

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

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LLS NO. 23-0890.01 Pierce Lively x2059

SENATE BILL

SENATE SPONSORSHIP

Moreno,

HOUSE SPONSORSHIP

Jodeh and Woodrow,

BILL TOPIC: Affordable Housing

A BILL FOR AN ACT

101 **CONCERNING STATE LAND USE REQUIREMENTS, AND, IN CONNECTION**
102 **THEREWITH, ESTABLISHING A PROCESS TO DIAGNOSE AND**
103 **ADDRESS HOUSING NEEDS ACROSS THE STATE, ADDRESSING**
104 **REQUIREMENTS FOR THE REGULATION OF ACCESSORY**
105 **DWELLING UNITS, MIDDLE HOUSING, TRANSIT-ORIENTED AREAS,**
106 **KEY CORRIDORS, AND MANUFACTURED AND MODULAR HOMES,**
107 **PROHIBITING CERTAIN PLANNED UNIT DEVELOPMENT**
108 **RESOLUTIONS, PROHIBITING A LOCAL GOVERNMENT FROM**
109 **ENFORCING CERTAIN OCCUPANCY LIMITS, MODIFYING THE**
110 **CONTENT REQUIREMENTS FOR COUNTY AND MUNICIPAL MASTER**
111 **PLANS, PROHIBITING CERTAIN MUNICIPALITIES FROM IMPOSING**
112 **MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL**
113 **UNITS, REQUIRING ENTITIES TO SUBMIT A COMPLETED AND**

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

101 VALIDATED WATER LOSS AUDIT REPORT TO THE COLORADO
102 WATER CONSERVATION BOARD, PROHIBITING A UNIT OWNERS'
103 ASSOCIATION FROM PROHIBITING CERTAIN KINDS OF HOUSING,
104 REQUIRING THE TRANSPORTATION COMMISSION AND THE
105 DEPARTMENT OF TRANSPORTATION TO MODIFY THE STATE
106 HIGHWAY ACCESS CODE, CRITERIA FOR CERTAIN GRANT
107 PROGRAMS, AND EXPENDITURES FROM THE MULTIMODAL
108 TRANSPORTATION OPTIONS FUND TO ALIGN WITH STATE
109 STRATEGIC GROWTH OBJECTIVES, AND MAKING AN
110 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 planning. The executive director of the department of local affairs (director) shall, no later than December 31, 2024, and every 5 years thereafter, issue methodology for developing statewide, regional, and local housing needs assessments. The statewide housing needs assessment must determine existing statewide housing stock and current and future housing needs. The regional housing needs assessments must allocate the addressing of housing needs identified in the statewide housing needs assessment to regions of the state. Similarly, the local housing needs assessments must allocate the addressing of the housing needs allocated in the regional housing needs assessment to localities in the relevant region.

The director shall, no later than December 31, 2024, issue guidance on creating a housing needs plan for both a rural resort job center municipality and an urban municipality. Following this guidance, no later than December 31, 2026, and every 5 years thereafter, a rural resort job center municipality and an urban municipality shall develop a housing needs plan and submit that plan to the department of local affairs (department). A housing needs plan must include, among other things, descriptions of how the plan was created, how the municipality will address the housing needs it was assigned in the local housing needs assessment, affordability strategies the municipality has selected to address its local housing needs assessment, an assessment of

displacement risk and any strategies selected to address identified risks, and how the locality will comply with other housing requirements in this bill.

The director shall, no later than December 31, 2024, develop and publish a menu of affordability strategies to address housing production, preservation, and affordability. Rural resort job center municipalities and urban municipalities shall identify at least 2 of these strategies that they intend to implement in their housing plan, and urban municipalities with a transit-oriented area must identify at least 3.

The director shall, no later than December 31, 2024, develop and publish a menu of displacement mitigation measures. This menu must, among other things, provide guidance for how to identify areas at the highest risk for displacement and identify displacement mitigation measures that a locality may adopt. An urban municipality must identify which of these measures it intends to implement in its housing plan to address any areas it identifies as at an elevated risk for displacement.

The director shall, no later than March 31, 2024, publish a report that identifies strategic growth objectives that will incentivize growth in transit-oriented areas and infill areas and guide growth at the edges of urban areas. The multi-agency advisory committee shall, no later than March 31, 2024, submit a report to the general assembly concerning the strategic growth objectives.

The bill establishes a multi-agency advisory committee and requires that committee to conduct a public comment and hearing process on and provide recommendations to the director on:

- Methodologies for developing statewide, regional, and local housing needs assessments;
- Guidance for creating housing needs plans;
- Developing a menu of affordability strategies;
- Developing a menu of displacement mitigation measures;
- Identifying strategic growth objectives; and
- Developing reporting guidance and templates.

A county or municipality within a rural resort region shall participate in a regional housing needs planning process. This process must encourage participating counties and municipalities to identify strategies that, either individually or through intergovernmental agreements, address the housing needs assigned to them. A report on this process must be submitted to the department. Further, within 6 months of completing this process, a rural resort job center municipality shall submit a local housing needs plan to the department. Once a year, both rural resort job centers and urban municipalities shall report to the department on certain housing data.

A multi-agency group created in the bill and the division of local government within the department shall provide assistance to localities in complying with the requirements of this bill. This assistance must

include technical assistance and a grant program.

Accessory dwelling units. The director shall promulgate an accessory dwelling unit model code that, among other things, requires accessory dwelling units to be allowed as a use by right in any part of a municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a municipality does not adopt the accessory dwelling unit model code, the municipality shall adhere to accessory dwelling unit minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow accessory dwelling units as a use by right in any part of the municipality where the municipality allows single-unit detached dwellings as a use by right;
- Only adopt or enforce local laws concerning accessory dwelling units that use objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning accessory dwelling units that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of accessory dwelling units infeasible.

Middle housing. The director shall promulgate a middle housing model code that, among other things, requires middle housing to be allowed as a use by right in any part of a rural resort job center municipality or a tier one urban municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the middle housing model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow middle housing as a use by right in certain areas;
- Only adopt or enforce local laws concerning middle housing that use objective standards and procedures;
- Allow properties on which middle housing is allowed to be split by right using objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning middle housing that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or

construction of middle housing infeasible.

Transit-oriented areas. The director shall promulgate a transit-oriented area model code that, among other things, imposes minimum residential density limits for multifamily residential housing and mixed-income multifamily residential housing and allows these developments as a use by right in the transit-oriented areas of tier one urban municipalities. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a tier one urban municipality does not adopt the transit-oriented model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Create a zoning district within a transit-oriented area in which multifamily housing meets a minimum residential density limit and is allowed as a use by right; and
- Not apply standards that make the permitting, siting, or construction of multifamily housing in transit-oriented areas infeasible.

Key corridors. The director shall promulgate a key corridor model code that applies to key corridors in rural resort job center municipalities and tier one urban municipalities. The model code must, among other things, include requirements for:

- The percentage of units in mixed-income multifamily residential housing that must be reserved for low- and moderate-income households;
- Minimum residential density limits for multifamily residential housing; and
- Mixed-income multifamily residential housing that must be allowed as a use by right in key corridors.

The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the key corridor model code, the municipality shall adhere to key corridor minimum standards promulgated by the director and developed by the department. These minimum standards, among other things, must identify a net residential zoning capacity for a municipality and must require a municipality to:

- Allow multifamily residential housing within key corridors that meets the net residential zoning capacity as a use by right;
- Not apply standards that make the permitting, siting, or

- construction of multifamily housing in certain areas infeasible; and
- Not adopt, enact, or enforce local laws that make satisfying the required minimum residential density limits infeasible.

The committee shall provide recommendations to the director on promulgating these minimum standards. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Adoption of model codes and minimum standards. A relevant municipality shall adopt either the model code or local laws that satisfy the minimum standards concerning accessory dwelling units, middle housing, transit-oriented areas, and key corridors. Furthermore, a municipality shall submit a report to the department demonstrating that it has done so. If a municipality fails to adopt either the model code or local laws that satisfy the minimum standards by a specified deadline, the relevant model code immediately goes into effect, and municipalities shall then approve any proposed projects that meet the standards in the model code using objective procedures. However, a municipality may apply to the department for a deadline extension for a deficiency in water or wastewater infrastructure or supply.

Additional provisions. The bill also:

- Requires the advisory committee on factory-built structures and tiny homes to produce a report on the opportunities and barriers in state law concerning the building of manufactured homes, mobile homes, and tiny homes;
- Removes the requirements that manufacturers of factory-built structures comply with escrow requirements of down payments and provide a letter of credit, certificate of deposit issued by a licensed financial institution, or surety bond issued by an authorized insurer;
- Prohibits a planned unit development resolution or ordinance for a planned unit with a residential use from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors in a way not allowed by this bill;
- Prohibits a local government from enacting or enforcing residential occupancy limits that differ based on the relationships of the occupants of a dwelling;
- Modifies the content requirements for a county and municipal master plan, requires counties and municipalities to adopt or amend master plans as part of an inclusive process, and requires counties and municipalities to submit master plans to the department;
- Allows a municipality to sell and dispose of real property and public buildings for the purpose of providing property

to be used as affordable housing, without requiring such a sale to be submitted to the voters of the municipality;

- Requires the approval process for manufactured and modular homes to be based on objective standards and administrative review equivalent to the approval process for site-built homes;
- Prohibits a municipality from imposing more restrictive standards on manufactured and modular homes than the municipality imposes on site-built homes;
- Prohibits certain municipalities from imposing minimum square footage requirements for residential units in the approval of residential dwelling unit construction permits;
- Requires certain entities to submit to the Colorado water conservation board (board) a completed and validated water loss audit report pursuant to guidelines that the board shall adopt;
- Allows the board to make grants from the water efficiency grant program cash fund to provide water loss audit report validation assistance to covered entities;
- Allows the board and the Colorado water resources and power development authority to consider whether an entity has submitted a required audit report in deciding whether to release financial assistance to the entity for the construction of a water diversion, storage, conveyance, water treatment, or wastewater treatment facility;
- Prohibits a unit owners' association from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors;
- Requires the department of transportation to ensure that the prioritization criteria for any grant program administered by the department are consistent with state strategic growth objectives, so long as doing so does not violate federal law;
- Requires any regional transportation plan that is created or updated to address and ensure consistency with state strategic growth objectives;
- Requires that expenditures for local and state multimodal projects from the multimodal transportation options fund are only to be made for multimodal projects that the

- department determines are consistent with state strategic growth objectives; and
- For state fiscal year 2023-24, appropriates \$15,000,000 from the general fund to the housing plans assistance fund and makes the department responsible for the accounting related to the appropriation.

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

2 **SECTION 1. Legislative declaration.** (1) (a) (I) The general
3 assembly finds and declares that:

4 (A) Colorado housing is currently among the most expensive in
5 the nation. In 2021, Colorado had the sixth highest median home values
6 and the fourth highest median gross rent but only the tenth highest median
7 income, according to the state demographer;

8 (B) Between 2010 and 2021, the percentage of Coloradans
9 making less than seventy-five thousand dollars a year who were housing
10 cost-burdened, meaning they spend more than thirty percent of their
11 income on housing needs, increased from fifty-four percent to sixty-one
12 percent, and, for renters making less than seventy-five thousand dollars
13 a year, that percentage increased from fifty-nine percent to seventy-three
14 percent, according to the American Community Survey;

15 (C) Colorado's housing supply has not kept pace with population
16 growth. Between 2010 and 2020, the state added one hundred twenty-six
17 thousand fewer housing units than in the prior decade, despite the
18 population increasing by a similar amount in each decade. The state has
19 a current unmet housing need of between sixty-five thousand and ninety
20 thousand units, according to the state demographer;

21 (D) Many cities restrict the development of more compact
22 affordable home types, such as accessory dwelling units, townhomes,

1 duplexes, and multifamily homes, on most of their residential land;

2 (E) The ten largest municipalities in the Denver metropolitan area
3 allow single-unit detached dwellings as a use by right on over eighty-five
4 percent of their residential land, compared to allowing as a use by right
5 an estimated twenty-four percent of their residential land for accessory
6 dwelling units, thirty-three percent of their residential land for
7 townhomes, thirty-one percent of their residential land for duplexes up to
8 quadplexes, and thirty-five percent of their residential land for
9 multifamily homes, according to publicly available zoning data;

10 (F) The ten largest municipalities in the Denver metropolitan area
11 require a minimum lot size of over five thousand square feet on more than
12 half of their residential land, according to publicly available zoning data;

13 (G) These types of common zoning practices make it difficult to
14 build more affordable home types and have historically been used to
15 exclude low-income residents and renters; and

16 (H) To stabilize housing prices and ensure development of
17 housing to meet the state's growing need, the state must increase its
18 housing supply to address the unmet housing need from the past decade,
19 and plan for future household growth;

20 (II) Therefore, the general assembly finds, determines and
21 declares that the lack of housing is a critical problem that threatens the
22 economic, environmental, and social quality of life in Colorado.

23 (b) (I) The general assembly finds and declares that:

24 (A) The consequences of land use policies that limit housing
25 supply and diversity include a lack of housing that is affordable to
26 Coloradans of low and moderate incomes, a lack of housing to support
27 employment growth, an imbalance in jobs and housing, segregated and

1 unequal communities, reduced mobility and long commutes, loss of open
2 space and agricultural land, high water usage, and increased greenhouse
3 gas and air pollution;

4 (B) When a local government's policies reduce and limit the
5 supply of housing, neighboring local governments are also affected by
6 more people seeking affordable housing; and

7 (C) People are not able to live near where they work, leading to
8 longer commutes, putting additional strain on Colorado's roads, and
9 increasing pollution.

10 (II) Therefore, the general assembly finds, determines, and
11 declares that the lack of housing supply and unsustainable development
12 patterns are partially caused by local government policies that effectively
13 limit the construction of a diverse range of housing types in areas already
14 served by infrastructure or in close proximity to jobs and public transit.

15 (c) (I) The general assembly further finds and declares that the
16 general assembly and the people of Colorado have made historic
17 investments in affordable housing, including the following:

18 (A) In 2021 and 2022, the general assembly approved close to one
19 billion dollars for affordable housing investments funded primarily by the
20 federal "American Rescue Plan Act of 2021", Pub.L. 117-2, and the
21 general fund; and

22 (B) In the November 2022 election, Colorado voters approved
23 Proposition 123, which will dedicate an estimated three hundred million
24 dollars per year to affordable housing;

25 (II) Therefore, the general assembly finds, determines, and
26 declares that, coupled with historic investments in affordable housing,
27 reforms to local land use regulations can accelerate an increase in housing

1 supply that is affordable at all income levels:

2 (A) National studies, such as the article "Relationships between
3 Density and per Capita Municipal Spending in the United States",
4 published in Urban Science, have found that lower density communities
5 have higher government capital and maintenance costs for water, sewer,
6 and transportation infrastructure, and lower property and sales tax
7 revenues. These increased costs are often borne by both state and local
8 governments.

9 (B) A study for a rural resort municipality in Colorado found that
10 doubling the average residential density for future growth would save
11 thirty-one percent in capital and maintenance costs over twenty years;

12 (2) The general assembly finds and declares that the availability
13 of affordable housing is a matter of mixed state and local concern.
14 Therefore, it is the intent of the general assembly in enacting this act to:

15 (a) Create a more consistent ability statewide to develop a variety
16 of housing types, limit the ability of local governments to reduce density
17 or render infeasible housing development projects that can address the
18 state's housing shortage for all parts of the income spectrum, and support
19 more fiscally and environmentally sustainable development patterns;

20 (b) Improve regional collaboration and outcomes by reducing the
21 ability of individual local governments' land use restrictions to negatively
22 influence regional concerns such as housing affordability, open space,
23 traffic, and air pollution; and

24 (c) Increase housing supply, allow more compact development,
25 encourage more affordable housing, encourage more environmentally and
26 fiscally sustainable development patterns, encourage housing patterns that
27 conserve water resources, and encourage housing units that are located in

1 close proximity to public transit, places of employment, and everyday
2 needs.

3 (3) In finding and declaring that land use policies that affect
4 housing supply are matters of mixed statewide and local concern, the
5 general assembly finds and declares that there is a need for uniformity in
6 policies that affect housing supply because:

7 (a) The state has an interest in planning for future growth. The
8 state demographer estimates that between 2023 and 2040 the state will
9 add an average of thirty-five thousand households per year, and that
10 between 2030 and 2040 the state will add an additional twenty-nine
11 thousand six hundred households per year.

12 (b) Housing supply impacts housing affordability. Housing prices
13 are typically higher when housing supply is restricted by local land use
14 regulations in the metropolitan region, according to studies such as the
15 National Bureau of Economic Research's working papers "Regulation and
16 Housing Supply", "The Impact of Zoning on Housing Affordability", and
17 "The Impact of Local Residential Land Use Restrictions on Land Values
18 Across and Within Single Family Housing Markets".

19 (c) Increasing housing supply moderates price increases and
20 improves housing affordability across all incomes, according to studies
21 such as "The Economic Implications of Housing Supply" in the Journal
22 of Economic Perspectives and "Supply Skepticism: Housing Supply and
23 Affordability" in Housing Policy Debate;

24 (d) Academic research such as "The Impact of Building
25 Restrictions on Housing Affordability" in the Federal Reserve Bank of
26 New York Economic Policy Review has identified zoning and other land
27 use controls as a primary driver of rising housing costs in the most

1 expensive housing markets;

2 (e) Local land use regulations influence what types of housing are
3 built throughout the state and can restrict more affordable housing
4 options;

5 (f) Between 2000 and 2019, over seventy percent of homes built
6 in Colorado were single-unit detached dwellings, while less than three
7 percent of homes were duplexes to quadplexes, and less than twenty-five
8 percent of homes were homes in multifamily buildings with five or more
9 units, according to the American Community Survey;

10 (g) Middle housing and multifamily housing types are more
11 affordable than detached dwellings, in part because land costs are shared
12 between more households;

13 (h) In 2019, Colorado duplexes and larger multifamily housing
14 units cost between fourteen to forty-three percent less to own, and
15 between nine to twenty-six percent less to rent, than single-unit detached
16 dwellings depending on the type of housing, according to the American
17 Community Survey;

18 (i) Proposed market-rate and affordable housing projects are
19 routinely delayed or denied due to discretionary and subjective political
20 processes and land use regulations that limit denser development either
21 directly or indirectly;

22 (j) According to a 2022 article titled "Does Discretion Delay
23 Development?", in the American Planning Association Journal,
24 residential projects using by-right approval processes are approved
25 twenty-eight percent faster than those using discretionary approval
26 processes, and faster approval times reduce developer costs and therefore
27 housing costs;

1 (k) Compact housing types such as duplexes, townhomes, and
2 multifamily homes also use significantly less energy for heating, cooling,
3 and electricity than detached dwellings, which saves residents money and
4 results in lower emissions;

5 (l) In Colorado, household energy savings range from forty
6 percent less for townhomes to seventy percent less for larger multifamily
7 homes compared to single-unit detached dwellings, according to
8 residential housing stock data from the National Renewable Energy
9 Laboratory; and

10 (m) The state has an interest in ensuring economic mobility by
11 increasing affordable housing opportunities throughout the state:

12 (I) Researchers have demonstrated that restrictive local land use
13 regulations help explain segregation income within metropolitan areas,
14 which leads to disparate incomes and access to opportunities;

15 (II) In Colorado, households with the lowest incomes experienced
16 the highest rates of housing cost burden, according to the American
17 Community Survey;

18 (III) Housing costs can dictate the quality of a child's education,
19 and the highest performing schools are located in areas with the highest
20 housing costs;

21 (IV) According to a Brookings Institution report entitled "Housing
22 Costs, Zoning, and Access to High Scoring Schools" that analyzed the
23 one hundred largest metropolitan areas in the United States, housing costs
24 an average of two and four-tenths times as much near a high-scoring
25 public school than near a low-scoring one. The same study found that
26 metro areas with the least restrictive zoning have housing cost gaps
27 between high-scoring and low-scoring schools that are sixty-three percent

1 lower than metro areas with the most restrictive zoning.

2 (V) Researchers have also found that upward mobility is
3 significantly greater in more compact development areas than in low
4 density areas, primarily due to better job accessibility by multiple
5 transportation modes, according to the study "Does urban sprawl hold
6 down upward mobility?", published in the journal of Landscape and
7 Urban Planning.

8 (VI) Nationwide, cities with the highest housing costs and lowest
9 vacancy rates experience the highest rates of homelessness, according to
10 a report by the Urban Institute, "Unsheltered Homelessness Trends,
11 Characteristics, and Homeless Histories". These indicators explain a
12 greater portion of the variation in regional rates of homelessness than
13 other commonly assumed factors, such as poverty rate, substance use, or
14 mental illness, according to a study in the European Journal of Housing
15 Policy, "The Economics of Homelessness: The Evidence from North
16 America".

17 (VII) Through legislation such as House Bill 21-1266 and Senate
18 Bill 21-272, the state has made significant efforts to identify
19 disproportionately impacted communities and to prioritize benefits to
20 these communities;

21 (VIII) Researchers in the article "Housing Constraints and Spatial
22 Misallocation", in the American Economic Journal, found that restrictions
23 on new housing supply in high productivity places limit the number of
24 workers who have access to jobs in those places, which over the past
25 several decades they estimate has lowered aggregate growth in the United
26 States by thirty-six percent; <{*Aggregate economic growth?*}>

27 (IX) Researchers in the study "Unaffordable Housing and Local

1 Employment Growth", published by the Federal Reserve Bank of Boston,
2 found that metropolitan areas in the United States and counties with lower
3 housing affordability experience significantly less employment growth;
4 and

5 (X) Within regions, national surveys have found that a lack of
6 affordable housing within a reasonable commuting distance impacts
7 businesses' ability to attract and retain workers, according to a literature
8 review conducted by the Center for Housing Policy.

9 (n) The state has an interest in creating a holistic statewide water
10 management system, and local government decisions that encourage
11 dispersed, low density development negatively affects the state's water
12 supply:

13 (I) A holistic statewide water management system is essential for
14 creating vibrant communities that balance water supply and demand
15 needs to create a sustainable urban landscape, according to the vision laid
16 out in the Colorado water plan;

17 (II) Compact infill development reduces water demand and
18 infrastructure costs through shorter pipes that reduce losses, less
19 landscaped space per unit, and better use of existing infrastructure; and

20 (III) Compared to a single-unit detached dwelling, accessory
21 dwelling units use twenty-two percent less water, small multifamily
22 homes sixty-three percent less, and larger multifamily homes eighty-six
23 percent less, based on data from Denver and Aurora water users analyzed
24 for the Colorado water and growth dialogue Final Report in 2018.

25 (4) (a) The general assembly finds and declares that there is an
26 extraterritorial impact when local governments enact local ordinances that
27 have impacts that cross jurisdictional lines because:

1 (I) Local restrictions on housing push people further from their
2 work and increase driving commute times;

3 (II) Communities with the most restrictive local land use
4 regulations often enable job growth while limiting the ability of housing
5 growth to keep pace, which affects the pace of housing development in
6 neighboring jurisdictions. This results in regional imbalances between
7 jobs and housing that researchers have found have a significant impact on
8 vehicle miles traveled and commute times, according to studies such as
9 "Which Reduces Vehicle Travel More: Jobs-Housing Balance or
10 Retail-Housing Mixing?", published in the Journal of the American
11 Planning Association.

12 (III) In the ten rural resort municipalities with the highest jobs to
13 housing ratios in the state, over ninety percent of workers commute from
14 other jurisdictions, according to housing data from the 2020 federal
15 decennial Census and jobs and commuting data from the Longitudinal
16 Employer-Household Dynamics Origin-Destination Employment Dataset
17 from the Census;

18 (IV) The ten rural resort municipalities with the highest jobs to
19 housing ratios in the state added eighteen percent fewer housing units per
20 capita and their commute times for workers were seventeen percent
21 longer on average than jurisdictions in rural resort counties as a whole,
22 according to data from the 2020 federal decennial Census, American
23 Community Survey, and the Longitudinal Employer-Household Dynamics
24 Origin-Destination Employment Dataset from the Census;

25 (V) Nationwide, the number of jobs within the typical commute
26 distance for residents in major metropolitan areas has declined over time
27 according to a report by the Brookings Institution titled "The Growing

1 Distance Between People and Jobs in Metropolitan America";

2 (VI) Coloradans drive more miles per person than they used to, in
3 part due to dispersed, low-density development patterns, putting stress on
4 transportation infrastructure and increasing household costs;

5 (VII) Since 1981, per capita vehicle miles traveled in Colorado
6 have risen by over twenty percent according to data from the Federal
7 Highway Administration;

8 (VIII) High transportation costs impact low-income households
9 in particular, with households making less than forty-thousand dollars per
10 year in the western United States spending over twenty-four percent of
11 their income on transportation, when spending more than fifteen percent
12 of income on transportation is considered cost burdened, according to
13 data from the Bureau of Labor Statistics Consumer Expenditure Surveys;

14 (IX) In Colorado, households in more dense areas, census tracts
15 with more than four thousand units per square mile or about fifteen units
16 per acre, drive twenty percent less than the state average, and higher
17 density areas, census tracts with more than ten thousand units per square
18 mile or about forty units per acre, drive forty percent less than the state
19 average, according to data from the 2017 National Household Travel
20 Survey;

21 (b) The increase in vehicle traffic due to local land use restrictions
22 also has an environmental extraterritorial impact:

23 (I) Vehicle traffic, which increases when land use patterns are
24 more dispersed, contributes twenty percent of nitrogen oxides emissions,
25 a key ozone precursor, according to the Executive Summary of the
26 Moderate Area Ozone SIP for the 2015 Ozone NAAQS by the Regional
27 Air Quality Council;

1 (II) The United States environmental protection agency has
2 classified the Denver Metro/North Front Range area as being in severe
3 non-attainment for ozone and ground level ozone, which has serious
4 impacts on human health, particularly for vulnerable populations;

5 (III) According to the greenhouse gas pollution reduction
6 roadmap, published by the Colorado energy office and dated January 14,
7 2021, the transportation sector is the single largest source of greenhouse
8 gas pollution in Colorado;

9 (IV) Nearly sixty percent of the greenhouse gas emissions from
10 the transportation sector come from light-duty vehicles, the majority of
11 cars and trucks that Coloradans drive every day;

12 (V) As part of the greenhouse gas pollution reduction roadmap,
13 a strategic action plan to achieve legislatively adopted targets of reducing
14 greenhouse gas pollution economy-wide by fifty percent below 2005
15 levels by 2030 and ninety percent by 2050, the state committed to
16 reducing emissions from the transportation sector by forty-one percent by
17 2030 from a 2005 baseline;

18 (VI) The Greenhouse Gas Transportation Planning Standard
19 adopted by the Transportation Commission in 2021 set a target to reduce
20 transportation greenhouse gas emissions through the transportation
21 planning process by one million five hundred thousand tons by 2030.

22 <{**Subsection (V) and (VI) don't seem follow from the introductory**
23 **portion in subsection (4)(b).**>

24 (VII) Local government land use decisions that require a
25 minimum amount of parking spaces beyond what is necessary to meet
26 market demand increase vehicle miles traveled and associated greenhouse
27 gas emissions. According to the UCLA Institute of Transportation Studies

1 article titled "What Do Residential Lotteries Show Us About
2 Transportation Choices", higher amounts of free parking provided in
3 residential developments cause higher rates of vehicle ownership, higher
4 rates of vehicle miles traveled, and less frequent transit use.

5 (VIII) Local government land use decisions that require a
6 minimum amount of parking spaces increase the cost of new residential
7 projects, which increases housing costs. According to the Regional
8 Transportation District study "Residential Parking in Station Areas: A
9 Study of Metro Denver", structured parking spaces in the Denver
10 metropolitan areas cost twenty-five thousand dollars each to build in
11 2020, and use space which would otherwise be used for revenue
12 generating residential units, decreasing the profitability of residential
13 development. As a result, parking requirements may discourage
14 developers from building new residential projects, or, if they do move
15 forward with projects, force them to recoup the costs of building
16 excessive parking by increasing housing prices.

17 (5) (a) Local land use policies that encourage dispersed, low
18 density development have an impact on open space and agricultural land,
19 and exposure to climate hazards outside of their jurisdictional limits:

20 (I) A study of urbanized areas in the United States, "The Effect of
21 Land-Use Controls on the Spatial Size of U.S. Urbanized Areas", in the
22 Journal of Regional Science, found that the presence of density
23 restrictions such as minimum lot sizes and floor area ratio limits result in
24 larger urbanized areas;

25 (II) Enabling denser housing near transit and in already developed
26 areas can limit continued loss of agricultural and natural lands;

27 (III) Between 1982 and 2017, Colorado lost over twenty-five

1 percent of its agricultural cropland, according to data from the National
2 Resources Inventory published by the United States department of
3 agriculture, and, over the same time period, the size of urban and built-up
4 areas grew faster than the population by over one hundred percent
5 compared to eighty-three percent;

6 (IV) Encouraging growth in infill locations is an important
7 strategy for minimizing wildfire risk by limiting the growth of households
8 in fire-prone areas; and

9 (V) Between 2012 and 2017, the number of people living in the
10 wildland-urban interface grew from two million to two million nine
11 hundred thousand, according to the Colorado state forest service.

12 (VI) Therefore, the general assembly finds, determines and
13 declares that local government land use decisions that limit housing and
14 encourage dispersed low-density development impact local and state
15 government fiscal health and the business community.

16 **SECTION 2.** In Colorado Revised Statutes, **add** article 33 to title
17 29 as follows:

18 **ARTICLE 33**

19 **State Land Use Requirements For Affordable Housing**

20 **PART 1**

21 **HOUSING NEEDS PLANNING**

22 **29-33-101. Legislative declaration.** (1) (a) THE GENERAL
23 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

24 (I) COLORADO LACKS A COORDINATED PROCESS TO SET GOALS,
25 DEVELOP SOLUTIONS, AND TRACK PROGRESS TOWARDS MEETING
26 STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS;

27 (II) CONSISTENT INFORMATION ABOUT STATEWIDE, REGIONAL,

1 AND LOCAL HOUSING NEEDS IS ESSENTIAL IN DEVELOPING EQUITABLE AND
2 EFFECTIVE HOUSING POLICIES AND STRATEGIES AND IMPROVING EFFORTS
3 TO INCREASE HOUSING AFFORDABILITY OVER TIME;

4 (III) HOUSING MARKETS EXPAND BEYOND THE BORDERS OF
5 INDIVIDUAL LOCAL GOVERNMENTS, AND INFORMATION IS REQUIRED ON A
6 LOCAL, REGIONAL, AND STATEWIDE SCALE TO MAKE A HOLISTIC PLAN FOR
7 ADDRESSING HOUSING NEEDS;

8 (IV) ALTHOUGH SOME LOCAL GOVERNMENTS WORK TO ASSESS
9 AND ADDRESS HOUSING NEEDS, THESE LOCAL GOVERNMENTS USE
10 DIFFERENT METHODOLOGIES, DO THIS WORK AT DIFFERENT TIMES, AND
11 LACK REGIONAL COORDINATION;

12 (V) LOCAL GOVERNMENTS THAT DO NOT ALLOW HOUSING SUPPLY
13 TO KEEP PACE WITH HOUSEHOLD AND JOB GROWTH IN THEIR JURISDICTIONS
14 EXPORT THEIR HOUSING NEEDS TO NEIGHBORING COMMUNITIES, CAUSING
15 REGIONAL IMBALANCES THAT IMPACT EQUITY, POLLUTION,
16 INFRASTRUCTURE COSTS, AND QUALITY OF LIFE;

17 (VI) REQUIRING LOCAL GOVERNMENTS TO PLAN FOR AND
18 IMPLEMENT STRATEGIES TO MEET AN EQUITABLE AMOUNT OF THEIR
19 REGION'S HOUSING DEMAND WILL HELP MITIGATE THESE IMBALANCES AND
20 THEIR NEGATIVE IMPACTS; AND

21 (VII) THE STATE MANAGES MULTIPLE GRANT-BASED PROGRAMS
22 DESIGNED TO HELP LOCAL GOVERNMENTS ASSESS AND MEET HOUSING
23 NEEDS, AND THESE PROGRAMS WILL BE ABLE TO MORE EFFECTIVELY
24 ADDRESS HOUSING ISSUES WITH MORE COMPREHENSIVE AND CONSISTENT
25 INFORMATION INFORMED BY REGIONAL AND STATEWIDE DATA.

26 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
27 ASSESSING AND PLANNING FOR HOUSING NEEDS THROUGHOUT THE STATE

1 IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

2 **29-33-102. Definitions.** AS USED IN THIS ARTICLE 33, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES
5 THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC.
6 3601 ET SEQ., AS AMENDED.

7 (2) "ACCESSORY DWELLING UNIT" MEANS AN INTERNAL,
8 ATTACHED, OR DETACHED RESIDENTIAL DWELLING UNIT THAT:

9 (a) PROVIDES COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE
10 OR MORE PERSONS;

11 (b) IS LOCATED ON THE SAME LOT AS A PROPOSED OR EXISTING
12 PRIMARY RESIDENCE; AND

13 (c) INCLUDES PROVISIONS FOR LIVING, SLEEPING, EATING,
14 COOKING, AND SANITATION.

15 (3) "AFFORDABLE HOUSING" MEANS HOUSING FOR WHICH LOW-
16 AND MODERATE-INCOME HOUSEHOLDS DO NOT SPEND MORE THAN THIRTY
17 PERCENT OF THEIR HOUSEHOLD INCOME.

18 (4) "BUS RAPID TRANSIT" MEANS A BUS-BASED TRANSIT SERVICE
19 THAT:

20 (a) DELIVERS FAST AND EFFICIENT SERVICE; AND

21 (b) INCLUDES AT LEAST ONE OF THE FOLLOWING:

22 (I) DEDICATED LANES;

23 (II) BUSWAYS;

24 (III) TRAFFIC SIGNAL PRIORITY;

25 (IV) OFF-BOARD FARE COLLECTION;

26 (V) ELEVATED PLATFORMS; OR

27 (VI) ENHANCED STATIONS.

1 (5) "COTTAGE CLUSTER" MEANS A GROUPING OF NO FEWER THAN
2 FOUR DETACHED HOUSING UNITS , EACH HOUSING UNIT HAVING A
3 FOOTPRINT OF NO MORE THAN NINE HUNDRED SQUARE FEET, AND THE
4 GROUPING HAVING A COMMON COURTYARD.

5 (6) "COMMUTER BUS RAPID TRANSIT SERVICE " MEANS A
6 BUS-BASED TRANSIT SERVICE THAT OPERATES ON A LIMITED-ACCESS
7 HIGHWAY FOR THE MAJORITY OF ITS ROUTE.

8 (7) "DESIGN STANDARD" MEANS A STANDARD THAT RELATES TO
9 THE AESTHETICS OF A PROJECT OR THE QUALITY OF CONSTRUCTION
10 MATERIALS USED IN A PROJECT.

11 (8) "DISCRETIONARY APPROVAL PROCESS" MEANS A DEVELOPMENT
12 APPROVAL PROCESS CONDUCTED PURSUANT TO LOCAL LAW THAT
13 REQUIRES A PUBLIC BODY OR OFFICIAL TO MAKE SUBJECTIVE
14 DETERMINATIONS INCLUDING DETERMINATIONS OF CONSISTENCY WITH
15 LOCAL PLANS, COMPATIBILITY OR HARMONY WITH SURROUNDING LAND
16 USES OR DEVELOPMENT, OR STRATEGIES FOR MITIGATING PROJECT
17 IMPACTS.

18 (9) "DISPLACEMENT" MEANS THE UNWANTED RELOCATION OF
19 RESIDENTS DUE TO INCREASED REAL ESTATE PRICES, RENTS, OR OTHER
20 ECONOMIC FACTORS.

21 (10) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING
22 COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS,
23 INCLUDING PERMANENT PROVISIONS FOR COOKING, EATING, LIVING,
24 SANITATION, AND SLEEPING.

25 (11) "FIXED-RAIL TRANSIT STATION" MEANS A STATION FOR
26 PASSENGER RAIL TRANSIT THAT USES AND OCCUPIES A SEPARATE
27 RIGHT-OF-WAY OR RAIL LINE, INCLUDING COMMUTER RAIL AND LIGHT

1 RAIL.
2 (12) "GROSS DENSITY" MEANS THE NUMBER OF RESIDENTIAL UNITS
3 PER ACRE OF TOTAL RESIDENTIAL LAND AREA, INCLUDING LAND OCCUPIED
4 BY PUBLIC AND PRIVATE RIGHTS-OF-WAY AND ANY RECREATIONAL, CIVIC,
5 COMMERCIAL, AND OTHER NONRESIDENTIAL USES.

6 (13) "HISTORIC DISTRICT" MEANS A DISTRICT ESTABLISHED BY
7 LOCAL LAW THAT MEETS THE DEFINITION OF "DISTRICT" SET FORTH IN 36
8 CFR 60.3 (d).

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

11 (15) "LOCAL INCLUSIONARY ZONING ORDINANCE" MEANS A LOCAL
12 LAW ENACTED PURSUANT TO SECTION 29-20-104 (1)(e.5) TO EITHER
13 REQUIRE OR INCENTIVIZE THE CONSTRUCTION OF AFFORDABLE OR
14 REGULATED AFFORDABLE HOUSING UNITS WITHIN MIXED-INCOME
15 DEVELOPMENTS. AS USED IN THIS SUBSECTION (15), "MIXED-INCOME
16 DEVELOPMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION
17 24-32-130 (1)(f).

18 (16) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY,
19 REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT
20 GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING LAND USE
21 CODES, ZONING CODES, AND SUBDIVISION CODES.

22 (17) "METROPOLITAN PLANNING ORGANIZATION" MEANS A
23 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT
24 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

25 (18) "MIDDLE HOUSING" MEANS A TYPE OF HOUSING THAT
26 INCLUDES A:

27 (a) BUILDING DESIGNED AS A SINGLE STRUCTURE CONTAINING

1 BETWEEN TWO AND SIX SEPARATE UNITS;

2 (b) TOWNHOME; OR

3 (c) COTTAGE CLUSTER.

4 (19) "MINIMUM RESIDENTIAL DENSITY LIMIT" MEANS THE LOWEST
5 DENSITY LIMIT A LOCAL GOVERNMENT MAY IMPOSE FOR NEW RESIDENTIAL
6 OR MIXED-USE DEVELOPMENT. LOCAL GOVERNMENTS MAY ALLOW HIGHER
7 DENSITY DEVELOPMENT THAN THE MINIMUM RESIDENTIAL DENSITY LIMIT.

8 (20) "MIXED-USE DEVELOPMENT" MEANS A DEVELOPMENT
9 PROJECT THAT INTEGRATES MULTIPLE LAND USE TYPES.

10 (21) "MULTI-AGENCY ADVISORY COMMITTEE" MEANS AN
11 ADVISORY GROUP WITHOUT DECISION-MAKING AUTHORITY COMPOSED OF:

12 (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
13 AFFAIRS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

14 (b) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY OFFICE,
15 OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

16 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
17 TRANSPORTATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

18 (d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
19 RESOURCES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

20 (22) "MULTI-AGENCY GROUP" MEANS A GROUP COMPOSED OF
21 STAFF FROM:

22 (a) THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF
23 LOCAL AFFAIRS;

24 (b) THE COLORADO ENERGY OFFICE;

25 (c) THE DEPARTMENT OF NATURAL RESOURCES; AND

26 (d) THE DEPARTMENT OF TRANSPORTATION.

27 (23) "MULTIFAMILY RESIDENTIAL HOUSING" MEANS A BUILDING OR

1 GROUP OF BUILDINGS ON THE SAME LOT WITH SEPARATE LIVING UNITS FOR
2 THREE OR MORE HOUSEHOLDS.

3 (24) "NET DENSITY" MEANS THE NUMBER OF RESIDENTIAL UNITS
4 PER ACRE OF TOTAL RESIDENTIAL LAND AREA, EXCLUDING LAND OCCUPIED
5 BY PUBLIC RIGHTS-OF-WAY AND ANY RECREATIONAL, CIVIC, COMMERCIAL,
6 AND OTHER NONRESIDENTIAL USES.

7 (25) "OBJECTIVE PROCEDURE" MEANS A DEVELOPMENT REVIEW
8 PROCEDURE OR PROCESS THAT DOES NOT INVOLVE A DISCRETIONARY
9 APPROVAL PROCESS.

10 (26) "OBJECTIVE STANDARD" MEANS A STANDARD THAT BOTH:

11 (a) DOES NOT REQUIRE A PUBLIC BODY OR OFFICIAL TO MAKE A
12 PERSONAL OR SUBJECTIVE JUDGMENT; AND

13 (b) IS UNIFORMLY VERIFIABLE OR ASCERTAINABLE BY REFERENCE
14 TO AN EXTERNAL OR UNIFORM BENCHMARK OR CRITERION THAT IS
15 AVAILABLE AND KNOWABLE BY THE DEVELOPMENT APPLICANT OR
16 PROPONENT AND THE PUBLIC BODY OR OFFICIAL PRIOR TO THE
17 DEVELOPMENT APPLICANT OR PROPONENT'S FILING OF A DEVELOPMENT
18 PROPOSAL.

19 (27) "POPULATION" MEANS POPULATION AS OF THE MOST RECENT
20 FEDERAL DECENNIAL CENSUS.

21 (28) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE
22 HOUSING CREATED OR SUPPORTED BY PUBLIC SUBSIDIES, LOCAL
23 INCLUSIONARY ZONING ORDINANCES, OR OTHER REGULATIONS THAT
24 RESTRICT OR LIMIT RESIDENT INCOME LEVELS FOR A SPECIFIED PERIOD.

25 (29) "RURAL RESORT JOB CENTER MUNICIPALITY" MEANS A
26 MUNICIPALITY THAT:

27 (a) IS NOT WITHIN A METROPOLITAN PLANNING ORGANIZATION;

1 (b) HAS A POPULATION OF ONE THOUSAND OR MORE;

2 (c) HAS AT LEAST ONE THOUSAND TWO HUNDRED JOBS ACCORDING
3 TO THE MOST RECENT UNITED STATES CENSUS BUREAU LONGITUDINAL
4 EMPLOYER-HOUSEHOLD DYNAMICS ORIGIN-DESTINATION EMPLOYMENT
5 STATISTICS;

6 (d) HAS A MINIMUM JOBS-TO-POPULATION RATIO OF SIXTY-FOUR
7 HUNDREDTHS; AND

8 (e) HAS A TRANSIT STOP SERVICED BY A TRANSIT AGENCY THAT
9 SERVES AT LEAST TWO MUNICIPALITIES AND WITH SERVICE THAT INCLUDES
10 AN AVERAGE OF AT LEAST TWENTY HEADWAY TRIPS PER DAY, AS OF
11 JANUARY 1, 2023.

12 (30) "SHORT-TERM RENTAL" MEANS A BUILDING OR A PORTION OF
13 A BUILDING DESIGNED FOR USE PREDOMINANTLY AS A PLACE OF
14 RESIDENCE BY A PERSON OR A FAMILY THAT IS PROVIDED TO AN
15 INDIVIDUAL OR BUSINESS FOR FEWER THAN THIRTY CONSECUTIVE DAYS IN
16 EXCHANGE FOR MONETARY PAYMENT.

17 (31) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED
18 BUILDING WITH A SINGLE DWELLING UNIT AND ON A SINGLE LOT.

19 (32) "STANDARD EXEMPT PARCEL" MEANS A PARCEL THAT:

20 (a) LIES ENTIRELY OUTSIDE OF AN AREA THAT IS DESIGNATED AS
21 AN URBANIZED AREA BY THE MOST RECENT FEDERAL DECENNIAL CENSUS;

22 (b) IS NOT SERVED BY A DOMESTIC WATER AND SEWAGE
23 TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);

24 (c) IS IN AN AGRICULTURAL ZONING DISTRICT AS OF JANUARY 1,
25 2023;

26 (d) IS IN AN AREA OF THE WILDLAND-URBAN INTERFACE IDENTIFIED
27 BY THE STATE FOREST SERVICE IN ITS STATEWIDE RISK ASSESSMENT MAP

1 AS HIGH RISK, HIGH-VERY HIGH RISK, AND VERY HIGH RISK FOR WILDFIRES;
2 OR

3 (e) IS IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN,
4 AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

5 (33) "TIER ONE URBAN MUNICIPALITY" MEANS EITHER:

6 (a) A MUNICIPALITY THAT:

7 (I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT
8 HAS A POPULATION OF ONE MILLION OR MORE;

9 (II) HAS AT LEAST TEN PERCENT OF ITS LAND WITHIN AN AREA
10 THAT IS DESIGNATED AS AN URBANIZED AREA BY THE MOST RECENT
11 FEDERAL DECENNIAL CENSUS WITH A POPULATION GREATER THAN
12 SEVENTY-FIVE THOUSAND; AND

13 (III) HAS A POPULATION OF AT LEAST ONE THOUSAND; OR

14 (b) A MUNICIPALITY THAT IS:

15 (I) WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT HAS
16 A POPULATION OF LESS THAN ONE MILLION; AND

17 (II) HAS A POPULATION OF AT LEAST TWENTY-FIVE THOUSAND.

18 (34) "TIER TWO URBAN MUNICIPALITY" MEANS A MUNICIPALITY
19 THAT DOES NOT SATISFY THE DEFINITION OF A TIER ONE URBAN
20 MUNICIPALITY AND:

21 (a) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION;

22 (b) HAS A POPULATION OF BETWEEN FIVE THOUSAND AND
23 TWENTY-FIVE THOUSAND; AND

24 (c) IS IN A COUNTY WITH A POPULATION OF TWO HUNDRED FIFTY
25 THOUSAND OR MORE.

26 (35) "TOWNHOME" MEANS A DWELLING UNIT CONSTRUCTED IN A
27 ROW OF TWO OR MORE ATTACHED DWELLING UNITS WHERE EACH

1 DWELLING UNIT IS LOCATED ON AN INDIVIDUAL LOT AND SHARES AT LEAST
2 ONE COMMON WALL WITH AN ADJACENT DWELLING UNIT.

3 (36) "TRANSIT-ORIENTED AREA" MEANS AN AREA WHERE ALL
4 PARCELS HAVE AT LEAST TWENTY-FIVE PERCENT OF THEIR AREA WITHIN
5 ONE-HALF MILE OF AN EXISTING FIXED-RAIL TRANSIT STATION. FOR THE
6 PURPOSES OF THIS SUBSECTION (38), A FIXED-RAIL TRANSIT STATION IS A
7 FIXED-RAIL TRANSIT SERVICE BOARDING AND EXITING LOCATION OR
8 STATION FOR THE GENERAL PUBLIC.

9 (37) "URBAN BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID
10 TRANSIT SERVICE THAT OPERATES ON A SURFACE STREET FOR THE
11 MAJORITY OF ITS ROUTE.

12 (38) "URBAN MUNICIPALITY" MEANS BOTH A TIER ONE AND A TIER
13 TWO URBAN MUNICIPALITY.

14 (39) "USE BY RIGHT" MEANS DEVELOPMENT THAT PROCEEDS
15 UNDER OBJECTIVE STANDARDS SET FORTH IN ZONING OR OTHER LOCAL
16 LAWS AND THAT DOES NOT HAVE A DISCRETIONARY APPROVAL PROCESS.

17 **29-33-103. Housing needs assessments - methodology.**

18 (1)(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
19 SHALL ISSUE A METHODOLOGY FOR DEVELOPING STATEWIDE, REGIONAL,
20 AND LOCAL HOUSING NEEDS ASSESSMENTS.

21 (b) THE MULTI-AGENCY ADVISORY COMMITTEE, IN CONSULTATION
22 WITH THE STATE DEMOGRAPHY OFFICE, SHALL, AS PART OF THE PUBLIC
23 COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION 29-33-108 (2),
24 DEVELOP RECOMMENDATIONS TO PROVIDE TO THE EXECUTIVE DIRECTOR
25 OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE METHODOLOGY
26 FOR DEVELOPING STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS
27 ASSESSMENTS.

1 (2) AT A MINIMUM, THE METHODOLOGY FOR DEVELOPING HOUSING
2 NEEDS ASSESSMENTS MUST INCLUDE:

3 (a) FOR THE STATEWIDE HOUSING NEEDS ASSESSMENT, METHODS
4 TO:

- 5 (I) ESTIMATE EXISTING HOUSING STOCK;
- 6 (II) CONDUCT A HOUSING SHORTAGE ANALYSIS; AND
- 7 (III) ESTIMATE THE HOUSING NECESSARY BY HOUSEHOLD SIZE,
8 HOUSEHOLD TYPE, AND INCOME LEVEL TO ACCOMMODATE THE
9 DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE STATE
10 DEMOGRAPHER;

11 (b) FOR REGIONAL HOUSING NEEDS ASSESSMENTS, METHODS TO:

12 (I) ALLOCATE REGIONAL SHARES OF THE STATEWIDE HOUSING
13 NEEDS IDENTIFIED IN THE STATEWIDE HOUSING NEEDS ASSESSMENT TO
14 EACH REGION, BASED ON:

- 15 (A) EXISTING AND PROJECTED HOUSING SHORTAGES AND
16 SURPLUSES FOR DIFFERENT HOUSEHOLD TYPES AND INCOME LEVELS;
- 17 (B) EXISTING HOUSING DIVERSITY AND STOCK; AND
- 18 (C) FUTURE POPULATION AND JOB GROWTH PROJECTIONS; AND

19 (II) DESIGNATE REGIONS BASED ON THE BOUNDARIES OF
20 METROPOLITAN PLANNING ORGANIZATIONS, RURAL REGIONS, AND RURAL
21 RESORT REGIONS. THE DESIGNATION OF RURAL REGIONS AND RURAL
22 RESORT REGIONS MUST BE BASED ON REGIONAL COMMUTING PATTERNS
23 AMONG OTHER FACTORS.

24 (c) FOR LOCAL HOUSING NEEDS ASSESSMENTS, METHODS TO
25 ALLOCATE LOCAL SHARES OF THE STATEWIDE HOUSING NEEDS IDENTIFIED
26 IN THE STATEWIDE HOUSING NEEDS ASSESSMENT TO A LOCAL
27 GOVERNMENT, BASED ON:

1 (I) THE CURRENT PROPORTION OF THE LOCALITY'S POPULATION IN
2 DIFFERENT HOUSEHOLD INCOME LEVELS;

3 (II) THE LOCALITY'S CURRENT MEDIAN INCOME;

4 (III) THE LOCALITY'S JOB-HOUSING BALANCE;

5 (IV) THE LOCALITY'S POPULATION AND DEMOGRAPHICS;

6 (V) MEASURES OF LOCAL RESOURCES IN THE LOCALITY;

7 (VI) VACANCY RATES IN THE LOCALITY; AND

8 (VII) RATES OF HOMELESSNESS IN THE LOCALITY.

9 (3) (a) NO LATER THAN DECEMBER 31, 2024, AND EVERY FIVE
10 YEARS THEREAFTER, IN ACCORDANCE WITH THE METHODOLOGIES FOR
11 DEVELOPING HOUSING NEEDS ASSESSMENTS, THE EXECUTIVE DIRECTOR OF
12 THE DEPARTMENT OF LOCAL AFFAIRS, WITH INPUT FROM THE
13 MULTI-AGENCY ADVISORY COMMITTEE, SHALL PRODUCE STATEWIDE,
14 REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS WITH TWENTY-YEAR
15 PLANNING FORECASTS.

16 (b) EACH OF THE ASSESSMENTS MUST INCLUDE FOR THE RELEVANT
17 AREA, BASED ON STATE DEMOGRAPHIC DATA DURING THE TWENTY-YEAR
18 PLANNING PERIOD, ESTIMATES OF:

19 (I) HOUSING NEEDS IN THE AREA SORTED BY INCOME LEVELS, UNIT
20 SIZES, AND UNIT TYPES INCLUDING ACCESSIBLE UNITS AND SUPPORTIVE
21 HOUSING;

22 (II) THE NUMBER OF HOUSEHOLDS IN THE AREA;

23 (III) THE NUMBER OF JOBS IN THE AREA;

24 (IV) THE AREA'S POPULATION AND DEMOGRAPHICS; AND

25 (V) THE AREA'S EXISTING HOUSING STOCK;

26 (c) LOCAL GOVERNMENTS THAT ARE REQUIRED TO COMPLETE
27 HOUSING NEEDS PLANS MUST USE THE LOCAL AND REGIONAL HOUSING

1 NEEDS ASSESSMENTS TO INFORM THEIR HOUSING NEEDS PLANS.

2 **29-33-104. Housing needs plans - guidance - definition.**

3 (1) (a) NO LATER THAN DECEMBER 31, 2024, THE EXECUTIVE DIRECTOR
4 OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL ISSUE GUIDANCE FOR
5 CREATING A HOUSING NEEDS PLAN.

6 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
7 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
8 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
9 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
10 CONCERNING GUIDANCE FOR CREATING A HOUSING NEEDS PLAN.

11 (2) THE GUIDANCE FOR CREATING A HOUSING NEEDS PLAN MUST
12 INCLUDE GUIDANCE SPECIFICALLY FOR BOTH RURAL RESORT JOB CENTER
13 MUNICIPALITIES AND URBAN MUNICIPALITIES.

14 (3) (a) NO LATER THAN DECEMBER 31, 2026, AND EVERY FIVE
15 YEARS THEREAFTER, IN ACCORDANCE WITH THE GUIDANCE FOR CREATING
16 A HOUSING NEEDS PLAN, EVERY RURAL RESORT JOB CENTER MUNICIPALITY
17 AND URBAN MUNICIPALITY SHALL DEVELOP, ADOPT, AND SUBMIT TO THE
18 DEPARTMENT OF LOCAL AFFAIRS A HOUSING NEEDS PLAN. THE
19 DEPARTMENT OF LOCAL AFFAIRS SHALL POST THE SUBMITTED PLANS
20 PUBLICLY ON ITS WEBSITE.

21 (b) BEFORE ADOPTING AND SUBMITTING A HOUSING NEEDS PLAN,
22 A RURAL RESORT JOB CENTER MUNICIPALITY OR URBAN MUNICIPALITY
23 SHALL PUBLISH THE MOST RECENT DRAFT OF ITS HOUSING NEEDS PLAN AND
24 PROVIDE NOTICE OF A PUBLIC COMMENT PERIOD FOR THE RECEIPT OF
25 WRITTEN COMMENTS CONCERNING THE PLAN. THE RURAL RESORT JOB
26 CENTER MUNICIPALITY OR URBAN MUNICIPALITY MAY ALSO CHOOSE TO
27 HOLD A PUBLIC HEARING ON THE PLAN.

1 (4) A HOUSING NEEDS PLAN MUST INCLUDE:

2 (a) A NARRATIVE DESCRIPTION OF THE STAKEHOLDER
3 ENGAGEMENT CONDUCTED DURING THE DEVELOPMENT OF THE HOUSING
4 NEEDS PLAN;

5 (b) AN ANALYSIS OF HOW THE RURAL RESORT JOB CENTER
6 MUNICIPALITY OR URBAN MUNICIPALITY WILL PROVIDE A REALISTIC
7 OPPORTUNITY FOR DEVELOPMENT THAT WILL ADDRESS ITS LOCAL HOUSING
8 NEEDS ASSESSMENT, INCLUDING THE DEMONSTRATED HOUSING NEEDS FOR
9 PERSONS OF DIFFERENT INCOME LEVELS, OVER THE NEXT TWENTY YEARS
10 WITH AN EQUITABLE DISTRIBUTION OF HOUSING WITHIN THE JURISDICTION;

11 (c) A HOUSING NEEDS IMPLEMENTATION PLAN, WHICH MUST
12 DESCRIBE HOW THE RURAL RESORT JOB CENTER MUNICIPALITY OR URBAN
13 MUNICIPALITY HAS COMPLIED WITH THE APPLICABLE HOUSING
14 REQUIREMENTS OF THIS ARTICLE 33 FOR ACCESSORY DWELLING UNITS,
15 MIDDLE HOUSING, TRANSIT-ORIENTED AREAS, AND KEY CORRIDORS, AND
16 THE IMPLEMENTATION STATUS OF ANY RELEVANT ADOPTED LOCAL LAWS
17 THAT SATISFY THE MINIMUM STANDARDS ESTABLISHED IN THIS ARTICLE 33
18 OR OF ANY MODEL CODES;

19 (d) A GREENFIELD DEVELOPMENT ANALYSIS, AS DEFINED IN
20 SUBSECTION (6) OF THIS SECTION, WHICH THE RURAL RESORT JOB CENTER
21 MUNICIPALITY OR URBAN MUNICIPALITY SHALL ALSO PROVIDE TO THE
22 DIVISION OF LOCAL GOVERNMENT WITHIN THE DEPARTMENT OF LOCAL
23 AFFAIRS;

24 (e) (I) A DESCRIPTION OF AT LEAST TWO STRATEGIES THAT THE
25 RURAL RESORT JOB CENTER MUNICIPALITY OR URBAN MUNICIPALITY
26 ADOPTS FROM THE MENU OF AFFORDABILITY STRATEGIES DESCRIBED IN
27 SECTION 29-33-105. THESE STRATEGIES MUST BOTH ADDRESS HOUSING

1 NEEDS AND MAKE PROGRESS TOWARD MEETING DEMONSTRATED HOUSING
2 NEEDS ACROSS ALL HOUSEHOLD INCOMES AND TYPES IDENTIFIED IN THE
3 LOCAL HOUSING NEEDS ASSESSMENT; AND

4 (II) AN IMPLEMENTATION PLAN AND THE ANTICIPATED OUTCOMES
5 FOR EACH OF THE STRATEGIES ADOPTED PURSUANT TO THIS SUBSECTION
6 (4)(e).

7 (f) IN THE CASE OF A RURAL RESORT JOB CENTER MUNICIPALITY OR
8 URBAN MUNICIPALITY WITH A TRANSIT-ORIENTED AREA, AT LEAST THREE
9 STRATEGIES ADOPTED PURSUANT TO SUBSECTION (4)(e) OF THIS SECTION;
10 AND

11 (g) IN THE CASE OF AN URBAN MUNICIPALITY, A NARRATIVE
12 ANALYSIS OF ANY AREA AT ELEVATED RISK OF RESIDENTIAL
13 DISPLACEMENT THAT THE URBAN MUNICIPALITY HAS IDENTIFIED AND A
14 DESCRIPTION OF AND IMPLEMENTATION PLAN FOR THE STRATEGIES FROM
15 THE MENU OF DISPLACEMENT MITIGATION MEASURES DESCRIBED IN
16 SECTION 29-33-106, THAT THE URBAN MUNICIPALITY WILL USE TO
17 MITIGATE IDENTIFIED DISPLACEMENT RISKS IN THESE AREAS.

18 (5) WHEN UPDATING ITS MASTER PLAN, A RURAL RESORT JOB
19 CENTER MUNICIPALITY OR URBAN MUNICIPALITY SHALL INCLUDE ITS MOST
20 RECENT HOUSING NEEDS PLAN IN ITS MASTER PLAN.

21 (6) AS USED IN THIS SECTION, A "GREENFIELD DEVELOPMENT
22 ANALYSIS" MEANS AN ANALYSIS IN WHICH A LOCAL GOVERNMENT
23 CLASSIFIES ANY AREA THAT IS LOCATED IN A METROPOLITAN PLANNING
24 ORGANIZATION BUT OUTSIDE OF A CENSUS URBANIZED AREA IDENTIFIED
25 IN A MASTER PLAN OR OUTSIDE OF A PLAN REQUIRED BY SECTION
26 31-12-105 (1)(e) AS A CONSERVATION AREA, EFFICIENT GROWTH AREA, OR
27 GENERAL GROWTH AREA. IN MAKING THIS IDENTIFICATION, A LOCAL

1 GOVERNMENT SHALL RELY ON THE CRITERIA AND DEFINITIONS IN THE
2 STRATEGIC GROWTH OBJECTIVES MOST RECENTLY PUBLISHED BY THE
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS. THESE
4 DESIGNATIONS PROVIDE INFORMATION TO STATE AND REGIONAL ENTITIES
5 FOR PLANNING PROCESSES, PROJECT PRIORITIZATION, AND GRANT FUNDING
6 CRITERIA.

7 **29-33-105. Menu of affordability strategies.** (1) (a) NO LATER
8 THAN DECEMBER 31, 2024, THE EXECUTIVE DIRECTOR OF THE
9 DEPARTMENT OF LOCAL AFFAIRS SHALL DEVELOP AND PUBLISH A MENU OF
10 AFFORDABILITY STRATEGIES THAT INCLUDES STRATEGIES TO ADDRESS
11 HOUSING PRODUCTION, PRESERVATION, AND AFFORDABILITY.

12 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
13 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
14 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
15 EXECUTIVE DIRECTOR OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
16 OF A MENU OF AFFORDABILITY STRATEGIES.

17 (2) THE MENU OF AFFORDABILITY STRATEGIES MUST IDENTIFY
18 WHICH STRATEGIES MAY BE MOST EFFECTIVE FOR RURAL RESORT JOB
19 CENTER MUNICIPALITIES AND WHICH STRATEGIES MAY BE MOST EFFECTIVE
20 FOR URBAN MUNICIPALITIES.

21 (3) THE MENU OF AFFORDABILITY STRATEGIES MAY INCLUDE THE
22 FOLLOWING:

23 (a) STRATEGIES PROPOSED BY LOCAL GOVERNMENTS TO THE
24 MULTI-AGENCY ADVISORY COMMITTEE;

25 (b) SUSTAINABLE LAND USE BEST PRACTICES IDENTIFIED IN
26 SECTION 24-32-133 (2); AND

27 (c) POLICY OR REGULATORY TOOLS THAT LOCAL GOVERNMENTS

1 MAY ADOPT AS INCENTIVES TO PROMOTE AFFORDABLE HOUSING
2 DEVELOPMENT AS IDENTIFIED IN SECTION 24-32-130 (3).

3 **29-33-106. Menu of displacement mitigation measures for**
4 **urban municipalities.** (1) (a) NO LATER THAN DECEMBER 31, 2024, THE
5 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
6 DEVELOP A MENU OF DISPLACEMENT MITIGATION MEASURES FOR URBAN
7 MUNICIPALITIES.

8 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
9 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
10 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
11 EXECUTIVE DIRECTOR OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
12 OF A MENU OF DISPLACEMENT MITIGATION MEASURES.

13 (2) THE MENU OF DISPLACEMENT MITIGATION MEASURES MUST:

14 (a) PROVIDE GUIDANCE TO IDENTIFY THE HIGHEST RISKS FOR
15 DISPLACEMENT USING OBJECTIVE STANDARDS;

16 (b) PROVIDE GUIDANCE AND RECOMMENDATIONS FOR HOW A
17 LOCAL GOVERNMENT SHALL INCORPORATE ANTI-DISPLACEMENT
18 MEASURES INTO A HOUSING NEEDS PLAN;

19 (c) PROVIDE GUIDANCE AND RECOMMENDATIONS FOR IDENTIFYING
20 AREAS AT THE HIGHEST RISK FOR DISPLACEMENT; AND

21 (d) INCLUDE DISPLACEMENT MITIGATION MEASURES LOCAL
22 GOVERNMENTS MAY CHOSE FROM IN DEVELOPING A HOUSING NEEDS PLAN.

23 **29-33-107. Strategic growth objectives - reporting.** (1) (a) NO
24 LATER THAN MARCH 31, 2024, THE EXECUTIVE DIRECTOR OF THE
25 DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH A REPORT THAT
26 IDENTIFIES STRATEGIC GROWTH OBJECTIVES.

27 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF

1 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
2 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
3 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
4 CONCERNING STRATEGIC GROWTH OBJECTIVES.

5 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
6 AFFAIRS SHALL IDENTIFY STRATEGIC GROWTH OBJECTIVES, THE
7 IMPLEMENTATION OF WHICH WILL INCENTIVIZE GROWTH THAT MEETS
8 STATE GOALS, INCLUDING REDUCING THE STATE'S GREENHOUSE GAS
9 EMISSIONS, IN AREAS NEAR TRANSIT, INFILL AREAS, AND AT THE EDGES OF
10 URBAN AREAS.

11 (3) THE STRATEGIC GROWTH OBJECTIVES MUST:

12 (a) GUIDE STATE, REGIONAL, AND LOCAL PLANNING AGENCIES IN
13 UPDATING RELEVANT PLANS;

14 (b) INFORM STATE FUNDING DECISIONS, SO THAT THEY BETTER
15 ALIGN WITH THE HOUSING POLICIES SET IN THIS ARTICLE 33;

16 (c) PROVIDE DEFINITIONS OF, AND CRITERIA TO IDENTIFY,
17 CONSERVATION AREAS, EFFICIENT GROWTH AREAS, GENERAL GROWTH
18 AREAS, AND ANY OTHER AREA DESIGNATIONS TO BE DETERMINED; AND

19 (d) RECOMMEND HOW TO STREAMLINE STATE AGENCY PROCESSES
20 THAT IMPACT DEVELOPMENT.

21 (4) NO LATER THAN MARCH 31, 2024, THE MULTI-AGENCY GROUP
22 SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY. THE REPORT MUST
23 ADDRESS HOW TO IMPLEMENT THE STRATEGIC GROWTH OBJECTIVES. THE
24 REPORT MUST ASSESS THE IMPACT OF DEVELOPMENT PATTERNS AND
25 INFRASTRUCTURE SYSTEMS ON THE FISCAL HEALTH OF LOCAL, REGIONAL,
26 AND STATE AGENCIES IN COLORADO, LOCALITIES, AND THE STATE. THE
27 REPORT MAY IDENTIFY LEGISLATION OR RULEMAKING THAT WOULD

1 IMPROVE THE FISCAL HEALTH OF INFRASTRUCTURE SYSTEMS.

2 **29-33-108. Public comment and hearing process.** (1) IN
3 DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE
4 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE
5 MULTI-AGENCY ADVISORY COMMITTEE SHALL CONDUCT A PUBLIC
6 COMMENT AND HEARING PROCESS ABOUT:

7 (a) DEVELOPING METHODOLOGY FOR THE DEVELOPMENT OF
8 STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS
9 PURSUANT TO SECTION 29-33-103;

10 (b) CREATING A HOUSING NEEDS PLAN PURSUANT TO SECTION
11 29-33-104;

12 (c) DEVELOPING A MENU OF AFFORDABILITY STRATEGIES THAT
13 INCLUDES STRATEGIES TO ADDRESS HOUSING PRODUCTION,
14 PRESERVATION, AND AFFORDABILITY PURSUANT TO SECTION 29-33-105;

15 (d) DEVELOPING A MENU OF DISPLACEMENT MITIGATION
16 MEASURES FOR URBAN MUNICIPALITIES PURSUANT TO SECTION 29-33-106;

17 (e) PUBLISHING A REPORT THAT IDENTIFIES STRATEGIC GROWTH
18 OBJECTIVES PURSUANT TO SECTION 29-33-107; AND

19 (f) DEVELOPING REPORTING GUIDANCE AND TEMPLATES FOR
20 RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES
21 PURSUANT TO SECTION 29-33-112.

22 (2) TO CONDUCT THE PUBLIC COMMENT AND HEARING PROCESS
23 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE MULTI-AGENCY
24 ADVISORY COMMITTEE SHALL:

25 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
26 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
27 COMMENT ON THE SUBJECT OF THE HEARING;

1 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
2 SUBJECT OF THE HEARING;

3 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
4 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

5 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
6 HOUSING, FAIR HOUSING, PLANNING AND ZONING, AND RELATED FIELDS.

7 **29-33-109. Natural and agricultural land priorities report.**

8 (1) NO LATER THAN DECEMBER 31, 2024, THE OFFICE OF CLIMATE
9 PREPAREDNESS CREATED IN SECTION 24-38.8-102 (1) SHALL CONSULT
10 WITH THE DEPARTMENT OF AGRICULTURE, THE DIVISION OF PARKS AND
11 WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES, THE
12 OUTDOOR RECREATION INDUSTRY OFFICE IN THE OFFICE OF ECONOMIC
13 DEVELOPMENT, THE COLORADO TOURISM OFFICE, AND THE MULTI-AGENCY
14 GROUP TO DEVELOP A REPORT THAT IDENTIFIES INTERJURISDICTIONAL
15 PRIORITIES THAT METROPOLITAN PLANNING ORGANIZATIONS SHOULD
16 APPLY TO ACHIEVE BOTH:

- 17 (a) CONNECTIVITY TO OPEN SPACE AND NATURAL LANDS; AND
18 (b) PRESERVATION OF AGRICULTURAL LAND AND OPEN SPACE.

19 (2) THE DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH THE
20 REPORT AND MAKE IT AVAILABLE AS A RESOURCE FOR LOCAL
21 GOVERNMENTS FOR USE IN DEVELOPING MASTER PLANS PURSUANT TO
22 SECTIONS 30-28-106 (6.5)(d) AND 31-23-206 (6.5)(d) AS APPLICABLE.

23 **29-33-110. Regional collaboration - rural resort regional**

24 **housing needs plan process.** (1) (a) NO LATER THAN JUNE 30, 2026, A
25 COUNTY OR MUNICIPALITY WITHIN A REGION DEFINED AS A RURAL RESORT
26 REGION IN THE REGIONAL HOUSING NEEDS ASSESSMENT SHALL
27 PARTICIPATE IN A REGIONAL HOUSING NEEDS PLANNING PROCESS.

1 (b) A REGIONAL HOUSING NEEDS PLANNING PROCESS MUST
2 ENCOURAGE PARTICIPATING COUNTIES AND MUNICIPALITIES TO IDENTIFY
3 STRATEGIES THAT ADDRESS THE HOUSING NEEDS ASSIGNED TO THOSE
4 COUNTIES AND MUNICIPALITIES IN LOCAL HOUSING NEEDS ASSESSMENTS
5 THROUGH EITHER:

6 (I) THE ADOPTION OF STRATEGIES BY AN INDIVIDUAL COUNTY OR
7 MUNICIPALITY; OR

8 (II) THE ADOPTION OF STRATEGIES THROUGH
9 INTERGOVERNMENTAL AGREEMENTS.

10 (c) A REGIONAL HOUSING NEEDS PLANNING PROCESS MUST
11 INCLUDE:

12 (I) A MAP IDENTIFYING LOCATIONS WHERE MINIMUM STANDARDS
13 FOR MIDDLE HOUSING, TRANSIT-ORIENTED AREAS, AND KEY CORRIDORS
14 CAN MEET THE HOUSING NEEDS IDENTIFIED IN THE REGIONAL HOUSING
15 NEEDS ASSESSMENT;

16 (II) PRIORITY STRATEGIES FROM THE MENU OF AFFORDABILITY
17 STRATEGIES DEVELOPED IN SECTION 29-33-105 THAT SUPPORT MEETING
18 THE AFFORDABILITY LEVELS IDENTIFIED IN THE REGIONAL HOUSING NEEDS
19 ASSESSMENT; AND

20 (III) LOCATIONS WHERE THE REDUCTION OF PARKING MINIMUMS
21 CAN ALLEVIATE HOUSING AFFORDABILITY NEEDS.

22 (d) (I) AT THE CONCLUSION OF A REGIONAL HOUSING NEEDS
23 PLANNING PROCESS, A REPORT MUST BE SUBMITTED TO THE DEPARTMENT
24 OF LOCAL AFFAIRS THAT DOCUMENTS THE OUTCOMES ACHIEVED BY AND
25 COMMITMENTS MADE BY THE COUNTIES AND MUNICIPALITIES THAT
26 PARTICIPATED IN THE REGIONAL HOUSING NEEDS PROCESS IN MEETING THE
27 REGIONAL HOUSING NEEDS ASSESSMENT BY:

1 (A) AN ENTITY AGREED UPON BY ALL OF THE COUNTIES AND
2 MUNICIPALITIES WHO PARTICIPATE IN THE REGIONAL HOUSING NEEDS
3 PLANNING PROCESS IF THEY CAN AGREE ON SUCH AN ENTITY; OR

4 (B) IF THE COUNTIES AND MUNICIPALITIES CANNOT AGREE UPON
5 AN ENTITY PURSUANT TO SUBSECTION (1)(d)(I)(A) OF THIS SECTION, THE
6 MULTI-AGENCY GROUP.

7 (II) THE DEPARTMENT OF LOCAL AFFAIRS SHALL REVIEW THE
8 REGIONAL HOUSING NEEDS PLANNING PROCESS REPORT AND ASSESS THE
9 APPLICABILITY OF THE STRATEGIES IDENTIFIED IN THE REPORT IN MEETING
10 THE HOUSING NEEDS IDENTIFIED IN THE REGIONAL HOUSING NEEDS
11 ASSESSMENT. AFTER REVIEWING THE REPORT, THE DEPARTMENT OF LOCAL
12 AFFAIRS SHALL APPROVE THE REPORT OR PROVIDE FEEDBACK AS NEEDED.

13 (e) ONLY PARTS OF A RURAL RESORT JOB CENTER MUNICIPALITY
14 THAT ARE IDENTIFIED IN A REGIONAL HOUSING NEEDS ASSESSMENT
15 IDENTIFIED IN THE MAP INCLUDED IN THE HOUSING NEEDS PLANNING
16 PROCESS PURSUANT TO SUBSECTION (1)(c)(I) OF THIS SECTION ARE
17 SUBJECT TO THE MODEL CODES AND MINIMUM STANDARDS FOR MIDDLE
18 HOUSING AND KEY CORRIDORS.

19 (2) WITHIN SIX MONTHS OF CONCLUDING A REGIONAL HOUSING
20 NEEDS PLANNING PROCESS AS DESCRIBED IN SUBSECTION (1) OF THIS
21 SECTION, A RURAL RESORT JOB CENTER MUNICIPALITY SHALL SUBMIT A
22 LOCAL HOUSING NEEDS PLAN TO THE DEPARTMENT OF LOCAL AFFAIRS
23 THAT BOTH COMPLIES WITH SECTION 29-33-104 (4) AND IDENTIFIES THE
24 STRATEGIES THAT THE MUNICIPALITY WILL USE TO MEET ITS LOCAL
25 HOUSING NEEDS ASSESSMENT. THE MUNICIPALITY MAY INCLUDE
26 STRATEGIES THAT IT WILL ADOPT THROUGH INTERGOVERNMENTAL
27 AGREEMENTS IN THE LOCAL HOUSING NEEDS PLAN.

1 **29-33-111. Technical assistance - housing plans assistance**

2 **fund - definition.** (1) THE DIVISION OF LOCAL GOVERNMENT WITHIN THE
3 DEPARTMENT OF LOCAL AFFAIRS SHALL PROVIDE TECHNICAL ASSISTANCE
4 MATERIALS, BRIEFINGS, CONSULTING SERVICES, TEMPLATES, TOOLS,
5 TRAININGS, WEBINARS, OR OTHER GUIDANCE TO AID LOCAL GOVERNMENTS
6 AND METROPOLITAN PLANNING ORGANIZATIONS IN UPDATING LOCAL LAWS
7 AND OTHERWISE COMPLYING WITH THIS ARTICLE 33.

8 (2) TO ASSIST LOCAL GOVERNMENTS IN COMPLYING WITH THIS
9 ARTICLE 33, THE DIVISION OF LOCAL GOVERNMENT WITHIN THE
10 DEPARTMENT OF LOCAL AFFAIRS, WITH THE SUPPORT OF THE
11 MULTI-AGENCY GROUP, SHALL PROVIDE TECHNICAL ASSISTANCE FUNDING
12 THROUGH EITHER A GRANT PROGRAM OR THE PROVISION OF CONSULTANT
13 SERVICES THROUGH SUBJECT JURISDICTIONS OR BOTH A GRANT PROGRAM
14 AND PROVISION OF CONSULTANT SERVICES. THE DIVISION OF LOCAL
15 GOVERNMENT MAY ALSO PROVIDE TECHNICAL ASSISTANCE FUNDING
16 THROUGH A METROPOLITAN PLANNING ORGANIZATION OR OTHER
17 REGIONAL ENTITY.

18 (3) (a) THE HOUSING PLANS ASSISTANCE FUND IS CREATED IN THE
19 STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL
20 ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND FOR
21 IMPLEMENTATION OF THE GRANT PROGRAM, AND GIFTS, GRANTS, OR
22 DONATIONS CREDITED TO THE FUND. THE STATE TREASURER SHALL CREDIT
23 ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT
24 OF MONEY IN THE HOUSING PLANS ASSISTANCE CASH FUND TO THE FUND.

25 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
26 ASSEMBLY, THE DEPARTMENT OF LOCAL AFFAIRS MAY EXPEND MONEY
27 FROM THE FUND FOR THE PURPOSES OF PROVIDING TECHNICAL ASSISTANCE

1 AND IMPLEMENTING A GRANT PROGRAM PURSUANT TO SUBSECTIONS (1)
2 AND (2) OF THIS SECTION.

3 **29-33-112. Reporting requirements.** (1) (a) NO LATER THAN
4 DECEMBER 31, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
5 LOCAL AFFAIRS SHALL DEVELOP REPORTING GUIDANCE AND TEMPLATES
6 FOR RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN
7 MUNICIPALITIES.

8 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
9 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
10 29-33-108 (2), PROVIDE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR
11 OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
12 OF REPORTING GUIDANCE AND TEMPLATES FOR RURAL RESORT JOB CENTER
13 MUNICIPALITIES AND URBAN MUNICIPALITIES.

14 (2) AT A MINIMUM, RURAL RESORT JOB CENTER MUNICIPALITIES
15 AND URBAN MUNICIPALITIES SHALL REPORT, NO LATER THAN DECEMBER
16 31, 2026, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF
17 LOCAL AFFAIRS, THE FOLLOWING HOUSING DATA TO THE DEPARTMENT OF
18 LOCAL AFFAIRS ONCE EVERY YEAR:

19 (a) THE NUMBER OF PERMITS THAT THE MUNICIPALITY ISSUED FOR
20 NEW HOUSING UNITS CATEGORIZED BY THE NUMBER OF UNITS IN EACH
21 STRUCTURE TYPE;

22 (b) THE NUMBER OF NEW HOUSING UNITS CATEGORIZED BY THE
23 NUMBER OF UNITS IN EACH STRUCTURE TYPE, IN THE MUNICIPALITY ON
24 WHICH CONSTRUCTION HAS BEGUN;

25 (c) TIMEFRAMES TO COMPLETE RESIDENTIAL PERMIT REVIEWS BY
26 HOUSING TYPE;

27 (d) WORKFORCE ASSIGNED TO DEVELOPMENT REVIEW BY POSITION

1 TYPE;
2 (e) THE IMPLEMENTATION STATUS OF THE STRATEGIES IDENTIFIED
3 IN THE MUNICIPALITY'S HOUSING NEEDS PLAN;
4 (f) ZONING INFORMATION THAT MAY INCLUDE GEOSPATIAL DATA
5 SPECIFYING ZONING DISTRICTS, ALLOWED USES AND DENSITIES, AND
6 OTHER DATA IN A STANDARD FORMAT; AND
7 (g) THE NUMBER OF INTERGOVERNMENTAL AGREEMENTS THAT
8 THE MUNICIPALITY HAS ENTERED INTO TO ADDRESS ITS LOCAL AND
9 REGIONAL HOUSING NEEDS ASSESSMENTS AND A DESCRIPTION OF THESE
10 AGREEMENTS.

11 (3) UPON RECEIVING THE REPORTS FROM THE RURAL RESORT JOB
12 CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES PURSUANT TO
13 SUBSECTION (2) OF THIS SECTION, THE DIVISION OF LOCAL AFFAIRS SHALL
14 PUBLISH AN ANALYSIS ON A PUBLICLY AVAILABLE DASHBOARD THAT
15 INCLUDES ALL OF THE INFORMATION IN THE REPORTS.

16 **29-33-113. Compliance.** NO LATER THAN JUNE 30, 2027, THE
17 DEPARTMENT OF LOCAL AFFAIRS SHALL CONDUCT A COMPLIANCE REVIEW
18 AND APPROVE HOUSING NEEDS PLANS OR PROVIDE FEEDBACK TO RURAL
19 RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES AS
20 NEEDED.

21 **29-33-114. Mixed state and local concern.** THE GENERAL
22 ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT THE AVAILABILITY
23 OF AFFORDABLE HOUSING AND LAND USE POLICES THAT AFFECT HOUSING
24 SUPPLY ARE MATTERS OF MIXED STATE AND LOCAL CONCERN.

PART 2

ACCESSORY DWELLING UNITS

27 **29-33-201. Legislative declaration.** (1) (a) THE GENERAL

1 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

2 (I) LOCAL GOVERNMENT LAND USE DECISIONS FREQUENTLY LIMIT
3 ACCESSORY DWELLING UNIT DEVELOPMENT;

4 (II) THE TEN LARGEST MUNICIPALITIES IN THE DENVER
5 METROPOLITAN AREA ALLOW SINGLE-UNIT DETACHED DWELLINGS AS A
6 USE BY RIGHT ON OVER EIGHTY-FIVE PERCENT OF THEIR RESIDENTIAL
7 LAND, COMPARED TO TWENTY-FOUR PERCENT FOR ACCESSORY DWELLING
8 UNITS, ACCORDING TO PUBLICLY AVAILABLE ZONING DATA;

9 (III) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

10 (IV) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
11 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
12 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
13 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
14 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
15 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
16 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
17 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
18 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
19 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
20 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
21 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
22 AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.

23 (V) MORE PERMISSIVE LOCAL GOVERNMENT ACCESSORY
24 DWELLING UNIT REGULATIONS CAN HELP INCREASE HOUSING SUPPLY AND
25 STABILIZE HOUSING COSTS;

26 (VI) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE
27 COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED

1 NEIGHBORHOODS WITH MINIMAL IMPACTS TO INFRASTRUCTURE AND ALSO
2 SUPPLY NEW HOUSING WITHOUT ADDING NEW DISPERSED LOW-DENSITY
3 HOUSING;

4 (VII) RELATIVE TO DISPERSED LOW-DENSITY DEVELOPMENT,
5 COMPACT INFILL DEVELOPMENT, INCLUDING ACCESSORY DWELLING UNIT
6 DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS,
7 INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION
8 COSTS;

9 (VIII) ACCESSORY DWELLING UNITS PROVIDE FINANCIAL BENEFITS
10 TO HOMEOWNERS;

11 (IX) ACCESSORY DWELLING UNITS GENERATE RENTAL INCOME TO
12 HELP HOMEOWNERS COVER MORTGAGE PAYMENTS OR OTHER COSTS,
13 WHICH CAN BE IMPORTANT FOR OLDER HOMEOWNERS ON FIXED INCOMES;

14 (X) ACCESSORY DWELLING UNITS CAN PROVIDE FAMILIES WITH
15 OPTIONS FOR INTERGENERATIONAL LIVING ARRANGEMENTS THAT ENABLE
16 CHILD OR ELDER CARE AND AGING IN PLACE; AND

17 (XI) ACCESSORY DWELLING UNITS USE SIGNIFICANTLY LESS
18 ENERGY FOR HEATING AND COOLING THAN SINGLE-UNIT DETACHED
19 DWELLINGS BECAUSE OF THEIR SMALLER SIZE, WHICH REDUCES
20 HOUSEHOLD ENERGY COSTS AND GREENHOUSE GAS EMISSIONS.

21 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
22 INCREASED SUPPLY OF HOUSING THROUGH ACCESSORY DWELLING UNITS
23 IS A MATTER OF MIXED STATE AND LOCAL CONCERN.

24 **29-33-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS
27 ESTABLISHED IN SECTION 29-33-205.

1 (2) "MODEL CODE" MEANS THE MODEL CODE PROMULGATED BY
2 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
3 PURSUANT TO SECTION 29-33-204.

4 (3) "NON-URBAN MUNICIPALITY" MEANS A MUNICIPALITY THAT IS
5 NEITHER A RURAL RESORT JOB CENTER MUNICIPALITY NOR AN URBAN
6 MUNICIPALITY AND THAT HAS A POPULATION OF FIVE THOUSAND OR MORE.

7 (4) "SUBJECT JURISDICTION" MEANS A NON-URBAN MUNICIPALITY,
8 RURAL RESORT JOB CENTER MUNICIPALITY, OR URBAN MUNICIPALITY.

9 **29-33-203. Applicability - exemptions.** (1) THE REQUIREMENTS
10 OF THIS PART 2 APPLY ONLY IN A SUBJECT JURISDICTION.

11 (2) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
12 LAWS ADOPTED PURSUANT TO THIS PART 2 ONLY APPLY TO PARCELS THAT
13 ARE NOT STANDARD EXEMPT PARCELS.

14 **29-33-204. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
15 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
16 PROMULGATE AN ACCESSORY DWELLING UNIT MODEL CODE.

17 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
18 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
19 OF LOCAL AFFAIRS CONCERNING THE MODEL CODE.

20 (2) IN DEVELOPING RECOMMENDATIONS CONCERNING THE MODEL
21 CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:

22 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
23 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
24 COMMENT ON THE MODEL CODE;

25 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
26 MODEL CODE;

27 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL

1 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

2 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
3 HOUSING, FAIR HOUSING, PLANNING, ZONING, AND RELATED FIELDS.

4 (3) THE MODEL CODE MUST, AT A MINIMUM:

5 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT IN
6 ANY PART OF THE SUBJECT JURISDICTION WHERE THE SUBJECT
7 JURISDICTION ALLOWS SINGLE-UNIT DETACHED DWELLINGS AS A USE BY
8 RIGHT AS OF JANUARY 1, 2023; AND

9 (b) ESTABLISH OBJECTIVE STANDARDS FOR ALL OF THE ELEMENTS
10 ADDRESSED IN THE MINIMUM STANDARDS.

11 (4) THE MODEL CODE MUST NOT INCLUDE A REQUIREMENT FOR
12 NEW OFF-STREET PARKING IN CONNECTION WITH THE CONSTRUCTION OR
13 PERMITTING OF AN ACCESSORY DWELLING UNIT.

14 **29-33-205. Minimum standards.** (1) NOTWITHSTANDING ANY
15 LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT
16 ADOPT THE MODEL CODE SHALL:

17 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT IN
18 ANY PART OF THE SUBJECT JURISDICTION WHERE THE SUBJECT
19 JURISDICTION ALLOWS SINGLE-UNIT DETACHED DWELLINGS AS A USE BY
20 RIGHT AS OF JANUARY 1, 2023;

21 (b) ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING
22 ACCESSORY DWELLING UNIT LAND USE THAT USE OBJECTIVE STANDARDS
23 AND OBJECTIVE PROCEDURES;

24 (c) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING
25 SINGLE-UNIT DETACHED DWELLING TO CREATE AN ACCESSORY DWELLING
26 UNIT SO LONG AS THE ADDITION OR CONVERSION DOES NOT INCREASE
27 NONCONFORMANCE WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS

1 LOCAL LAWS ALLOW FOR SUCH AN INCREASE IN NONCONFORMANCE;
2 (d) IF THE SUBJECT JURISDICTION APPLIES DESIGN STANDARDS TO
3 ACCESSORY DWELLING UNITS, ONLY APPLY THE SAME DESIGN STANDARDS
4 TO AN ACCESSORY DWELLING UNIT THAT THE SUBJECT JURISDICTION
5 APPLIES TO A SINGLE-UNIT DETACHED DWELLING; AND
6 (e) ALLOW ACCESSORY DWELLING UNIT SIZES OF AT LEAST THE
7 GREATER OF EITHER EIGHT HUNDRED SQUARE FEET OR FIFTY PERCENT OF
8 THE SIZE OF THE PRIMARY RESIDENCE ON THE SAME LOT.
9 (2) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
10 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
11 NOT:
12 (a) ADOPT, ENACT, OR ENFORCE LOCAL LAWS CONCERNING
13 ACCESSORY DWELLING UNIT LAND USE THAT ARE MORE RESTRICTIVE THAN
14 LOCAL LAWS CONCERNING SINGLE-UNIT DETACHED DWELLING LAND USE
15 IN THE SAME ZONING DISTRICT OR OTHER TYPE OF DISTRICT THAT
16 REGULATES LAND USE, UNLESS REQUIRED BY THE MINIMUM STANDARDS
17 OR MODEL CODE;
18 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT INDIVIDUALLY
19 OR CUMULATIVELY CREATE UNREASONABLE COSTS OR DELAYS OR THAT
20 MAKE THE PERMITTING, SITING, OR CONSTRUCTION OF AN ACCESSORY
21 DWELLING UNIT ON AN ELIGIBLE PROPERTY INFEASIBLE;
22 (c) IMPOSE A REQUIREMENT ON AN ACCESSORY DWELLING UNIT
23 THAT IS CONTINGENT UPON THE PRIMARY RESIDENCE ON THE SAME LOT
24 BEING OWNER-OCCUPIED;
25 (d) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE TO
26 AN ACCESSORY DWELLING UNIT IN A MANNER THAT INTERFERES WITH THE
27 INTENT OF THIS PART 2;

1 (e) FOR URBAN MUNICIPALITIES ONLY, REQUIRE NEW OFF-STREET
2 PARKING IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING OF AN
3 ACCESSORY DWELLING UNIT; OR

4 (f) REQUIRE SIDE OR REAR SETBACKS GREATER THAN FIVE FEET
5 FOR AN ACCESSORY DWELLING UNIT, UNLESS SUCH A SETBACK IS
6 NECESSARY TO COMPLY WITH PUBLIC HEALTH OR SAFETY STANDARDS.

7 (4) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
8 OR OTHERWISE ESTABLISH REQUIREMENTS AS NECESSARY TO ESTABLISH
9 FURTHER LIMITATIONS ON THE LOCAL LAWS OF A SUBJECT JURISDICTION
10 THAT DOES NOT ADOPT THE MODEL CODES.

11 **29-33-206. Adoption of model codes - satisfaction of minimum**
12 **standards - reporting.** (1) NO LATER THAN DECEMBER 31, 2024, A
13 SUBJECT JURISDICTION SHALL EITHER:

14 (a) ADOPT LOCAL LAWS CONCERNING ACCESSORY DWELLING UNITS
15 THAT SATISFY THE MINIMUM STANDARDS ESTABLISHED IN SECTION
16 29-33-203; OR

17 (b) ADOPT THE MODEL CODE.

18 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
19 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BEFORE JUNE 30,
20 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR APPLICABLE
21 PARCELS, AS SPECIFIED IN SECTION 29-33-303, IN THE SUBJECT
22 JURISDICTION UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES
23 THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH
24 THE MINIMUM STANDARDS.

25 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
26 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
27 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT

1 JURISDICTION SHALL:

2 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER AN
3 ACCESSORY DWELLING PROJECT SATISFIES THE MODEL CODE AND APPROVE
4 SUCH A PROJECT IF IT SATISFIES THE MODEL CODE; AND

5 (b) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
6 CONTRAVENE THE MODEL CODE.

7 (4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
8 MAY SUBMIT AN APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
9 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
10 AFFAIRS, FOR AN EXTENSION OF THE APPLICABLE REQUIREMENTS ADOPTED
11 PURSUANT TO SUBSECTION (1) OF THIS SECTION.

12 (b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE
13 SUBJECT JURISDICTION THAT:

14 (I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER
15 SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS, OR ARE
16 EXPECTED TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

17 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED A PLAN OF
18 ACTION TO REMEDY THE DEFICIENT WATER, SEWER, OR STORMWATER
19 SERVICES IN THE SPECIFIC AREAS IDENTIFIED IN SUBSECTION (4)(b)(I) OF
20 THIS SECTION ON A SPECIFIC TIMELINE; AND

21 (III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER
22 EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 2.

23 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
24 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
25 (4).

26 (5) (a) NO LATER THAN DECEMBER 31, 2024, A RURAL RESORT JOB
27 CENTER MUNICIPALITY OR AN URBAN MUNICIPALITY SHALL SUBMIT TO THE

1 DEPARTMENT OF LOCAL AFFAIRS, IN A FORM AND MANNER DETERMINED BY
2 THE DEPARTMENT OF LOCAL AFFAIRS, A REPORT DEMONSTRATING
3 EVIDENCE OF COMPLIANCE WITH EITHER THE MODEL CODE OR MINIMUM
4 STANDARDS. <{*Was this meant not to cover all types of subject*
5 *jurisdictions?*>

6 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
7 SUBSECTION (5)(a) OF THIS SECTION , THE DEPARTMENT OF LOCAL AFFAIRS
8 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
9 REPORT AND PROVIDE FEEDBACK TO A RURAL RESORT JOB CENTER
10 MUNICIPALITY OR AN URBAN MUNICIPALITY. THE DEPARTMENT OF LOCAL
11 AFFAIRS MAY GRANT A JURISDICTION AN ADDITIONAL ONE HUNDRED
12 TWENTY DAYS TO CORRECT THE RELEVANT LOCAL LAWS AND RE-SUBMIT
13 THEIR REPORT.

14 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A RURAL
15 RESORT JOB CENTER MUNICIPALITY OR AN URBAN MUNICIPALITY REPORT
16 THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE RURAL
17 RESORT JOB CENTER MUNICIPALITY OR AN URBAN MUNICIPALITY, UNTIL
18 THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE RURAL
19 RESORT JOB CENTER MUNICIPALITY OR AN URBAN MUNICIPALITY HAS
20 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS
21 ADOPTED THE MODEL CODE.

22 **29-33-207. Subject jurisdiction restrictions.** (1) NOTHING IN
23 THIS PART 2 PREVENTS A LOCAL GOVERNMENT FROM:

24 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
25 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
26 12101 ET SEQ., AS AMENDED;

27 (b) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF AN

1 ACCESSORY DWELLING UNIT;

2 (c) ALLOWING THE CONSTRUCTION OF, OR ISSUING PERMITS FOR
3 THE CONSTRUCTION OF, A SINGLE-UNIT DETACHED DWELLING IN AN AREA
4 ZONED FOR SINGLE-UNIT DETACHED DWELLINGS; OR

5 (d) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO
6 ACCESSORY DWELLING UNITS IN THAT HISTORIC DISTRICT.

7 (2) NOTHING IN THIS PART 2 REQUIRES A SUBJECT JURISDICTION TO
8 PERMIT AN ACCESSORY DWELLING UNIT PROJECT AND A MIDDLE HOUSING
9 PROJECT ON THE SAME PARCEL OR LOT.

10 PART 3

11 MIDDLE HOUSING

12 **29-33-301. Legislative declaration.** (1) (a) THE GENERAL
13 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

14 (I) LOCAL GOVERNMENT LAND USE DECISIONS OFTEN LIMIT MIDDLE
15 HOUSING DEVELOPMENT;

16 (II) THE TEN LARGEST MUNICIPALITIES IN THE DENVER
17 METROPOLITAN AREA ALLOW SINGLE-UNIT DETACHED DWELLINGS AS A
18 USE BY RIGHT ON OVER EIGHTY-FIVE PERCENT OF THEIR RESIDENTIAL
19 LAND, COMPARED TO ALLOWING TOWNHOMES, DUPLEXES, TRIPLEXES, AND
20 QUADPLEXES AS A USE BY RIGHT ON LESS THAN THIRTY-FIVE PERCENT OF
21 THEIR RESIDENTIAL LAND, ACCORDING TO PUBLICLY AVAILABLE ZONING
22 DATA;

23 (III) LOCAL LAND USE REGULATIONS INFLUENCE WHAT TYPES OF
24 HOUSING ARE BUILT;

25 (IV) BETWEEN 2000 AND 2019, OVER SEVENTY PERCENT OF HOMES
26 BUILT IN COLORADO WERE SINGLE-UNIT DETACHED DWELLINGS, WHILE
27 LESS THAN THREE PERCENT OF HOMES BUILT IN COLORADO DURING THAT

1 TIME WERE DUPLEXES TO QUADPLEXES, ACCORDING TO THE AMERICAN
2 COMMUNITY SURVEY;

3 (V) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

4 (VI) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
5 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
6 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
7 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
8 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
9 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
10 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
11 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
12 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
13 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
14 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
15 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
16 AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE.

17 (VII) MIDDLE HOUSING IS TYPICALLY MORE AFFORDABLE THAN
18 SINGLE-UNIT DETACHED DWELLINGS, IN PART BECAUSE LAND COSTS ARE
19 SHARED BETWEEN MORE HOUSEHOLDS;

20 (VIII) IN 2019, COLORADO DUPLEXES COST ON AVERAGE
21 FOURTEEN PERCENT LESS TO OWN AND TWENTY-SIX PERCENT LESS TO
22 RENT THAN SINGLE-UNIT DETACHED DWELLINGS, AND TRIPLEXES AND
23 QUADPLEXES COST THIRTY-ONE PERCENT LESS TO OWN AND TWENTY-NINE
24 LESS TO RENT, ACCORDING TO THE AMERICAN COMMUNITY SURVEY;

25 (IX) MIDDLE HOUSING OFFERS A WAY TO PROVIDE COMPACT
26 RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED NEIGHBORHOODS
27 WITH MINIMAL INFRASTRUCTURE IMPACT AND SUPPLY NEW HOUSING

1 WITHOUT ADDING NEW DISPERSED LOW DENSITY HOUSING;

2 (X) RELATIVE TO DISPERSED LOW DENSITY DEVELOPMENT,
3 COMPACT INFILL HOUSING DEVELOPMENT, INCLUDING MIDDLE HOUSING
4 DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS,
5 INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION
6 COSTS;

7 (XI) MIDDLE HOUSING USES SIGNIFICANTLY LESS ENERGY FOR
8 HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED
9 DWELLINGS DUE TO MIDDLE HOUSING HAVING ATTACHED WALLS AND
10 SMALLER UNIT SIZES, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND
11 GREENHOUSE GAS EMISSIONS; AND

12 (XII) IN COLORADO, COMPARED TO SINGLE-UNIT DETACHED
13 DWELLINGS, HOUSEHOLD ENERGY DEMAND IS ON AVERAGE FORTY
14 PERCENT LESS FOR TOWNHOMES, FORTY-FIVE PERCENT LESS FOR
15 DUPLEXES, AND FIFTY-THREE PERCENT LESS FOR TRIPLEXES AND
16 QUADPLEXES, ACCORDING TO THE NATIONAL RENEWABLE ENERGY
17 LABORATORY RESSTOCK ANALYSIS TOOL.

18 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
19 INCREASED SUPPLY OF HOUSING THROUGH MIDDLE HOUSING IS A MATTER
20 OF MIXED STATE AND LOCAL CONCERN.

21 **29-33-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23 (1) "MINIMUM STANDARDS" MEANS THE MIDDLE HOUSING
24 MINIMUM STANDARDS ESTABLISHED IN SECTION 29-33-305.

25 (2) "MODEL CODE" MEANS THE MIDDLE HOUSING MODEL CODE
26 PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
27 LOCAL AFFAIRS PURSUANT TO SECTION 29-33-304.

1 (3) "SUBJECT JURISDICTION" MEANS A RURAL RESORT JOB CENTER
2 MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY.

3 **29-33-303. Applicability - exemptions.** (1) THE REQUIREMENTS
4 OF THIS PART 3 ONLY APPLY IN A RURAL RESORT JOB CENTER
5 MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY.

6 (2) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
7 LAWS ADOPTED PURSUANT TO THIS PART 3 ONLY APPLY TO PARCELS THAT
8 ARE NOT STANDARD EXEMPT PARCELS.

9 **29-33-304. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
10 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
11 PROMULGATE A MIDDLE HOUSING MODEL CODE.

12 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
13 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
14 OF LOCAL AFFAIRS ON THE MIDDLE HOUSING MODEL CODE.

15 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
16 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE
17 MIDDLE HOUSING MODEL CODE, THE MULTI-AGENCY ADVISORY
18 COMMITTEE SHALL:

19 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
20 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
21 COMMENT ON THE MODEL CODE;

22 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
23 MODEL CODE;

24 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
25 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

26 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
27 HOUSING, FAIR HOUSING, PLANNING, ZONING, AND RELATED FIELDS.

1 (3) THE MODEL CODE MUST, AT A MINIMUM, ESTABLISH OBJECTIVE
2 STANDARDS FOR ALL THE ELEMENTS IN THE MINIMUM STANDARDS FOR
3 MIDDLE HOUSING TO BE ALLOWED AS A USE BY RIGHT IN ANY PART OF THE
4 SUBJECT JURISDICTION WHERE THE SUBJECT JURISDICTION ALLOWS
5 SINGLE-UNIT DETACHED DWELLINGS AS A USE BY RIGHT AS OF JANUARY
6 1, 2023.

7 (4) THE MODEL CODE MUST NOT INCLUDE A REQUIREMENT FOR
8 NEW OFF-STREET PARKING IN CONNECTION WITH THE CONSTRUCTION OR
9 PERMITTING OF MIDDLE HOUSING.

10 **29-33-305. Minimum standards.** (1) (a) NOTWITHSTANDING
11 ANY LOCAL LAW TO THE CONTRARY, A TIER ONE URBAN MUNICIPALITY
12 THAT DOES NOT ADOPT THE MODEL CODE SHALL ALLOW MIDDLE HOUSING
13 AS A USE BY RIGHT IN ANY PART OF THE MUNICIPALITY'S JURISDICTION
14 WHERE THE MUNICIPALITY ALLOWS SINGLE-UNIT DETACHED DWELLINGS
15 AS A USE BY RIGHT AS OF JANUARY 1, 2023.

16 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
17 RURAL RESORT JOB CENTER THAT DOES NOT ADOPT THE MODEL CODE
18 SHALL ALLOW MIDDLE HOUSING AS A USE BY RIGHT IN ANY PART OF THE
19 RURAL RESORT JOB CENTER'S JURISDICTION THAT THE RURAL RESORT
20 REGION'S HOUSING NEEDS PLANNING PROCESS DESIGNATED FOR MIDDLE
21 HOUSING.

22 (c) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
23 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL:

24 (I) ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING MIDDLE
25 HOUSING THAT USE OBJECTIVE STANDARDS AND PROCEDURES;

26 (II) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING
27 SINGLE-UNIT DETACHED DWELLING TO CREATE MIDDLE HOUSING SO LONG

1 AS THE ADDITION OR CONVERSION DOES NOT INCREASE NONCONFORMANCE
2 WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS LOCAL LAWS ALLOW
3 FOR SUCH AN INCREASE IN NONCONFORMANCE.

4 (III) ALLOW PROPERTIES ON WHICH MIDDLE HOUSING IS ALLOWED
5 TO BE SUBDIVIDED USING OBJECTIVE STANDARDS AND PROCEDURES; AND

6 (IV) IF THE SUBJECT JURISDICTION APPLIES DESIGN STANDARDS TO
7 MIDDLE HOUSING, APPLY THE SAME DESIGN STANDARDS TO MIDDLE
8 HOUSING THAT THE SUBJECT JURISDICTION APPLIES TO A SINGLE-UNIT
9 DETACHED DWELLING IN THE SAME ZONING DISTRICT.

10 (2) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
11 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
12 NOT:

13 (a) ADOPT, ENACT, OR ENFORCE LOCAL LAWS CONCERNING MIDDLE
14 HOUSING LAND USE THAT ARE MORE RESTRICTIVE THAN LOCAL LAWS
15 CONCERNING SINGLE-UNIT DETACHED DWELLING LAND USE IN THE SAME
16 ZONING DISTRICT OR ANY OTHER TYPE OF DISTRICT THAT REGULATES LAND
17 USE, UNLESS REQUIRED BY THE MINIMUM STANDARDS OR MODEL CODE;

18 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT INDIVIDUALLY
19 OR CUMULATIVELY CREATE UNREASONABLE COSTS OR DELAYS, OR THAT
20 MAKE THE PERMITTING, SITING, OR CONSTRUCTION OF MIDDLE HOUSING ON
21 AN ELIGIBLE PROPERTY INFEASIBLE;

22 (c) APPLY MINIMUM SETBACK, LOT WIDTHS, LOT DEPTH, OR LOT
23 SIZE STANDARDS TO MIDDLE HOUSING THAT ARE MORE RESTRICTIVE THAN
24 THE STANDARDS THAT THE SUBJECT JURISDICTION WOULD APPLY TO
25 SINGLE-UNIT DETACHED DWELLINGS ON THE SAME PROPERTY;

26 (d) APPLY LOWER MAXIMUM HEIGHT STANDARDS TO MIDDLE
27 HOUSING THAN THE SUBJECT JURISDICTION WOULD APPLY TO SINGLE-UNIT

1 DETACHED DWELLINGS ON THE SAME PROPERTY;

2 (e) APPLY LIMITS ON THE SCALE OF MIDDLE HOUSING BUILDINGS
3 THROUGH FLOOR AREA RATIOS, LOT OR BUILDING COVERAGE, OR OTHER
4 SIMILAR STANDARDS THAT INDIVIDUALLY OR COLLECTIVELY WOULD
5 RESTRICT A MIDDLE HOUSING PROJECT TO LESS THAN ONE HUNDRED
6 TWENTY-FIVE PERCENT OF THE BUILDING AREA OF A SINGLE-UNIT
7 DETACHED DWELLING ON THE SAME LOT;

8 (f) IMPOSE A RESTRICTION ON THE FOOTPRINT OR SIZE OF A MIDDLE
9 HOUSING PROJECT IN A HISTORIC DISTRICT OR ON A HISTORIC PROPERTY
10 THAT IS MORE RESTRICTIVE THAN A FOOTPRINT OR SIZE RESTRICTION THAT
11 THE SUBJECT JURISDICTION WOULD IMPOSE ON A SINGLE-UNIT DETACHED
12 DWELLING IN THE SAME HISTORIC DISTRICT OR ON THE SAME HISTORIC
13 PROPERTY;

14 (g) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE TO
15 MIDDLE HOUSING IN A MANNER THAT INTERFERES WITH THE INTENT OF
16 THIS PART 3; AND

17 (h) REQUIRE NEW OFF-STREET PARKING IN CONNECTION WITH THE
18 CONSTRUCTION OR PERMITTING OF MIDDLE HOUSING.

19 (3) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
20 OR OTHERWISE ESTABLISH REQUIREMENTS AS NECESSARY TO ESTABLISH
21 FURTHER LIMITATIONS ON THE LOCAL LAWS OF A SUBJECT JURISDICTION
22 THAT DOES NOT ADOPT THE MODEL CODES.

23 **29-33-306. Adoption of model codes - satisfaction of minimum**
24 **standards.** (1) (a) NO LATER THAN DECEMBER 31, 2024, A TIER ONE
25 URBAN MUNICIPALITY SHALL EITHER:

26 (I) ADOPT LOCAL LAWS CONCERNING MIDDLE HOUSING THAT
27 SATISFY THE MINIMUM STANDARDS; OR

1 (II) ADOPT THE MODEL CODE.

2 (b) IF A TIER ONE URBAN MUNICIPALITY DOES NOT SATISFY THE
3 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION BEFORE JUNE 30,
4 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR APPLICABLE
5 PARCELS, AS SPECIFIED IN SECTION 29-33-303, IN THE URBAN
6 MUNICIPALITY AND REMAINS IN EFFECT UNTIL THE DEPARTMENT OF LOCAL
7 AFFAIRS DETERMINES THAT THE URBAN MUNICIPALITY HAS ADOPTED LAWS
8 THAT COMPLY WITH THE MINIMUM STANDARDS.

9 (2) (a) NO LATER THAN DECEMBER 31, 2026, A RURAL RESORT JOB
10 CENTER MUNICIPALITY SHALL EITHER:

11 (I) ADOPT LOCAL LAWS CONCERNING MIDDLE HOUSING THAT
12 SATISFY THE MINIMUM STANDARDS; OR

13 (II) ADOPT THE MODEL CODE.

14 (b) IF A RURAL RESORT JOB CENTER MUNICIPALITY DOES NOT
15 SATISFY THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION
16 BEFORE JUNE 30, 2027, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY
17 FOR APPLICABLE PARCELS, AS SPECIFIED IN SECTION 29-33-303, IN THE
18 RURAL RESORT JOB CENTER MUNICIPALITY AND REMAINS IN EFFECT UNTIL
19 THE RURAL RESORT JOB CENTER MUNICIPALITY JURISDICTION HAS
20 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

21 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR THE
22 MODEL CODE IS OTHERWISE IN EFFECT, FOR A SUBJECT JURISDICTION
23 PURSUANT TO EITHER SUBSECTION (1)(b) OR (2)(b) OF THIS SECTION, THE
24 SUBJECT JURISDICTION SHALL:

25 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
26 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
27 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT

1 JURISDICTION SHALL APPROVE THE MIDDLE HOUSING PROJECT; AND

2 (b) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
3 CONTRAVENE THE MODEL CODE.

4 (4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
5 MAY SUBMIT AN APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
6 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
7 AFFAIRS, FOR AN EXTENSION OF THE RELEVANT REQUIREMENTS IN
8 SUBSECTION (1) OR (2) OF THIS SECTION.

9 (b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE
10 SUBJECT JURISDICTION THAT:

11 (I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER
12 SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS, OR ARE
13 EXPECTED TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

14 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED A PLAN OF
15 ACTION TO REMEDY THE DEFICIENT WATER, SEWER, OR STORMWATER
16 SERVICES IN THE SPECIFIC AREAS IDENTIFIED IN SUBSECTION (4)(a)(I) OF
17 THIS SECTION ON A SPECIFIC TIMELINE; AND

18 (III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER
19 EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 3.

20 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
21 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
22 (4).

23 (5) (a) (I) NO LATER THAN DECEMBER 31, 2024, A TIER ONE URBAN
24 MUNICIPALITY SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
25 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
26 AFFAIRS, A REPORT DEMONSTRATING EVIDENCE OF COMPLIANCE WITH
27 EITHER THE MODEL CODE OR MINIMUM STANDARDS.

1 (II) NO LATER THAN DECEMBER 31, 2026, A RURAL RESORT JOB
2 CENTER MUNICIPALITY SHALL SUBMIT TO THE DEPARTMENT OF LOCAL
3 AFFAIRS, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF
4 LOCAL AFFAIRS, A REPORT DEMONSTRATING EVIDENCE OF COMPLIANCE
5 WITH EITHER THE MODEL CODE OR MINIMUM STANDARDS.

6 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
7 SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
8 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
9 REPORT AND PROVIDE FEEDBACK TO THE SUBJECT JURISDICTION. THE
10 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
11 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
12 LOCAL LAWS AND RESUBMIT THEIR REPORT.

13 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
14 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
15 IMMEDIATELY FOR THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
16 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
17 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS
18 ADOPTED THE MODEL CODE.

19 **29-33-307. Subject jurisdiction restrictions.** (1) NOTHING IN
20 THIS PART 3 PREVENTS A SUBJECT JURISDICTION FROM:

21 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
22 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
23 12101 ET SEQ., AS AMENDED;

24 (b) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO
25 MIDDLE HOUSING SO LONG AS THE STANDARDS OF THE ORDINANCE DO NOT
26 RENDER THE DEVELOPMENT OF MIDDLE HOUSING FINANCIALLY
27 INFEASIBLE;

1 (c) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
2 MIDDLE HOUSING;

3 (d) ALLOWING SINGLE-UNIT DETACHED DWELLINGS IN AN AREA
4 ZONED FOR SINGLE-UNIT DETACHED DWELLINGS; OR

5 (e) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO MIDDLE
6 HOUSING IN THAT HISTORIC DISTRICT.

7 (2) NOTHING IN THIS PART 3 REQUIRES A SUBJECT JURISDICTION TO
8 PERMIT AN ACCESSORY DWELLING UNIT PROJECT AND A MIDDLE HOUSING
9 PROJECT ON THE SAME PARCEL OR LOT.

10 PART 4

11 TRANSIT-ORIENTED AREAS

12 **29-33-401. Legislative declaration.** (1) (a) THE GENERAL
13 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

14 (I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT DENSER
15 MULTIFAMILY HOUSING DEVELOPMENT NEAR HIGH CAPACITY TRANSIT;

16 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

17 (III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
18 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
19 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
20 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
21 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
22 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
23 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
24 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
25 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
26 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
27 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC

1 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
2 AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE;

3 (IV) MULTIFAMILY HOUSING IS TYPICALLY MORE AFFORDABLE
4 THAN SINGLE-UNIT DETACHED DWELLINGS, AND LIVING NEAR HIGH
5 CAPACITY TRANSIT ENABLES HOUSEHOLDS TO SAVE ON TRANSPORTATION
6 COSTS BY OWNING FEWER VEHICLES;

7 (V) IN 2019, COLORADO MULTIFAMILY UNITS COST BETWEEN
8 FOURTEEN AND FORTY-THREE PERCENT LESS TO OWN, AND BETWEEN NINE
9 PERCENT AND EIGHTEEN PERCENT LESS TO RENT DEPENDING ON THE SIZE
10 OF THE BUILDING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS,
11 ACCORDING TO THE AMERICAN COMMUNITY SURVEY;

12 (VI) MEETING HOUSING DEMAND THROUGH COMPACT INFILL
13 DEVELOPMENT DECREASES THE NEED FOR NEW DISPERSED LOW-DENSITY
14 HOUSING;

15 (VII) RELATIVE TO DISPERSED LOW-DENSITY DEVELOPMENT,
16 COMPACT INFILL HOUSING DEVELOPMENT, INCLUDING MULTIFAMILY
17 HOUSING IN TRANSIT-ORIENTED AREAS DEVELOPMENT, REDUCES WATER
18 USE, GREENHOUSE GAS EMISSIONS, AND HOUSEHOLD ENERGY AND
19 TRANSPORTATION COSTS;

20 (VIII) HOUSING WITH ACCESS TO HIGH CAPACITY TRANSIT ALLOWS
21 RESIDENTS TO TRAVEL TO WORK AND SERVICES WITHOUT DRIVING OR
22 WHILE DRIVING LESS, WHICH REDUCES HOUSEHOLD TRANSPORTATION
23 COSTS, GREENHOUSE GAS EMISSIONS, AND AIR POLLUTION;

24 (IX) ANALYSES OF TRANSIT-ORIENTED DEVELOPMENTS HAVE
25 FOUND THAT RESIDENTS TAKE AN AVERAGE OF FORTY-FOUR PERCENT
26 FEWER VEHICLE TRIPS, ACCORDING TO THE ARTICLE "VEHICLE TRIP
27 REDUCTION IMPACTS OF TRANSIT-ORIENTED HOUSING", IN THE JOURNAL

1 OF PUBLIC TRANSPORTATION.

2 (X) MULTIFAMILY HOUSING USES SIGNIFICANTLY LESS ENERGY
3 FOR HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED
4 DWELLINGS DUE TO THE ATTACHED WALLS AND SMALLER SIZE OF
5 MULTIFAMILY HOUSING, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND
6 GREENHOUSE GAS EMISSIONS; AND

7 (XI) IN COLORADO, HOUSEHOLD ENERGY DEMAND ON AVERAGE
8 IS SEVENTY PERCENT LESS FOR MULTIFAMILY HOUSING COMPARED TO
9 SINGLE-UNIT DETACHED DWELLINGS, ACCORDING TO THE NATIONAL
10 RENEWABLE ENERGY LABORATORY.

11 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
12 INCREASED SUPPLY OF HOUSING IN TRANSIT-ORIENTED AREAS IS A MATTER
13 OF MIXED STATEWIDE AND LOCAL CONCERN.

14 **29-33-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE
15 CONTEXT OTHERWISE REQUIRES:

16 (1) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS FOR
17 TRANSIT-ORIENTED AREAS ESTABLISHED IN SECTION 29-33-405.

18 (2) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY
19 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET
20 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF
21 THE AREA MEDIAN INCOME. FOR PURPOSES OF DEFINING "MIXED-INCOME
22 MULTIFAMILY HOUSING", A SUBJECT JURISDICTION WITH A LOCAL
23 INCLUSIONARY ZONING ORDINANCE THAT APPLIES IN A TRANSIT-ORIENTED
24 AREA MAY APPLY A DIFFERENT AREA MEDIAN INCOME THRESHOLD AND A
25 DIFFERENT REQUIREMENT FOR THE PERCENTAGE OF UNITS THAT MUST BE
26 SET ASIDE FOR HOUSEHOLDS BELOW THAT AREA MEDIAN INCOME.

27 (3) "MODEL CODE" MEANS THE MODEL CODE FOR

1 TRANSIT-ORIENTED AREAS PROMULGATED BY THE DEPARTMENT OF LOCAL
2 AFFAIRS PURSUANT TO SECTION 29-33-404.

3 (4) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN
4 MUNICIPALITY THAT CONTAINS A TRANSIT-ORIENTED AREA.

5 **29-33-403. Applicability in transit-oriented areas -**
6 **exemptions.** (1) THE REQUIREMENTS OF THIS PART 4 ONLY APPLY IN A
7 TRANSIT-ORIENTED AREA WITHIN A TIER ONE URBAN MUNICIPALITY.

8 (2) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
9 LAWS ADOPTED PURSUANT TO THIS PART 4 ONLY APPLY TO PARCELS THAT
10 ARE NOT:

11 (a) A STANDARD EXEMPT PARCEL;

12 (b) PART OF A PARCEL THAT INCLUDES LAND THAT IS A PARK AND
13 OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2);

14 (c) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT.

15 **29-33-404. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
16 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
17 PROMULGATE A TRANSIT-ORIENTED AREA MODEL CODE.

18 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
19 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
20 OF LOCAL AFFAIRS ON THE TRANSIT-ORIENTED AREA MODEL CODE.

21 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
22 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE
23 TRANSIT-ORIENTED AREA MODEL CODE, THE MULTI-AGENCY ADVISORY
24 COMMITTEE SHALL:

25 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
26 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
27 COMMENT ON THE MODEL CODE;

1 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
2 MODEL CODE;

3 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
4 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

5 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
6 HOUSING, FAIR HOUSING, PLANNING, ZONING, AND RELATED FIELDS.

7 (3) AT A MINIMUM, THE MODEL CODE MUST INCLUDE:

8 (a) A REQUIREMENT THAT SUBJECT JURISDICTIONS MAY NOT
9 REQUIRE NEW OFF-STREET PARKING WITHIN TRANSIT-ORIENTED AREAS FOR
10 ANY USES IN CONJUNCTION WITH EITHER A MULTIFAMILY RESIDENTIAL
11 DEVELOPMENT OR MIXED-INCOME MULTIFAMILY HOUSING DEVELOPMENT
12 PERMIT;

13 (b) A MINIMUM RESIDENTIAL DENSITY LIMIT FOR MULTIFAMILY
14 RESIDENTIAL HOUSING OF AT LEAST FORTY UNITS PER ACRE NET DENSITY
15 THAT A SUBJECT JURISDICTION SHALL ALLOW AS A USE BY RIGHT IN
16 TRANSIT-ORIENTED AREAS; AND

17 (c) A MINIMUM RESIDENTIAL DENSITY LIMIT FOR MIXED-INCOME
18 MULTIFAMILY HOUSING OF AT LEAST SIXTY UNITS PER ACRE NET DENSITY
19 THAT A SUBJECT JURISDICTION SHALL ALLOW AS A USE BY RIGHT IN
20 TRANSIT-ORIENTED AREAS. AFFORDABLE UNITS WITHIN MIXED-INCOME
21 MULTIFAMILY RESIDENTIAL HOUSING MUST BE OF A SIMILAR SIZE AS THE
22 OTHER UNITS IN THE DEVELOPMENT.

23 (4) NOTHING IN THE MODEL CODE SHALL PREVENT A SUBJECT
24 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN
25 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,
26 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS:

27 (a) THE SUBJECT JURISDICTION HAS ADOPTED AN INCLUSIONARY

1 ZONING ORDINANCE THAT APPLIES WITHIN TRANSIT-ORIENTED AREAS; AND

2 (b) THE INCLUSIONARY ZONING ORDINANCE DOES NOT RENDER THE
3 DEVELOPMENT OF MULTIFAMILY RESIDENTIAL HOUSING IN
4 TRANSIT-ORIENTED AREAS FINANCIALLY INFEASIBLE.

5 **29-33-405. Minimum standards.** (1) (a) NOTWITHSTANDING
6 ANY LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES
7 NOT ADOPT THE MODEL CODE SHALL CREATE A ZONING DISTRICT WITHIN
8 TRANSIT-ORIENTED AREAS IN WHICH MULTIFAMILY HOUSING IS ALLOWED
9 AS A USE BY RIGHT AND A MINIMUM OF A GROSS DENSITY OF FORTY UNITS
10 OF MULTIFAMILY HOUSING PER ACRE IS ALLOWED. SUBJECT JURISDICTIONS
11 MAY ESTABLISH SUBDISTRICTS WITHIN THESE ZONING DISTRICTS THAT
12 ALLOW A DIFFERENT DENSITY OF MULTIFAMILY HOUSING DEVELOPMENT
13 SO LONG AS EACH SUBDISTRICT ALLOWS A GROSS DENSITY OF
14 MULTIFAMILY HOUSING OF AT LEAST FORTY UNITS PER ACRE. THE ZONING
15 DISTRICTS MUST INCLUDE ALL ELIGIBLE PARCELS IN THE SUBJECT
16 JURISDICTION.

17 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
18 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY
19 MEET THE GROSS DENSITY ESTABLISHED IN THE MINIMUM STANDARDS BY
20 ADOPTING LOCAL LAWS APPLICABLE TO A DISTRICT COVERING AREAS
21 OUTSIDE OF TRANSIT-ORIENTED AREAS SO LONG AS THE DISTRICT IS AT
22 LEAST THE SAME SIZE AS THE ELIGIBLE PARCELS IN THE TRANSIT-ORIENTED
23 AREAS, IF EITHER:

24 (I) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR

25 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
26 AREAS FOR TRANSIT-COMPATIBLE USE IN ADJACENT AREAS.

27 (2) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A

1 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
2 NOT:

3 (a) APPLY LOCAL LAWS THAT INDIVIDUALLY OR CUMULATIVELY
4 CREATE UNREASONABLE COSTS OR DELAYS, OR THAT MAKE THE
5 PERMITTING, SITING, OR CONSTRUCTION OF MULTIFAMILY HOUSING IN A
6 TRANSIT-ORIENTED AREA INFEASIBLE;

7 (b) ADOPT LOCAL LAWS THAT INDIVIDUALLY OR CUMULATIVELY
8 MAKE SATISFYING THE MINIMUM RESIDENTIAL DENSITY LIMITS
9 INFEASIBLE; OR

10 (c) REQUIRE NEW OFF-STREET PARKING WITHIN TRANSIT-ORIENTED
11 AREAS FOR ANY USES IN CONJUNCTION WITH A MULTIFAMILY HOUSING
12 DEVELOPMENT PERMIT.

13 (3) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
14 OR OTHERWISE ENACT REQUIREMENTS AS NECESSARY TO ESTABLISH
15 FURTHER LIMITATIONS ON THE LOCAL LAWS OF A SUBJECT JURISDICTION
16 THAT DOES NOT ADOPT THE MODEL CODES. <{*This feel like it's at least*
17 *getting close to improper delegation of power. I don't have a suggestion*
18 *for rewording, but I wanted to let you know.*>

19 **29-33-406. Adoption of model code - satisfaction of minimum**
20 **standards.** (1) (a) NO LATER THAN DECEMBER 31, 2024, A SUBJECT
21 JURISDICTION SHALL EITHER:

22 (I) ADOPT LOCAL LAWS CONCERNING TRANSIT-ORIENTED AREAS
23 THAT SATISFY THE MINIMUM STANDARDS; OR

24 (II) ADOPT THE MODEL CODE.

25 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
26 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION BEFORE JUNE 30,
27 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE

1 APPLICABLE PARCELS, AS SPECIFIED IN SECTION 29-33-403, IN THE SUBJECT
2 JURISDICTION, UNTIL THE SUBJECT JURISDICTION SUBMITS LOCAL LAWS
3 THAT COMPLY WITH THE MINIMUM STANDARDS TO THE DEPARTMENT OF
4 LOCAL AFFAIRS.

5 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR THE
6 MODEL CODE IS OTHERWISE IN EFFECT, FOR A SUBJECT JURISDICTION
7 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT
8 JURISDICTION SHALL:

9 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
10 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
11 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT
12 JURISDICTION SHALL APPROVE THE PROJECT; AND

13 (b) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
14 CONTRAVENE THE MODEL CODE.

15 (4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
16 MAY SUBMIT AN APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
17 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
18 AFFAIRS, FOR AN EXTENSION OF THE RELEVANT REQUIREMENTS IN
19 SUBSECTION (1) OR (2) OF THIS SECTION.

20 (b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE
21 SUBJECT JURISDICTION THAT:

22 (I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER
23 SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS OR ARE EXPECTED
24 TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

25 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED A PLAN OF
26 ACTION TO REMEDY THE DEFICIENT WATER, SEWER, OR STORMWATER
27 SERVICES IN THE SPECIFIC AREAS IDENTIFIED IN SUBSECTION (4)(b)(I) OF

1 THIS SECTION ON A SPECIFIC TIMELINE; AND

2 (III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER
3 EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 4.

4 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
5 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
6 (4).

7 (5) (a) NO LATER THAN DECEMBER 31, 2024, A SUBJECT
8 JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
9 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
10 AFFAIRS, A REPORT CONCERNING THE IMPLEMENTATION OF THE MODEL
11 CODE OR LOCAL LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

12 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
13 SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
14 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
15 REPORT AND PROVIDE FEEDBACK TO THE SUBJECT JURISDICTION. THE
16 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
17 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
18 LOCAL LAWS AND RESUBMIT ITS REPORT.

19 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
20 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
21 IMMEDIATELY FOR THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
22 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
23 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS
24 ADOPTED THE MODEL CODE.

25 **29-33-407. Subject jurisdiction restrictions.** (1) NOTHING IN
26 THIS PART 4, IN THE MODEL CODE, OR IN THE MINIMUM STANDARDS
27 PREVENTS A LOCAL GOVERNMENT FROM:

- 1 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
2 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
3 12101 ET SEQ., AS AMENDED;
- 4 (b) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO
5 MULTIFAMILY HOUSING IN TRANSIT-ORIENTED AREAS SO LONG AS THE
6 STANDARDS OF THE ORDINANCE DO NOT RENDER THE DEVELOPMENT OF
7 MULTIFAMILY HOUSING FINANCIALLY INFEASIBLE;
- 8 (c) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
9 HOUSING IN TRANSIT-ORIENTED AREAS;
- 10 (d) PERMITTING MIXED-USE DEVELOPMENT IN A
11 TRANSIT-ORIENTED AREA;
- 12 (e) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A
13 TRANSIT-ORIENTED AREA; OR
- 14 (f) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO HOUSING
15 IN A TRANSIT-ORIENTED AREA IN THAT HISTORIC DISTRICT.

16 PART 5

17 KEY CORRIDORS

18 **29-33-501. Legislative declaration.** (1) (a) THE GENERAL
19 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

20 (I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT DENSER
21 MULTIFAMILY HOUSING DEVELOPMENT NEAR FREQUENT TRANSIT AND IN
22 COMMERCIAL AND INSTITUTIONAL AREAS;

23 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

24 (III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
25 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
26 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
27 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND

1 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
2 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
3 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
4 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
5 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
6 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
7 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
8 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
9 AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE;

10 (IV) MULTIFAMILY HOUSING IS TYPICALLY MORE AFFORDABLE
11 THAN DETACHED SINGLE-UNIT DWELLINGS, AND LIVING NEAR TRANSIT,
12 JOBS, AND SERVICES ENABLES HOUSEHOLDS TO SAVE ON TRANSPORTATION
13 COSTS BY OWNING FEWER VEHICLES. IN 2019, COLORADO MULTIFAMILY
14 UNITS COST BETWEEN FOURTEEN AND FORTY-THREE PERCENT LESS TO
15 OWN, AND BETWEEN NINE AND EIGHTEEN PERCENT LESS TO RENT,
16 DEPENDING ON THE SIZE OF THE BUILDING, COMPARED TO A SINGLE-UNIT
17 DETACHED DWELLING, ACCORDING TO THE AMERICAN COMMUNITY
18 SURVEY;

19 (V) THE TERNER CENTER FOR HOUSING INNOVATION AT THE
20 UNIVERSITY OF CALIFORNIA BERKELEY FOUND IN ITS REPORT
21 "RESIDENTIAL REDEVELOPMENT OF COMMERCIAL ZONED LAND IN
22 CALIFORNIA" THAT THERE IS SIGNIFICANT POTENTIAL FOR RESIDENTIAL
23 DEVELOPMENT IN COMMERCIAL ZONED AREAS, THAT MANY
24 COMMERCIAL ZONE DISTRICTS DO NOT ALLOW RESIDENTIAL
25 DEVELOPMENT, AND THAT ALLOWING USE BY RIGHT RESIDENTIAL
26 DEVELOPMENT IN COMMERCIAL ZONE DISTRICTS CAN ENCOURAGE
27 ADDITIONAL HOUSING SUPPLY;

1 (VI) ACCORDING TO THE NATIONAL ASSOCIATION OF REALTORS
2 IN THEIR REPORT "ANALYSIS AND CASE STUDIES ON OFFICE-TO-HOUSING
3 CONVERSIONS", OVER FIVE MILLION SEVEN HUNDRED THOUSAND SQUARE
4 FEET OF OFFICE SPACE BECAME UNOCCUPIED IN THE DENVER
5 METROPOLITAN REAL ESTATE MARKET BETWEEN 2020 AND 2021, THE
6 DENVER MARKET COULD POTENTIALLY ADD OVER TWO THOUSAND NEW
7 RESIDENTIAL UNITS FROM OFFICE TO RESIDENTIAL CONVERSIONS IF IT
8 CONVERTED TWENTY PERCENT OF CURRENTLY VACANT OFFICE SPACE, AND
9 ONE OF THE MAJOR BARRIERS TO CONVERSIONS IS RESTRICTIVE LOCAL
10 LAND USE REGULATIONS THAT REQUIRE DISCRETIONARY APPROVALS;

11 (VII) ACCORDING TO THE NOTRE DAME LAW SCHOOL IN THEIR
12 ARTICLE "SHELLS OF THE STORES THEY ONCE WERE: RETURNING VACANT
13 RETAIL PROPERTY TO PRODUCTIVE USE IN THE MIDST OF THE RETAIL
14 APOCALYPSE", UNITED STATES RETAILERS HAVE BEEN CLOSING BRICK
15 AND MORTAR LOCATIONS IN LARGE NUMBERS SINCE AT LEAST 2017,
16 LEAVING BEHIND VACANT COMMERCIAL BUILDINGS AND PROPERTIES THAT
17 POSE PROBLEMS FOR PUBLIC HEALTH AND SAFETY, REDUCE LOCAL TAX
18 REVENUE, AND LEAD TO THE FLIGHT OF OTHER RETAIL BUSINESSES.
19 VACANT COMMERCIAL PROPERTIES PROVIDE OPPORTUNITIES FOR
20 RESIDENTIAL AND MIXED USE REDEVELOPMENT, BOTH THROUGH ADAPTIVE
21 REUSE OF EXISTING BUILDINGS, AND THROUGH NEW DEVELOPMENT; AND,
22 ACCORDING TO THE LOCAL GOVERNMENT COMMISSION IN COOPERATION
23 WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN THE
24 JOINT REPORT "CREATING GREAT NEIGHBORHOODS: DENSITY IN YOUR
25 COMMUNITY", INCREASED RESIDENTIAL DENSITY IS ASSOCIATED WITH THE
26 ECONOMIC SUCCESS OF NEARBY BUSINESSES, AND CONTRIBUTES TO THE
27 REVITALIZATION OF NEIGHBORHOODS.

1 (VIII) MEETING HOUSING DEMAND THROUGH COMPACT INFILL
2 DEVELOPMENT CLOSE TO JOBS, SERVICES, AND TRANSIT DECREASES THE
3 NEED FOR NEW DISPERSED, LOW-DENSITY HOUSING. RELATIVE TO
4 DISPERSED LOW-DENSITY DEVELOPMENT, COMPACT INFILL HOUSING
5 DEVELOPMENT, INCLUDING MULTIFAMILY HOUSING DEVELOPMENT,
6 REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, INFRASTRUCTURE
7 COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION COSTS.

8 (IX) HOUSING WITH ACCESS TO FREQUENT TRANSIT ALLOWS
9 RESIDENTS TO TRAVEL TO WORK AND SERVICES WITHOUT DRIVING OR
10 WHILE DRIVING LESS, WHICH REDUCES HOUSEHOLD TRANSPORTATION
11 COSTS, GREENHOUSE GAS EMISSIONS, AND AIR POLLUTION. ANALYSES OF
12 TRANSIT-ORIENTED DEVELOPMENTS HAVE FOUND RESIDENTS TAKE AN
13 AVERAGE OF FORTY-FOUR PERCENT FEWER VEHICLE TRIPS, ACCORDING TO
14 THE ARTICLE "VEHICLE TRIP REDUCTION IMPACTS OF TRANSIT-ORIENTED
15 HOUSING" IN THE JOURNAL OF PUBLIC TRANSPORTATION. AND,
16 ACCORDING TO THE CALIFORNIA AIR RESOURCES BOARD REPORTS
17 "IMPACT OF JOBS-HOUSING BALANCE ON PASSENGER VEHICLE USE AND
18 GREENHOUSE GAS EMISSIONS" AND "IMPACTS OF LAND-USE MIX ON
19 PASSENGER VEHICLE USE AND GREENHOUSE GAS EMISSIONS",
20 CO-LOCATING RESIDENCES, JOBS, AND SERVICES ALSO REDUCES
21 HOUSEHOLD VEHICLE MILES TRAVELED.

22 (X) MULTIFAMILY HOUSING ALSO USES SIGNIFICANTLY LESS
23 ENERGY FOR HEATING AND COOLING PER UNIT THAN SINGLE-UNIT
24 DETACHED DEALINGS DUE TO MULTIFAMILY HOUSING HAVING ATTACHED
25 WALLS AND SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS
26 AND GREENHOUSE GAS EMISSIONS. IN COLORADO, HOUSEHOLD ENERGY
27 DEMAND ON AVERAGE IS SEVENTY PERCENT LESS FOR MULTIFAMILY

1 HOUSING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS, ACCORDING
2 TO THE NATIONAL RENEWABLE ENERGY LABORATORY RESSTOCK
3 ANALYSIS TOOL.

4 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
5 INCREASED HOUSING SUPPLY IN KEY CORRIDORS IS A MATTER OF MIXED
6 STATEWIDE AND LOCAL CONCERN.

7 **29-33-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "FREQUENT TRANSIT SERVICE AREA" MEANS AN AREA
10 DESIGNATED AS A "FREQUENT TRANSIT SERVICE AREA" IN THE FREQUENT
11 TRANSIT SERVICE AREAS MAP PUBLISHED BY THE DEPARTMENT OF LOCAL
12 AFFAIRS PURSUANT TO SECTION 29-33-503.

13 (2) "KEY CORRIDORS" MEANS PARCELS THAT ARE WITHIN THE
14 AREAS DESCRIBED IN SECTION 29-33-504 (1)(a).

15 (3) "INDUSTRIAL USE" MEANS A BUSINESS USE OR ACTIVITY AT A
16 SCALE GREATER THAN HOME INDUSTRY INVOLVING MANUFACTURING,
17 FABRICATION, ASSEMBLY, WAREHOUSING, OR STORAGE.

18 (4) "MINIMUM STANDARDS" MEANS THE KEY CORRIDORS MINIMUM
19 STANDARDS ESTABLISHED IN SECTION 29-33-506.

20 (5) "MODEL CODE" MEANS THE KEY CORRIDORS MODEL CODE
21 PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO
22 SECTION 29-33-505.

23 (6) "NET RESIDENTIAL ZONING CAPACITY" MEANS THE TOTAL
24 HOUSING UNIT CAPACITY ESTIMATED TO BE ALLOWED AS A USE BY RIGHT
25 IN A GIVEN AREA, MINUS EXISTING HOUSING UNITS.

26 (7) "SUBJECT JURISDICTION" MEANS A RURAL RESORT JOB CENTER
27 MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY.

1 **29-33-503. Frequent transit service areas.** (1) (a) NO LATER
2 THAN JUNE 30, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
3 LOCAL AFFAIRS SHALL CREATE A FREQUENT TRANSIT SERVICE AREAS MAP
4 THAT DESIGNATES FREQUENT TRANSIT SERVICE AREAS.

5 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
6 THE PROCESS USED BY THE MULTI-AGENCY ADVISORY COMMITTEE TO
7 DEVELOP RECOMMENDATIONS FOR THE KEY CORRIDOR MODEL CODE
8 PURSUANT TO SECTION 29-33-506 (2), PROVIDE RECOMMENDATIONS TO
9 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
10 CONCERNING THE CREATION OF A FREQUENT TRANSIT SERVICE AREAS MAP.

11 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
12 AFFAIRS SHALL INCLUDE IN THE FREQUENT TRANSIT SERVICE AREAS MAP,
13 AREAS THAT ARE WITHIN ONE QUARTER-MILE OF:

14 (a) A ROADWAY WITHIN A CENSUS URBANIZED AREA SERVED BY A
15 BUS ROUTE THAT IS BOTH SCHEDULED TO RUN EVERY FIFTEEN MINUTES OR
16 LESS AND AT LEAST ONE MILE LONG; AND

17 (b) A BUS STOP ALONG A BUS ROUTE THAT IS SCHEDULED TO RUN
18 EVERY FIFTEEN MINUTES OR LESS AND RUNS, AT LEAST IN PART, ON A
19 LIMITED ACCESS HIGHWAY OR OUTSIDE OF AN AREA THAT IS DESIGNATED
20 AS AN URBANIZED AREA BY THE MOST RECENT FEDERAL DECENNIAL
21 CENSUS; AND

22 (c) AN EXISTING OR PLANNED URBAN BUS OR COMMUTER BUS
23 RAPID TRANSIT SERVICE.

24 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
25 AFFAIRS SHALL DESIGNATE AN AREA AS A FREQUENT TRANSIT SERVICE
26 AREA BASED ON:

27 (a) TRANSIT SERVICE LEVELS AS OF JANUARY 1, 2023;

1 (b) TRANSIT SERVICE LEVELS PLANNED AND APPROVED BY A
2 TRANSIT AGENCY'S BOARD AS OF JANUARY 1, 2023, FOR IMPLEMENTATION
3 BEFORE JANUARY 1, 2028; OR

4 (c) FUTURE TRANSIT SERVICE LEVELS, PLANNED AS OF JANUARY
5 1, 2023, AS DESCRIBED IN FEDERALLY REQUIRED TRANSPORTATION PLANS.

6 (4) IN DESIGNATING FREQUENT TRANSIT SERVICE AREAS, THE
7 DEPARTMENT OF LOCAL AFFAIRS SHALL NOT RELY ON PLANNING
8 DOCUMENTS ADOPTED AFTER JANUARY 1, 2023.

9 **29-33-504. Key corridor applicability - exemptions.** (1) (a) IF
10 A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR THE MODEL CODE
11 IS OTHERWISE IN EFFECT, THE MODEL CODE SHALL APPLY TO PARCELS
12 THAT ARE WITHIN:

13 (I) A ZONING DISTRICT THAT PERMITS, AS OF JANUARY 1, 2023:

14 (A) COMMERCIAL USES COMPATIBLE WITH RESIDENTIAL USES SUCH
15 AS OFFICE, RETAIL, PERSONAL SERVICES, OR PARKING COMMERCIAL USES;
16 OR

17 (B) PUBLIC OR INSTITUTIONAL USES;

18 (II) AN AREA ZONED FOR A MIX OF USES INCLUDING COMMERCIAL,
19 INSTITUTIONAL, PUBLIC, OR RESIDENTIAL USES; OR

20 (III) A FREQUENT TRANSIT SERVICE AREA, AS OF JANUARY 1, 2023.

21 (b) IF A SUBJECT JURISDICTION ADOPTS LOCAL LAWS THAT MEET
22 THE MINIMUM STANDARDS RATHER THAN THE MODEL CODE, THE SUBJECT
23 JURISDICTION MAY CHOOSE TO IDENTIFY AREAS DESCRIBED IN
24 SUBSECTIONS (1)(a)(I), (1)(a)(II), AND (1)(a)(III) OF THIS SECTION AS KEY
25 CORRIDORS AS LONG AS THE AREAS THAT THE SUBJECT JURISDICTION
26 SELECTS, AND THE LOCAL LAWS THAT THE SUBJECT JURISDICTION APPLIES
27 TO THOSE AREAS, MEET THE MINIMUM STANDARDS ESTABLISHED IN

1 SECTION 29-33-506.

2 (2) THE REQUIREMENTS OF THIS PART 5 APPLY ONLY TO A KEY
3 CORRIDOR IN A RURAL RESORT JOB CENTER MUNICIPALITY OR A TIER ONE
4 URBAN MUNICIPALITY.

5 (3) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
6 LAWS ADOPTED PURSUANT TO THIS PART 5 ONLY APPLY TO PARCELS THAT
7 ARE NOT:

- 8 (a) A STANDARD EXEMPT PARCEL; OR
- 9 (b) ON A SITE OR ADJOINING A SITE THAT IS:
 - 10 (I) USED FOR AN INDUSTRIAL USE;
 - 11 (II) CURRENTLY PERMITTED FOR AN INDUSTRIAL USE; OR
 - 12 (III) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
13 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN ADOPTED BEFORE
14 JANUARY 1, 2023.

15 **29-33-505. Model code.** (1) (a) NO LATER THAN JUNE 30, 2025,
16 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
17 PROMULGATE A KEY CORRIDOR MODEL CODE.

18 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
19 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
20 OF LOCAL AFFAIRS ON THE MODEL CODE.

21 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
22 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE
23 MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:

24 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
25 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
26 COMMENT ON THE MODEL CODE;

27 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE

1 MODEL CODE;

2 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL

3 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

4 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE

5 HOUSING, FAIR HOUSING, PLANNING, ZONING, AND RELATED FIELDS.

6 (3) AT A MINIMUM, THE MODEL CODE MUST INCLUDE:

7 (a) A MINIMUM RESIDENTIAL DENSITY LIMIT FOR MULTIFAMILY

8 RESIDENTIAL HOUSING THAT MUST BE ALLOWED AS A USE BY RIGHT IN KEY

9 CORRIDORS;

10 (b) AN ALLOWABLE MINIMUM RESIDENTIAL DENSITY LIMIT FOR

11 MIXED-INCOME MULTIFAMILY RESIDENTIAL HOUSING THAT MUST BE

12 ALLOWED AS A USE BY RIGHT IN KEY CORRIDORS AND MUST BE AT LEAST

13 FIFTY PERCENT GREATER THAN THE MINIMUM RESIDENTIAL DENSITY LIMIT

14 IN SUBSECTION (2)(a) OF THIS SECTION;

15 (c) REQUIREMENTS FOR THE PERCENT OF UNITS IN MIXED-INCOME

16 MULTIFAMILY RESIDENTIAL DEVELOPMENTS THAT MUST BE RESERVED FOR

17 LOW- AND MODERATE-INCOME HOUSEHOLDS; AND

18 (d) AREA MEDIAN INCOME REQUIREMENTS FOR REGULATED

19 AFFORDABLE HOUSING UNITS THAT ARE INFORMED BY THE NEED FOR

20 AFFORDABLE HOUSING IDENTIFIED IN THE LOCAL HOUSING NEEDS

21 ASSESSMENT.

22 **29-33-506. Minimum standards.** (1) (a) NO LATER THAN JUNE

23 30, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL

24 AFFAIRS SHALL PROMULGATE KEY CORRIDOR MINIMUM STANDARDS.

25 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE

26 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT

27 OF LOCAL AFFAIRS ON THE MINIMUM STANDARDS.

1 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
2 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE
3 MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL FOLLOW
4 THE SAME PROCESS AS IN SECTION 29-33-506 (2).

5 (3) THE MINIMUM STANDARDS MUST:

6 (a) INCLUDE GUIDANCE TO ENCOURAGE REGIONAL STRATEGIES FOR
7 KEY CORRIDORS;

8 (b) IDENTIFY A NET RESIDENTIAL ZONING CAPACITY FOR EACH
9 SUBJECT JURISDICTION, WHICH MUST BE INFORMED BY THE LOCAL
10 HOUSING NEEDS ASSESSMENT; AND

11 (c) IDENTIFY ANY ADDITIONAL STANDARDS DEEMED NECESSARY,
12 SUCH AS A MINIMUM RESIDENTIAL DENSITY LIMIT AND MINIMUM DISTRICT
13 SIZE.

14 (4) (a) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
15 TIER ONE URBAN MUNICIPALITY THAT DOES NOT ADOPT THE MODEL CODE
16 SHALL ESTABLISH A DISTRICT WITHIN KEY CORRIDORS THAT ALLOWS, AS
17 A USE BY RIGHT, MULTIFAMILY RESIDENTIAL HOUSING THAT SATISFIES THE
18 NET RESIDENTIAL ZONING CAPACITY ESTABLISHED BY THE MINIMUM
19 STANDARDS AND MEETS OTHER MINIMUM STANDARDS ESTABLISHED.

20 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
21 RURAL RESORT JOB CENTER MUNICIPALITY THAT DOES NOT ADOPT THE
22 MODEL CODE SHALL ALLOW MULTIFAMILY HOUSING AS A USE BY RIGHT IN
23 THE PARTS OF THE MUNICIPALITY THAT THE RURAL RESORT REGION
24 HOUSING NEEDS PLANNING PROCESS IDENTIFIED AS KEY CORRIDORS.

25 (c) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
26 SUBJECT JURISDICTION MAY ALLOW DIFFERENT LEVELS OF DENSITY WITHIN
27 A KEY CORRIDOR SO LONG AS THE MINIMUM STANDARDS ARE SATISFIED.

1 (5) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
2 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
3 NOT, IN THE DISTRICTS IT ESTABLISHES PURSUANT TO SUBSECTION (4)(a):

4 (a) APPLY STANDARDS THAT INDIVIDUALLY OR CUMULATIVELY
5 CREATE UNREASONABLE COSTS OR DELAYS FOR MULTIFAMILY HOUSING
6 DEVELOPMENTS IN KEY CORRIDORS OR MAKE THE PERMITTING, SITING, OR
7 CONSTRUCTION OF MULTIFAMILY HOUSING IN KEY CORRIDORS INFEASIBLE;

8 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT MAKE THE
9 MINIMUM RESIDENTIAL DENSITY LIMITS INFEASIBLE; OR

10 (c) REQUIRE NEW OFF-STREET PARKING WITHIN KEY CORRIDORS
11 FOR ANY USE IN CONJUNCTION WITH THE ISSUANCE OF A DEVELOPMENT
12 PERMIT.

13 (6) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
14 AS NECESSARY TO ESTABLISH FURTHER LIMITATIONS ON THE LOCAL LAWS
15 OF A SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE.

16 **29-33-507. Adoption of model codes - satisfaction of minimum**
17 **standards.** (1) NO LATER THAN DECEMBER 31, 2026, A SUBJECT
18 JURISDICTION SHALL EITHER:

19 (a) ADOPT LOCAL LAWS CONCERNING KEY CORRIDORS THAT
20 SATISFY THE MINIMUM STANDARDS; OR

21 (b) ADOPT THE MODEL CODE.

22 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
23 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BEFORE JUNE 30,
24 2027, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE
25 APPLICABLE PARCELS IN KEY CORRIDORS, AS SPECIFIED IN SECTION
26 29-33-505, IN THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
27 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS

1 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

2 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
3 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
4 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT
5 JURISDICTION SHALL:

6 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
7 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
8 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT
9 JURISDICTION SHALL APPROVE THE ACCESSORY DWELLING PROJECT; AND

10 (b) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT
11 CONTRAVENE THE MODEL CODE.

12 (4) (a) NO LATER THAN JUNE 30, 2026, A SUBJECT JURISDICTION
13 MAY SUBMIT AN APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS IN
14 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
15 AFFAIRS FOR AN EXTENSION OF THE RELEVANT REQUIREMENTS IN
16 SUBSECTION (1) OF THIS SECTION.

17 (b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE
18 SUBJECT JURISDICTION THAT:

19 (I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER
20 SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS, OR ARE
21 EXPECTED TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

22 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED A PLAN OF
23 ACTION TO REMEDY THE DEFICIENT WATER, SEWER, OR STORMWATER
24 SERVICES IN THE SPECIFIC AREAS IDENTIFIED IN SUBSECTION (4)(a)(I) OF
25 THIS SECTION ON A SPECIFIC TIMELINE; AND

26 (III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER
27 EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 5.

1 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
2 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
3 (4).

4 (5) (a) NO LATER THAN DECEMBER 31, 2026, A RURAL RESORT JOB
5 CENTER MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY SHALL
6 SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS IN A FORM AND MANNER
7 DETERMINED BY THE DEPARTMENT A REPORT DEMONSTRATING EVIDENCE
8 OF COMPLIANCE WITH EITHER THE MODEL CODE OR MINIMUM STANDARDS.

9 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
10 SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
11 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
12 REPORT AND PROVIDE FEEDBACK TO THE SUBJECT JURISDICTION. THE
13 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
14 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
15 LOCAL LAWS AND RESUBMIT ITS REPORT.

16 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
17 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
18 IMMEDIATELY FOR THE SUBJECT JURISDICTION, UNTIL THE DEPARTMENT OF
19 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
20 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS
21 ADOPTED THE MODEL CODE.

22 **29-33-508. Subject jurisdiction restrictions.** (1) NOTHING IN
23 THIS PART 5 PREVENTS A SUBJECT JURISDICTION FROM:

24 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
25 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
26 12101 ET SEQ., AS AMENDED;

27 (b) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO

1 MULTIFAMILY HOUSING IN KEY CORRIDORS SO LONG AS THE STANDARDS
2 OF THE ORDINANCE DO NOT RENDER THE DEVELOPMENT OF MULTIFAMILY
3 HOUSING FINANCIALLY INFEASIBLE;

- 4 (c) PERMITTING MIXED-USE DEVELOPMENT IN A KEY CORRIDOR;
- 5 (d) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A KEY
6 CORRIDOR; OR
- 7 (e) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO HOUSING
8 IN KEY CORRIDORS IN THAT HISTORIC DISTRICT.

9 **SECTION 3.** In Colorado Revised Statutes, 24-32-705, **add** (8)
10 as follows:

11 **24-32-705. Functions of division.** (8) THE DIVISION SHALL
12 CONSULT WITH THE ADVISORY COMMITTEE ON FACTORY-BUILT
13 STRUCTURES AND TINY HOMES CREATED IN SECTION 24-32-3305 (3) TO
14 PRODUCE A REPORT NO LATER THAN JUNE 30, 2024, ON THE
15 OPPORTUNITIES AND BARRIERS IN CURRENT STATE LAWS AND
16 REGULATIONS CONCERNING THE BUILDING OF MANUFACTURED HOMES,
17 MODULAR HOMES, AND TINY HOMES.

18 **SECTION 4.** In Colorado Revised Statutes, 24-32-3301, **amend**
19 (1)(c)(II) as follows:

20 **24-32-3301. Legislative declaration.** (1) The general assembly
21 hereby finds, determines, and declares that mobile homes, manufactured
22 housing, and factory-built structures are important and effective ways to
23 meet Colorado's affordable housing needs. The general assembly further
24 finds and declares that, because of the housing crisis in Colorado, there
25 is a need to promote the affordability and accessibility of new
26 manufactured homes and factory-built structures. The general assembly
27 encourages local governments to enact ordinances and rules that

1 effectively treat factory-built structures certified through the state
2 program and manufactured housing certified through the federal program
3 the same as site-built homes. The general assembly further finds,
4 determines, and declares that:

5 (c) The protection of Colorado consumers who purchase
6 manufactured homes or tiny homes from fraud and other unfair business
7 practices is a matter of statewide concern and consumers can best be
8 protected by:

9 (II) Imposing escrow and bonding requirements upon persons
10 engaged in the business of ~~manufacturing or~~ selling manufactured homes
11 or tiny homes; and

12 **SECTION 5.** In Colorado Revised Statutes, 24-32-3303, **amend**
13 (1)(c) as follows:

14 **24-32-3303. Division of housing - powers and duties - rules.**

15 (1) The division has the following powers and duties pursuant to this part
16 33:

17 (c) To review and approve quality assurance representatives that
18 intend to perform FINAL CONSTRUCTION PLAN REVIEWS, inspections, and
19 issue insignia of approval pursuant to this part 33;

20 **SECTION 6.** In Colorado Revised Statutes, 24-32-3311, **amend**
21 (1)(a.3) as follows:

22 **24-32-3311. Certification of factory-built structures - rules.**

23 (1) (a.3) Manufacturers of factory-built structures to be installed in the
24 state shall register with the division as provided in board rules and are
25 subject to enforcement action, including suspension or revocation of their
26 registration for failing to comply with requirements contained in this part
27 33 and board rules. ~~A manufacturer shall:~~

1 (I) ~~Comply with escrow requirements of down payments as~~
2 ~~established by the board by rule; and~~

3 (II) ~~Provide a letter of credit, certificate of deposit issued by a~~
4 ~~licensed financial institution, or surety bond issued by an authorized~~
5 ~~insurer in an amount and process established by the board by rule. A~~
6 ~~financial institution or authorized insurer shall pay the division the letter~~
7 ~~of credit, certificate of deposit, or surety bond if a court of competent~~
8 ~~jurisdiction has rendered a final judgment in favor of the division based~~
9 ~~on a finding that:~~

10 (A) ~~The manufacturer failed to deliver the factory-built structure;~~

11 (B) ~~The manufacturer failed to refund a down payment made~~
12 ~~toward the purchase of the factory-built structure; or~~

13 (C) ~~The manufacturer ceased doing business operations or filed~~
14 ~~for bankruptcy.~~

15 **SECTION 7.** In Colorado Revised Statutes, 24-67-105, **add** (5.5)
16 as follows:

17 **24-67-105. Standards and conditions for planned unit**
18 **development - definitions.** (5.5) (a) A PLANNED UNIT DEVELOPMENT
19 RESOLUTION OR ORDINANCE ADOPTED PURSUANT TO THIS ARTICLE 67, IF
20 THE PLANNED UNIT DEVELOPMENT HAS A RESIDENTIAL USE, MUST NOT
21 RESTRICT THE PERMITTING OF ACCESSORY DWELLING UNITS, MIDDLE
22 HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, OR HOUSING IN KEY
23 CORRIDORS IN ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF TITLE 29.

24 (b) AS USED IN THIS SUBSECTION (5.5), UNLESS THE CONTEXT
25 OTHERWISE REQUIRES:

26 (I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET
27 FORTH IN SECTION 29-33-102 (2).

1 (II) "KEY CORRIDOR" HAS THE SAME MEANING AS SET FORTH IN
2 SECTION 29-33-502 (2).

3 (III) "MIDDLE HOUSING" HAS THE SAME MEANING AS SET FORTH IN
4 SECTION 29-33-102 (18).

5 (IV) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
6 FORTH IN SECTION 29-33-102 (36).

7 **SECTION 8.** In Colorado Revised Statutes, **add** 29-20-110 as
8 follows:

9 **29-20-110. Local government residential occupancy limits -**
10 **definitions.** (1) NOTWITHSTANDING ANY OTHER PROVISION TO THE
11 CONTRARY, A LOCAL GOVERNMENT SHALL NOT ENACT OR ENFORCE
12 RESIDENTIAL OCCUPANCY LIMITS THAT DIFFER BASED ON THE
13 RELATIONSHIPS OF THE OCCUPANTS OF A DWELLING.

14 (2) NOTHING IN THIS SECTION PREVENTS A LOCAL GOVERNMENT
15 FROM ESTABLISHING RESIDENTIAL OCCUPANCY LIMITS FOR DWELLING
16 UNITS FOR SHORT-TERM RENTALS. <*Do you want to define short-term*
17 *rentals here?*>

18 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
19 REQUIRES:

20 (a) "DWELLING" MEANS ANY IMPROVED REAL PROPERTY, OR
21 PORTION THEREOF, THAT IS USED OR INTENDED TO BE USED AS A
22 RESIDENCE.

23 (b) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE
24 COUNTY, HOME RULE OR STATUTORY CITY, TOWN, TERRITORIAL CHARTER
25 CITY, OR CITY AND COUNTY.

26 **SECTION 9.** In Colorado Revised Statutes, 30-28-106, **amend**
27 (3)(a)(IV)(D) and (3)(a)(IV)(E); and **add** (6.5), (8), and (9) as follows:

1 **30-28-106. Adoption of master plan - contents.** (3) (a) The
2 master plan of a county or region, with the accompanying maps, plats,
3 charts, and descriptive and explanatory matter, must show the county or
4 regional planning commission's recommendations for the development of
5 the territory covered by the plan. The master plan of a county or region is
6 an advisory document to guide land development decisions; however, the
7 plan or any part thereof may be made binding by inclusion in the county's
8 or region's adopted subdivision, zoning, platting, planned unit
9 development, or other similar land development regulations after
10 satisfying notice, due process, and hearing requirements for legislative or
11 quasi-judicial processes as appropriate. After consideration of each of the
12 following, where applicable or appropriate, the master plan may include:

13 (IV) (D) The department of local affairs created in section
14 24-1-125 may hire and employ one full-time employee to provide
15 educational resources and assistance to counties that include water
16 conservation policies in their master plans as described in subsection
17 (3)(a)(IV)(C) OR IN SUBSECTION (6.5)(b) of this section.

18 (E) Nothing in this subsection (3)(a)(IV) OR IN SUBSECTION
19 (6.5)(b) OF THIS SECTION shall be construed to supersede, abrogate, or
20 otherwise impair the allocation of water pursuant to the state constitution
21 or laws, the right to beneficially use water pursuant to decrees, contracts,
22 or other water use agreements, or the operation, maintenance, repair,
23 replacement, or use of any water facility.

24 (6.5) A MASTER PLAN OF ANY COUNTY ADOPTED OR AMENDED IN
25 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION ON AND AFTER
26 JUNE 30, 2024, MUST INCLUDE:

27 (a) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND

1 SUITABLE SUPPLY OF WATER AS DESCRIBED IN SUBSECTION (3)(a)(IV)(A)
2 OF THIS SECTION;

3 (b) A WATER SUPPLY ELEMENT THAT SATISFIES THE
4 REQUIREMENTS OF SUBSECTIONS (3)(a)(IV)(B) AND (3)(a)(IV)(C) OF THIS
5 SECTION;

6 (c) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
7 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
8 REPORT CREATED IN SECTION 29-33-109; AND

9 (d) FOR COUNTIES WITH A POPULATION GREATER THAN TWO
10 HUNDRED FIFTY THOUSAND, A GREENFIELD DEVELOPMENT ANALYSIS THAT
11 IS CONDUCTED IN THE SAME MANNER AND ON THE SAME TIMELINE AS THE
12 GREENFIELD DEVELOPMENT ANALYSIS REQUIRED IN SECTION 29-33-104
13 (4)(d).

14 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
15 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH CERTAIN
16 ENTITIES WITHIN THE FOLLOWING CATEGORIES TO ENSURE THAT THE
17 ADOPTING OR AMENDING OF THE MASTER PLAN IS AN INCLUSIVE PROCESS:

- 18 (a) HOUSING AUTHORITIES;
- 19 (b) LOCAL GOVERNMENTS; AND
- 20 (c) NONGOVERNMENTAL ORGANIZATIONS.

21 (9) (a) AT LEAST SIXTY DAYS BEFORE THE FINAL PUBLIC HEARING
22 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL
23 SUBMIT THE MOST RECENT DRAFT OF THE MASTER PLAN TO THE DIVISION
24 OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS.

25 (b) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR AMENDING
26 THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE MASTER PLAN TO
27 THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL

1 AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW THESE
2 REPORTS TO ENSURE THEY COMPLY WITH THE REQUIREMENTS OF THIS
3 SECTION.

4 **SECTION 10.** In Colorado Revised Statutes, 31-15-713, **add**
5 **(1)(d)** as follows:

6 **31-15-713. Power to sell public works - real property.** (1) **The**
7 **governing body of each municipality has the power:**

8 (d) **NOTWITHSTANDING SUBSECTIONS (1)(a) AND (1)(b) OF THIS**
9 **SECTION, TO SELL AND DISPOSE OF, BY ORDINANCE, ANY PUBLIC BUILDING**
10 **OR REAL PROPERTY OWNED BY THE MUNICIPALITY THAT IS HELD FOR**
11 **GOVERNMENT PURPOSES OTHER THAN PARK PURPOSES, IF THE SALE AND**
12 **DISPOSITION OF THE PUBLIC BUILDING OR REAL PROPERTY IS FOR THE**
13 **PURPOSE OF PROVIDING PROPERTY TO BE USED FOR THE DEVELOPMENT OF**
14 **AFFORDABLE HOUSING, AS THE TERM IS DEFINED IN SECTION 29-33-102 (3).**
15 **THE GOVERNING BODY SHALL DETERMINE THE TERMS AND CONDITIONS OF**
16 **SUCH A SALE AND DISPOSITION AT A REGULAR OR SPECIAL MEETING AND**
17 **SHALL MAKE THESE TERMS AND CONDITIONS PUBLICALLY AVAILABLE.**

18 **SECTION 11.** In Colorado Revised Statutes, 31-23-301, **amend**
19 (5)(b)(I)(C); **add** (5)(a)(III), (5)(a)(IV), (5)(a)(V), and (5)(b)(I.5); and
20 **repeal** (5)(b)(II) as follows:

21 **31-23-301. Grant of power.** (5) (a) As used in this subsection
22 (5), unless the context otherwise requires:

23 (III) "MANUFACTURED HOME" MEANS ANY PRECONSTRUCTED
24 BUILDING UNIT OR COMBINATION OF PRECONSTRUCTED BUILDING UNITS OR
25 CLOSED PANEL SYSTEMS THAT:

26 (A) INCLUDES ELECTRICAL, MECHANICAL, OR PLUMBING SERVICES
27 THAT ARE FABRICATED, FORMED, OR ASSEMBLED AT A LOCATION OTHER

1 THAN THE SITE OF THE COMPLETED HOME;

2 (B) IS DESIGNED FOR RESIDENTIAL OCCUPANCY IN EITHER

3 TEMPORARY OR PERMANENT LOCATIONS;

4 (C) IS CONSTRUCTED IN COMPLIANCE WITH THE FEDERAL ACT,

5 FACTORY-BUILT RESIDENTIAL REQUIREMENTS, INCLUDING THOSE FOR

6 MULTIFAMILY STRUCTURES, OR MOBILE HOME STANDARDS;

7 (D) IS NOT SELF-PROPELLED; AND

8 (E) IS NOT LICENSED AS A RECREATIONAL VEHICLE.

9 (IV) "MODULAR HOME" MEANS A FACTORY-BUILT RESIDENTIAL

10 STRUCTURE.

11 (V) "OBJECTIVE STANDARD" MEANS A STANDARD THAT BOTH:

12 (A) DOES NOT REQUIRE A PUBLIC BODY OR OFFICIAL TO MAKE A

13 PERSONAL OR SUBJECTIVE JUDGMENT; AND

14 (B) IS UNIFORMLY VERIFIABLE OR ASCERTAINABLE BY REFERENCE

15 TO AN EXTERNAL OR UNIFORM BENCHMARK OR CRITERION THAT IS

16 AVAILABLE AND KNOWABLE BY THE DEVELOPMENT APPLICANT OR

17 PROPONENT AND THE PUBLIC BODY OR OFFICIAL PRIOR TO THE

18 DEVELOPMENT APPLICANT OR PROPONENT'S FILING OF A DEVELOPMENT

19 PROPOSAL.

20 (b) (I) No municipality may have or enact zoning regulations,

21 subdivision regulations, or any other regulation affecting development

22 that exclude or have the effect of excluding homes from the municipality

23 that are:

24 (C) Homes that meet or exceed, on an equivalent performance

25 engineering basis, standards established by the municipal building code.

26 THE APPROVAL PROCESSES OF MANUFACTURED AND MODULAR HOMES

27 SHALL BE BASED ON OBJECTIVE STANDARDS AND ADMINISTRATIVE REVIEW

1 THAT ARE EQUIVALENT TO THAT REQUIRED FOR SITE-BUILT HOMES,
2 UNLESS A MUNICIPALITY REGULATES SITE-BUILT HOMES THROUGH A
3 SUBJECTIVE REVIEW PROCESS, IN WHICH CASE A MUNICIPALITY MAY USE
4 AN EQUIVALENT REVIEW PROCESS FOR A MANUFACTURED OR MODULAR
5 HOME AND A SITE-BUILT HOME.

6 (I.5) A MUNICIPALITY SHALL NOT IMPOSE MORE RESTRICTIVE
7 STANDARDS ON MANUFACTURED AND MODULAR HOMES THAN THOSE THE
8 MUNICIPALITY APPLIES TO SITE BUILT HOMES IN THE SAME RESIDENTIAL
9 ZONES. RESTRICTIVE STANDARDS INCLUDE ZONING REGULATIONS,
10 SUBDIVISION REGULATIONS, AND ANY OTHER REGULATION AFFECTING
11 DEVELOPMENT SUCH AS REQUIREMENTS RELATING TO:

- 12 (A) PERMANENT FOUNDATIONS;
- 13 (B) MINIMUM FLOOR SPACE;
- 14 (C) HOME SIZE OR SECTIONAL REQUIREMENTS;
- 15 (D) IMPROVEMENT LOCATION STANDARDS;
- 16 (E) SIDE YARD STANDARDS; AND
- 17 (F) SETBACK STANDARDS.

18 (II) ~~Nothing in this subsection (5) shall prevent a municipality~~
19 ~~from enacting any zoning, developmental, use, aesthetic, or historical~~
20 ~~standard, including, but not limited to, requirements relating to permanent~~
21 ~~foundations, minimum floor space, unit size or sectional requirements,~~
22 ~~and improvement location, side yard, and setback standards to the extent~~
23 ~~that such standards or requirements are applicable to existing or new~~
24 ~~housing within the specific use district of the municipality.~~

25 **SECTION 12.** In Colorado Revised Statutes, 31-23-206, **amend**
26 (1)(d)(IV) and (1)(d)(V); and **add** (6.5), (8), and (9) as follows:

27 **31-23-206. Master plan.** (1) It is the duty of the commission to

1 make and adopt a master plan for the physical development of the
2 municipality, including any areas outside its boundaries, subject to the
3 approval of the governmental body having jurisdiction thereof, that in the
4 commission's judgment bear relation to the planning of the municipality.
5 The master plan of a municipality is an advisory document to guide land
6 development decisions; however, the plan or any part thereof may be
7 made binding by inclusion in the municipality's adopted subdivision,
8 zoning, platting, planned unit development, or other similar land
9 development regulations after satisfying notice, due process, and hearing
10 requirements for legislative or quasi-judicial processes as appropriate.
11 When a commission decides to adopt a master plan, the commission shall
12 conduct public hearings, after notice of such public hearings has been
13 published in a newspaper of general circulation in the municipality in a
14 manner sufficient to notify the public of the time, place, and nature of the
15 public hearing, prior to final adoption of a master plan in order to
16 encourage public participation in and awareness of the development of
17 such plan and shall accept and consider oral and written public comments
18 throughout the process of developing the plan. The plan, with the
19 accompanying maps, plats, charts, and descriptive matter, must, after
20 consideration of each of the following, where applicable or appropriate,
21 show the commission's recommendations for the development of the
22 municipality and outlying areas, including:

23 (d) (IV) The department of local affairs created in section
24 24-1-125 may hire and employ one full-time employee to provide
25 educational resources and assistance to municipalities that include water
26 conservation policies in their master plans as described in subsection
27 (1)(d)(III) OR IN SUBSECTION (6.5)(b) of this section.

1 (V) Nothing in this subsection (1)(d) OR IN SUBSECTION (6.5)(b)
2 OF THIS SECTION shall be construed to supersede, abrogate, or otherwise
3 impair the allocation of water pursuant to the state constitution or laws,
4 the right to beneficially use water pursuant to decrees, contracts, or other
5 water use agreements, or the operation, maintenance, repair, replacement,
6 or use of any water facility.

7 (6.5) A MASTER PLAN ADOPTED OR AMENDED IN ACCORDANCE
8 WITH THE REQUIREMENTS OF THIS SECTION ON AND AFTER JUNE 30, 2024,
9 MUST INCLUDE:

10 (a) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND
11 SUITABLE SUPPLY OF WATER AS DESCRIBED IN SUBSECTION (1)(d)(I) OF
12 THIS SECTION;

13 (b) A WATER SUPPLY ELEMENT THAT SATISFIES THE
14 REQUIREMENTS OF SUBSECTIONS (1)(d)(II) AND (1)(d)(III) OF THIS
15 SECTION;

16 (c) THE MOST RECENT LOCAL HOUSING NEEDS PLAN CREATED
17 PURSUANT TO SECTION 29-33-104;

18 (d) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
19 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
20 REPORT CREATED IN SECTION 29-33-109;

21 (e) A GREENFIELD DEVELOPMENT ANALYSIS THAT IS CONDUCTED
22 IN THE SAME MANNER AS THE GREENFIELD DEVELOPMENT ANALYSIS
23 REQUIRED IN SECTION 29-33-104 (4)(d); AND

24 (f) THE MOST RECENT VERSION OF THE PLAN REQUIRED BY SECTION
25 31-12-105 (1)(e).

26 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
27 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH CERTAIN

1 ENTITIES WITHIN THE FOLLOWING CATEGORIES TO ENSURE THAT THE
2 ADOPTING OR AMENDING OF THE MASTER PLAN IS AN INCLUSIVE PROCESS:

- 3 (a) HOUSING AUTHORITIES;
- 4 (b) NONGOVERNMENTAL ORGANIZATIONS; AND
- 5 (c) LOCAL GOVERNMENTS.

6 (9) (a) AT LEAST SIXTY DAYS BEFORE THE FINAL PUBLIC HEARING
7 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL
8 SUBMIT THE MOST RECENT DRAFT OF THE MASTER PLAN TO THE DIVISION
9 OF LOCAL GOVERNMENT CREATED IN THE DEPARTMENT OF LOCAL AFFAIRS.

10 (b) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR AMENDING
11 THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE MASTER PLAN TO
12 THE DIVISION OF LOCAL GOVERNMENT CREATED IN THE DEPARTMENT OF
13 LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW
14 THESE REPORTS TO ENSURE THEY COMPLY WITH THE REQUIREMENTS OF
15 THIS SECTION.

16 **SECTION 13.** In Colorado Revised Statutes, 31-23-301, **add** (6)
17 as follows:

18 **31-23-301. Grant of power.** (6) NEITHER A TIER ONE URBAN
19 MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (33) NOR A TIER TWO
20 URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (34) SHALL
21 IMPOSE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL
22 UNITS IN THE APPROVAL OF RESIDENTIAL DWELLING UNIT CONSTRUCTION
23 PERMITS UNLESS DOING SO IS NECESSARY FOR HEALTH AND SAFETY IN THE
24 URBAN MUNICIPALITY.

25 **SECTION 14.** In Colorado Revised Statutes, 37-60-126, **amend**
26 (9)(b); and **add** (13) as follows:

27 **37-60-126. Water conservation and drought mitigation**

1 **planning - programs - relationship to state assistance for water**
2 **facilities - guidelines - water efficiency grant program - definitions -**
3 **repeal.** (9) (b) The board and the Colorado water resources and power
4 development authority, to which any covered entity has applied for
5 financial assistance for the construction of a water diversion, storage,
6 conveyance, water treatment, or wastewater treatment facility, shall
7 consider any water conservation plan filed pursuant to this section AND
8 ANY VALIDATED WATER LOSS AUDIT REPORT REQUIRED BY SUBSECTION
9 (13)(d) OF THIS SECTION in determining whether to render financial
10 assistance to such entity. Such consideration shall be carried out within
11 the discretion accorded the board and the Colorado water resources and
12 power development authority pursuant to which such board and authority
13 render such financial assistance to such covered entity.

14 (13) (a) **Short title.** THE SHORT TITLE OF THIS SUBSECTION (13) IS
15 THE "WATER LOSS ACCOUNTING ACT OF 2023".

16 (b) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS
17 THAT:

18 (I) SAFE AND AFFORDABLE DRINKING WATER IS ESSENTIAL TO
19 PUBLIC HEALTH, AFFORDABLE HOUSING, AND ECONOMIC DEVELOPMENT
20 THROUGHOUT THE STATE;

21 (II) THE COST OF PROVIDING RELIABLE DRINKING WATER IS
22 INCREASING DUE TO FACTORS SUCH AS AGING INFRASTRUCTURE, LOW
23 DENSITY LAND USE DEVELOPMENT THAT IS COSTLY TO SERVE, INCREASED
24 ENERGY COSTS, AND MORE COMPLEX AND COSTLY CHANGES TO THE
25 REGULATORY REQUIREMENTS FOR SAFE DRINKING WATER;

26 (III) COMPACT INFILL DEVELOPMENT REDUCES WATER DEMAND
27 AND INFRASTRUCTURE COSTS THROUGH THE USE OF SHORTER PIPES THAT

1 REDUCE LOSSES, LESS LANDSCAPED SPACE PER UNIT, AND BY BETTER
2 UTILIZING EXISTING INFRASTRUCTURE;

3 (IV) WATER MAIN BREAKS ARE VISIBLE AND DISRUPTIVE
4 MANIFESTATIONS OF THE MORE WIDESPREAD PHENOMENON OF LEAKAGE
5 FROM WATER SYSTEMS;

6 (V) LEAKAGE OF DRINKING WATER FROM WATER DISTRIBUTION
7 SYSTEMS ADDS TO THE COST OF SERVICE TO CUSTOMERS AND MAY LEAD
8 TO INCREASED RAW WATER DEMANDS THAT NEGATIVELY IMPACT THE
9 NATURAL ENVIRONMENT;

10 (VI) THE FAILURE TO RECOVER REVENUE FROM WATER DELIVERED
11 TO USERS DUE TO METERING AND BILLING INACCURACIES AND THEFT ALSO
12 INCREASES THE COST PER UNIT OF WATER THAT IS BILLED TO CUSTOMERS;

13 (VII) THE AMERICAN WATER WORKS ASSOCIATION, A NATIONAL
14 ASSOCIATION OF DRINKING WATER UTILITIES AND PROFESSIONALS, HAS
15 RECOMMENDED THAT DRINKING WATER SUPPLIERS CONDUCT AN AUDIT OF
16 WATER LOSSES ON AN ANNUAL BASIS;

17 (VIII) THE AMERICAN WATER WORKS ASSOCIATION HAS
18 PUBLISHED SOFTWARE FOR USE IN CATEGORIZING AND REPORTING WATER
19 LOSSES AND HAS MADE THIS SOFTWARE AVAILABLE WITHOUT CHARGE;

20 (IX) SEVERAL STATES NOW RECOMMEND OR REQUIRE THAT PUBLIC
21 WATER SUPPLIERS UNDER THEIR JURISDICTIONS CONDUCT AN AUDIT OF
22 WATER LOSSES EACH YEAR USING THE STANDARDIZED TERMS AND
23 METHODS PUBLISHED BY THE AMERICAN WATER WORKS ASSOCIATION;

24 AND

25 (X) REGULAR AUDITING OF WATER LOSSES IS A NECESSARY
26 FOUNDATION FOR THE ADOPTION OF COST-EFFECTIVE STRATEGIES TO
27 REDUCE THE AMOUNTS OF LOST WATER AND REVENUE TO ECONOMICALLY

1 REASONABLE LEVELS.

2 (c) **Definitions.** AS USED IN THIS SUBSECTION (13), UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (I) "VALIDATION" MEANS THE PROCESS WHEREBY A COVERED
5 ENTITY USES A TECHNICAL EXPERT TO CONFIRM THE BASIS OF ALL DATA
6 ENTRIES IN THE COVERED ENTITY'S WATER LOSS AUDIT REPORT AND TO
7 APPROPRIATELY CHARACTERIZE THE QUALITY OF THE REPORTED DATA.
8 THE VALIDATION PROCESS MUST FOLLOW THE PRINCIPLES AND
9 TERMINOLOGY LAID OUT BY THE AMERICAN WATER WORKS ASSOCIATION
10 IN THE LATEST EDITION OF "WATER AUDITS AND LOSS CONTROL
11 PROGRAMS", MANUAL M36, AND IN THE AMERICAN WATER WORKS
12 ASSOCIATION'S FREE WATER AUDIT SOFTWARE. A VALIDATED WATER LOSS
13 AUDIT REPORT MUST INCLUDE THE NAME AND TECHNICAL QUALIFICATIONS
14 OF THE PERSON ENGAGED FOR VALIDATION.

15 (II) "WATER LOSS" MEANS THE DIFFERENCE BETWEEN THE ANNUAL
16 VOLUME OF WATER ENTERING A WATER DISTRIBUTION SYSTEM AND THE
17 ANNUAL VOLUME OF METERED AND UNMETERED WATER TAKEN BY
18 REGISTERED CUSTOMERS, THE WATER SUPPLIER, AND OTHERS WHO ARE
19 IMPLICITLY OR EXPLICITLY AUTHORIZED TO DO SO. "WATER LOSS"
20 INCLUDES THE ANNUAL VOLUMES LOST THROUGH ALL TYPES OF LEAKS,
21 BREAKS, AND OVERFLOWS ON MAINS, SERVICE RESERVOIRS, AND SERVICE
22 CONNECTIONS UP TO THE POINT OF CUSTOMER METERING IN ADDITION TO
23 UNAUTHORIZED CONSUMPTION, ALL TYPES OF METERING INACCURACIES,
24 AND SYSTEMIC DATA-HANDLING ERRORS.

25 (d) **Water loss program requirements.** (I) NO LATER THAN
26 JANUARY 1, 2025, THE BOARD SHALL ADOPT GUIDELINES FOR THE
27 FOLLOWING:

1 (A) THE CONDUCT OF STANDARDIZED WATER LOSS AUDITS BY
2 COVERED ENTITIES IN ACCORDANCE WITH THE METHOD ADOPTED BY THE
3 AMERICAN WATER WORKS ASSOCIATION IN THE MOST CURRENT EDITION
4 OF "WATER AUDITS AND LOSS CONTROL PROGRAMS", MANUAL M36 AND
5 IN THE AMERICAN WATER WORKS ASSOCIATION'S FREE WATER AUDIT
6 SOFTWARE;

7 (B) THE PROCESS FOR WATER LOSS AUDIT REPORT VALIDATION
8 PRIOR TO SUBMITTING THE REPORT TO THE BOARD;

9 (C) THE TECHNICAL QUALIFICATIONS REQUIRED FOR A PERSON TO
10 ENGAGE IN VALIDATION;

11 (D) THE CERTIFICATION REQUIREMENTS FOR A PERSON SELECTED
12 BY A COVERED ENTITY TO PROVIDE VALIDATION OF ITS OWN WATER LOSS
13 AUDIT REPORT;

14 (E) THE METHOD OF SUBMITTING A WATER LOSS AUDIT REPORT TO
15 THE BOARD; AND

16 (F) PROCEDURES FOR THE ACCEPTANCE OF WATER LOSS AUDIT
17 REPORTS VOLUNTARILY SUBMITTED BY WATER SUPPLIERS THAT ARE NOT
18 COVERED ENTITIES.

19 (II) THE BOARD SHALL UPDATE THE GUIDELINES ADOPTED
20 PURSUANT TO SUBSECTION (13)(d)(I) OF THIS SECTION NO LATER THAN SIX
21 MONTHS AFTER THE RELEASE OF ANY SUBSEQUENT EDITIONS OF THE
22 AMERICAN WATER WORKS ASSOCIATION'S "WATER AUDITS AND LOSS
23 CONTROL PROGRAMS", MANUAL M36.

24 (III) NO LATER THAN JUNE 30, 2025, EACH COVERED ENTITY SHALL
25 SUBMIT A COMPLETED AND VALIDATED WATER LOSS AUDIT REPORT FOR
26 THE PREVIOUS CALENDAR YEAR AS PRESCRIBED BY THE BOARD PURSUANT
27 TO SUBSECTION (13)(d)(I) OF THIS SECTION. FOR REPORTS SUBMITTED IN

1 SUBSEQUENT YEARS, EACH COVERED ENTITY SHALL SUBMIT A COMPLETED
2 AND VALIDATED WATER LOSS AUDIT REPORT COVERING THE PREVIOUS
3 CALENDAR YEAR NO LATER THAN JUNE 30.

4 (IV) EACH WATER LOSS AUDIT REPORT SUBMITTED TO THE BOARD
5 MUST BE ACCOMPANIED BY INFORMATION, IN A FORM SPECIFIED BY THE
6 BOARD, IDENTIFYING STEPS TAKEN IN THE PRECEDING YEAR TO REDUCE
7 THE VOLUME OF WATER LOSSES.

8 (V) AT LEAST ONE OF THE FOLLOWING EMPLOYEES OF A COVERED
9 ENTITY SHALL ATTEST TO EACH WATER LOSS AUDIT SUBMITTED TO THE
10 BOARD:

11 (A) THE CHIEF FINANCIAL OFFICER;

12 (B) THE CHIEF ENGINEER; OR

13 (C) THE GENERAL MANAGER.

14 (VI) THE BOARD SHALL DEEM INCOMPLETE AND RETURN TO THE
15 COVERED ENTITY ANY FINAL WATER LOSS AUDIT REPORT FOUND BY THE
16 BOARD TO BE INCOMPLETE, NOT VALIDATED, UNATTESTED, OR
17 INCONGRUENT WITH KNOWN CHARACTERISTICS OF WATER SYSTEM
18 OPERATIONS. A COVERED ENTITY SHALL RESUBMIT A COMPLETED WATER
19 LOSS AUDIT REPORT WITHIN NINETY DAYS AFTER THE BOARD RETURNS A
20 SUBMISSION UNDER THIS SUBSECTION (13)(d)(VI).

21 (VII) VALIDATED WATER LOSS AUDIT REPORTS ARE PUBLIC
22 RECORDS AS DEFINED IN SECTION 24-72-202 (6).

23 (VIII) NO SOONER THAN JANUARY 1, 2027, AND NO LATER THAN
24 JULY 1, 2028, THE BOARD, HAVING TAKEN VALIDATED WATER LOSS
25 REPORTS INTO CONSIDERATION, SHALL ADOPT GUIDELINES THAT
26 ESTABLISH A SCORE THAT A COVERED ENTITY'S VALIDATED AUDIT REPORT
27 SHOULD ATTAIN.

1 (e) **Technical and financial assistance.** USING MONEY
2 AVAILABLE IN THE WATER EFFICIENCY GRANT PROGRAM CASH FUND
3 CREATED IN SUBSECTION (12) OF THIS SECTION, THE BOARD MAY:

4 (I) AWARD GRANTS TO COVERED ENTITIES IN FISCAL YEARS
5 2023-24 AND 2025-26 FOR THE PURPOSE OF PROCURING WATER LOSS
6 AUDIT REPORT VALIDATION ASSISTANCE; AND

7 (II) CONTRIBUTE TOWARDS PROCURING WATER LOSS AUDIT
8 VALIDATION ASSISTANCE FOR COVERED ENTITIES AND PROVIDE TECHNICAL
9 TRAINING AND ASSISTANCE TO GUIDE COVERED ENTITIES' WATER LOSS
10 DETECTION PROGRAMS, INCLUDING METERING TECHNIQUES, PRESSURE
11 MANAGEMENT TECHNIQUES, CONDITION-BASED ASSESSMENT TECHNIQUES
12 FOR TRANSMISSION AND DISTRIBUTION PIPELINES, AND UTILIZATION OF
13 PORTABLE AND PERMANENT WATER LOSS DETECTION DEVICES.

14 **SECTION 15.** In Colorado Revised Statutes, 38-33.3-106.5, **add**
15 (3) as follows:

16 **38-33.3-106.5. Prohibitions contrary to public policy -**
17 **patriotic, political, or religious expression - public rights-of-way - fire**
18 **prevention - renewable energy generation devices - affordable**
19 **housing - drought prevention measures - child care - definitions.**

20 (3) (a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,
21 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE
22 CONTRARY, AN ASSOCIATION SHALL NOT PROHIBIT ACCESSORY DWELLING
23 UNITS, MIDDLE HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, AND
24 HOUSING IN KEY CORRIDORS. ANY SUCH PROHIBITION ON THE PERMITTING
25 OF ACCESSORY DWELLING UNITS OR MIDDLE HOUSING IS VOID AS A
26 MATTER OF PUBLIC POLICY IN ANY WAY THAT IS PROHIBITED BY ARTICLE
27 33 OF TITLE 29.

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

3 (I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET
4 FORTH IN SECTION 29-33-102 (2).

5 (II) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN
6 SECTION 29-33-502 (2).

7 (III) "MIDDLE HOUSING" HAS THE SAME MEANING AS SET FORTH IN
8 SECTION 29-33-102 (18).

9 (IV) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
10 FORTH IN SECTION 29-33-102 (36).

11 **SECTION 16.** In Colorado Revised Statutes, 43-1-106, **amend**
12 (15)(d); and **add** (18) as follows:

13 **43-1-106. Transportation commission - powers and duties -**
14 **rules - definitions - efficiency and accountability committee.** (15) In
15 addition to any other duties required by law, the commission shall have
16 the following charges:

17 (d) To study and make recommendations for existing and future
18 transportation systems in Colorado with a focus of such study and
19 recommendations being a ten-year plan for each mode of transportation.
20 ~~Such~~ THE ten-year plan ~~shall~~ MUST be based on what can be reasonably
21 expected to be implemented with the estimated revenues which are likely
22 to be available AND MUST INCLUDE PRIORITIZATION CRITERIA THAT ARE
23 CONSISTENT WITH STATE STRATEGIC GROWTH OBJECTIVES FOR
24 REGIONALLY SIGNIFICANT TRANSPORTATION PROJECTS.

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SECTION 17. In Colorado Revised Statutes, 43-1-113, **add** (20) as follows:

43-1-113. Funds - budgets - fiscal year - reports and publications. (20) BEFORE DECEMBER 31, 2024, THE DEPARTMENT SHALL ENSURE THAT THE PRIORITIZATION CRITERIA FOR ANY GRANT PROGRAM ADMINISTERED BY THE DEPARTMENT ARE CONSISTENT WITH STATE STRATEGIC GROWTH OBJECTIVES, SO LONG AS DOING SO DOES NOT VIOLATE FEDERAL LAW.

SECTION 18. In Colorado Revised Statutes, 43-1-1103, **amend** (5)(i) and (5)(j); and **add** (2.5) and (5)(k) as follows:

43-1-1103. Transportation planning. (2.5) BEGINNING DECEMBER 31, 2024, ANY REGIONAL TRANSPORTATION PLAN THAT IS CREATED OR UPDATED MUST ADDRESS AND ENSURE CONSISTENCY WITH STATE STRATEGIC GROWTH OBJECTIVES AS DETERMINED IN SECTION 29-33-107.

(5) The department shall integrate and consolidate the regional transportation plans for the transportation planning regions into a comprehensive statewide transportation plan. The formation of the state plan shall be accomplished through a statewide planning process set by rules and regulations promulgated by the commission. The state plan shall address but shall not be limited to the following factors:

- (i) Effective, efficient, and safe freight transport; ~~and~~
- (j) Reduction of greenhouse gas emissions; AND

1 (k) BEGINNING DECEMBER 31, 2024, ADDRESS AND ENSURE
2 CONSISTENCY WITH STATE STRATEGIC GROWTH OBJECTIVES.

3 **SECTION 19.** In Colorado Revised Statutes, 43-4-1103, **add**
4 (2)(e) as follows:

5 **43-4-1103. Multimodal transportation options fund - creation**
6 **- revenue sources for fund - use of fund.** (2) (e) ON AND AFTER
7 DECEMBER 31, 2024, EXPENDITURES FOR LOCAL AND STATE MULTIMODAL
8 PROJECTS FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND SHALL
9 ONLY BE MADE FOR MULTIMODAL PROJECTS THAT THE DEPARTMENT
10 DETERMINES ARE CONSISTENT WITH STATE STRATEGIC GROWTH
11 OBJECTIVES.

12 **SECTION 20. Appropriation.** For the 2023-24 state fiscal year,
13 \$15,000,000 is appropriated to the housing plans assistance fund created
14 in section 29-33-111 (3), C.R.S. This appropriation is from the general
15 fund. The department of local affairs is responsible for the accounting
16 related to this appropriation.

17 **SECTION 21. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.