Page 21-22

1. (2) "HOUSING OPPORTUNITY GOAL" MEANS A GOAL FOR THE ZONING CAPACITY FOR RESIDENTIAL UNITS IN A TRANSIT-ORIENTED COMMUNITY. A LOCAL GOVERNMENT SHALL CALCULATE ITS HOUSING OPPORTUNITY GOAL PURSUANT TO SECTION 29-35-204 (2).

Page 23-25

(9) "TRANSIT AREA" MEANS BOTH A TRANSIT STATION AREA, AS DEFINED IN SUBSECTION (13) OF THIS SECTION, OR A TRANSIT CORRIDOR AREA, AS DEFINED IN SUBSECTION (11) OF THIS SECTION.

(10) "TRANSIT CENTER" MEANS AN AREA THAT BOTH MEETS THE REQUIREMENTS OF SECTION 29-35-206 AND IS DESIGNATED AS A TRANSIT CENTER BY A TRANSIT-ORIENTED COMMUNITY.

(11) "TRANSIT CORRIDOR AREA" MEANS THE TOTAL AREA, MEASURED IN ACRES, WITHIN A TRANSIT-ORIENTED COMMUNITY THAT IS WITHIN ONE-QUARTER MILE OF A PUBLIC BUS ROUTE AND THAT EITHER:

(a) HAS A SCHEDULED FREQUENCY OF FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS; OR

(b) IS AN URBAN BUS RAPID TRANSIT SERVICE.

(12) "TRANSIT-ORIENTED COMMUNITY" MEANS A LOCAL GOVERNMENT THAT:

(a) IS EITHER ENTIRELY OR PARTIALLY WITHIN A METROPOLITAN PLANNING ORGANIZATION;

(b) HAS A POPULATION OF FOUR THOUSAND OR MORE ACCORDING TO THE MOST RECENT DATA FROM THE STATE DEMOGRAPHY OFFICE;

(c) CONTAINS AT LEAST SEVENTY-FIVE ACRES OF TRANSIT AREA; AND

(d) IF THE LOCAL GOVERNMENT IS A COUNTY, CONTAINS EITHER:

(I) A PART OF A TRANSIT STATION AREA THAT IS BOTH IN AN UNINCORPORATED PART OF THE COUNTY AND WITHIN ONE-HALF MILE OF A TRANSIT STATION THAT SERVES ONE OR BOTH OF A COMMUTER RAIL OR A LIGHT RAIL SERVICE; OR

(II) A PART OF A TRANSIT CORRIDOR AREA THAT IS BOTH IN AN UNINCORPORATED PART OF THE COUNTY AND FULLY SURROUNDED BY ONE OR MORE MUNICIPALITIES.

(13) "TRANSIT STATION AREA" MEANS THE TOTAL AREA, MEASURED IN ACRES, WITHIN A TRANSIT-ORIENTED COMMUNITY THAT IS WITHIN ONE-HALF MILE OF A STATION THAT SERVES ONE OR MORE OF THE FOLLOWING:

(a) COMMUTER BUS RAPID TRANSIT SERVICE;

(b) COMMUTER RAIL;

(c) LIGHT RAIL; OR

(d) A PUBLIC BUS ROUTE THAT HAS A SCHEDULED FREQUENCY OF FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS AND OPERATES PRIMARILY ON AN INTERSTATE HIGHWAY.

NOTE – JUST TO POINT OUT, IF THE TRANSIT CORRIDOR IS ON A LIMITED ACCESS HIGHWAY, THERE WON'T BE TRANSIT STOPS FOR PEOPLE TO GET ON AND OFF. BUT THE HOUSING DENSITY REQUIREMENTS WILL STILL BE THE SAME. THAT'S CRAZY!

Page 26

(2) Housing opportunity goal calculation. A TRANSIT-ORIENTED COMMUNITY SHALL CALCULATE ITS HOUSING OPPORTUNITY GOAL BY MULTIPLYING THE TOTAL AREA OF THE TRANSIT AREAS WITHIN THE LOCAL GOVERNMENT'S JURISDICTION, EXCLUSIVE OF THE EXEMPT PARCELS IN THOSE TRANSIT AREAS, BY FORTY UNITS PER ACRE.

NOTE – SO DOES THIS MEAN THAT THE HOUSING OPPORTUNITY GOAL MUST BE SATISFIED BY HOUSING WITHIN THE TRANSIT AREAS? THE LEGISLATION IS SILENT ON THIS, THOUGH IT APPEARS CLEAR THAT THIS IS THE INTENT. THIS SHOULD BE MADE EXPLICIT.

BUT THEN, WHAT ABOUT ALL THE AFFORDABLE HOUSING EFFORTS THAT HAVE BEEN DONE THAT ARE NOT IN THESE TRANSIT AREAS? DON'T THEY COUNT? IF NOT, THAT'S TOTAL B.S.!

Page 27. (4) Housing opportunity goal compliance.

- (a) IF A TRANSIT-ORIENTED COMMUNITY DOES NOT MEET ITS HOUSING OPPORTUNITY GOAL ON OR BEFORE DECEMBER 31, 2026, THE DEPARTMENT SHALL DESIGNATE THE TRANSIT-ORIENTED COMMUNITY AS A NONQUALIFIED TRANSIT-ORIENTED COMMUNITY.
- (b) ON OR BEFORE DECEMBER 31, 2027, A TRANSIT-ORIENTED COMMUNITY SHALL MEET ITS HOUSING OPPORTUNITY GOAL.
- (c) TO ENSURE THAT A TRANSIT-ORIENTED COMMUNITY MEETS ITS HOUSING OPPORTUNITY GOAL, A TRANSIT-ORIENTED COMMUNITY SHALL:
 - (I) DESIGNATE AREAS WITHIN THE TRANSIT-ORIENTED COMMUNITY AS TRANSIT CENTERS AND ENSURE THAT THOSE AREAS SATISFY THE REQUIREMENTS IN SECTION 29-35-206;
 - (II) ENSURE THAT THE TOTAL ZONING CAPACITY FOR ALL TRANSIT CENTERS WITHIN THE TRANSIT-ORIENTED COMMUNITY IS GREATER THAN OR EQUAL TO THE TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL; AND
 - (III) SUBMIT A HOUSING OPPORTUNITY GOAL REPORT AND HAVE

THE REPORT APPROVED BY THE DEPARTMENT PURSUANT TO SUBSECTION (8) OF THIS SECTION.

Page 28 –

(5) Insufficient water supplies for meeting a housing opportunity goal. (a) ON OR BEFORE DECEMBER 31, 2026, AND EVERY THREE YEARS THEREAFTER, A TRANSIT-ORIENTED COMMUNITY MAY NOTIFY THE DEPARTMENT, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, THAT A WATER SUPPLY ENTITY, AS DEFINED IN SECTION 29-20-302 (2), THAT SUPPLIES WATER TO AN AREA WITHIN THE TRANSIT-ORIENTED COMMUNITY HAS DETERMINED THAT THE WATER SUPPLY ENTITY DOES NOT HAVE SUFFICIENT AVAILABLE WATER SUPPLIES DURING THE MOST RECENT THREE-YEAR PERIOD TO PROVIDE THE DOMESTIC WATER SERVICE NECESSARY TO MEET THE TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL IN THAT AREA. THE WATER SUPPLY ENTITY SHALL PROVIDE INFORMATION AND ASSISTANCE AS NECESSARY TO COMPLETE THE NOTICE ALLOWED BY THIS SUBSECTION (5). THE NOTICE ALLOWED BY THIS SUBSECTION (5) MUST INCLUDE, BUT IS NOT LIMITED TO:

NOTE – THIS IS SO FAR FROM RELATING TO COLORADO'S WATER SITUATION THAT IT IS LUDICROUS!

FIRST OFF, THE GRAMMAR IS WACKY: IT SAYS, "...DOES NOT HAVE SUFFICIENT SUPPLY DURING THE MOST RECENT THREE-YEAR PERIOD". IT'S USING PRESENT TENSE TO REFER TO A PAST EVENT.

BUT MOST IMPORTANTLY, WATER SUPPLY PLANNING SHOULD LOOK DECADES (OR CENTURIES) INTO THE FUTURE, NOT AT THE "MOST RECENT THREE-YEAR PERIOD" IN THE PAST.

IF A FRONT RANGE COMMUNITY IS RELYING ON COLORADO RIVER WATER, AS ALMOST ALL THE CITIES DO, THEY MAY GET WATER FOR THE NEXT 5-10 YEARS, AND THEN GET CUT OFF.

OR, IF A TOWN OR CITY IS RELYING ON GROUND WATER FROM WELLS, AND THE LEVEL IS DROPPING, THEY MAY HAVE A SUPPLY FOR SOME YEARS MORE AND THEN GO COMPLETELY DRY. THIS IS PREDICTIBLE, BUT IT'S MUCH FURTHER OUT THAN 3 YEARS.

Page 29 -30

(6) Affordability strategies.

(a) ON OR BEFORE DECEMBER 31, 2026, A TRANSIT-ORIENTED COMMUNITY SHALL IDENTIFY AFFORDABILITY STRATEGIES THAT IT WILL IMPLEMENT OR HAS WHILE MEETING ITS HOUSING OPPORTUNITY GOAL. IN SO DOING, THE TRANSIT-ORIENTED COMMUNITY SHALL IDENTIFY AFFORDABILITY STRATEGIES BASED ON THE DEMONSTRATED HOUSING NEEDS WITHIN THE TRANSIT-ORIENTED COMMUNITY INCLUDING FOR-SALE AND RENTAL HOUSING NEEDS AND THE HOUSING NEEDS OF LOW-, MODERATE-, AND MEDIUM-INCOME HOUSEHOLDS, AS DESIGNATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(b) (I) ON OR BEFORE DECEMBER 31, 2026, A TRANSIT-ORIENTED COMMUNITY SHALL INCLUDE THE FOLLOWING IN ITS HOUSING OPPORTUNITY GOAL REPORT SUBMITTED PURSUANT TO SUBSECTION (8)(a)(IV) OF THIS SECTION:

(A) AT LEAST TWO STRATEGIES INCLUDED IN THE STANDARD AFFORDABILITY STRATEGIES MENU DESCRIBED IN SECTION 29-35-209 (1) THAT THE TRANSIT-ORIENTED COMMUNITY IDENTIFIED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION AND INTENDS TO IMPLEMENT;

(B) AT LEAST ONE STRATEGY INCLUDED IN THE LONG-TERM AFFORDABILITY STRATEGIES MENU DESCRIBED IN SECTION 29-35-209 (2) THAT THE TRANSIT-ORIENTED COMMUNITY IDENTIFIED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION AND INTENDS TO IMPLEMENT; AND

(C) AN IMPLEMENTATION PLAN DESCRIBING HOW THE TRANSIT-ORIENTED COMMUNITY HAS OR WILL IMPLEMENT THE AFFORDABILITY STRATEGIES IDENTIFIED PURSUANT TO SUBSECTIONS (6)(b)(I)(A) AND (6)(b)(I)(B) OF THIS SECTION.

(II) FOR PURPOSES OF SATISFYING THE REQUIREMENTS OF THIS SUBSECTION (6)(b), A TRANSIT-ORIENTED COMMUNITY SHALL NOT:

(A) COUNT ONE OR BOTH OF THE STRATEGIES DESCRIBED IN SECTIONS 29-35-209 (1)(e) AND 29-35-209 (2)(c) TOWARDS SATISFYING THE REQUIREMENTS OF BOTH SUBSECTIONS (6)(b)(I)(A) AND (6)(b)(I)(B) OF THIS SECTION; OR

(B) COUNTY STRATEGY DESCRIBED IN SECTION 29-35-209 THAT IS OTHERWISE REQUIRED BY STATE LAW.

NOTE - THIS IS THE USUAL NONSENSE – IT HAS NO QUANTITATIVE STANDARDS TO BE MET, NOR A LIST OF ACCEPTABLE STRATEGIES. SO ALL OF THIS VERBIAGE DOESN'T ACCOMPLISH ANYTHING. ZERO!

PAGE 42-44

29-35-209. Standard affordability strategies menu - long-term affordability strategies menu - alternative affordability strategies - impact fees.

(1) Standard affordability strategies menu. ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT SHALL DEVELOP A STANDARD AFFORDABILITY STRATEGIES MENU FOR TRANSIT-ORIENTED COMMUNITIES AND UPDATE THIS MENU AS NECESSARY. THE MENU MUST INCLUDE THE FOLLOWING STRATEGIES:

(a) IMPLEMENTING A LOCAL INCLUSIONARY ZONING ORDINANCE THAT ACCOUNTS FOR LOCAL HOUSING MARKET CONDITIONS, IS CRAFTED TO MAXIMIZE REGULATED AFFORDABLE HOUSING PRODUCTION BY LEVERAGING PUBLIC RESOURCES, AND COMPLIES WITH THE REQUIREMENTS OF SECTION 29-20-104 (1)(e.5) AND (1)(e.7);

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

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

(d) ESTABLISHING A DENSITY BONUS PROGRAM FOR TRANSIT CENTERS THAT GRANTS INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT FOR REGULATED AFFORDABLE HOUSING UNITS;

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

(f) REDUCING LOCAL PARKING REQUIREMENTS FOR REGULATED AFFORDABLE HOUSING TO ONE-HALF SPACE PER UNIT OF REGULATED AFFORDABLE HOUSING, WITHOUT LOWERING THE PROTECTIONS PROVIDED FOR INDIVIDUALS WITH DISABILITIES, INCLUDING THE NUMBER OF PARKING SPACES FOR INDIVIDUALS WHO ARE MOBILITY IMPAIRED, UNDER THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ., AND PARTS 6 AND 8 OF ARTICLE 34 OF TITLE 24; EXCEPT THAT, UPON THE PASSAGE OF HOUSE BILL 24-1304, THIS SUBSECTION (1)(f) SHALL NOT BE IDENTIFIED BY A TRANSIT-ORIENTED

COMMUNITY AS AN AFFORDABILITY STRATEGY THAT SATISFIES THE REQUIREMENTS OF 29-35-204 (6)(b)(I)(A);

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

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

(2) Long-term affordability strategies menu. ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT SHALL DEVELOP A LONG-TERM AFFORDABILITY STRATEGIES MENU AND SHALL UPDATE THIS MENU AS NECESSARY. THE MENU MUST INCLUDE THE FOLLOWING STRATEGIES:

(a) ESTABLISHING A DEDICATED LOCAL REVENUE SOURCE FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT, SUCH AS INSTITUTING A LINKAGE FEE ON MARKET RATE TO SUPPORT NEW REGULATED AFFORDABLE HOUSING DEVELOPMENTS;

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

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

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

(e) ESTABLISHING AN AFFORDABLE HOMEOWNERSHIP STRATEGY SUCH AS:

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

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

(III) ESTABLISHING AN AFFORDABLE RENT-TO-OWN PROGRAM; OR

(IV) INCENTIVIZING AFFORDABLE CONDOMINIUM DEVELOPMENTS; AND

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

(3) Alternative affordability strategies. A TRANSIT-ORIENTED COMMUNITY MAY SUBMIT AN EXISTING OR PROPOSED LOCAL LAW OR PROGRAM, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, TO THE DEPARTMENT, AND THE DEPARTMENT MAY DETERMINE THAT THE ADOPTION OF THAT LOCAL LAW OR PROGRAM QUALIFIES AS AN AFFORDABILITY STRATEGY FOR PURPOSES OF SECTION 29-35-204 (6)(a) AND (6)(b), SO LONG AS THE LOCAL LAW OR PROGRAM SUPPORTS EQUAL OR GREATER OPPORTUNITY FOR AND ACCESSIBLE UNITS THAN THE STRATEGIES DESCRIBED IN SUBSECTIONS (1) AND (2) OF THIS SECTION.

(4) Impact fees. NOTHING IN THIS SECTION INTERFERES WITH A LOCAL GOVERNMENT'S AUTHORITY TO SET AND COLLECT IMPACT FEES.

NOTE – THESE ARE INCREDIBLY WEAK, BECAUSE. THERE ARE NO QUANTITATIVE STANDARDS FOR WHAT THESE AFFORDABILITY STRATEGIES MUST ACCOMPLISH– NONE WHATSOEVER! FOR EXAMPLE, WHAT PERCENTAGE OF NEW UNITS MUST BE AFFORDABLE TO PEOPLE OF UNDER 80% OF AREA MEDIAN INCOME? UNDER 60% OF AMI? WILL JOBS HOUSING LINKAGE FEES BE ADEQUATE TO HOUSE ALL WORKERS WHO COULD NOT AFFORD TO LIVE WHERE THEY WORK? IF NOT, WHAT PERCENTAGE WILL IT ACCOMPLISH? IT APPEARS FROM THE LANGUAGE THAT THE WRITER DOESN'T EVEN UNDERSTAND HOW LINKAGE FEES WORK OR WHAT THEY DO. WILL THE DEED RESTRICTION PROGRAM CAPTURE 1% OF HOUSING EACH YEAR? OR 2% OR MORE? ETC, ETC.

Page 45-46

- 1. 29-35-210. Displacement risk assessment - displacement mitigation strategies menu - displacement mitigation strategies menu goals - alternative displacement mitigation strategies.**

NOTE – THIS SECTION FAILS TO EVEN NOTE THAT ORDINARY PEOPLE WILL ALSO BE DISPLACED BY TEARING DOWN THEIR NEIGHBORHOODS AND LEAVING THEM TO DEAL WITH THIS ON THEIR OWN. FOR EXAMPLE, THERE ARE PLENTY OF SENIORS THAT ARE “AGING IN PLACE” WHO WILL HAVE TO FIND SOMEWHERE ELSE TO LIVE, AS THEIR PROPERTY TAXES ARE PUSHED WAY UP BECAUSE OF THE INCREASED LAND VALUES. WHAT ARE THEY GOING TO DO?

- 1. Page 52 (8) Transit-oriented communities infrastructure fund.**

NOTE – THIS BILL WILL REQUIRE A LOT OF NEW INFRASTRUCTURE TO SERVE ALL OF THESE MILLIONS OF NEW RESIDENTS. BUT THERE ARE NO REQUIREMENTS FOR HOW THIS WILL BE PAID, OR WHETHER IMPACT FEES WILL BE ALLOWED. IN FACT, THE BILL ALLOWS RELIEF FROM IMPACT FEES FOR THIS NEW DEVELOPMENT. SO WHO WILL PAY THEN?

City of Boulder Testimony on [HB24-1313](#),

Housing in Transit Oriented Communities

Tuesday, April 23, 2024, 2:00 p.m. Senate Committee Room 352

[Senate Committee on Local Government & Housing](#)

Good afternoon, Chair Exum and members of the [committee](#). My name is Aaron Brockett, I am the Mayor of the City of Boulder and I am speaking on behalf of the city today. I want to thank Senators Hansen and Winter for sponsoring HB24-1313 and respectfully urge the committee to support it along with the amendments I understand they will introduce that respond to a couple of concerns we asked be addressed.

Boulder, along with much of Colorado, is facing a housing crisis. An estimated 60,000 workers commute to our city every day. For a city of 108,000, that's a huge influx of people — a lot of traffic, a lot of emissions, a lot of people who might want to live in the community they contribute their labor to.

In order to provide additional desperately needed housing, my city council colleagues and I recently adopted a series of reforms to our land use code including unanimously adopting an ordinance revising zoning standards in much of our city to promote affordable housing. This ordinance removes barriers to more housing by updating density calculations, applying more flexible setback and subdivision regulations to encourage townhouses, and less process for parking reduction requests. The changes also streamline some regulations to encourage more middle housing (e.g., housing types like duplexes, triplexes, quadplexes and townhouses) and generally more modest sized housing. It allows for the possibility of more housing units, particularly in commercial areas and neighborhood centers, and permits duplexes and triplexes in low density areas if density requirements are met. Previously duplexes and triplexes were prohibited in many parts of the city.

In adopting these rules, we decided to embrace both a market approach to increase the supply of housing units combined with our regulatory requirement that 25 percent of all new residential developments be deed restricted as permanently affordable. Each of these approaches is important, yet they need not be rigidly connected. Even without requirements for affordability, allowing for an increased supply of units puts a downward pressure on housing prices.

Boulder has more work to do to update our zoning to allow even more housing in our boundaries, especially along our most frequent transit corridors. In fact, the passage of HB24-1313 would require us to make such changes. However, our city council is committed to working on that, so we would welcome that directive. While it may seem counter-intuitive to support a state mandate, we realize that no city can solve regional housing affordability on its own. While we are committed to removing more barriers to housing in transit-oriented areas, there is a housing crisis throughout our region and the state, and the state programs proposed by HB1313 provide significant opportunities to for Boulder to further incentivize density where its needed thereby increasing transit-friendly housing and furthering our climate action goals. It's important for the state to take measures like this to create a baseline of housing availability throughout the region.

Thank you for your time and consideration.

4/23/24

Good afternoon Senators Tony Exum, Julie Gonzalez, Bryon Pelton, Ron Pelton, Janice Rich, Faith Winter, Sonya Jaquez Lewis, and Governor Polis,

I came to testify about HB 24-1313, as I feel this is a badly constructed bill, and in light of Prop. HH last November, it would be hard to explain to the citizens of Colorado.

I am a Colorado native and a resident of Jefferson County. I oppose this bill as it removes zoning authority from cities and counties of the state of Colorado. Additionally, I have particular concerns that the county planning commission of Jefferson County, which has been trying to address some of these issues by creating activity centers in unincorporated Jefferson County, will have their authority stripped and their plans stepped on. Because Jefferson County is a unique combination of mountain and urban settings, I believe the best planning will come at the local level.

The worst part of the bill is the Dola oversight if the county does not comply by the timeline dictated by the bill.

This country was founded by people that wanted their own property. To remove the local elected officials from the interaction between citizens and their property and replace it with a one size fits all solution is wrong.

Lastly, I will say this Martin Luther King said Sunday's coming, and I say November is coming.


Joan Poston MT(ASCP)

303-618-8923

Joan_poston@icloud.com

Sent from my iPhone



Compose

Inbox

8

Starred

Snoozed

Sent

Drafts

8

More

My name is Terri Carver and I reside in El Paso County. I am writing in opposition to HB24-1313, and asking t
Governor Polis tried to push through a terrible land use bill that was a direct state preemption of local zoning c
This 2024 bill has the same goal but uses a financial bludgeon of losing transportation funding if the local gove
1313 edict--either build high density housing where the state says or lose transportation funding.

This bill (HB24-1313) **completely disregards local views** on the desirability of higher density housing, limited
transit), negative impacts on traffic congestion, public safety issues for viable emergency evacuation routes, ar
sewage, school capacity, fire stations, and other public safety capacity.

I ask for a no vote on this bill which silences our local voices on where and when to build higher density housir

Labels

Respectfully Submitted,

Terri Carver

Will do.

Printed.

Yes, I will.

Reply

Forward

