

Esteemed members of the State, Veterans, and Military Affairs Committee,

I write today with thanks to the sponsors of SB22-063 (“Property Ownership Fairness Act”) and support its continuance and passage following certain amendments.

I want to thank this bill’s sponsors for recognizing the dire shortage of housing in Colorado, detailing the scale of the issue in this bill text, and drafting legislation to help eliminate harmful barriers to the creation of safe and abundant housing for current and future Coloradans. I join the sponsors in emphasizing the seriousness and scope of this plight, as well as the negative impact that both recent and historical anti-growth ordinances have had on our state’s capability to adequately house its citizens. I support in full the levy of a significant cost and limitations upon municipalities who seek to exclude plentiful and diverse housing types from their communities.

My hesitation in supporting this bill as written, and the reason that I write with a position of “amend”, is that I worry that the current text could be interpreted to allow for two undesirable outcomes, as described below.

1. It could create an additional expense and legal headache for governments attempting to make good on last year’s HB21-1117, which allows for the introduction of inclusionary housing mandates (or fee-in-lieu alternatives). The introduction of these mandates or fees themselves could be interpreted as reducing the value of a property owner’s land, opening a municipality to compensation demands. I ask that we craft additional language to make it clear that the linkage fees and inclusionary ordinances that arise from HB21-1117 will not justify a property owner’s entitlement compensation for a land use law.
2. It could similarly impact municipalities’ capabilities to implement laws protecting residents from environmentally-damaging nuisances such as oil-and-gas wells, refineries, and more, given the definition of “utility” may be unclear. The original, pre-Euclidian intent of zoning laws in the late 19th century was to prevent the operation of noxious or dangerous land uses near the citizenry, and while the tools of zoning that sprung from this intent have assuredly been corrupted in the time since, there remains value in protecting governmental powers that shield citizens from the socialized harm of some private developments. Here again, I would ask that language be included to specifically exempt noxious uses from the roster of land use laws that allow a property owner to seek compensation.

I wish to conclude by again thanking this bill’s sponsors for this timely effort, and ask that this committee seek to improve upon the bill before sending it to the floor, and would ultimately desire that a bill with this intent passes during this year’s legislative session

Thank you,

Jonathan Pira

Senate State, Veterans, & Military Affairs
 02/08/2022 02:00 PM
 SB22-063 Property Ownership Fairness Act
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Joey Nedland Amend Self	<p>I write today in support of the final element of SB22-063, which would prohibit governmental entities from enacting land use laws which cap the number of building permits issued in a given year or period to hamper development. This ban on growth caps is long overdue in the state of Colorado, as all cities, municipalities, and counties ought to enable their citizens to add housing stock to accommodate the influx of new residents to Denver. While this proposed ban is a fantastic step forward, its inclusion alongside a broad measure focused on individual remuneration serves to elide the broader need to take action at building permit level. Clauses such as 38-2.5-102 subpoint F provide a clear and cogent argument for the harms caused by Colorado cities preventing new building wholecloth; while a 'takings clause', or legislation dealing with payment to individuals unjustly burdened may well be good policy and something the legislature can move to address, I believe this bill should focus entirely on banning growth caps in cities and be enacted as soon as possible. Paring down the bill in this way would make the clearest statement possible that Colorado is open to newcomers and welcomes its existing residents to stay. I urge this committee to reconsider the scope of its immediate proceedings.</p>
Chris Miller Amend Self	<p>To the Committee,</p> <p>My name is Chris Miller, and I am a board member of YIMBY Denver and my Registered Neighborhood Organization. I provide testimony on my own behalf today.</p> <p>To Sens Liston and Pico, I thank you for bringing this matter. I wrote a year ago that "...local control still means control, and so your freedom depends on which city you live in." This levels the playing field across the state of Colorado, making our rights stronger and more uniform. This is how our rights should be. (https://coloradosun.com/2021/03/06/infrastructure-zoning-opinion/)</p> <p>To the other members, I encourage your support. So-called municipal "growth" caps do not prohibit growth, they prohibit *housing*. As long as parents love their children, we will continue to grow. These housing caps determine who is and is not worthy of having a roof over their head. I take the radical position that everyone should be able to find shelter.</p> <p>Single-unit zoning started in Berkeley with the explicit purpose of segregating people, and I don't know how time would dull the intent of</p>

	<p>segregation. This bill thwarts those who would write segregation into zoning code, a generally arcane slice of the law.</p> <p>I take an Amend position today to ask that the committee work to ensure that the contours of the bill do NOT look like Amendment 74 from 2018, a potential unintended consequence.</p> <p>Thank you</p>
Jackson Cohen For Self	<p>For too long we have allowed individuals to prevent people from moving into their neighborhood. This puts a societal cost on all of us. The growth caps in Boulder and Lakewood are infringements of the rights of property owners and a root cause of the housing crisis we face. It must not be allowed to continue.</p>
Robert Sotolar Amend Self	<p>Committee members,</p> <p>I am writing in support of SB22-063, as it would be a meaningful step towards addressing Colorado's housing supply shortage. It would prohibit local land use laws that arbitrarily limit development and give property owners the right to seek financial compensation when local governments try to artificially limit the amount of housing that property owners can build on their land. As a lifelong Democratic voter, it saddens me to say that our Democratically-controlled city councils in Colorado have been some of the worst offenders in terms of the anti-housing policies this bill aims to prevent.</p> <p>At a certain point, we have to face the reality that the housing affordability crisis is a housing supply crisis. There is no feasible or ethical way of limiting the demand for housing in Colorado - we cannot "build a wall" around our neighborhoods, our cities, or our state, nor should we.</p> <p>Nor can we subsidize our way out of a housing shortage. Subsidized affordable housing addresses the symptoms of the crisis and not the cause, and it is simply not a scalable solution.</p> <p>The only way to prevent housing prices from exploding and pricing existing and future Coloradans out is to allow the market to supply housing at a level that keeps pace with demand. It's time to build more housing of all types throughout our cities.</p> <p>I urge the members of this committee - Democrat and Republican alike - to engage with this bill in good faith, while revising the "takings" language. Thank you.</p>