AGENDA
CITY OF GLENWOOD SPRINGS
REGULAR CITY COUNCIL MEETING
APRIL 6, 2023
101 W. 8TH STREET
6:15 p.m.

The agenda is subject to *change, including the addition of items 24 hours in advance or the deletion of items at any time. The order and times of agenda items listed are approximate and intended as a guideline for the City Council.*

ATTENTION: To ensure your written comments are included in the City Council packet, public comments must be received by 4 p.m. on the day before City Council meetings. Comments may be submitted to ryan.muse@cogs.us. Written comments may be submitted after this deadline and will be shared via email to City Council but are not guaranteed to make it into the meeting packet. Submit comments at any time directly to City Council via email at citycouncil@cogs.us.

ZOOM INSTRUCTIONS

You are invited to a Zoom webinar.
When: April 6, 2023 06:00 PM Mountain Time (US and Canada) Topic: 2023/4/6 Regular City Council Meeting
Please click the link below to join the webinar: https://us02web.zoom.us/j/82687027134?pwd=UWE1bzgwQXJkak9RT3lYL1lUSnZVUT09
Passcode: 336531 Or One tap mobile: US: +17193594580,,82687027134# or +12532158782,,82687027134#
Or Telephone: Dial(for higher quality, dial a number based on your current location):
US: +1 719 359 4580 or +1 253 215 8782 or +1 346 248 7799 or +1 669 444 9171 or +1 669 900 6833 or +1 253 205 0468 or +1 312 626 6799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 646 931 3860 or +1 689 278 1000 or +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325
Webinar ID: 826 8702 7134 International numbers available: https://us02web.zoom.us/u/kNWg0rN5Q

REGULAR SESSION

6:15	1.	Roll Call	
	2.	Agenda Changes & Conflicts	
6:20	3.	Council Announcements	
6:30	4.	Citizens Appearing Before Council (for items not on the Agenda-comments limited to 3 minutes)	
	5.	Consent Agenda A. Award Request for Qualification 2023-16Q; Three Phase Transformers to MVA Power B. March 2, 2023 Council Minutes	
6:40	6.	Proclamation for Parkinsons Awareness Month	Presentation

ACTIONS AND/OR PRESENTATIONS

6:45	7.	Consideration of Ordinance 2023-06, Series of 2023; An Ordinance of the City of Glenwood Springs initiated by Citizen Petition pursuant to Glenwood Springs Municipal Charter Article V to amend Glenwood Springs Municipal Code Sections 050.080.080 and 050.090.090 expanding retail and medical marijuana sales hours from 7:00 p.m. to 10:00 p.m. on first reading.	Discussion and/or Action
7:15	8.	Legislative Support	Discussion and/or Action
7:45	9.	Senate Bill 23-213 on Housing Needs Planning	Discussion and/or Action
8:15	10.	Council Comments	
	11.	Report from City Administration A. City Manager B. City Attorney C. Correspondence Incoming/Outgoing	

8:35 12. Adjournment

City Council
STAFF REPORT
City of Glenwood Springs
April 6, 2023

Agenda Item:	Award Request for Qualification 2023-16Q; Three Phase Transformers to MVA Power
Action Requested:	Award of Request for Quotes (RFQ) 2023-16Q - Transformers
Department:	Public Works
Presented By:	Matthew Langhorst
Strategic Goals:	Preserve and Improve Infrastructure
Background Info:	The City will need several 3 phase transformers in the relatively near future for developer projects and to replenish inventory. Lead times have been long on these products and is therefore an important factor in this bid. We received 8 responses. MVA's proposal has a lead time of 16-24 weeks and is the lowest with a lead time less than a year. There were two lower bids, one of which is for remanufactured units with a minimum lead time of 60 weeks, and the other was unable to commit to any lead time at all. MVA's bid of $175,201 is within the budget of $200,000.
Issues:	None
Fiscal Impact:	$175,201 from Capital Outlay in the Electric Enterprise Fund
Legal Review:	None
Staff Recommendation:	Award to MVA Power Inc.

Glenwood Springs Electric System

Material Bid Worksheet

			MVA POWER INC		Border States		Irby Co.		POWER ELECTRONICS		WESCO		Western United		WEG TRANSFORMERS		JERRY'S ELECTRIC	
Qty.	Description of Material	I.B.M.#	@ Price	Price	@ Price	Price	@ Price	Price	@ Price	Price	@ Price	Price	@ Price	Price	@ Price	Price	@ Price	Price
1	75 KVA 3 PHASE PAD MOUNT TRANSFORMERS		14,870.92	14,870.92	24,802.95	24,802.95	21,901.00	21,901.00	11,526.000	11,526.00	29,017.00	29,017.00	10,975.29	10,975.29	21272.00	21,272.00	8,840.00	8,840.00
			20 - 24 WEEKS		113 WEEKS		60 - 64 WEEKS		16 - 20 WEEKS		33 - 44 WEEKS		LEAD TIME NOT GIVEN		114 - 116 WEEKS		60 - 64 WEEKS	
1	112.5 KVA 3 PHASE PAD MOUNT TRANSFORMERS		15,811.60	15,811.60	26,114.60	26,114.60	25,352.00	25,352.00	15,832.00	15,832.00	32,220.00	32,220.00	11,152.94	11,152.94	24,154.00	24,154.00	9,845.00	9,845.00
			20 - 24 WEEKS		113 WEEKS		60 - 64 WEEKS		16 - 20 WEEKS		33 - 44 WEEKS		LEAD TIME NOT GIVEN		114 - 116 WEEKS		60 - 64 WEEKS	
2	150 KVA 3 PHASE PAD MOUNT TRANSFORMERS		16,299.60	32,599.20	27,724.47	55,448.94	29,144.00	58,288.00	17,189.000	34,378.00	33,196.00	66,392.00	12,174.12	24,348.24	26,093.00	52,186.00	10745.00	21,490.00
			20 - 24 WEEKS		113 WEEKS		60 - 64 WEEKS		16 - 20 WEEKS		33 - 44 WEEKS		LEAD TIME NOT GIVEN		114 - 116 WEEKS		60 - 64 WEEKS	
3	300 KVA 3 PHASE PAD MOUNT TRANSFORMERS		20,430.76	61,292.28	34,319.36	102,958.08	36,933.00	110,799.00	21,179.000	63,537.00	40,744.00	122,232.00	18,182.69	54,548.07	35,248.00	105,744.00	14900.00	44,700.00
			20 - 24 WEEKS		113 WEEKS		60 - 64 WEEKS		16 - 20 WEEKS		33 - 44 WEEKS		LEAD TIME NOT GIVEN		114 - 116 WEEKS		60 - 64 WEEKS	
2	500 KVA 3 PHASE PAD MOUNT TRANSFORMERS		25,313.56	50,627.12	39,734.49	79,468.98	44,522.00	89,044.00	42,556.000	85,112.00	47,047.00	94,094.00	19,517.65	39,035.30	41568.00	83,136.00	20950.00	41,900.00
			20 - 24 WEEKS		113 WEEKS		60 - 64 WEEKS		16 - 20 WEEKS		33 - 44 WEEKS		LEAD TIME NOT GIVEN		114 - 116 WEEKS		60 - 64 WEEKS	
			TOTAL	175,201.12	TOTAL	288,793.55	TOTAL	305,384.00	TOTAL	210,385.00	TOTAL	343,955.00	TOTAL	140,059.84	TOTAL	286,492.00	TOTAL	126,775.00
																	REMANUFACTURED	

3/30/2023

City Council
STAFF REPORT
City of Glenwood Springs
April 6, 2023

Agenda Item: March 2, 2023 Council Minutes

Action Requested: March 2, 2023 City Council Minutes

Department: City Clerk

Presented By:

Strategic Goals:

Background Info:

Issues:

Fiscal Impact:

Legal Review:

Staff Recommendation:

MINUTES

CITY OF GLENWOOD SPRINGS

REGULAR CITY COUNCIL MEETING

MARCH 2, 2023

6:15 PM

Note: Official meeting minutes are located on the City website via YouTube video at the following link: https://www.youtube.com/user/GlenwoodSprings1885/videos. The times in agenda items indicate approximately where the item can be found on the YouTube video timeline.

REGULAR SESSION

Item 4. :23 Roll Call

Present: Mayor Godes, Mayor Pro-Tem Willman, Councilor Hershey, Councilor Kaup, Councilor Dehm, Councilor Stepp, and Councilor Wussow. Also present were; Steve Boyd, Acting City Manager; Yvette Gustad, Finance Director; Matt Langhorst, Director of Public Works; Terri Partch, City Engineer; Ryan Muse, City Clerk; Karl Hanlon, City Attorney; and Joseph Deras, Chief of Police.

Item 5. :24 Agenda changes and conflicts

Comments were made by Mayor Godes.

Item 6. :24 Council Announcements

Comments were made by Councilor Hershey.

Comments were made by Mayor Godes.

Item 7. :25 Citizens Appearing Before Council (for items not on the agenda-comments limited to 3 minutes)

Citizen comments were made.

Item 8. :30 Consent Agenda

:30 Mayor Pro-Tem Willman moved, seconded by Councilor Dehm, to approve the Consent Agenda.

Motion passed unanimously.

Item 9. :30 Planning and Zoning Commission Appointments

Comments were made by City Attorney Karl Hanlon.

:31 Councilor Wussow moved, seconded by Councilor Kaup, to appoint Gregory Cowen and Matthew Sims to alternate positions on the Planning and Zoning board for the three-year term.

Comments made by Councilor Hershey, Mayor Godes, and City Attorney Hanlon.

Motion passed unanimously.

Item 10. :32 Ordinance 2022-32; Yard Waste Diversion Regulation (To Be Continued)

Comments were made by City Attorney Karl Hanlon.

:33 Councilor Wussow moved, seconded by Councilor Hershey, to continue Ordinance 2022-32; Yard Waste Diversion Regulation to a date not yet determined.

Comments were made by Councilor Kaup and Mayor Godes.

Motion passed unanimously.

Item 11. :33 Tree Lighting on Grand Avenue and 6th Street

Comments were made by City Attorney Karl Hanlon, Mayor Pro-Tem Willman, Mayor Godes, Councilor Stepp, and Councilor Kaup.

:38 Mayor Pro-Tem Willman moved, seconded by Councilor Dehm, to direct staff to undertake as a part of the parks department and add to their budget the cost of doing the tree lighting every two years and ask the DDA to contribute if they would agree.

Motion passed unanimously.

Citizen comments were made.

Item 12. :41 Pay as You Throw (PAYT) Solid Waste Collection Request for Proposal (RFP) 2022-35P

Matt Langhorst, Director of Public Works, Elizabeth Mauro, Landfill Manager, and Laurie Batchelder Adams, President of LBA Associates presented.

Comments were made by Mayor Pro-Tem Willman, Councilor Kaup, Councilor Wussow, Councilor Stepp, Director of Public Works Langhorst, President of LBA Associates Batchelder Adams, and Landfill Manager Mauro.

1:08 Mayor Godes opened the item for public comment.

Citizen comments were made.

1:20 Mayor Godes closed the item for public comment.

Comments were made by Director of Public Works Langhorst and President of LBA Associates Batchelder Adams.

1:24 Councilor Kaup moved, seconded by Councilor Stepp, that Council direct staff to enter negotiations for the Pay as You Throw (PAYT) services with Mountain Waste and Recycling based on their response to the RFP with the 20% level of administrative costs so that we can include the yard waste pickup as well as include sustaining the recycle center. Administrative fees are to be evaluated after the first year of the Pay as You Throw (PAYT) Program to determine the effective level.

Comments were made by Mayor Pro-Tem Willman, Councilor Stepp, Councilor Hershey, Councilor Wussow, Councilor Dehm, and Mayor Godes.

Ayes: Willman, Wussow, Godes, Dehm, Stepp, Kaup

Nays: Hershey

Motion Passes 6-1.

Item 13. 1:33 Digital Accessibility and CO HB 21-110 Update

Bryana Starbuck, Public Information Officer presented.

Comments were made by Councilor Wussow, Public Information Officer Bryana Starbuck, Mayor Pro-Tem Willman, and City Attorney Karl Hanlon.

Item 14. 1:46 Discussion of Position for Calling on Glenwood Canyon Fines and Speed Limits

Jonathan Godes, Mayor of Glenwood Springs presented.

Comments were made by Councilor Hershey, Councilor Stepp, Councilor Kaup, Mayor Godes, and City Attorney Karl Hanlon.

Item 15. 1:56 Council Comments

Comments were made by Councilor Wussow and Councilor Stepp.

Comments were made by Mayor Pro-Tem Willman.

Comments were made by Councilor Kaup and Chief of Police Joseph Deras.

Comments were made by Councilor Stepp.

Item 16. 2:00 Report from City Administration

Comments were made by Acting City Manager Steve Boyd.

Comments were made by City Attorney Karl Hanlon.

2:02 Councilor Wussow moved, seconded by Councilor Dehm, to cancel the April 6, 2023 meeting in lieu of different events but in particular to be inclusive to those who celebrate Passover.

Motion passed u

Comments were made by Councilor Kaup.

Item 17. 2:04 Executive Session

2:04 Mayor Pro-Tem Willman moved, seconded by Councilor Dehm, to go into an executive session pursuant to CRS 24-6-401(4)(b), (e) and (f) for a conference with the City Attorney for the purposes of receiving legal advice on specific legal questions, determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators more specifically regarding the Hanging Lake Contract and Gov OS collection of sales and accommodations taxes.

Motion passed unanimously.

Item 18. 2:04 Adjournment

2:04 Councilor Hershey moved, seconded by Councilor Dehm, to adjourn after the Executive Session.

Motion passed unanimously.

A PROCLAMATION FOR PARKINSON'S DISEASE AWARENESS MONTH APRIL 2023

WHEREAS, Parkinson's disease is a chronic, progressive, neurological disease and is the second most common neurodegenerative disease in the United States, affecting almost 1,000,000 people in the United States with one person being diagnosed with Parkinson's disease every 9 minutes. The prevalence of Parkinson's disease is expected to rise to 1.2 million individuals by 2030.

WHEREAS, Parkinson's disease and related health issues are the 14th leading cause of death in the United States according to the Centers for Disease Control and Prevention;

WHEREAS, It is estimated that the total national economic burden of Parkinson's is approximately $52 billion each year; this includes the direct medical cost such as treatment, social security payments and lost income, of $25.4 billion and indirect costs to patients and family members of $26.5 billion per year in the United States;

WHEREAS, Research suggests the cause of Parkinson's disease is a combination of genetic and environmental factors, but the exact cause and progression of the disease is still unknown;

WHEREAS, there is no objective test or biomarker for Parkinson's disease, and there is no cure or medication to slow or halt the progression of the disease;

WHEREAS, the symptoms of Parkinson's disease vary from person to person and can include tremors, slowness of movement and rigidity, difficulty with balance, swallowing, chewing, and speaking, cognitive impairment and dementia, mood disorders (such as depression and anxiety), skin problems, and sleep difficulties;

WHEREAS, researchers, caregivers, and medical professionals are working to improve the quality of life of persons living with Parkinson's disease and their families through the research, education, and community support services necessary in finding more effective treatments and to providing access to quality care to those living with the disease today;

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Glenwood Springs, Colorado to be affixed, this 6th day of April, in the year 2023.

Jon Godes

____

Jonathan Godes, Mayor
City of Glenwood Springs

City Council
STAFF REPORT
City of Glenwood Springs
April 6, 2023

Agenda Item:	Consideration of Ordinance 2023-06, Series of 2023; An Ordinance of the City of Glenwood Springs initiated by Citizen Petition pursuant to Glenwood Springs Municipal Charter Article V to amend Glenwood Springs Municipal Code Sections 050.080.080 and 050.090.090 expanding retail and medical marijuana sales hours from 7:00 p.m. to 10:00 p.m. on first reading.
Action Requested:	Determine whether to change the code to allow Marijuana stores to be open later or put it on a ballot.
Department:	City Administration
Presented By:	Beverli Marshall
Strategic Goals:	Protect and Preserve our Quality of Life
Background Info:	A group has submitted a petition to put a ballot initiative to the public allowing marijuana stores to extend their hours from 7 p.m. to 10 p.m. Council can decide to make this change to code by passing this Ordinance or put it out to vote.
Issues:	The citizen's initiative that was submitted with the petition is attached along with findings from staff polling and research.
Fiscal Impact:	Nominal, but if the stores are open longer it may increase taxable sales slightly.
Legal Review:	Legal will draft an Ordinance or a ballot question.
Staff Recommendation:	Staff defers to Council.

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Summary of New Ordinance:

<u>THIS ORDINANCE CHANGES THE HOUR OF CLOSURE FROM 7:00 P.M. TO 10:00 P.M. FOR MEDICAL AND RETAIL MARIJUANA BUSINESSES WITHIN THE CITY OF GLENWOOD SPRINGS.</u>

PETITION TO INITIATE A NEW ORDINANCE

OF THE CITY OF GLENWOOD SPRINGS

Pursuant to Section 5.1 of the Charter of the City of Glenwood Springs (“Charter”) and C.R.S. §§ 31-11-106, this petition is being circulated to registered electors of the City of Glenwood Springs, Colorado (“City”), to initiate a new ordinance in the City.

Pursuant to C.R.S. § 31-11-106(b), the following summary is printed following the warning at the top of each page of a petition section:

Summary of New Ordinance:

<u>THIS ORDINANCE CHANGES THE HOUR OF CLOSURE FROM 7:00 P.M. TO 10:00 P.M. FOR MEDICAL AND RETAIL MARIJUANA BUSINESSES WITHIN THE CITY OF GLENWOOD SPRINGS.</u>

Pursuant to C.R.S. § 31-11-106(c), the full text of the ordinance that is the subject to the initiated petition is printed below and continued onto the following page.

AN ORDINANCE OF THE CITY OF GLENWOOD SPRINGS, COLORADO, AMENDING ARTICLES 050.080.080 AND 050.090.090 OF THE CITY OF GLENWOOD SPRINGS MUNICIPAL CODE TO EXTEND THE HOURS OF OPERATION OF MEDICAL AND RETAIL MARIJUANA BUSINESSES LOCATED WITHIN THE CITY

__WHEREAS__, the Colorado Constitution, Article XVIII, Subsection 16(5)(f) authorizes localities to enact ordinances or regulations, not in conflict with state regulations or legislation, governing the time, place, and manner for marijuana establishment operations; and

__WHEREAS__, the Colorado Marijuana Rules authorize the sales of Regulated Marijuana between the hours of 8:00 a.m. and 12:00 a.m.; and

__WHEREAS__, the city of Glenwood Springs imposes a Retail Marijuana Sales Tax on all Retail Regulated Marijuana; and

__WHEREAS__, the city of Glenwood Springs could see an increase in the city's marijuana revenue with extended hours of operation; and

__WHEREAS__, the city of Glenwood Springs is a touristic destination for travelers around the world; and

__WHEREAS__, expanding the hours of operations will allow marijuana businesses to better cater to tourists and residents at different times of the day; and

__WHEREAS__, other local jurisdictions in the state of Colorado authorize the sales of Regulated Marijuana between the hours of 8:00 a.m. and 12:00 a.m.; and

__WHEREAS__, the decision to extend hours of operation has not resulted in unintended negative consequences for local jurisdictions that have opted to authorize the sales of Regulated Marijuana between the hours of 8:00 a.m. and 12:00 a.m.

NOW, THREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENWOOD SPRINGS THAT:

***Section 1**.* *The recitals made above are hereby incorporated as the findings of City Council.*

***Section 2**.* *Articles 050.080.080 and 050.090.090 of the city's Municipal Code are hereby amended, as provided for on Exhibit A attached hereto and incorporated herein.*

***Section 3**.* *All other ordinances or portions thereof, and all City Code provisions inconsistent or in conflict with this ordinance or any portion hereof, are hereby repealed, only to the extent of the inconsistency or conflict.*

EXHIBIT A

050.080.080 - Requirements related to operation of medical marijuana business.

(b) In addition, all medical marijuana businesses shall comply with the following local restrictions:

(2) Medical marijuana businesses shall limit their hours of operation to between 8:00 a.m. and ~~7:00 p.m.~~ 10:00 p.m. Monday through Sunday or as otherwise limited by state law.

050.090.090 - Requirements related to operation of a retail marijuana business.

(b) In addition, all retail marijuana businesses shall comply with the following local restrictions:

(2) Hours of operation shall be limited to between 8:00 a.m. and ~~7:00 p.m.~~ 10:00 p.m. Monday through Sunday.

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WARNING: IT IS AGAINST THE LAW:

For anyone to sign any initiative or referendum petition with any name other than his or her own or to knowingly sign his or her name more than once for the same measure or to knowingly sign a petition when not a registered elector who is eligible to vote on the measure.

DO NOT SIGN THIS PETITION UNLESS YOU ARE A REGISTERED ELECTOR AND ELIGIBLE TO VOTE ON THIS MEASURE TO BE A REGISTERED ELECTOR, YOU MUST BE A CITIZEN OF COLORADO AND REGISTERED TO VOTE.

Do not sign this petition unless you have read or have had read to you the proposed initiative or referred measure or the summary in its entirety and understand its meaning.

Summary of New Ordinance:

THIS ORDINANCE CHANGES THE HOUR OF CLOSURE FROM 7:00 P.M. TO 10:00 P.M. FOR MEDICAL AND RETAIL MARIJUANA BUSINESSES WITHIN THE CITY OF GLENWOOD SPRINGS.

STATE OF COLORADO)

)ss.

COUNTY OF __________)

I, the undersigned, being the circulator of the foregoing Petition to Hold a Referendum on an Ordinance Adopted by the City of Glenwood Springs City Council (the "Petition"), hereby state and affirm the following:

1. My address is ____;
2. I am eighteen years of age or older;
3. I have read and understood the laws governing the circulation of the Petition;
4. I circulated the forgoing Petition;
5. Each signature on the foregoing Petition was affixed in my presence;
6. Each signature on the foregoing Petition is the signature of the person whose name it purports to be;
7. To the best of my knowledge and belief, each of the persons signing the Petition was at the time of signing a registered elector of the City;
8. I have not paid and will not in the future pay, and I believe that no other person has so paid or will pay, directly, or indirectly, any money or other thing of value to any signer of the Petition for the purpose of inducing or causing such signer to affix the signer's signature to the Petition.

____

Name:

Acknowledged and sworn to before me this ___ day of _______________, 2023, by _____________________.

Witness my hand seal and official seal.

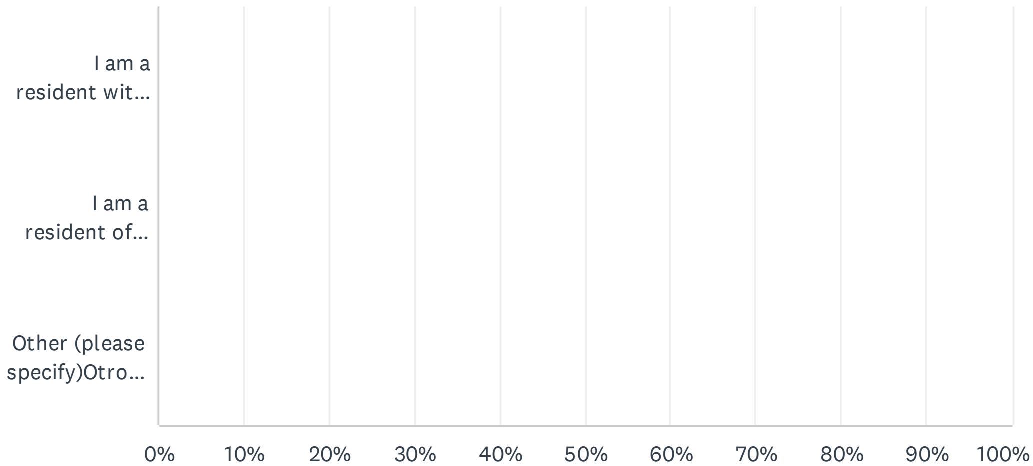
My commission expires:___________________

Notary Public:____

This public comment form closes Monday, April 3 at 10 a.m. The following pages reflect responses submitted as of noon on Thursday, March 30. All responses will be shared with City Council.

Q1 Please select the option that best fits you.Seleccione la opción que mejor se adapte a usted.

Answered: 25 Skipped: 0

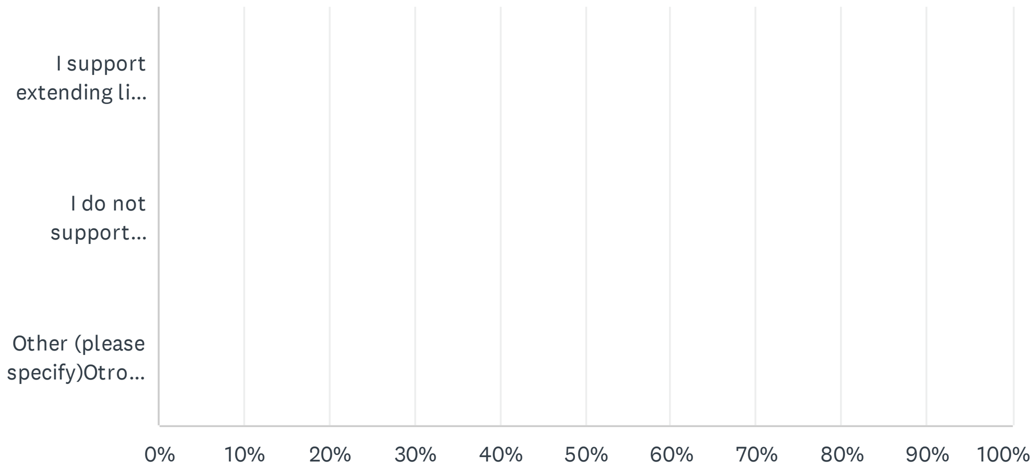


ANSWER CHOICES	RESPONSES	
I am a resident within the City limits of Glenwood Springs.Soy residente dentro de los límites de la ciudad de Glenwood Springs.	84.00%	21
I am a resident of Glenwood Springs, but outside of city limits.Soy residente de Glenwood Springs, pero fuera de los límites de la ciudad.	4.00%	1
Other (please specify)Otros (especifíquese)	12.00%	3
TOTAL		25

#	OTHER (PLEASE SPECIFY)OTROS (ESPECIFÍQUESE)	DATE
1	Parachute	3/28/2023 5:42 PM
2	Not a resident now, but I was for 14 years.	3/28/2023 11:41 AM
3	Business owner in GWS.	3/23/2023 6:08 PM

Q2 Please select the option that best reflects your opinion.Seleccione la opción que mejor se adapte a usted.

Answered: 25 Skipped: 0



ANSWER CHOICES	RESPONSES	
I support extending limit on retail marijuana operating hours from 7 p.m. to 10 p.m. daily.Apoyo extender el límite en las horas de operación de la marihuana al por menor de 7 p.m. a 10 p.m. todos los días.	52.00%	13
I do not support extending limit on retail marijuana operating hours from 7 p.m. to 10 p.m. daily.No apoyo extender el límite en las horas de operación de la marihuana al por menor de 7 p.m. a 10 p.m. todos los días.	40.00%	10
Other (please specify)Otros (especifíquese)	8.00%	2
TOTAL		25

#	OTHER (PLEASE SPECIFY)OTROS (ESPECIFÍQUESE)	DATE
1	I live on the east side of the 1100 block of Grand Ave. The marijuana store on the NE corner of Grand & 11th has customers shooting off of Grand, parking awkwardly on 11th St., often blocking the alley for access to the parking behind my house. I do not support the extension of tie to 10 PM	3/29/2023 7:32 AM
2	Could care less. Amazing what is wasting time on the city council.	3/25/2023 9:24 PM

Q3 Please share any additional input regarding limits on marijuana business hours of operation.Comparta cualquier información adicional sobre los límites en el horario de negocio de la marihuana.

Answered: 13 Skipped: 12

#	RESPONSES	DATE
1	Lots of people are still working when the dispos are closing up. It would be nice to be able to drop by after work.	3/29/2023 9:22 PM
2	I do not believe 3 more evening hours for access will improve the marijuana business' dollar-wise. We all seem to be able to secure the items we need to purchase based on the current time scheduled business open hours.	3/29/2023 7:32 AM
3	I believe this change to evening hours of operation will increase revenues, add employee hours, add to the tax base and create convenience for cannabis shoppers.	3/28/2023 4:19 PM
4	Well, liquor stores and bars are allowed to stay open extended hours, so why not pot stores? Just wondering, is domestic violence more likely with under the influence of alcohol or marijuana? Bruce Kime, Rifle	3/28/2023 11:41 AM
5	Even if it comes to a comprise at 9pm, it will benefit the tax base. Not much goes on around town after 9pm anyway and I think mj users have proven to be responsible around town, for the most part, over the last 13 years	3/24/2023 6:56 PM
6	The current business hours of operation should still work fine.	3/24/2023 3:48 PM
7	These businesses haave proven to be good neighbors. Also, the more business we can get to stay open later, the more vibrant our downtown will become.	3/24/2023 12:32 PM
8	we live in downtown and our business is in west next to Marijuana store and I do not want more people late close to our property, we already have issues with people at night by the shop, I have call the police a few times, also the pot store is by busses station and people are hidden behind the building, they have stolen a bike and broke a couple car lights on our business so please please do not extend the hrs. we are a family that works so hard to live and with all these issues is not been easy for us. I also see younger kids by the pot shop, someone will care about them and not only care for money.	3/24/2023 12:28 PM
9	Liquor stores stay open until 12 am. There’s no reason that marijuana shops shouldn’t stay open until 10 pm. Even 8 or 9 pm would be a good closing time. 6:45 is too early, many people get off work at that time.	3/24/2023 11:55 AM
10	I feel that the hours the stores have is sufficient.	3/24/2023 11:00 AM
11	Liquor stores can stay open longer so cannabis stores should stay open even longer	3/24/2023 10:43 AM
12	The entire MJ industry is untrustworthy with no principles and their product is destroying the minds of our youth. The last we need to do is be more lenient. Additionally, the majority of customers at The Green Joint simply walk outside, go across the street and smoke their purchase in Axtell Park. Allowing later hours will only increase this type of behavior.	3/23/2023 10:33 PM
13	If liquor stores can be open later I do not see a reason for the marijuana stores to be open as well. It generates tax money.	3/23/2023 10:15 PM

Información Seguida en Español

CITY OF GLENWOOD SPRINGS COLORADO

Fact Sheet

Petition to Extend Marijuana Establishment Operating Hours

Background Information

Under state rules, retail marijuana businesses can be open only between 8 a.m. and midnight. Municipalities can require stricter hours of operation. The Glenwood Springs Municipal Code currently limits retail marijuana hours of operation to 8 a.m. to 7 p.m. daily.

A petition has been submitted to put a ballot initiative to the public allowing marijuana stores to extend evening hours to 10 p.m. If they get the required number of signatures City Council can decide to make this change to code or put it out to vote if enough qualifying signatures are submitted.

This item will be discussed at the next City Council meeting on Thursday, April 6, 2023. Please share your input via this brief form or by email to Ryan.Muse@cogs.us by 10 a.m. on Monday, April 3, 2023.

Hours Permitted by Other Municipalities

Municipality	Hours Permitted	Notes
Boulder	8 a.m. to 10 p.m.	
Carbondale	Same as state regulation (8 a.m. and midnight)	Staff has not observed any law enforcement issues.
Central	8 a.m. and midnight, daily	Originally set at 10 p.m. Observationally, they don't stay open until midnight. No law enforcement issues with marijuana businesses since start in 2010.
Eagle	8 a.m. and midnight, daily	
Golden	8 a.m. to 10 p.m.	
Gypsum	None	Medical and retail marijuana establishments prohibited.
Log Lane Village	Medical 8 pm and 10 for recreational	
Manitou Springs	8 a.m. to 11:45 p.m.	
New Castle	None	Medical and retail marijuana establishments prohibited.
Northglenn	8 a.m. to 10 p.m., daily	
Rifle	8 a.m. to 10 p.m., daily*	*For medical or retail establishments in the light-industrial zones. No retail sales permitted outside of light-industrial zones. Medical establishments outside of light-industrial areas may only operate 8 a.m. to 7 p.m.
Silt	10 a.m. to 10 p.m.	
Steamboat Springs	8 a.m. to 10 p.m.	

Telluride	Same as state regulation (8 a.m. and midnight)	While retail marijuana shops are allowed to stay open until midnight, most stores only stay open until 9 or 10 p.m. Staff has not observed a significant change in tax revenue or crime rates.

Municipal Retail Marijuana Laws (2022)

The Colorado Municipal League (CML) assembled a list of status of retail marijuana for various Colorado municipalities. The list includes type of permitted use and links to related municipal codes. This was last updated in April 2022.

Effect on Crime

Glenwood Police evaluated call data in geofenced areas with proximity to existing marijuana businesses and found no correlation between crime rates and the presence of such establishments. Extended evening hours for marijuana sales establishments is not projected to create substantial change in local crime rates, and the Glenwood Police department is not in opposition of the extension of their operating hours.

Colorado Division of Criminal Justice Report on Impacts of Marijuana Legalization in Colorado (2021)

In 2021, the Colorado Division of Criminal Justice's Office of Research and Statistics published "Impacts on Marijuana Legalization in Colorado" report, which presents data on marijuana-related topics including crime, impaired driving, hospitalizations, emergency room visits, usage rates, effects on youth, and more.

View report highlights.

View full report.

Effect on Tax Revenue

The Glenwood Springs Finance Department does not forecast a significant change in sales tax due to extended evening hours for marijuana sales establishments.

Share Your Input

This item will be discussed at the next City Council meeting on Thursday, April 6, 2023. Please share your input via this brief form or by email to Ryan.Muse@cogs.us by 10 a.m. on Monday, April 3, 2023.

Form Link: **surveymonkey.com/r/YLHLLWB**

Hoja Informativa

Petición para extender el horario de operación del establecimiento de marihuana

Antecedentes

Bajo las reglas estatales, los negocios minoristas de marihuana pueden estar abiertos solo entre las 8 a.m. y la medianoche. Los municipios pueden requerir horarios de operación más estrictos. El Código Municipal de Glenwood Springs actualmente limita las horas de operación de la marihuana al por menor de 8 a.m. a 7 p.m. todos los días.

Se ha presentado una petición para poner una iniciativa de votación al público que permita a las tiendas de marihuana extender el horario nocturno hasta las 10 p.m. Si obtienen el número requerido de firmas, el Concejo Municipal puede decidir hacer este cambio al código o ponerlo a votación si se presentan suficientes firmas calificadas.

Este tema se discutirá en la próxima reunión del Concejo Municipal el jueves 6 de abril 2023. Comparta sus comentarios a través de este breve formulario o por correo electrónico a Ryan.Muse@cogs.us antes de las 10 a.m. del lunes 3 de abril 2023.

Horas Permitidas Por Otros Municipios

Municio	Horas Permitdas	Notas
Boulder	8 a.m. to 10 p.m.	
Carbondale	Igual que la regulación estatal (8 a.m. and medianoche)	El personal no ha observado ningún problema de aplicación de la ley.
Central	8 a.m. and medianoche, diario	Originalmente programado a las 10 p.m. Observacionalmente, no permanecen abiertos hasta la medianoche. No hay problemas de aplicación de la ley con los negocios de marihuana desde su inicio en 2010.
Eagle	8 a.m. and medianoche, diario	
Golden	8 a.m. to 10 p.m.	
Gypsum	Ninguno	Prohibida la marihuana medicinal y minorista.
Log Lane Village	Medicao 8 pm and 10 para recreacional	
Manitou Springs	8 a.m. to 11:45 p.m.	
New Castle	Niguna	Prohibida la marihuana medicinal y minorista.
Northglenn	8 a.m. to 10 p.m., diario	
Rifle	8 a.m. to 10 p.m., diario*	*Para establecimientos médicos o minoristas en las zonas de industria ligera. No se permiten ventas minoristas fuera de las zonas de industria ligera. Los establecimientos médicos fuera de las áreas de industria ligera solo pueden operar de 8 a. m. a 7 p. m.

Silt	10 a.m. to 10 p.m.	
Steamboat Springs	8 a.m. to 10 p.m.	
Telluride	Igual que la regulación estatal (8 a.m. and medianoche)	Aun que las tiendas minoristas de marihuana pueden permanecer abiertas hasta la medianoche, la mayoría de las tiendas solo permanecen abiertas hasta las 9 o 10 p.m. El personal no ha observado un cambio significativo en los ingresos fiscales o las tasas de delincuencia.

Leyes Municipales de Marijuana al por menor (2022)

La Liga Municipal de Colorado (CML) reunió una lista del estado de la marihuana al por menor para varios municipios de Colorado. La lista incluye el tipo de uso permitido y enlaces a códigos municipales relacionados. Esto se actualizó por última vez en abril de 2022.

Efecto Sobre el Crimen

La policía de Glenwood evaluó los datos de llamadas en áreas geocercadas con proximidad a negocios de marihuana existentes y no encontró correlación entre las tasas de criminalidad y la presencia de dichos establecimientos.. No se proyecta que las horas nocturnas extendidas para los establecimientos de venta de marihuana creen cambios sustanciales en las tasas de delincuencia local, y el departamento de policía de Glenwood no se opone a la extensión de sus horas de funcionamiento.

Informe de la División de Justicia Criminal de Colorado Sobre los Impactos de la Legalización de la Marihuana en Colorado (2021)

En 2021, la Oficina de Investigación y Estadísticas de la División de Justicia Criminal de Colorado publicó el informe “Impactos en la Legalización de la Marihuana en Colorado”, que presenta datos sobre temas relacionados con la marihuana, incluyendo delitos, conducir con problemas, hospitalizaciones, visitas a salas de emergencia, tasas de uso, etc. efectos en la juventud, y más.

Ver los aspectos más destacados del informe.

Ver informe completo.

Efecto Sobre los Ingresos Fiscales

El Departamento de Finanzas de Glenwood Springs no pronostica un cambio significativo en el impuesto a las ventas debido a las horas nocturnas extendidas para los establecimientos de venta de marihuana.

Comparta su Opinion

Este tema se discutirá en la próxima reunión del Concejo Municipal el jueves 6 de abril 2023. Comparta sus comentarios a través de este breve formulario o por correo electrónico a Ryan.Muse@cogs.us antes de las 10 a.m. del lunes 3 de abril 2023.

Enlace de formulario: **surveymonkey.com/r/YLHLLWB**

MEMO

TO: Jenn Ooton
Assistant City Manager/Economic & Community Development Director

FROM: Gretchen Ricehill
Asst. Director, Community Development Dept.

DATE: October 5, 2018

RE: Code Text Amendment – Marijuana Uses - Extension of Business Hours

Several weeks ago we received a letter from Dan Sullivan, owner of the Green Joint, requesting that the City consider amending the Municipal Code to extend business hours for marijuana related uses. Currently the Code (050.080, 050.090 and 070.030.030) requires that retail and medical marijuana businesses close at 7 PM. Mr. Sullivan requested that these hours be extended to 9 PM.

The purpose of this memo is to inform you of a similar request that Community Development received three years ago and to ask if you want to move forward given the outcome and the relative recent nature of the request.

In May 2015, the Green Dragon requested an amendment of the Municipal Code to extend marijuana business hours from 7PM to 10PM. The Planning & Zoning Commission heard and recommended that Council approve the code amendment.

During this same period, the City's Liquor Hearing officer was conducting licensing hearings for one or two marijuana establishments, at least one of which was downtown. A number of people attended these licensing hearings and expressed their objection to any more marijuana establishments in the downtown area.

Reacting to public outcry, on June 4th, Council adopted a three month moratorium on the acceptance, processing and approval of marijuana land use applications including marijuana-related legislation. This temporarily suspended consideration of the business hours code text amendment.

Council conducted a workshop on July 2nd and discussed a wide range of potential code revisions to address public concerns. This included increasing setback requirements between marijuana establishments, changing review procedures and adjusting hours of operation. Council's direction to staff was to bring legislation which would change the review procedures for retail and medical marijuana businesses from a use by right (requiring only a licensing hearing) to a special review with hearings before the Planning & Zoning Commission and City Council; to

City of Glenwood Springs Community Development Department
101 W 8th Street
Glenwood Springs, Colorado 81601
Tel: 970-384-6400
FAX: 970-945-8582

change the setback between marijuana businesses from 325 feet to 900 feet; and, to add new special review criteria for marijuana businesses. Council did not direct staff to address hours of operation.

During the workshop, Police Chief Terry Wilson recommended, and Council expressed its support to leave the business hours as-is, 7AM – 8PM. A number of marijuana business representatives and the general public attended this workshop, including Dan Sullivan. Mr. Sullivan then attended the regular Council meeting and under “Citizens Appearing” commended Council on their efforts at the work session and concurred with Chief Wilson that there was no reason to extend operating hours.

Regarding the current request, at a recent department review meeting Chief Wilson indicated that he was not necessarily opposed to the extended hours to 9PM. He indicated that the police have had the chance to monitor the situation over time and the issues are not generally related to the business hours.

Please let me know how you would like to proceed. There are three Councilors (Gamba, Leahy and Davis) that may remember this workshop and, given recent comments about The Station’s marijuana special use permit, I believe there may be at least two Councilors (Godes, Ingraham) who would be opposed to an expansion of marijuana related uses, even if it is just business hours.

MINUTES
City of Glenwood Springs
Planning and Zoning Commission
Special Meeting
May 5, 2015
Council Chambers, First Floor, City Hall
101 W. 8th Street
6:00 p.m.

Vice Chairman Blair called the meeting to order at 6:02 p.m.

MOTION: Commissioner Geiger moved to seat Vice Chairman Blair as Chairman for this meeting. Commissioner Dehm seconded the motion. The motion carried by voice vote.

MOTION: Commissioner Geiger moved to seat Alternate Schachter for the meeting. Commissioner Dunn seconded the motion. Motion carried by voice vote.

1. Roll call.

Present at roll call were Commissioners:	Sumner Schachter, Judy Gillespie, Michael Dunn, Michael Blair, Kathryn Grosscup, Mary Elizabeth Geiger, and Marco Dehm.
Also present were City staff members:	Andrew McGregor, Community Development Director Gretchen Ricehill, Senior Planner Jill Peterson, City Planner Trent L. Hyatt, Planner Kathleen Michel, Administrative Assistant Karl Hanlon, Special Counsel

2. Comments from citizens appearing for items not on the agenda.

No one was present to comment.

<u>Continued Public Hearings:</u>

7. #11-15 – Consideration of Amendments to Section 070.040.030 of the Glenwood Springs Municipal Code regarding hours of operation for retail marijuana establishments.

   Applicant: City of Glenwood Springs
   Location: City-wide

Andrew McGregor presented background on the item. A local retailer asked City Council to consider changes of the hours for medical and retail marijuana establishments. Council asked the P&Z to consider the request. He said that there was a letter in the packet from Jeff Kennedy, manager of one of our local facilities, supporting the measure. Regulations for medical marijuana were imposed by state statute. Retail marijuana followed the regulations set for medical, i.e. hours of operation, but they were not codified by the state. Retail is allowed to be regulated by local jurisdictions. Mr. Kennedy's request was to extend hours to 10:00 p.m. The co-located facilities had to conform due to different clients and ages. The reality has been shown to be different. The Police Chief did not believe this would change public safety substantially. He was more concerned with possible attempts to steal product or cash. We are suggesting that there is no reason not to extend hours.

Questions of staff

Commissioner Geiger is still concerned about the safety issue. She does not see a reason to change hours.

Mr. McGregor said the Police Chief was not willing to extend hours past 10 o'clock.

Commissioner Dehm wondered if the public other than the Green Dragon has contacted Andrew.

Mr. McGregor said that no one else has commented.

Commissioner Dehm asked about Glenwood's hours.

Mr. McGregor said they were 8:00 a.m. to 7:00 p.m.

Commissioner Grosscup asked for the number of establishments in each category.

Mr. McGregor said there were three co-located facilities, two are exclusively medical, one grow facility with retail, and two pending applications for retail only. There is another prospective grow facility that will have a retail establishment at the same location. He said we are approaching a saturation level with the separation required from schools and other facilities.

Commissioner Geiger commented that we didn't establish a hard number.

Mr. McGregor said the setback model accomplishes the same thing.

Commissioner Dunn wondered how late liquor stores were open.

Mr. McGregor said that liquor stores were open 8 a.m. to 12:00 midnight.

Commissioner Dunn asked if regular retail, like a clothing store, had the same restricted hours.

Mr. McGregor none.

Commissioner Dunn commented that liquor stores are treated differently than other retail.

Mr. McGregor said they get State and local licenses and are highly regulated.

Commissioner Schachter they have asked for a generous extension of hours as opposed to keeping the current 11 hour window and just shifting.

Mr. McGregor said that the earlier opening time is allowed but not obligatory. He didn't know how much demand there was at that time of day.

Commissioner Schachter said that the decision about retail marijuana shapes the character of the town. We don't have liquor tourism but if other states allow marijuana, we may no longer have it either. We are the main state selling it retail. We need to decide what kind of character we want in this town as we are in flux right now.

Commissioner Gillespie was concerned about discrimination against this business and we should allow it later. We are a tourist town and there are people who probably come here for the marijuana. We should encourage all retail businesses to be open later. That would help business in general. She said she would hate to see it not approved.

Commissioner Schachter asked if our recommendation picked the hours or let the Council determine the hours.

Mr. McGregor said it was more helpful to council if we had a specific time.

Commissioner Geiger asked if we had the numbers on sales tax generated by retail marijuana.

Mr. McGregor said that we do not disclose the income of the individual businesses, as a policy of the Finance Department.

Commissioner Dehm asked where the two possible new retail locations would be.

Mr. McGregor said they would be in downtown Glenwood, one on Grand Avenue and the other on 10th St.

The Chair reminded Commissioners that we are here to provide advice to Council. He thought everyone's comments were valuable. He questioned hours for each type of use. We can recommend different hours as suggested by staff.

No one from the public was present to comment. The Chair closed the time for public comment and asked for a motion.

MOTION: Item #11-15: Commissioner Dehm moved to approve a code text amendment to extend the hours for retail marijuana sales from 8 a.m. to 8 p.m. based on the comments from the Police Chief and the City Attorney. Commissioner Geiger seconded the motion.

Commissioner Dunn did not want to infringe on anyone's ability to conduct business. He was concerned about effects on young people and wanted to be more conservative. He favored keeping same hours or going with this motion.

Commissioner Grosscup noted that Mr. McGregor suggested 9:00; we are splitting hairs. With an extra hour, our tourists will not have to go up to Aspen for product.

Commissioner Geiger pointed out that people staying in hotels cannot smoke, unless staying in someone's home, they have nowhere to smoke it, so she does not favor changing it.

Commissioner Schachter wondered if there was a conflict with marijuana tourism and family vacations. We can become less restrictive in time, but would have difficulty dialing it back. This is a cash business and that adds to the safety issues.

Commissioner Dehm suggested taking a baby step as with more stores coming in, it would be hard to reel it back.

Commissioner Gillespie wondered why we should take away the busiest time. She does not want to discriminate against this business.

Commissioner Schachter observed that we are giving an additional hour in the busiest time.

Commissioner Geiger pointed out that Council has the opportunity to choose a different time.

Commissioner Gillespie wants to jump to 10:00.

Commissioner Schachter said that we are not the ones to determine success or failure of a business.

Commissioner Dunn we have every reason to go slowly as this is an experiment in our state.

Commissioner Gillespie said that if a pot shop is open until 10, not all the kids are going to be there.

Commissioner Dunn doesn't think we have enough data yet. Let's take baby steps.

Chair called for the vote: 6-1 with Commissioner Dunn voting no. The motion carried.

<u>Other business:</u>

The Chair indicated he would prefer to have the election as the last item on tonight's agenda.

9. Community Development Director's Update.

Mr. McGregor said that the regular meeting is May 26. We have three items: Large child home application; the continued item from this agenda, and a major development application for the Lofts at Red Mountain, on Lot 11A, fronting on Wulfsohn Road. This is not a Meadows application but they do own the property.

Commissioner Geiger indicated that three of the Commissioners would have to recuse themselves.

Mr. McGregor introduced and welcomed Trent Hyatt, new planner, whom you all met in the kitchen.

10. Comments from the Commission.

Commissioner Schachter asked about the request for a workshop with the City Council. Did they take any action?

Mr. McGregor said that he corresponded with Councilmember Trauger about this and she assured us an invitation would be forthcoming. He further commented that Commissioner Schachter would likely be appointed as a full-time member of the Commission on Thursday night. We will try to get some new alternates.

8. Election of Chairman and Vice-Chairman.

Mr. McGregor said that typically this selection was for a two year period.

For Chairman:

Commissioner Geiger nominated Marco Dehm and Commissioner Schachter seconded the nomination.

Commissioner Gillespie nominated Mary Elizabeth Geiger and Commissioner Grosscup seconded the nomination.

Vote by show of hands: 4 for Dehm; 3 for Geiger. **Commissioner Dehm was elected as Chairman.**

For Vice Chairman:

Commissioner Dehm nominated Mary Elizabeth Geiger and Commissioner Dunn seconded the nomination.

Commissioner Geiger nominated Michael Blair and Commissioner Grosscup seconded the nomination.

Vote by show of hands: 5 for Geiger; 2 for Blair. **Commissioner Geiger was elected as Vice Chairman.**

11. Adjournment. Adjourned at 8:00 p.m.

Pursuant to Section 5.1 of the Charter of the City of Glenwood Springs and C.R.S. §§ 31-11-106,

THIS ORDINANCE CHANGES THE HOUR OF CLOSURE FROM 7:00 P.M. TO 10:00 P.M. FOR MEDICAL AND RETAIL MARIJUANA BUSINESSES WITHIN THE CITY OF GLENWOOD SPRINGS.

THIS EFFORT IS TO SIMPLY ALLOW CANNABIS DISPENSARIES TO REMAIN OPEN LATER THAN 7PM.

Allowing dispensaries to remain open later will bring more tax dollars to the city with no cost associated. This additional tax revenue supports the community and infrastructure of the town. In turn, making Glenwood Springs a more attractive place to live

Extending hours will create more jobs within the city, as well as promote a safer environment for Glenwood's citizens.

Glenwood Police evaluated call data in geofenced areas with proximity to existing marijuana businesses and found no correlation between crime rates and the presence of such establishments. Extended evening hours for marijuana sales establishments is not projected to create substantial change in local crime rates, and the Glenwood Police department is not in opposition of the extension of their operating hours (1)

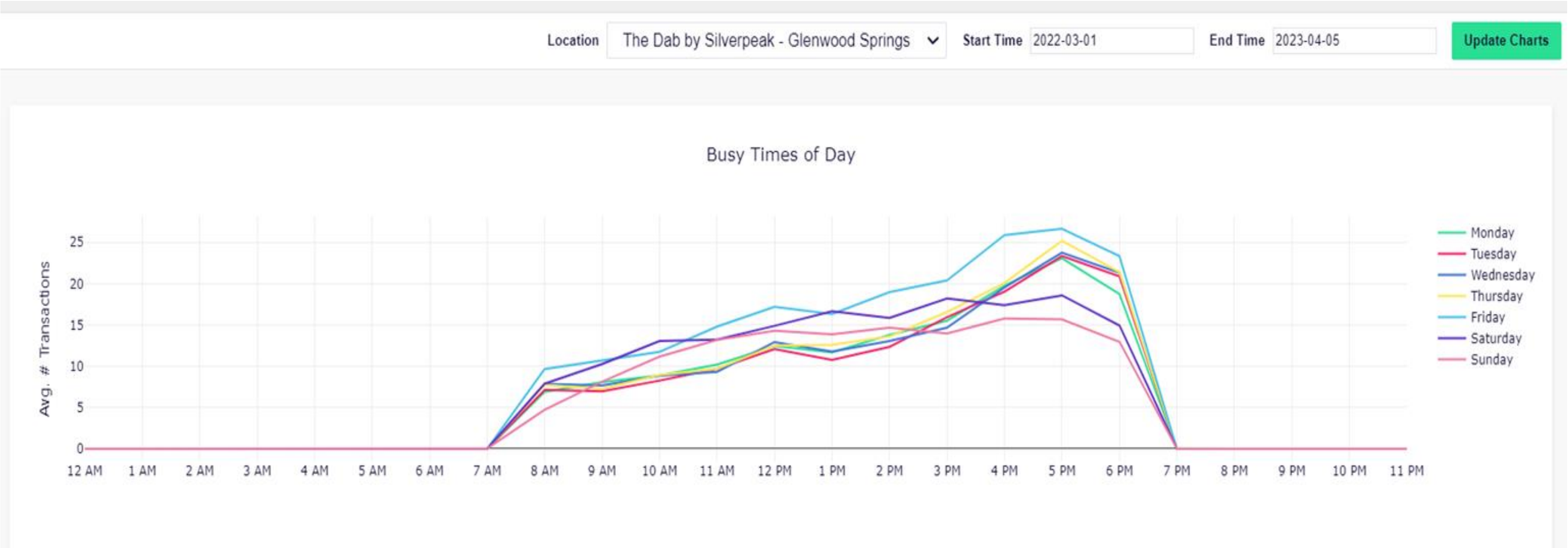
Carbondale, Central City and Telluride all reported no significant crime change

1. Glenwood is an outlier in the state when it comes to allotted operational closing times for dispensaries.

- Colorado state law is that dispensaries can not make sales between Midnight and 8AM. (2)
- Aspen, Snowmass, and Carbondale are all able to stay open till midnight.
- No other city in Colorado limits its dispensaries to close earlier than 8PM.

2. Glenwood Working Class spending tax dollars **outside** of the city.

- A large and growing number of people working from Aspen down to Carbondale are living in Glenwood and even out to Rifle/Silt now.
- It's common for those workers to get off of work at 6PM or later. By far, the most common routine of purchasing cannabis is after one's shift. We find this purchasing routine to be accurate based on the increased volume of customer traffic within our last hour of daily operation, customer word of mouth, and also based on the support behind the petition we circulated.
- As a result, people are potentially speeding down to our store from upvalley and surrounding areas to catch us before we close. Or they are simply purchasing outside of Glenwood as those are the only places still open. Or they go to the liquor store.



Please note that we close our shop at 6:45PM to ensure no sales are made past 7PM.

3. Cannabis has important health and medical benefits.

The health and medical benefits of cannabis are numerous. Both infrequent and daily cannabis use can:

- Relieve pain (3)
- Reduce nausea and vomiting from chemotherapy (3)
- Promote sleep in people with chronic pain (3)
- Improve mood and quality of life in people with health conditions (4)
- Ongoing research is focused on other potential health benefits of cannabis, such as its ability to help with cancer, inflammatory bowel disease, as well as neurodegenerative diseases and many more.

There are very few health benefits of alcohol. These benefits are all related to cardiovascular health, and benefits are greatest when alcohol is consumed in moderation (about one drink per day):

- Red wine contains polyphenols, which have antioxidant properties. (5)
- Drinking alcohol reduces fibrinogen, a blood-clotting protein. (6)
- Moderate alcohol use can increase HDL cholesterol (the good cholesterol). (7)

Citations

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- Continued on Next Page -

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City Council
STAFF REPORT
City of Glenwood Springs
April 6, 2023

Agenda Item:	Legislative Support
Action Requested:	Conversation on whether Council wants to take a position on any pending legislation
Department:	Attorney
Presented By:	Karl Hanlon
Strategic Goals:	Protect and Preserve our Quality of Life
Background Info:	NA
Issues:	NA
Fiscal Impact:	Unknown
Legal Review:	NA
Staff Recommendation:	NA

City Council
STAFF REPORT
City of Glenwood Springs
April 6, 2023

Agenda Item: Senate Bill 23-213 on Housing Needs Planning

Action Requested: Determine whether Council wants to take a position on pending housing legislation.

Department: Attorney

Presented By: Karl Hanlon

Strategic Goals: Protect and Preserve our Quality of Life

Background Info: This bill has been introduced to establish a process to diagnose and address housing needs across the state, addressing requirements for the regulation of accessory dwelling units, middle housing, transit-oriented areas, key corridors and manufactured homes that imposes restrictions on local governments' ability to regulate certain residential housing matters.

Issues: Several municipalities and groups have expressed concern that this legislation inappropriately infringes upon a home rule city's ability to implement and enforce land use requirements. There is also a belief that this legislation is being pushed through the process too quickly.

Fiscal Impact: Unknown at this time.

Legal Review: Legal has reviewed the legislation and will draft a position statement as directed by Council.

Staff Recommendation: Staff defers to Council.

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0890.01 Pierce Lively x2059 **SENATE BILL 23-213**

SENATE SPONSORSHIP

Moreno,

HOUSE SPONSORSHIP

Jodeh and Woodrow,

Senate Committees
Local Government & Housing

House Committees

A BILL FOR AN ACT

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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

VALIDATED WATER LOSS AUDIT REPORT TO THE COLORADO WATER CONSERVATION BOARD, PROHIBITING A UNIT OWNERS' ASSOCIATION FROM PROHIBITING CERTAIN KINDS OF HOUSING, REQUIRING THE TRANSPORTATION COMMISSION AND THE DEPARTMENT OF TRANSPORTATION TO MODIFY THE STATE HIGHWAY ACCESS CODE, CRITERIA FOR CERTAIN GRANT PROGRAMS, AND EXPENDITURES FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND TO ALIGN WITH STATE STRATEGIC GROWTH OBJECTIVES, AND MAKING AN 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 the 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.

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

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

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

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

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

(D) Many cities restrict the development of more compact affordable home types, such as accessory dwelling units, townhomes, duplexes, and multifamily homes, on most of their residential land;

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

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

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

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

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

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

(A) The consequences of land use policies that limit housing supply and diversity include a lack of housing that is affordable to Coloradans of low and moderate incomes, a lack of housing to support employment growth, an imbalance in jobs and housing, segregated and unequal communities, reduced mobility and long commutes, loss of open space and agricultural land, high water usage, and increased greenhouse gas and air pollution;

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

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

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

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

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

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

(II) Therefore, the general assembly finds, determines, and declares that, coupled with historic investments in affordable housing, reforms to local land use regulations can accelerate an increase in housing supply that is affordable at all income levels.

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

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

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

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

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

(c) Increase housing supply, allow more compact development, encourage more affordable housing, encourage more environmentally and fiscally sustainable development patterns, encourage housing patterns that conserve water resources, and encourage housing units that are located in close proximity to public transit, places of employment, and everyday needs.

(3) In finding and declaring that land use policies that affect housing supply are matters of mixed statewide and local concern, the

general assembly finds and declares that there is a need for uniformity in policies that affect housing supply because:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(IX) Researchers in the study "Unaffordable Housing and Local Employment Growth", published by the Federal Reserve Bank of Boston, found that metropolitan areas in the United States and counties with lower housing affordability experience significantly less employment growth; and

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

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

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

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

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

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

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

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

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

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

(V) Nationwide, the number of jobs within the typical commute distance for residents in major metropolitan areas has declined over time according to a report by the Brookings Institution titled "The Growing Distance Between People and Jobs in Metropolitan America";

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

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

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

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

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

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

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

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

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

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

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

(VII) Local government land use decisions that require a minimum amount of parking spaces beyond what is necessary to meet market demand increase vehicle miles traveled and associated greenhouse gas emissions. According to the UCLA Institute of Transportation Studies article titled "What Do Residential Lotteries Show Us About Transportation Choices", higher amounts of free parking provided in residential developments cause higher rates of vehicle ownership, higher rates of vehicle miles traveled, and less frequent transit use.

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

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

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

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

(III) Between 1982 and 2017, Colorado lost over twenty-five percent of its agricultural cropland, according to data from the National Resources Inventory published by the United States department of agriculture, and, over the same time period, the size of urban and built-up areas grew faster than the population by over one hundred percent compared to eighty-three percent;

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

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

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

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

ARTICLE 33

State Land Use Requirements For Affordable Housing

PART 1

HOUSING NEEDS PLANNING

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

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

(II) CONSISTENT INFORMATION ABOUT STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS IS ESSENTIAL IN DEVELOPING EQUITABLE AND EFFECTIVE HOUSING POLICIES AND STRATEGIES AND IMPROVING EFFORTS TO INCREASE HOUSING AFFORDABILITY OVER TIME;

(III) HOUSING MARKETS EXPAND BEYOND THE BORDERS OF INDIVIDUAL LOCAL GOVERNMENTS, AND INFORMATION IS REQUIRED ON A

LOCAL, REGIONAL, AND STATEWIDE SCALE TO MAKE A HOLISTIC PLAN FOR ADDRESSING HOUSING NEEDS;

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

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

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

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

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT ASSESSING AND PLANNING FOR HOUSING NEEDS THROUGHOUT THE STATE IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

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

(1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC.

3601 ET SEQ., AS AMENDED.

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

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

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

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

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

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

(a) DELIVERS FAST AND EFFICIENT SERVICE; AND

(b) INCLUDES AT LEAST ONE OF THE FOLLOWING:

(I) DEDICATED LANES;

(II) BUSWAYS;

(III) TRAFFIC SIGNAL PRIORITY;

(IV) OFF-BOARD FARE COLLECTION;

(V) ELEVATED PLATFORMS; OR

(VI) ENHANCED STATIONS.

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

(6) "COTTAGE CLUSTER" MEANS A GROUPING OF NO FEWER THAN FOUR DETACHED HOUSING UNITS, EACH HOUSING UNIT HAVING A

FOOTPRINT OF NO MORE THAN NINE HUNDRED SQUARE FEET, AND THE GROUPING HAVING A COMMON COURTYARD.

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

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

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

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

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

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

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

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

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

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

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

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

(a) BUILDING DESIGNED AS A SINGLE STRUCTURE CONTAINING BETWEEN TWO AND SIX SEPARATE DWELLING UNITS;

(b) TOWNHOME; OR

(c) COTTAGE CLUSTER.

(19) "MINIMUM RESIDENTIAL DENSITY LIMIT" MEANS THE LOWEST DENSITY LIMIT A LOCAL GOVERNMENT MAY IMPOSE FOR NEW RESIDENTIAL

OR MIXED-USE DEVELOPMENT. LOCAL GOVERNMENTS MAY ALLOW HIGHER DENSITY DEVELOPMENT THAN THE MINIMUM RESIDENTIAL DENSITY LIMIT.

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

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

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

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

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

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

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

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

(b) THE COLORADO ENERGY OFFICE;

(c) THE DEPARTMENT OF NATURAL RESOURCES; AND

(d) THE DEPARTMENT OF TRANSPORTATION.

(23) "MULTIFAMILY RESIDENTIAL HOUSING" MEANS A BUILDING OR GROUP OF BUILDINGS ON THE SAME LOT WITH SEPARATE LIVING UNITS FOR THREE OR MORE HOUSEHOLDS.

(24) "NET DENSITY" MEANS THE NUMBER OF RESIDENTIAL UNITS PER ACRE OF TOTAL RESIDENTIAL LAND AREA, EXCLUDING LAND OCCUPIED BY PUBLIC RIGHTS-OF-WAY AND ANY RECREATIONAL, CIVIC, COMMERCIAL,

AND OTHER NONRESIDENTIAL USES.

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

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

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

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

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

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

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

(a) IS NOT WITHIN A METROPOLITAN PLANNING ORGANIZATION;

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

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

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

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

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

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

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

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

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

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

(d) IS IN AN AREA OF THE WILDLAND-URBAN INTERFACE IDENTIFIED BY THE STATE FOREST SERVICE IN ITS STATEWIDE RISK ASSESSMENT MAP AS HIGH RISK, HIGH-VERY HIGH RISK, AND VERY HIGH RISK FOR WILDFIRES; OR

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

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

(a) A MUNICIPALITY THAT:

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

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

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

(b) A MUNICIPALITY THAT IS:

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

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

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

(a) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION;

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

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

(35) "TOWNHOME" MEANS A DWELLING UNIT CONSTRUCTED IN A ROW OF TWO OR MORE ATTACHED DWELLING UNITS WHERE EACH DWELLING UNIT IS LOCATED ON AN INDIVIDUAL LOT AND SHARES AT LEAST ONE COMMON WALL WITH AN ADJACENT DWELLING UNIT.

(36) "TRANSIT-ORIENTED AREA" MEANS AN AREA WHERE ALL PARCELS HAVE AT LEAST TWENTY-FIVE PERCENT OF THEIR AREA WITHIN ONE-HALF MILE OF AN EXISTING FIXED-RAIL TRANSIT STATION. FOR THE

PURPOSES OF THIS SUBSECTION (36), A FIXED-RAIL TRANSIT STATION IS A FIXED-RAIL TRANSIT SERVICE BOARDING AND EXITING LOCATION OR STATION FOR THE GENERAL PUBLIC.

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

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

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

29-33-103. Housing needs assessments - methodology. (1) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL ISSUE A METHODOLOGY FOR DEVELOPING STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS.

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

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

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

(I) ESTIMATE EXISTING HOUSING STOCK;

(II) CONDUCT A HOUSING SHORTAGE ANALYSIS; AND

(III) ESTIMATE THE HOUSING NECESSARY BY HOUSEHOLD SIZE, HOUSEHOLD TYPE, AND INCOME LEVEL TO ACCOMMODATE THE DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE STATE DEMOGRAPHER;

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

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

(A) EXISTING AND PROJECTED HOUSING SHORTAGES AND SURPLUSES FOR DIFFERENT HOUSEHOLD TYPES AND INCOME LEVELS;

(B) EXISTING HOUSING DIVERSITY AND STOCK; AND

(C) FUTURE POPULATION AND JOB GROWTH PROJECTIONS; AND

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

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

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

(II) THE LOCALITY'S CURRENT MEDIAN INCOME;

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

(IV) THE LOCALITY'S POPULATION AND DEMOGRAPHICS;

(V) MEASURES OF LOCAL RESOURCES IN THE LOCALITY;

(VI) VACANCY RATES IN THE LOCALITY; AND

(VII) RATES OF HOMELESSNESS IN THE LOCALITY.

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

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

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

(II) THE NUMBER OF HOUSEHOLDS IN THE AREA;

(III) THE NUMBER OF JOBS IN THE AREA;

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

(V) THE AREA'S EXISTING HOUSING STOCK;

(c) LOCAL GOVERNMENTS THAT ARE REQUIRED TO COMPLETE HOUSING NEEDS PLANS MUST USE THE LOCAL AND REGIONAL HOUSING NEEDS ASSESSMENTS TO INFORM THEIR HOUSING NEEDS PLANS.

29-33-104. Housing needs plans - guidance - definition. (1) (a) NO LATER THAN DECEMBER 31, 2024, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL ISSUE GUIDANCE FOR CREATING A HOUSING NEEDS PLAN.

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

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

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

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

(4) A HOUSING NEEDS PLAN MUST INCLUDE:

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

(b) AN ANALYSIS OF HOW THE RURAL RESORT JOB CENTER

MUNICIPALITY OR URBAN MUNICIPALITY WILL PROVIDE A REALISTIC OPPORTUNITY FOR DEVELOPMENT THAT WILL ADDRESS ITS LOCAL HOUSING NEEDS ASSESSMENT, INCLUDING THE DEMONSTRATED HOUSING NEEDS FOR PERSONS OF DIFFERENT INCOME LEVELS, OVER THE NEXT TWENTY YEARS WITH AN EQUITABLE DISTRIBUTION OF HOUSING WITHIN THE JURISDICTION;

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

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

(e) (I) A DESCRIPTION OF AT LEAST TWO STRATEGIES THAT THE RURAL RESORT JOB CENTER MUNICIPALITY OR URBAN MUNICIPALITY ADOPTS FROM THE MENU OF AFFORDABILITY STRATEGIES DESCRIBED IN SECTION 29-33-105. THESE STRATEGIES MUST BOTH ADDRESS HOUSING NEEDS AND MAKE PROGRESS TOWARD MEETING DEMONSTRATED HOUSING NEEDS ACROSS ALL HOUSEHOLD INCOMES AND TYPES IDENTIFIED IN THE LOCAL HOUSING NEEDS ASSESSMENT; AND

(II) AN IMPLEMENTATION PLAN AND THE ANTICIPATED OUTCOMES FOR EACH OF THE STRATEGIES ADOPTED PURSUANT TO THIS SUBSECTION

(4)(e);

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

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

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

(6) AS USED IN THIS SECTION, A "GREENFIELD DEVELOPMENT ANALYSIS" MEANS AN ANALYSIS IN WHICH A LOCAL GOVERNMENT CLASSIFIES ANY AREA THAT IS LOCATED IN A METROPOLITAN PLANNING ORGANIZATION BUT OUTSIDE OF A CENSUS URBANIZED AREA IDENTIFIED IN A MASTER PLAN OR OUTSIDE OF A PLAN REQUIRED BY SECTION 31-12-105 (1)(e) AS A CONSERVATION AREA, EFFICIENT GROWTH AREA, OR GENERAL GROWTH AREA. IN MAKING THIS IDENTIFICATION, A LOCAL GOVERNMENT SHALL RELY ON THE CRITERIA AND DEFINITIONS IN THE STRATEGIC GROWTH OBJECTIVES MOST RECENTLY PUBLISHED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS. THESE DESIGNATIONS PROVIDE INFORMATION TO STATE AND REGIONAL ENTITIES FOR PLANNING PROCESSES, PROJECT PRIORITIZATION, AND GRANT FUNDING

CRITERIA.

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

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

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

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

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

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

(c) POLICY OR REGULATORY TOOLS THAT LOCAL GOVERNMENTS MAY ADOPT AS INCENTIVES TO PROMOTE AFFORDABLE HOUSING DEVELOPMENT AS IDENTIFIED IN SECTION 24-32-130 (3).

29-33-106. Menu of displacement mitigation measures for urban municipalities. (1) (a) NO LATER THAN DECEMBER 31, 2024, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL

DEVELOP A MENU OF DISPLACEMENT MITIGATION MEASURES FOR URBAN MUNICIPALITIES.

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

(2) THE MENU OF DISPLACEMENT MITIGATION MEASURES MUST:

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

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

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

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

(b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL , AS PART OF THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING STRATEGIC GROWTH OBJECTIVES.

(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL IDENTIFY STRATEGIC GROWTH OBJECTIVES, THE IMPLEMENTATION OF WHICH WILL INCENTIVIZE GROWTH THAT MEETS

STATE GOALS, INCLUDING REDUCING THE STATE'S GREENHOUSE GAS EMISSIONS, IN AREAS NEAR TRANSIT, INFILL AREAS, AND AT THE EDGES OF URBAN AREAS.

(3) THE STRATEGIC GROWTH OBJECTIVES MUST:

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

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

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

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

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

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

(a) DEVELOPING METHODOLOGY FOR THE DEVELOPMENT OF

STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS PURSUANT TO SECTION 29-33-103;

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

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

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

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

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

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

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

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

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

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

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

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

(a) CONNECTIVITY TO OPEN SPACE AND NATURAL LANDS; AND

(b) PRESERVATION OF AGRICULTURAL LAND AND OPEN SPACE.

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

29-33-110. Regional collaboration - rural resort regional housing needs plan process. (1) (a) NO LATER THAN JUNE 30, 2026, A COUNTY OR MUNICIPALITY WITHIN A REGION DEFINED AS A RURAL RESORT REGION IN THE REGIONAL HOUSING NEEDS ASSESSMENT SHALL PARTICIPATE IN A REGIONAL HOUSING NEEDS PLANNING PROCESS.

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

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

(II) THE ADOPTION OF STRATEGIES THROUGH INTERGOVERNMENTAL AGREEMENTS.

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

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

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

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

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

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

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

(II) THE DEPARTMENT OF LOCAL AFFAIRS SHALL REVIEW THE

REGIONAL HOUSING NEEDS PLANNING PROCESS REPORT AND ASSESS THE APPLICABILITY OF THE STRATEGIES IDENTIFIED IN THE REPORT IN MEETING THE HOUSING NEEDS IDENTIFIED IN THE REGIONAL HOUSING NEEDS ASSESSMENT. AFTER REVIEWING THE REPORT, THE DEPARTMENT OF LOCAL AFFAIRS SHALL APPROVE THE REPORT OR PROVIDE FEEDBACK AS NEEDED.

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

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

29-33-111. Technical assistance - housing plans assistance fund - definition. (1) THE DIVISION OF LOCAL GOVERNMENT WITHIN THE DEPARTMENT OF LOCAL AFFAIRS SHALL PROVIDE TECHNICAL ASSISTANCE MATERIALS, BRIEFINGS, CONSULTING SERVICES, TEMPLATES, TOOLS, TRAININGS, WEBINARS, OR OTHER GUIDANCE TO AID LOCAL GOVERNMENTS AND METROPOLITAN PLANNING ORGANIZATIONS IN UPDATING LOCAL LAWS AND OTHERWISE COMPLYING WITH THIS ARTICLE 33.

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

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

(b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT OF LOCAL AFFAIRS MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSES OF PROVIDING TECHNICAL ASSISTANCE AND IMPLEMENTING A GRANT PROGRAM PURSUANT TO SUBSECTIONS (1) AND (2) OF THIS SECTION.

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

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

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

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

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

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

(d) WORKFORCE ASSIGNED TO DEVELOPMENT REVIEW BY POSITION TYPE;

(e) THE IMPLEMENTATION STATUS OF THE STRATEGIES IDENTIFIED IN THE MUNICIPALITY'S HOUSING NEEDS PLAN;

(f) ZONING INFORMATION THAT MAY INCLUDE GEOSPATIAL DATA SPECIFYING ZONING DISTRICTS, ALLOWED USES AND DENSITIES, AND OTHER DATA IN A STANDARD FORMAT; AND

(g) THE NUMBER OF INTERGOVERNMENTAL AGREEMENTS THAT

THE MUNICIPALITY HAS ENTERED INTO TO ADDRESS ITS LOCAL AND REGIONAL HOUSING NEEDS ASSESSMENTS AND A DESCRIPTION OF THESE AGREEMENTS.

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

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

PART 2

ACCESSORY DWELLING UNITS

29-33-201. Legislative declaration. (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

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

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

(III) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

(IV) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A

METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.

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

(VI) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED NEIGHBORHOODS WITH MINIMAL IMPACTS TO INFRASTRUCTURE AND ALSO SUPPLY NEW HOUSING WITHOUT ADDING NEW DISPERSED LOW-DENSITY HOUSING;

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

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

(IX) ACCESSORY DWELLING UNITS GENERATE RENTAL INCOME TO

HELP HOMEOWNERS COVER MORTGAGE PAYMENTS OR OTHER COSTS, WHICH CAN BE IMPORTANT FOR OLDER HOMEOWNERS ON FIXED INCOMES;

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

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

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

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

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

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

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

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

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

(2) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL

LAWS ADOPTED PURSUANT TO THIS PART 2 ONLY APPLY TO PARCELS THAT ARE NOT STANDARD EXEMPT PARCELS.

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

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

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

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

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

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

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

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

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

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

(4) THE MODEL CODE MUST NOT INCLUDE A REQUIREMENT FOR

NEW OFF-STREET PARKING IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING OF AN ACCESSORY DWELLING UNIT.

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

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

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

(c) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING SINGLE-UNIT DETACHED DWELLING TO CREATE AN ACCESSORY DWELLING UNIT SO LONG AS THE ADDITION OR CONVERSION DOES NOT INCREASE NONCONFORMANCE WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS LOCAL LAWS ALLOW FOR SUCH AN INCREASE IN NONCONFORMANCE;

(d) IF THE SUBJECT JURISDICTION APPLIES DESIGN STANDARDS TO ACCESSORY DWELLING UNITS, ONLY APPLY THE SAME DESIGN STANDARDS TO AN ACCESSORY DWELLING UNIT THAT THE SUBJECT JURISDICTION APPLIES TO A SINGLE-UNIT DETACHED DWELLING; AND

(e) ALLOW ACCESSORY DWELLING UNIT SIZES OF AT LEAST THE GREATER OF EITHER EIGHT HUNDRED SQUARE FEET OR FIFTY PERCENT OF THE SIZE OF THE PRIMARY RESIDENCE ON THE SAME LOT.

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

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

(b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT INDIVIDUALLY OR CUMULATIVELY CREATE UNREASONABLE COSTS OR DELAYS OR THAT MAKE THE PERMITTING, SITING, OR CONSTRUCTION OF AN ACCESSORY DWELLING UNIT ON AN ELIGIBLE PROPERTY INFEASIBLE;

(c) IMPOSE A REQUIREMENT ON AN ACCESSORY DWELLING UNIT THAT IS CONTINGENT UPON THE PRIMARY RESIDENCE ON THE SAME LOT BEING OWNER-OCCUPIED;

(d) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE TO AN ACCESSORY DWELLING UNIT IN A MANNER THAT INTERFERES WITH THE INTENT OF THIS PART 2;

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

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

(3) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

29-33-206. Adoption of model codes - satisfaction of minimum standards - reporting. (1) NO LATER THAN DECEMBER 31, 2024, A

SUBJECT JURISDICTION SHALL EITHER:

(a) ADOPT LOCAL LAWS CONCERNING ACCESSORY DWELLING UNITS THAT SATISFY THE MINIMUM STANDARDS ESTABLISHED IN SECTION 29-33-205; OR

(b) ADOPT THE MODEL CODE.

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

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

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

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

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

(b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE

SUBJECT JURISDICTION THAT:

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

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

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

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

(5) (a) NO LATER THAN DECEMBER 31, 2024, A SUBJECT JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL AFFAIRS, A REPORT DEMONSTRATING EVIDENCE OF COMPLIANCE WITH EITHER THE MODEL CODE OR MINIMUM STANDARDS.

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

(c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT

IMMEDIATELY FOR THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS ADOPTED THE MODEL CODE.

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

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

(b) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF AN ACCESSORY DWELLING UNIT;

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

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

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

PART 3

MIDDLE HOUSING

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

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

(II) THE TEN LARGEST MUNICIPALITIES IN THE DENVER METROPOLITAN AREA ALLOW SINGLE-UNIT DETACHED DWELLINGS AS A

USE BY RIGHT ON OVER EIGHTY-FIVE PERCENT OF THEIR RESIDENTIAL LAND, COMPARED TO ALLOWING TOWNHOMES, DUPLEXES, TRIPLEXES, AND QUADPLEXES AS A USE BY RIGHT ON LESS THAN THIRTY-FIVE PERCENT OF THEIR RESIDENTIAL LAND, ACCORDING TO PUBLICLY AVAILABLE ZONING DATA;

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

(IV) BETWEEN 2000 AND 2019, OVER SEVENTY PERCENT OF HOMES BUILT IN COLORADO WERE SINGLE-UNIT DETACHED DWELLINGS, WHILE LESS THAN THREE PERCENT OF HOMES BUILT IN COLORADO DURING THAT TIME WERE DUPLEXES TO QUADPLEXES, ACCORDING TO THE AMERICAN COMMUNITY SURVEY;

(V) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

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

(VII) MIDDLE HOUSING IS TYPICALLY MORE AFFORDABLE THAN

SINGLE-UNIT DETACHED DWELLINGS, IN PART BECAUSE LAND COSTS ARE SHARED BETWEEN MORE HOUSEHOLDS;

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

(IX) MIDDLE HOUSING OFFERS A WAY TO PROVIDE COMPACT RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED NEIGHBORHOODS WITH MINIMAL INFRASTRUCTURE IMPACT AND SUPPLY NEW HOUSING WITHOUT ADDING NEW DISPERSED LOW DENSITY HOUSING;

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

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

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

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

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

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

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

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

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

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

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

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

(2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE MIDDLE HOUSING MODEL CODE, THE MULTI-AGENCY ADVISORY

COMMITTEE SHALL:

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

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

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

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

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

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

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

(b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A RURAL RESORT JOB CENTER THAT DOES NOT ADOPT THE MODEL CODE

SHALL ALLOW MIDDLE HOUSING AS A USE BY RIGHT IN ANY PART OF THE RURAL RESORT JOB CENTER'S JURISDICTION THAT THE RURAL RESORT REGION'S HOUSING NEEDS PLANNING PROCESS DESIGNATED FOR MIDDLE HOUSING.

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

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

(II) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING SINGLE-UNIT DETACHED DWELLING TO CREATE MIDDLE HOUSING SO LONG AS THE ADDITION OR CONVERSION DOES NOT INCREASE NONCONFORMANCE WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS LOCAL LAWS ALLOW FOR SUCH AN INCREASE IN NONCONFORMANCE;

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

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

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

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

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

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

(d) APPLY LOWER MAXIMUM HEIGHT STANDARDS TO MIDDLE HOUSING THAN THE SUBJECT JURISDICTION WOULD APPLY TO SINGLE-UNIT DETACHED DWELLINGS ON THE SAME PROPERTY;

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

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

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

(h) REQUIRE NEW OFF-STREET PARKING IN CONNECTION WITH THE

CONSTRUCTION OR PERMITTING OF MIDDLE HOUSING.

(3) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

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

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

(II) ADOPT THE MODEL CODE.

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

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

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

(II) ADOPT THE MODEL CODE.

(b) IF A RURAL RESORT JOB CENTER MUNICIPALITY DOES NOT SATISFY THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION BEFORE JUNE 30, 2027, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR APPLICABLE PARCELS, AS SPECIFIED IN SECTION 29-33-303, IN THE RURAL RESORT JOB CENTER MUNICIPALITY AND REMAINS IN EFFECT UNTIL

THE RURAL RESORT JOB CENTER MUNICIPALITY JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

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

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

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

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

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

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

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

(III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER

EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 3.

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

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

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

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

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

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

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

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

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

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

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

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

PART 4

TRANSIT-ORIENTED AREAS

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

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

(II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

(III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A

METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE.

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

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

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

(VII) RELATIVE TO DISPERSED LOW-DENSITY DEVELOPMENT, COMPACT INFILL HOUSING DEVELOPMENT, INCLUDING MULTIFAMILY HOUSING IN TRANSIT-ORIENTED AREAS DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, AND HOUSEHOLD ENERGY AND

TRANSPORTATION COSTS;

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

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

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

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

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

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

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

(2) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY

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

(3) "MODEL CODE" MEANS THE MODEL CODE FOR TRANSIT-ORIENTED AREAS PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SECTION 29-33-404.

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

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

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

(a) A STANDARD EXEMPT PARCEL;

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

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

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

(b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE

RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE TRANSIT-ORIENTED AREA MODEL CODE.

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

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

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

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

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

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

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

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

(c) A MINIMUM RESIDENTIAL DENSITY LIMIT FOR MIXED-INCOME MULTIFAMILY HOUSING OF AT LEAST SIXTY UNITS PER ACRE NET DENSITY

THAT A SUBJECT JURISDICTION SHALL ALLOW AS A USE BY RIGHT IN TRANSIT-ORIENTED AREAS. AFFORDABLE UNITS WITHIN MIXED-INCOME MULTIFAMILY RESIDENTIAL HOUSING MUST BE OF A SIMILAR SIZE AS THE OTHER UNITS IN THE DEVELOPMENT.

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

(a) THE SUBJECT JURISDICTION HAS ADOPTED AN INCLUSIONARY ZONING ORDINANCE THAT APPLIES WITHIN TRANSIT-ORIENTED AREAS; AND

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

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

(b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY MEET THE GROSS DENSITY ESTABLISHED IN THE MINIMUM STANDARDS BY

ADOPTING LOCAL LAWS APPLICABLE TO A DISTRICT COVERING AREAS OUTSIDE OF TRANSIT-ORIENTED AREAS SO LONG AS THE DISTRICT IS AT LEAST THE SAME SIZE AS THE ELIGIBLE PARCELS IN THE TRANSIT-ORIENTED AREAS, IF EITHER:

(I) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR

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

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

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

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

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

(3) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

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

(I) ADOPT LOCAL LAWS CONCERNING TRANSIT-ORIENTED AREAS

THAT SATISFY THE MINIMUM STANDARDS; OR

(II) ADOPT THE MODEL CODE.

(2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION BEFORE JUNE 30, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE APPLICABLE PARCELS, AS SPECIFIED IN SECTION 29-33-403, IN THE SUBJECT JURISDICTION, UNTIL THE SUBJECT JURISDICTION SUBMITS LOCAL LAWS THAT COMPLY WITH THE MINIMUM STANDARDS TO THE DEPARTMENT OF LOCAL AFFAIRS.

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

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

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

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

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

(I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER

SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS OR ARE EXPECTED TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

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

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

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

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

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

(c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS

ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS ADOPTED THE MODEL CODE.

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

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

(b) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO MULTIFAMILY HOUSING IN TRANSIT-ORIENTED AREAS SO LONG AS THE STANDARDS OF THE ORDINANCE DO NOT RENDER THE DEVELOPMENT OF MULTIFAMILY HOUSING FINANCIALLY INFEASIBLE;

(c) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF HOUSING IN TRANSIT-ORIENTED AREAS;

(d) PERMITTING MIXED-USE DEVELOPMENT IN A TRANSIT-ORIENTED AREA;

(e) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A TRANSIT-ORIENTED AREA; OR

(f) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO HOUSING IN A TRANSIT-ORIENTED AREA IN THAT HISTORIC DISTRICT.

PART 5

KEY CORRIDORS

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

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

(II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

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

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

(V) THE TERNER CENTER FOR HOUSING INNOVATION AT THE UNIVERSITY OF CALIFORNIA BERKELEY FOUND IN ITS REPORT "RESIDENTIAL REDEVELOPMENT OF COMMERCIALLY ZONED LAND IN CALIFORNIA" THAT THERE IS SIGNIFICANT POTENTIAL FOR RESIDENTIAL

DEVELOPMENT IN COMMERCIALLY ZONED AREAS, THAT MANY COMMERCIAL ZONE DISTRICTS DO NOT ALLOW RESIDENTIAL DEVELOPMENT, AND THAT ALLOWING USE BY RIGHT RESIDENTIAL DEVELOPMENT IN COMMERCIAL ZONE DISTRICTS CAN ENCOURAGE ADDITIONAL HOUSING SUPPLY;

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

(VII) ACCORDING TO THE NOTRE DAME LAW SCHOOL IN THEIR ARTICLE "SHELLS OF THE STORES THEY ONCE WERE: RETURNING VACANT RETAIL PROPERTY TO PRODUCTIVE USE IN THE MIDST OF THE RETAIL APOCALYPSE", UNITED STATES RETAILERS HAVE BEEN CLOSING BRICK AND MORTAR LOCATIONS IN LARGE NUMBERS SINCE AT LEAST 2017, LEAVING BEHIND VACANT COMMERCIAL BUILDINGS AND PROPERTIES THAT POSE PROBLEMS FOR PUBLIC HEALTH AND SAFETY, REDUCE LOCAL TAX REVENUE, AND LEAD TO THE FLIGHT OF OTHER RETAIL BUSINESSES. VACANT COMMERCIAL PROPERTIES PROVIDE OPPORTUNITIES FOR RESIDENTIAL AND MIXED USE REDEVELOPMENT, BOTH THROUGH ADAPTIVE REUSE OF EXISTING BUILDINGS, AND THROUGH NEW DEVELOPMENT; AND, ACCORDING TO THE LOCAL GOVERNMENT COMMISSION IN COOPERATION

WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN THE JOINT REPORT "CREATING GREAT NEIGHBORHOODS: DENSITY IN YOUR COMMUNITY", INCREASED RESIDENTIAL DENSITY IS ASSOCIATED WITH THE ECONOMIC SUCCESS OF NEARBY BUSINESSES, AND CONTRIBUTES TO THE REVITALIZATION OF NEIGHBORHOODS.

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

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

(X) MULTIFAMILY HOUSING ALSO USES SIGNIFICANTLY LESS

ENERGY FOR HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED DEALINGS DUE TO MULTIFAMILY HOUSING HAVING ATTACHED WALLS AND SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND GREENHOUSE GAS EMISSIONS. IN COLORADO, HOUSEHOLD ENERGY DEMAND ON AVERAGE IS SEVENTY PERCENT LESS FOR MULTIFAMILY HOUSING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS, ACCORDING TO THE NATIONAL RENEWABLE ENERGY LABORATORY RESSTOCK ANALYSIS TOOL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) AN EXISTING OR PLANNED URBAN BUS OR COMMUTER BUS

RAPID TRANSIT SERVICE.

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

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

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

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

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

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

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

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

(B) PUBLIC OR INSTITUTIONAL USES;

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

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

(b) IF A SUBJECT JURISDICTION ADOPTS LOCAL LAWS THAT MEET THE MINIMUM STANDARDS RATHER THAN THE MODEL CODE, THE SUBJECT

JURISDICTION MAY CHOOSE TO IDENTIFY AREAS DESCRIBED IN SUBSECTIONS (1)(a)(I), (1)(a)(II), AND (1)(a)(III) OF THIS SECTION AS KEY CORRIDORS AS LONG AS THE AREAS THAT THE SUBJECT JURISDICTION SELECTS, AND THE LOCAL LAWS THAT THE SUBJECT JURISDICTION APPLIES TO THOSE AREAS, MEET THE MINIMUM STANDARDS ESTABLISHED IN SECTION 29-33-506.

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

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

(a) A STANDARD EXEMPT PARCEL; OR

(b) ON A SITE OR ADJOINING A SITE THAT IS:

(I) USED FOR AN INDUSTRIAL USE;

(II) CURRENTLY PERMITTED FOR AN INDUSTRIAL USE; OR

(III) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN ADOPTED BEFORE JANUARY 1, 2023.

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

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

(2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE

MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:

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

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

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

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

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

(a) A MINIMUM RESIDENTIAL DENSITY LIMIT FOR MULTIFAMILY RESIDENTIAL HOUSING THAT MUST BE ALLOWED AS A USE BY RIGHT IN KEY CORRIDORS;

(b) AN ALLOWABLE MINIMUM RESIDENTIAL DENSITY LIMIT FOR MIXED-INCOME MULTIFAMILY RESIDENTIAL HOUSING THAT MUST BE ALLOWED AS A USE BY RIGHT IN KEY CORRIDORS AND MUST BE AT LEAST FIFTY PERCENT GREATER THAN THE MINIMUM RESIDENTIAL DENSITY LIMIT IN SUBSECTION (3)(a) OF THIS SECTION;

(c) REQUIREMENTS FOR THE PERCENT OF UNITS IN MIXED-INCOME MULTIFAMILY RESIDENTIAL DEVELOPMENTS THAT MUST BE RESERVED FOR LOW- AND MODERATE-INCOME HOUSEHOLDS; AND

(d) AREA MEDIAN INCOME REQUIREMENTS FOR REGULATED AFFORDABLE HOUSING UNITS THAT ARE INFORMED BY THE NEED FOR AFFORDABLE HOUSING IDENTIFIED IN THE LOCAL HOUSING NEEDS ASSESSMENT.

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

30, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL PROMULGATE KEY CORRIDOR MINIMUM STANDARDS.

(b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE MINIMUM STANDARDS.

(2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL FOLLOW THE SAME PROCESS AS IN SECTION 29-33-505 (2).

(3) THE MINIMUM STANDARDS MUST:

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

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

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

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

(b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A RURAL RESORT JOB CENTER MUNICIPALITY THAT DOES NOT ADOPT THE MODEL CODE SHALL ALLOW MULTIFAMILY HOUSING AS A USE BY RIGHT IN

THE PARTS OF THE MUNICIPALITY THAT THE RURAL RESORT REGION HOUSING NEEDS PLANNING PROCESS IDENTIFIED AS KEY CORRIDORS.

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

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

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

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

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

(6) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

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

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

(b) ADOPT THE MODEL CODE.

(2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BEFORE JUNE 30, 2027, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE APPLICABLE PARCELS IN KEY CORRIDORS, AS SPECIFIED IN SECTION 29-33-504, IN THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO MULTIFAMILY HOUSING IN KEY CORRIDORS SO LONG AS THE STANDARDS OF THE ORDINANCE DO NOT RENDER THE DEVELOPMENT OF MULTIFAMILY HOUSING FINANCIALLY INFEASIBLE;

(c) PERMITTING MIXED-USE DEVELOPMENT IN A KEY CORRIDOR;

(d) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A KEY CORRIDOR; OR

(e) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO HOUSING IN KEY CORRIDORS IN THAT HISTORIC DISTRICT.

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

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

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

24-32-3301. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that mobile homes, manufactured housing, and factory-built structures are important and effective ways to meet Colorado's affordable housing needs. The general assembly further finds and declares that, because of the housing crisis in Colorado, there is a need to promote the affordability and accessibility of new manufactured homes and factory-built structures. The general assembly encourages local governments to enact ordinances and rules that effectively treat factory-built structures certified through the state program and manufactured housing certified through the federal program the same as site-built homes. The general assembly further finds, determines, and declares that:

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

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

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

24-32-3303. Division of housing - powers and duties - rules. (1) The division has the following powers and duties pursuant to this part 33:

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

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

24-32-3311. Certification of factory-built structures - rules. (1) (a.3) Manufacturers of factory-built structures to be installed in the state shall register with the division as provided in board rules and are subject to enforcement action, including suspension or revocation of their registration for failing to comply with requirements contained in this part 33 and board rules. ~~A manufacturer shall:~~

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

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

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

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

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

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

24-67-105. Standards and conditions for planned unit development - definitions. (5.5) (a) A PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE ADOPTED PURSUANT TO THIS ARTICLE 67, IF THE PLANNED UNIT DEVELOPMENT HAS A RESIDENTIAL USE, MUST NOT RESTRICT THE PERMITTING OF ACCESSORY DWELLING UNITS, MIDDLE

HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, OR HOUSING IN KEY CORRIDORS IN ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF TITLE 29.

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

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

(II) "KEY CORRIDOR" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-33-502 (3).

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

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

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

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

(2) NOTHING IN THIS SECTION PREVENTS A LOCAL GOVERNMENT FROM ESTABLISHING RESIDENTIAL OCCUPANCY LIMITS FOR DWELLING UNITS FOR SHORT-TERM RENTALS, AS DEFINED IN SECTION 29-33-102 (30).

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

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

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

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

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

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

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

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

(a) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY OF WATER AS DESCRIBED IN SUBSECTION (3)(a)(IV)(A) OF THIS SECTION;

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

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

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

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

(a) HOUSING AUTHORITIES;

(b) LOCAL GOVERNMENTS; AND

(c) NONGOVERNMENTAL ORGANIZATIONS.

(9) (a) AT LEAST SIXTY DAYS BEFORE THE FINAL PUBLIC HEARING REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL

SUBMIT THE MOST RECENT DRAFT OF THE MASTER PLAN TO THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS.

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

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

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

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

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

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

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

(A) INCLUDES ELECTRICAL, MECHANICAL, OR PLUMBING SERVICES THAT ARE FABRICATED, FORMED, OR ASSEMBLED AT A LOCATION OTHER THAN THE SITE OF THE COMPLETED HOME;

(B) IS DESIGNED FOR RESIDENTIAL OCCUPANCY IN EITHER TEMPORARY OR PERMANENT LOCATIONS;

(C) IS CONSTRUCTED IN COMPLIANCE WITH THE FEDERAL ACT, FACTORY-BUILT RESIDENTIAL REQUIREMENTS, INCLUDING THOSE FOR MULTIFAMILY STRUCTURES, OR MOBILE HOME STANDARDS;

(D) IS NOT SELF-PROPELLED; AND

(E) IS NOT LICENSED AS A RECREATIONAL VEHICLE.

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

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

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

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

(b) (I) No municipality may have or enact zoning regulations, subdivision regulations, or any other regulation affecting development that exclude or have the effect of excluding homes from the municipality that are:

(C) Homes that meet or exceed, on an equivalent performance engineering basis, standards established by the municipal building code. THE APPROVAL PROCESSES OF MANUFACTURED AND MODULAR HOMES SHALL BE BASED ON OBJECTIVE STANDARDS AND ADMINISTRATIVE REVIEW THAT ARE EQUIVALENT TO THAT REQUIRED FOR SITE-BUILT HOMES, UNLESS A MUNICIPALITY REGULATES SITE-BUILT HOMES THROUGH A SUBJECTIVE REVIEW PROCESS, IN WHICH CASE A MUNICIPALITY MAY USE AN EQUIVALENT REVIEW PROCESS FOR A MANUFACTURED OR MODULAR HOME AND A SITE-BUILT HOME.

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

(A) PERMANENT FOUNDATIONS;

(B) MINIMUM FLOOR SPACE;

(C) HOME SIZE OR SECTIONAL REQUIREMENTS;

(D) IMPROVEMENT LOCATION STANDARDS;

(E) SIDE YARD STANDARDS; AND

(F) SETBACK STANDARDS.

(II) ~~Nothing in this subsection (5) shall prevent a municipality from enacting any zoning, developmental, use, aesthetic, or historical standard, including, but not limited to, requirements relating to permanent foundations, minimum floor space, unit size or sectional requirements, and improvement location, side yard, and setback standards to the extent~~

~~that such standards or requirements are applicable to existing or new housing within the specific use district of the municipality.~~

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

31-23-206. Master plan. (1) It is the duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof, that in the commission's judgment bear relation to the planning of the municipality. The master plan of a municipality is an advisory document to guide land development decisions; however, the plan or any part thereof may be made binding by inclusion in the municipality's adopted subdivision, zoning, platting, planned unit development, or other similar land development regulations after satisfying notice, due process, and hearing requirements for legislative or quasi-judicial processes as appropriate. When a commission decides to adopt a master plan, the commission shall conduct public hearings, after notice of such public hearings has been published in a newspaper of general circulation in the municipality in a manner sufficient to notify the public of the time, place, and nature of the public hearing, prior to final adoption of a master plan in order to encourage public participation in and awareness of the development of such plan and shall accept and consider oral and written public comments throughout the process of developing the plan. The plan, with the accompanying maps, plats, charts, and descriptive matter, must, after consideration of each of the following, where applicable or appropriate, show the commission's recommendations for the development of the municipality and outlying areas, including:

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

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

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

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

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

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

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

(e) A GREENFIELD DEVELOPMENT ANALYSIS THAT IS CONDUCTED IN THE SAME MANNER AS THE GREENFIELD DEVELOPMENT ANALYSIS

REQUIRED IN SECTION 29-33-104 (4)(d); AND

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

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

(a) HOUSING AUTHORITIES;

(b) NONGOVERNMENTAL ORGANIZATIONS; AND

(c) LOCAL GOVERNMENTS.

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

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

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

31-23-301. Grant of power. (6) NEITHER A TIER ONE URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (33) NOR A TIER TWO URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (34) SHALL IMPOSE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL UNITS IN THE APPROVAL OF RESIDENTIAL DWELLING UNIT CONSTRUCTION

PERMITS UNLESS DOING SO IS NECESSARY FOR HEALTH AND SAFETY IN THE URBAN MUNICIPALITY.

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

37-60-126. Water conservation and drought mitigation planning - programs - relationship to state assistance for water facilities - guidelines - water efficiency grant program - definitions - repeal. (9) (b) The board and the Colorado water resources and power development authority, to which any covered entity has applied for financial assistance for the construction of a water diversion, storage, conveyance, water treatment, or wastewater treatment facility, shall consider any water conservation plan filed pursuant to this section AND ANY VALIDATED WATER LOSS AUDIT REPORT REQUIRED BY SUBSECTION (13)(d) OF THIS SECTION in determining whether to render financial assistance to such entity. Such consideration shall be carried out within the discretion accorded the board and the Colorado water resources and power development authority pursuant to which such board and authority render such financial assistance to such covered entity.

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

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

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

(II) THE COST OF PROVIDING RELIABLE DRINKING WATER IS INCREASING DUE TO FACTORS SUCH AS AGING INFRASTRUCTURE, LOW

DENSITY LAND USE DEVELOPMENT THAT IS COSTLY TO SERVE, INCREASED ENERGY COSTS, AND MORE COMPLEX AND COSTLY CHANGES TO THE REGULATORY REQUIREMENTS FOR SAFE DRINKING WATER;

(III) COMPACT INFILL DEVELOPMENT REDUCES WATER DEMAND AND INFRASTRUCTURE COSTS THROUGH THE USE OF SHORTER PIPES THAT REDUCE LOSSES, LESS LANDSCAPED SPACE PER UNIT, AND BY BETTER UTILIZING EXISTING INFRASTRUCTURE;

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

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

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

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

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

(IX) SEVERAL STATES NOW RECOMMEND OR REQUIRE THAT PUBLIC WATER SUPPLIERS UNDER THEIR JURISDICTIONS CONDUCT AN AUDIT OF WATER LOSSES EACH YEAR USING THE STANDARDIZED TERMS AND

METHODS PUBLISHED BY THE AMERICAN WATER WORKS ASSOCIATION; AND

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

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

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

(II) "WATER LOSS" MEANS THE DIFFERENCE BETWEEN THE ANNUAL VOLUME OF WATER ENTERING A WATER DISTRIBUTION SYSTEM AND THE ANNUAL VOLUME OF METERED AND UNMETERED WATER TAKEN BY REGISTERED CUSTOMERS, THE WATER SUPPLIER, AND OTHERS WHO ARE IMPLICITLY OR EXPLICITLY AUTHORIZED TO DO SO. "WATER LOSS" INCLUDES THE ANNUAL VOLUMES LOST THROUGH ALL TYPES OF LEAKS, BREAKS, AND OVERFLOWS ON MAINS, SERVICE RESERVOIRS, AND SERVICE CONNECTIONS UP TO THE POINT OF CUSTOMER METERING IN ADDITION TO

UNAUTHORIZED CONSUMPTION, ALL TYPES OF METERING INACCURACIES, AND SYSTEMIC DATA-HANDLING ERRORS.

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

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

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

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

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

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

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

(II) THE BOARD SHALL UPDATE THE GUIDELINES ADOPTED PURSUANT TO SUBSECTION (13)(d)(I) OF THIS SECTION NO LATER THAN SIX MONTHS AFTER THE RELEASE OF ANY SUBSEQUENT EDITIONS OF THE AMERICAN WATER WORKS ASSOCIATION'S "WATER AUDITS AND LOSS

CONTROL PROGRAMS", MANUAL M36.

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

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

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

(A) THE CHIEF FINANCIAL OFFICER;

(B) THE CHIEF ENGINEER; OR

(C) THE GENERAL MANAGER.

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

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

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

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

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

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

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

38-33.3-106.5. Prohibitions contrary to public policy - patriotic, political, or religious expression - public rights-of-way - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - child care - definitions. (3) (a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE CONTRARY, AN ASSOCIATION SHALL NOT PROHIBIT ACCESSORY DWELLING

UNITS, MIDDLE HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, AND HOUSING IN KEY CORRIDORS. ANY SUCH PROHIBITION ON THE PERMITTING OF ACCESSORY DWELLING UNITS OR MIDDLE HOUSING IS VOID AS A MATTER OF PUBLIC POLICY IN ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF TITLE 29.

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

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

(II) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN SECTION 29-33-502 (3).

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

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

SECTION 16. In Colorado Revised Statutes, 43-1-106, **amend** (15)(d) as follows:

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

(d) To study and make recommendations for existing and future transportation systems in Colorado with a focus of such study and recommendations being a ten-year plan for each mode of transportation. ~~Such~~ THE ten-year plan ~~shall~~ MUST be based on what can be reasonably expected to be implemented with the estimated revenues which are likely to be available AND MUST INCLUDE PRIORITIZATION CRITERIA THAT ARE

CONSISTENT WITH STATE STRATEGIC GROWTH OBJECTIVES FOR REGIONALLY SIGNIFICANT TRANSPORTATION PROJECTS.

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

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

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

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

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

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

March 29, 2023

The Honorable Jared Polis
Governor of the State of Colorado
200 E Colfax, Suite 136
Denver CO 80203

Senator Dominick Moreno
200 E Colfax
Denver CO 80203

Representative Iman Jodeh
200 E Colfax
Denver CO 80203

Representative Steven Woodrow
200 E Colfax
Denver CO 80203

Dear Governor Polis, Senator Moreno, Representative Jodeh & Representative Woodrow,

Representatives of the 15 communities identified as Rural Resort Job Centers (RRJC) were involved in early discussions with the Governor's staff in drafting SB23-213 (the Bill) both directly and through the Colorado Association of Ski Towns (CAST).

Colorado's rural resort communities have aggressively pursued affordable housing for 30+ years, with demonstrable positive outcomes. They continue to update regulations to incentivize affordable housing, as well as invest significant municipal funds. Through these efforts they have built a deep and nuanced understanding of the interplay between market forces and the regulatory environment on affordable housing. It is our analysis that state mandated upzoning in single-family neighborhoods will NOT result in any increase of workforce housing due to existing market conditions. Therefore, CAST has taken the position of Oppose Unless Amended on SB23-213.

First and foremost, we ***REQUEST A DELAY*** in the hearing before the Senate Local Government and Housing Committee to allow a reasonable amount of time for review, consideration, and constructive feedback. Bill sponsors are currently asking for feedback by 10:00 am on Thursday, March 30th. This is not sufficient time to fully understand the various impacts of the legislation and offer constructive suggestions, thus forcing communities to consider a position of 'oppose'. CAST requests the hearing before the Senate Local Government and Housing Committee be deferred until at least April 25th.

CAST respectively requests the following amendments to SB23-213:

1. CAST ***SUPPORTS*** proceeding with the Statewide and Regional Housing Needs Assessments as proposed in 29-33-103 and supports CAST serving as an active participant in defining and implementing the Assessment.

2. CAST ***OPPOSES*** all land use regulation mandates proposed in the bill, including mandates forcing Rural Resort Job Centers to adopt Key Corridors and to allow ADUs and Middle Housing as a use by right in any zone that currently allows single-family homes. Such mandates are not acceptable at this time. There is no authorization that the additional residences resulting from state mandated upzoning may be restricted to workforce housing, which is a glaring oversight in the bill. The Rural Resort Job Center Municipalities are 15 unique communities with very different land use patterns, neighborhoods and challenges. Blanket upzoning will severely undermine efforts to maintain community fabric and gain additional affordable housing units.

3. CAST ***SUPPORTS*** the authorizing of Accessory Dwelling Units and superseding private covenants and restrictions to allow Accessory Dwelling Units with each rural resort job center municipality retaining authority and discretion to determine the appropriate manner of implementing any Accessory Dwelling Unit regulations.

4. Concurrently, CAST ***SUPPORTS*** the formation of a Rural Resort Task Force comprised of the 15 Rural Resort Job Center communities referenced in the Bill to prepare meaningful and substantive recommendations to DOLA and the legislature by June 2025. Goals of the task force could include:

   a. Define how Rural Resort Regions will be identified and requirements for Rural Resort Region Housing Needs Plans.

   b. Compile target housing needs and goals for the Rural Resort Job Centers and their proposed strategies to meet those identified housing goals.

   c. Propose land use regulation strategies, including but not limited to upzoning, accessory dwelling units, reduced parking requirements.

   d. Propose a menu of solutions including incentives, collaborative practices, and local funding mechanisms built upon the successful programs already underway in rural resort communities. Include incentives and exemptions for RRJCs that adopt some percentage of solution strategies.

   e. Propose non-construction solutions to increase workforce housing residential stock more quickly, including acquisition of deed restrictions on free market properties.

   f. Propose efficient and effective processes to review affordable housing projects.

   g. Preserve existing deed restrictions for workforce housing.

   h. Propose authorization for new local housing funding sources.

i. Aggressively reduce climate impacts of new housing through reduced emission construction standards, location of new housing near transit hubs, and increased use of transit and other forms for non-vehicular transportation.

CAST appreciates your leadership as we all work to increase housing affordability in Colorado. We stand ready to work with the Governor's Office and bill sponsors to craft meaningful legislation that we can all support and which will result in more affordable housing for Coloradoans.

Sincerely,

Jon Godes

Jonathan Godes, CAST President

CC: Speaker of the House Julie McCluskie
Sen. Dylan Roberts
Sen. Cleave Simpson
Sen. Perry Will
Rep. Marc Catlin
Rep. Barbara McLachlan
Rep. Elizabeth Velasco
Rep. Meghan Lukens

Senate Local Government & Housing Committee:
-Sen. Sonya Jaquez Lewis, Chair
-Sen. Tony Exum
-Sen. Julie Gonzales
-Sen. Byron Pelton
-Sen. Ron Pelton
-Sen. Janice Rich
-Sen. Dylan Roberts

SB 23-213 Opposition Sign-on

Dear Members of the Colorado General Assembly:

We are writing as members of municipal governing bodies directly elected by citizens (and as staff that supports elected officials) to work on local problems and opportunities to urge you to vote "no" on SB 23-213 and require the state and proponents of the bill to find solutions in partnership with municipal leaders and affordable housing advocates, as opposed to the collision course SB 213 puts the state on with one of Colorado's most core values - the principles of home rule and local control.

Last year, the Colorado Municipal League shared with Gov. Polis and his team that CML wished to work as *partners* to address the many common goals promoted by the administration, while engaging partners statewide and locally. We are disappointed that the response to CML and local officials was to instead determine in 2022 that 2023 legislation should trample local initiatives, create a patchwork application of preemptions, provide no guarantee that any housing bypassing local regulations would be affordable, and almost completely exempt urban development in unincorporated parts of counties.

Municipal leaders and planners do not build homes. Municipal leaders and planners plan. We know our communities and wish to continue to engage our partners to ensure a mix of housing that meets community and regional needs, creates and maintains livable places, promotes conservation, clean air and water, and honors Colorado's tradition of local solutions and decision making.

We ask you to oppose SB 23-213 as a means to ensure everyone has a seat at the table and that the state government is not picking winners and losers. We also strongly object to the monumental shift in DOLA's mission from a support agency to a regulatory agency.

Your "no" vote on SB 23-213 will signify your expectation that:

- Local governments continue to work to address any local issues that may make housing less available and affordable
- Local governments will not use "home rule" and "local control" as a means to say "no," but rather continue to use them as powerful tools to address the statewide issues of housing affordability and availability
- Local governments will partner with all groups that have a voice in housing issues, even those they may not always agree with

My municipality prides itself on being a leader on meeting and exceeding the needs and challenges of our citizens. We know that statewide solutions come from *partnerships* and not from preemptive shows of strength. We believe that these issues should create a win-win outcome and not win-lose.

There is a better way that is truly the “Colorado Way.” We urge your "no" vote on SB 23-213.

Sincerely,

...

* Required

1. First Name, Last Name *

Enter your answer

2. Municipality *

Enter your answer

3. Title/Position *

Enter your answer

Submit

Never give out your password. Report abuse

CML Analysis of SB23-213, Land Use

▸ INTRODUCTION

Senate Bill 23-213 includes several subjects but primarily focuses on a central theme: municipal zoning laws caused the housing crisis by not permitting unfettered residential construction and by trying to protect communities and resources. The bill attempts to draw a line from local zoning laws affecting individual parcels of land in dozens of municipalities to "regional imbalances" that "affect equity, pollution, infrastructure costs, and quality of life." The bill does not question the state's involvement in actual statewide problems, but asserts that state regulation of hyper-local matters, imposed through over a dozen regulatory actions with insufficient process, will improve these imbalances and presumes that there will not be significant unintended consequences. This analysis is not a complete list of problems in the bill but represents the most significant elements.

▸ CML ANALYSIS: LAND USE BILL WOULD DO LITTLE TO MAKE HOUSING AFFORDABLE

Section 2 of SB23-213 creates a new article 33 in title 29 that imposes top-down standards on some local governments to remove local zoning authority. Despite being titled as requirements for affordable housing, Section 2 doesn't require affordability at all and is premised on speculation that developers will build more housing, either passing savings along to Coloradans or causing a market-based decline in housing costs. Section 2 begins with overbroad and complex definitions and continues to address assessments and planning before imposing mandates and preempting authority to zone land for particular uses.

An uneven strategy

The bill largely applies only to municipalities, and then only to some municipalities and in differing degrees. Municipalities are classified into four basic groups that do not cover all municipalities. The bill's requirements apply to each category, and then subsets of categories, to differing degrees in each part. Identifying where a municipality is classified is a complicated process requiring reference. Whether the bill addresses actual problems in the municipalities included in each category or causes more problems in those municipalities will be difficult to determine. See the last page of this analysis for a list of affected municipalities, reported by Colorado Public Radio.

Geographic Classification of Municipalities

Tier 1 Urban Municipality (T1UM)	Tier 2 Urban Municipality (T2UM)	Rural Resort Job Center (RRJC)	Non-urbanized Municipality (NUM)
In an MPO with a population of at least 1 million	Within an MPO	Not within an MPO	Not within the definition of an urban municipality or a rural resort job center; and
10% of territory in urbanized area with population over 75,000; and	A population between 5,000-25,000; and	A population of at least 1,000	A population of at least 5,000
A population of at least 1,000; ***or***	In a county with a population of at least 250,000	1,200 jobs and a jobs-to-population ratio of at least 64-hundredths; and	
In an MPO with a population under 1 million; and		A transit stop serviced by a transit agency serving two municipalities with at least 20 trips per day	
A population of at least 25,000			

The bill grants broad regulatory authority to DOLA

The bill contemplates dozens of regulatory actions, primarily by DOLA. The bill appropriates $15 million dollars to DOLA; however, it is not clear how that funding will be expended and whether funding for the various regulatory actions is included.

First, the Director of DOLA is tasked with issuing multiple methodologies, guidance, "menus" of strategies, statewide strategic growth objectives, model codes, rules, and minimum standards based on the recommendation of a "multi-agency committee" of executive appointees. Although the bill does not outline a public comment process, DOLA will undergo a rulemaking process that may include a public comment period. The committee's recommendation only involves a limited public process involving public comment, consultation with local governments and experts, and only two hearings, despite having statewide impact and addressing extremely local issues (29-33-108(2)). The bill does not specify which local governments and "local experts" will be consulted, and it is seemingly up to the committee members to choose those experts without any guidelines. There are no requirements to ensure inclusivity, such as meetings during varying hours, meetings in different geographic locations, or outreach to educate and explain proposed recommendations.

Second, the Director of DOLA is granted authority to modify statutory minimum standards relating to accessory dwelling units (ADUs), middle housing, housing in transit-oriented areas, and housing in key corridors. Only token consideration of process is provided.

Third, DOLA is tasked with a substantial amount of new oversight and enforcement responsibility with the receipt, review, and approval of various reports, codes, and draft and final plans.

In addition to DOLA, the Office of Climate Preparedness is directed to develop a natural and agricultural land priorities report that MPOs should apply to achieve connectivity of open space and natural lands and preservation of agricultural land and open space. Counties and municipalities must include natural and agricultural priorities in their master plans in accordance with the state's mandate.

Ambiguous mandates for housing needs assessment & planning

The bill asserts that "assessing and planning for housing needs" is a matter of mixed state and local concern. DOLA will issue methodologies for developing state, regional, and local "housing needs assessments" and then create the assessments every 5 years, beginning December 31, 2024. DOLA will allocate shares of statewide housing needs to regions defined by DOLA and local governments. DOLA will also use local housing needs assessments to mandate "net residential zoning capacities" for key corridors in tier 1 urban municipalities and rural resort job centers (see below for a more detailed analysis).

T1UM, T2UM, and RRJC municipalities must use DOLA's local and regional assessments to inform any required "housing needs plans." DOLA will create guidance for these plans, but the bill includes procedural and extensive, but ambiguous, substantive mandates for their development and adoption, including requirements to describe compliance with the bill's mandates and a "greenfield development analysis." The greenfield development analysis relies on undefined "statewide strategic growth objectives" also developed by DOLA. The bill's limited direct connection to affordability and displacement includes requirements to include a varying number of strategies regarding those issues from state-created "menus" (also developed by DOLA), although RRJC are not required to address displacement. None of the items in the menus provide additional authority to municipalities beyond existing law and given the bill's other restrictions, may inhibit existing authority to plan communities and ensure affordability.

Housing needs plans, a greenfield development analysis, and a concept of natural and agricultural land priorities consistent with state requirements must be included in master plans for T1UM, T2UM, and RRJC.

Counties and municipalities that DOLA groups into rural resort regions are required to participate in "regional housing needs planning process" resulting in a report and commitments that DOLA must review and approve. The bill suggests that this process will encourage participants to address needs through individual or regional strategies, including strategies from "menus" and locations where reduced parking requirements can reduce housing needs. The process will map locations where Article 33's minimum standards for middle housing, transit-oriented areas, and key corridors could meet needs, but later the bill actually indicates that this map would dictate where middle housing standards apply in RRJCs.

Burdensome reporting standards

T1UM, T2UM, and RRJC must collect, track, maintain, and report to DOLA an overwhelming amount of data beginning December 31, 2026. These municipalities must report both the number of permits for new housing and the number of housing construction starts each categorized by structure type, time frames to complete residential permit reviews by housing type, workforce assigned to development review by position time, implementation status of strategies identified in a housing needs plan mandated by the law, zoning information specifying zone districts, allowed uses and densities and "other data," and regional efforts to address housing needs.

“Use by right” would supersede local control

In removing the legislative discretion of municipal governing bodies in making zoning decisions, the bill removes a traditional elements of zoning authority to consider — in their best legislative judgment — consistency with plans, compatibility or harmony of surrounding land uses and development, and strategies for mitigating project impacts. Each of the zoning preemptions also includes a concept of a “use by right,” meaning the development approval relies only on “objective standards” that lack any discretionary component. Objective standards prohibit any personal or subjective judgment by a public body or official and must be “uniformly verifiable or ascertainable by reference to an external or uniform benchmark or criterion” that is known before filing of the proposal. Not only does this inhibit local officials from exercising traditional authority, but it also potentially prevents municipalities making critical changes to land use laws to protect their communities that might apply to a pending project.

Zoning preemption No. 1:
Accessory dwelling units — T1UM, T2UM, RRJC, NUM

The bill declares “an increased supply of housing through accessory dwelling units” to be a matter of mixed state and local concern but reflects inadequate study of how ADUs are treated in all subject jurisdictions or what the supply would look like if the bill is enacted. Under the bill, an ADU is an internal, attached, or detached “dwelling unit” providing complete independent living facilities for at least one person that is located on the same lot as a primary residence with provisions for living, sleeping, eating, cooking, and sanitation.

By December 31, 2024, a T1UM, T2UM, and RRJC must change their local laws concerning ADUs to meet the bill’s minimum standards (as may be modified by DOLA) or adopt DOLA’s model ADU code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt meet the minimum requirements by June 30, 2025, or DOLA’s rejection of the jurisdiction’s report, means the model code goes into effective immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using “objective procedures” and the municipality cannot have any “local law” that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA’s model ADU code will allow ADUs as a “use by right” anywhere a municipality allows single-unit detached dwelling units as of January 1, 2023. The code will provide “objective standards” for approval of the units, so that officials cannot evaluate local conditions to determine if the ADU will cause an unfair burden or be incompatible. The model code cannot require new off-street parking in any subject jurisdiction, even if the ADU is in an area without adequate parking or transit. The model code is not subject to the same minimum standards that apply to municipalities that do not adopt the model code.

The bill establishes minimum standards that attempt to preempt local law if the model code is not voluntarily adopted. DOLA can update minimum standards through rulemaking under an ambiguous “public hearing and comment process.”

ADUs are not required to be permitted on the same lot or parcel as middle housing.

Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts.

Minimum Standards for ADUs

ADUs of the greater of 800 square feet or 50% of the primary residence must be allowed as a "use by right" anywhere the municipality allows single-unit, detached dwelling units as of January 1, 2023.

Only "objective standards and objective procedures can apply," meaning that officials cannot evaluate local conditions to determine if the ADU will cause an unfair burden or be incompatible.

Municipalities must allow additions to, or conversions of, existing single detached dwelling units and must apply the same design standards that apply to single detached dwelling units.

Municipalities cannot have local laws that treat ADUs more restrictively, "create unreasonable costs or delays" or make ADUs "infeasible," require that primary residences be owner-occupied, require new off-street parking (in T1UM and T2UM), or require side or rear setbacks of more than 5 feet unless needed for health or safety standards.

Zoning preemption No. 2:
"Middle housing" — T1UM and RRJC

The bill declares "an increased supply of housing through middle housing" to be a matter of mixed state and local concern but reflects inadequate study of how "middle housing" is treated in all subject jurisdictions or what the supply would look like if the bill is enacted. Under the bill, "middle housing" is either a single structure with 2-6 separate dwelling units (duplex through sixplex), a townhome, or cottage cluster. A townhome is a dwelling unit in a row of 2 or more attached dwelling units on individual lots with common walls. A cottage cluster is a grouping of at least 4 detached units with a common courtyard, with each unit being smaller than 901 square feet.

By December 31, 2024, a T1UM, and by December 31, 2026, a RRJC, must change their local laws concerning middle housing to meet the bill's minimum standards (as may be modified by DOLA) or adopt DOLA's model middle housing code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt the minimum requirements by June 30, 2025, for a T1UM, or by June 30, 2027, for a RRJC, or DOLA's rejection of the jurisdiction's report, means the model code goes into effect immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using "objective procedures" and the municipality cannot have any "local law" that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA's model middle housing code will allow middle housing as a "use by right" anywhere the municipality allows single-unit detached dwelling units as of January 1, 2023. The code will provide "objective standards" for approval of the units, so that officials cannot evaluate local conditions to determine if the housing will cause an unfair burden or be incompatible. The model code cannot require new off-street parking in any subject jurisdiction, even if the housing is in an area without adequate parking or transit. The model code is not subject to the same minimum standards that apply to municipalities that do not adopt the model code.

The bill establishes minimum standards that attempt to preempt local law if the model code is not voluntarily adopted.

Minimum Standards for Middle Housing

Middle housing of at least 125% of the building area of a single-unit detached dwelling must be allowed as a "use by right" anywhere the T1UM allows single-unit detached dwelling units as of January 1, 2023, or wherever designated in the RRJC's regional housing needs plan (even if the RRJC did not approve it).

Only "objective standards and objective procedures can apply," meaning that officials cannot evaluate local conditions to determine if the middle housing type will cause an unfair burden or be incompatible.

Municipalities must allow additions to or conversions of existing single detached dwelling units and must apply the same design standards that apply to single detached dwelling units.

Municipalities must allow properties to be subdivided using objective standards and procedures.

Municipalities cannot have local laws that treat middle housing more restrictively, "create unreasonable costs or delays" or make middle housing "infeasible," apply minimum setbacks, lot widths, lot depths, lot size standards, or maximum height standards that are more restrictive than single-unit detached dwellings on the same property, require new off-street parking, or impose footprint restrictions differently than single-unit detached dwellings.

DOLA can update minimum standards through rulemaking under an ambiguous "public hearing and comment process." Middle housing is not required to be permitted on the same lot or parcel as an ADU. Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts. Middle housing requirements will not affect an inclusionary zoning ordinance unless it renders the "development of middle housing financially infeasible." The bill does not define "financially infeasible" and does not explain how a developer must prove that the ordinance makes said development financially infeasible. This could make inclusionary zoning ordinances moot.

Zoning preemption No. 3:
Housing in "transit-oriented areas" — T1UM with fixed rail

The bill declares "an increased supply of housing in transit-oriented areas" to be a matter of mixed state and local concern but reflects no study of how any of the subject jurisdictions treat the topic or what the supply would look like if the bill is enacted. Under the bill, a "transit-oriented area" is a one-half mile boundary from some part of a fixed-rail transit station, including parcels that have at least 25% of their area within the boundary. Unincorporated parcels are not included.

The focus of this part of the bill is on multifamily housing (one or more buildings on one lot with separate living units for 3 or more households) and mixed-income multifamily housing (at least 10% of units are set aside for households earning no more than 80% AMI). Although municipalities with inclusionary zoning ordinances can establish their own threshold and set asides, the bill interferes by setting density standards and inconsistently restricts local inclusionary zoning ordinances based on the financial effect on developers.

By December 31, 2024, a T1UM with a transit-oriented area must change their local laws concerning housing in transit-oriented areas to meet the bill's minimum standards (as may be modified by DOLA) or adopt DOLA's transit-oriented area model code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt meet the minimum requirements by June 30, 2025, or DOLA's rejection of the jurisdiction's report, means the model code goes into effective immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using "objective procedures" and the municipality cannot have any "local law" that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA's transit-oriented area model code will prohibit new-off street parking in transit-oriented areas for multifamily or mixed-income multifamily development, allow minimum density as a "use by right" for multifamily residential (at least 40 units per acre net density) and mixed-income multifamily (at least 60 units per acre net density). Affordable units must be a similar size. This prevents T1UM jurisdictions from influencing multifamily development according to local standards.

The bill establishes minimum standards that attempt to preempt local law if the model code is not voluntarily adopted.

Minimum Standards for Transit-Oriented Areas

A T1UM must legislatively create a zoning district for the transit-oriented area to allow multifamily housing as a "use by right" with a minimum gross density of 40 units per acre for all eligible parcels. Districts can extend outside the transit-oriented area to meet gross density requirements based on development constraints or other planning for transit-compatible uses.

Municipalities cannot have local laws that apply to "create unreasonable costs or delays" or make multifamily in a transit-oriented area or the residential density limits "infeasible" or require new off-street parking.

DOLA can update minimum standards through rulemaking under an ambiguous "public hearing and comment process." Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts. Transit-oriented area requirements will not affect an inclusionary zoning ordinance unless it renders the "development of multifamily housing financially infeasible."

Zoning preemption No. 4:
Housing in "key corridors" — T1UM and RRJC

The bill declares "an increased housing supply in key corridors" to be a matter of mixed state and local concern but reflects no study of how any of the subject jurisdictions treat the topic or what the supply would look like if the bill is enacted. Under the bill, a "key corridor" is an extraordinarily broad concept that is not limited to transit corridors and could undermine the zoning and land use plans of an entire municipality. Key corridors include "frequent transit service areas" as mapped by

DOLA (including in some cases anything within one-quarter mile of a bus route with certain service levels). Key corridors also include any parcel in zone districts that permit commercial uses that are supposedly compatible with residential uses and public or institutional uses. Key corridors also include anything zoned for a mix of uses other than industrial. The definitions used in this part are likely inconsistent with many local zoning codes and could capture very large parts of a community.

The bill suggests some option for the municipality that does not adopt a model code to designate their own key corridors. The bill extent of this discretion is not clear, and all minimum standards described for key corridors apply.

The focus of this part of the bill also focuses on multifamily housing (one or more buildings on one lot with separate living units for 3 or more households) and mixed-income multifamily housing (at least 10% of units are set aside for households earning no more than 80% AMI). Although municipalities with inclusionary zoning ordinances can establish their own threshold and set asides, the bill interferes by setting density standards, set asides, and AMI requirements, and inconsistently restricts local inclusionary zoning ordinances based on the financial effect on developers.

By December 31, 2026, T1UM and RRJC must change their local laws concerning housing in key corridors to meet the minimum standards that DOLA must develop or adopt DOLA's key corridor model code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt and meet the minimum requirements by June 30, 2027, or DOLA's rejection of the jurisdiction's report, means the model code goes into effective immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using "objective procedures" and the municipality cannot have any "local law" that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA's key corridor model code will set minimum residential density limits for multifamily housing as a "use by right," an allowable minimum residential density limit for mixed-income multifamily housing at least 50% greater than the multifamily minimum density as a "use by right," requirements for set asides for low- and moderate-income households.

By June 30, 2025, DOLA will establish key corridor minimum standards that attempt to preempt local law if the model code is not voluntarily adopted. The minimum standards appear to be targeted to take over municipal land use planning in broad swaths of territory and must include: guidance to encourage regional strategies for key corridors, a "net residential zoning capacity" for each municipality based on that municipality's local housing needs assessment, and "any additional standards" that DOLA "deems necessary," like a minimum residential density limit and minimum district size.

Minimum Standards for Key Corridors

A T1UM must legislatively create a zoning district within key corridors to allow multifamily housing as a "use by right" that satisfies DOLA's mandated net residential zoning capacity and requirements that DOLA may impose.

A RRJC must allow multifamily housing as a "use by right" wherever a key corridor is designated in the RRJC's regional housing needs plan (even if the RRJC did not approve it).

Municipalities can allow different density within the key corridor if minimum standards are satisfied.

Municipalities cannot have local laws that apply to "create unreasonable costs or delays" or make multifamily in a key corridor "infeasible."

For key corridors only, the bill prohibits new off-street parking in key corridors ***for any use***.

Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts. Key corridor requirements will not affect an inclusionary zoning ordinance unless it renders the "development of multifamily housing financially infeasible."

What's exempt from SB23-213?

Each part of the proposed article 33 of title 29 includes varying degrees of exemptions. Except for ADU requirements, a common exemption is for "standard exempt parcels," or those that are outside an urbanized area, not served by domestic water or sewer treatment, have an agricultural zoning designation as of January 1, 2023, are noted as a "high risk, high very high, or very high risk" for wildfire by the state forest service (which does not appear to include much land covered by the bill), or in a floodway or 100-year floodplain identified by FEMA. The bill does not account for other local conditions.

For transit-oriented areas, standards also do not apply in park and open space or on properties subject to conservation easements. For key corridors, standards also do not apply on a site that is on or adjacent to a site used or permitted for industrial use or designated for heavy industrial use in a master plan adopted before 2023.

"Unreasonable costs or delays" and feasibility

Each of the zoning preemptions includes a dangerous concept that preempts any local land use law that "individually or cumulatively create unreasonable costs or delays" or that would make the permitting, siting, or construction of the housing type "infeasible." This language recklessly exposes municipalities to significant liability, could undermine local efforts to create affordable housing, and risks forcing the public to bear burdens that should be borne by developers. It is unclear whether safety standards, impact fees, fees for water or municipal services, or other important local standards could fall prey to this type of language. Several provisions in the middle housing, transit-oriented areas, and key corridor parts also suggest that financial burdens on developers imposed by local inclusionary zoning ordinances will invalidate those local laws.

Interference

Each of the zoning preemptions includes another dangerous concept that would preempt a municipality from amending, developing, or even interpreting a local law "in a manner that would interfere with the intent" of the part. Broad and careless language could have significant unintended consequences and expose municipalities to significant risk.

Parking burdens

Each zoning preemption prohibits a municipality from requiring new off-street parking as part of a housing development approval. The "key corridor" provision appears to prohibit parking requirements for any development approval in a key corridor, not just housing. The bill does not limit these restrictions to any guarantee of public transit availability. The bill does not identify where cars will go or how municipalities are to address the burdens on public streets, public safety, and quality of life. Each zoning mandate permits parking standards required by the Americans with Disabilities Act.

Water, wastewater, and stormwater burdens

Each zoning preemption allows a municipality to apply to DOLA for an unclear "extension of applicable requirements" based on deficient water, sewer, or stormwater "services." The bill does not seem to account for any other burden on public infrastructure or services. To obtain the extension, the municipality must have a plan to remedy the deficiency on a specific timeline and must show that it cannot serve other, less efficient housing types than those provided in the mandate. The provisions do not account for pre-existing service obligations to those other housing types or rights of their owners. These provisions also do not consider long-term planning and suggest that municipalities must fund development to accommodate the state mandate.

Manufactured & modular housing

Section 3 requires the division of housing to create a report by June 30, 2024, on “opportunities and barriers” in current state law concerning manufactured homes, modular homes, and tiny homes.

Sections 4 and 6 remove financial assurance requirements for manufacturers of factory-built structures (not necessarily limited to residential structures). Under current law, those assurances are payable to the division if the manufacturer fails to deliver a structure or refund a down payment or ceases doing business.

Section 5 adds “final construction plan reviews” to the scope of quality assurance representatives approved by the Division of Housing relating to factory-built structures. The impact of this addition is not clear.

Section 11 amends current law to mandate that municipalities address manufactured and modular housing in the same manner as site-built homes. Municipalities must use “objective standards” and an administrative review process equivalent to site-built homes, unless a subjective review process is used for site-built homes. More restrictive standards than are applied to site-built homes are prohibited, including zoning and subdivision laws and “other regulation affecting development” such as requiring permanent foundations, minimum floor space, home size or sectional requirements, “improvement location standards,” and side yard or setback standards. Despite allowing for equivalency with site-built homes, the bill removes existing language that ensures authority to enact consistent zoning, developmental, use, aesthetic, or historical standards that are applicable to existing and new housing. The categorization of municipalities in Section 2 does not apply to these amendments.

Preemption of planned unit development zoning

Section 7 amends the Planned United Development Act at CRS 24-67-105(5.5) to provide that PUDs with residential uses cannot restrict ADUs, middle housing, housing in transit-oriented areas, or housing in key corridors in a manner prohibited by the proposed article 33 of title 29. It is not clear whether this applies only to PUDs in jurisdictions covered by proposed article 33 or more broadly.

Preemption of residential occupancy limits

Section 8 creates CRS 29-20-110 that would preempt counties and municipalities from placing residential occupancy limits on “dwellings” that differentiate between occupants based on family relationship (other than short term rental restrictions). Here, a “dwelling” is defined as any improved property used or intended to be used as a residence, but in Section 2 a different definition of “dwelling” is used. (a single unit providing complete independent living facility

No commitment to use state-controlled property for affordable housing

Section 10 permits statutory municipalities to sell municipal property held for a government purpose (other than park property) without an election if the purpose is to develop affordable housing. The categorization of municipalities in Section 2 does not apply to these amendments. The state makes no commitment to the use of state-controlled property for affordable housing in the bill.

A narrowing of municipal zoning authority

In addition to Section 2’s broad preemptions and mandates, Section 13 bluntly narrows the traditional zoning authority of municipalities by prohibiting T1UM and T2UM from imposing minimum square footage requirements for residential units unless “necessary for health and safety” in the municipality. The bill would not allow those municipalities to address issues relating to their communities’ welfare.

Undefined process for creating master plans

Sections 9 and 12 amend Titles 30 and 31 regarding county and municipal master plans. The categorization of municipalities in Section 2 does not apply to these amendments. Counties and municipalities must ensure an undefined "inclusive process" by consulting with housing authorities, nongovernmental organizations, and local governments in the creation of the master plan. Master planning already involves heavy public engagement.

Counties and municipalities must include, for plans after June 30, 2024, water items including the location and extent of water supply, a water supply element and conservation policies, and priorities for natural and agricultural land in accordance with the state's natural and agricultural land priorities report. Counties over 250,000 in population must include a "greenfield development analysis."

Section 12 also addresses the inclusion of housing needs plans, a greenfield development analysis, and a concept of natural and agricultural land priorities following the state's natural and agricultural land priorities report.

DOLA must receive draft and final plans and is required to review plans for compliance.

New reporting requirements for water loss accounting

Section 14 requires covered entities (including municipal and special district water providers) to provide and validate water loss audit reports to the Colorado Water Conservation Board. The board will adopt standards for validation of reports, technical qualifications, and methods by January 1, 2025. Some funding is provided for assistance in validation and for technical training and assistance to guide water loss programs.

Invalidation of HOA housing decisions

Section 15 would invalidate common interest community limitations on ADUs, middle housing, housing in transit-oriented areas, and housing in key corridors.

Transportation planning and grants. Section 16 requires the transportation commission to include "statewide strategic growth objectives relating to regionally significant transportation projects" in the ten-year plans for existing and future transportation systems created under CRS 43-1-106(15)(d). It is not clear whether those objectives are the same created by DOLA under Section 2.

Section 17 requires the department of transportation to ensure that grant prioritization criteria are "consistent with state strategic growth objectives" by December 31, 2024. It is not clear whether those objectives are the same created by DOLA under Section 2.

Section 18 requires regional transportation plans and the statewide transportation plan under CRS 43-1-1103, beginning December 31, 2024, to address and ensure consistency with state strategic growth objectives. At least for the regional plans, the objectives are those determined by DOLA under the proposed CRS 29-33-107.

Section 19 requires that projects funded from the multimodal transportation options under CRS 44-4-1103 be "consistent with state strategic growth objectives." It is not clear whether those objectives are the same created by DOLA under Section 2.

Inadequate funding

Section 20 appropriates $15 million for DOLA to provide technical assistance under the proposed CRS 29-33-111(3). The extensive amount of code revision, reporting, plan development, and compliance with various mandates required by the bill in covered municipalities has an unknown cost that would certainly exceed this funding. The funding will not address impacts to infrastructure, public services, and quality of life in municipalities or litigation costs arising from the bill. The funding does not address the major overhaul of DOLA's mission and authority.

Safety clause prevents voters from weighing in

Section 21 includes a safety clause, preventing voters from exercising the right of referendum. Local zoning ordinances on the same issues covered by the bill are subject to the reserved constitutional power of referendum.

▸ SUPPLEMENTAL INFORMATION

Communities by tier level

Urban Municipalities Tier 1	**Urban Municipalities Tier 2**	**Rural Resort Job Centers**	**Non-Urban Municipalities**
Denver region: Arvada, Aurora, Boulder, Brighton, Broomfield, Castle Pines, Castle Rock, Centennial, Cherry Hills Village, Columbine Valley, Commerce City, Denver, Edgewater, Englewood, Erie, Federal Heights, Glendale, Golden, Greenwood Village, Lafayette, Lakewood, Littleton, Lochbuie, Lone Tree, Longmont, Louisville, Northglenn, Parker, Sheridan, Superior, Thornton, Westminster, Wheat Ridge **North Front Range:** Greeley, Fort Collins, Loveland, Windsor **Pikes Peak:** Colorado Springs, Fountain **Grand Valley:** Grand Junction **Pueblo Area:** Pueblo	**Denver region:** Dacono, Fort Lupton, Firestone, Frederick **North Front Range:** Evans, Berthoud, Johnstown, Tinmath, Eaton, Miliken, Severance **Pikes Peak:** Monument	Aspen, Avon, Breckenridge, Crested Butte, Dillon, Durango, Frisco, Glenwood Springs, Mountain Village, Silverthorne, Snowmass Village, Steamboat Springs, Telluride, Vail, Winter Park	Alamosa, Brush, Canon City, Carbondale, Cortez, Craig, Delta, Eagle, Fruita, Fort Morgan, Gunnison, Gypsum, La Junta, Lamar, Montrose, Rifle, Sterling, Trinidad, Wellington

This table lists communities by tier level, according to a document provided by Rep. Steven Woodrow.

Tier-level table published by Colorado Public Radio, *https://bit.ly/3FVlYio*.

Rural Resort Job Centers (RRJCs)
Currently Utilized Affordable Housing Actions
March 2023
Compiled by the Colorado Association of Ski Towns

	Compiled #	Aspen	Avon	Breckenridge	Crested Butte	Dillon	Durango	Frisco	Glenwood Springs	Mountain Village	Silverthorne	Snowmass Village	Steamboat Springs	Telluride	Vail	Winter Park
Best Practices Identified in SB23-213, 24-32-133(2)																
ADUs or the use of multiplexes by right in residential zones	13	x		X	X	X	x	X	x	X	X		X	X	x	x
Zoning for mixed-use higher density develop. in downtown	14	x	X	X		X	x	X	x	X	X	x	X	X	x	x
Annexation policies	13	x	X	X	X	X	x	X	x		X		X	X	x	x
Intergovernmental agreements for future development	10			X		X	x	X	x		X		X	X		x
Reduced parking requirements	11	x		X	X			X	x		X	x	X	X	x	x
Relaxed occupancy rules	6						x	X	x				X		x	x
Budgeting policies	14	x	X	X	X	X	x	X	X		X	x	X	X	x	x
Water rate structures	13	x	X	X	X	X	x	X	X	x	X	x		X		x
Road standards	8		X	X		X	x	X	x		X					x
Hazard risk reduction and mitigation standards	8	x	X			X	x	X	x		X					x
Energy efficient building codes	14	x	X	X	X	X	x	X	x	X	X	x	X	X	x	
Zoning for modular, manufactured, prefab. homes	11	x		X	X		x	X	x		X		X	X	x	x
PUDs w/ integrated affordable housing (AH) units	12	x	X	X	X		x			X	X	x	X	X	x	x
Use vacant publicly owned real property for AH	14	x	X	X	X		x	X	x	X	X	x	X	X	x	x
Small square footage residential unit sizes	13	x	X	X	X	X	x	X	x		X	x	X	X	x	
Policy/Regulatory Tools Identified in SB2-2113, 24-32-130(3)																
Subsidize/reduce local development review or fees	14	x	X	X	X	X	x	X	x	X	X	x		X	x	x
Expedited review for AH aimed at 120% or below AMI	7	x	X	X	X					X			X	X		
Expedited review to rezone commercial to incl AH units	5		X	X						X			X	X		
Density bonus program	11		X	X			x	X	x	X	X		X	X	x	x
Promote the use of sub-metering of utility charges for AH	3			X			x							X		
Dedicated funding source to subsidize infrastructure costs	14	x	X	X	X	X	x	X	x		X	x	X	X	x	x
Multi-family housing options as a use by right in SF zones	4	x			X			X	X							
AH development use by right if meets density/design stds*	13	x	X	X	X	X		X	x	X	X		X	X	x	x
ADUs as a use by right in single family zones*	9		X	X		X		X	x	X			X	X	x	
Lessened minimum parking requirements	11	x		X	X		x	X	x	x		x	X	X	x	
Land banking program	8	x		X	X			X			X			X	x	x
Other Tools RRJCs Currently Utilize																
Property tax exemptions	4		X					X				x				x
Buy Down program	10	x	X	X	X			X		x	X			X	x	x
Direct STR, excise, real estate or lodging taxes to fund AH	12	x	X	X	X	X		X	x		X	x	X	X		x
Securing/use State or Federal public land for AH	8	x	X	X		X	x	X							x	x
Have a housing plan/needs assessment	15	x	X	X	X	X	x	X	x	X	X	x	X	X	x	x
Part of a regional housing authority	12	x		X	X	X	x	X		X	X	x	X	X		x
Deed restrictions on new housing	13	x	X	X	X		x	X	x	X	X	x		X	x	x
# of deed restricted units in jurisdiction	8,721	**2,303**	**634**	**1266**	**313**	**64**	**579**	**184**	**72**	**538**	**568**	**187**	**429**	**442**	**1025**	**117**
Deed restricted units as percentage of total housing units		37%	10%	18%	25%	4.7%	6%	5%		17.2%	18%	38%	4.3%	19%	14%	7%
Deed restricted units as percentage of full time occupied units		65%	38%	40%	65%	6%		11%		66%	22%	50%	7.7%	38%		

*Often subject to deed restriction

Rural Resort Job Centers (RRJCs) Housing Actions-Additional Highlights
March 2023

Aspen

- Incentives around private market development of affordable housing (AH)for sellable credits
- Inclusionary zoning requirement for new market rate residential
- Significant employee generation Impact Fee for all new development
- Multi-Family Replacement regulations to discourage conversion of modest MF to High End MF

Avon

- Tax and Fee waivers for Deed Restricted Housing
- Partnering to build early childhood education facility that includes housing
- Constructed regional transit facility and member of newly formed Eagle Valley Transportation Authority soon to provide fare free transit, increased service, expanded schedule Edwards to Vail

Breckenridge

- Annexation Policy- produced 317 deed restricted units
- Out of Town water policy-produced 100 units
- Development Agreement/Town Project waivers for more density, height, parking
- Town acting as Developer on own land

Crested Butte

- Licensing and limits on # of STRs
- Dedicated sales tax to fund transit
- RETT and STR tax available to fund AF
- Resident Occupied Affordable Housing (ROAH) Impact Fee

Dillon

- 100% Tap Fee Incentive program for Workforce Housing (WFH) ADUs
- Realtor actively evaluating potential properties for WFH
- Appraising land and negotiating for WFH
- Downpayment & Rental Assistance for Employees

Durango

- Housing Accelerator program leverages public-private partnerships for mixed-income developments with affordable and workforce units
- Opt into Prop 123
- Expedited review for AH aimed at 120% or below AMI
- Real Estate Transfer Fees for Three Springs and Twin Buttes to fund AH
- Fair Share Ordinance - Inclusionary Zoning

Frisco

- Interjurisdictional partnerships with Summit County, CDOT, and CDLE to cooperate regionally and make more efficient uses of resources
- Public-private partnerships – working with private developers to leverage limited funding
- Dedicated, voter approved sales tax and impact fees to fund housing projects
- Housing Helps buy down deed restriction program

Glenwood Springs

- Short Term Rental Permit Cap
- West Mountain Regional Housing Coalition 501©3 member
- Voluntary Deed Restriction Program since 2018
- Hotel Conversion Allowance for AH

Mountain Village

- YES Program incentivizes homeowners and buyers/sellers to deed restrict property
- Building Fee Waiver Incentive
- Community Housing Mitigation Methodology

Silverthorne

- Short Term Rental caps
- Public Private Partnerships for housing
- Voter-approved housing funding
- Regional/Town Housing Needs Assessments updates

Snowmass Village

- Dedicated voter approved funding source (sales and lodging and excise tax)
- Operate an affordable rental program with 345 rental units
- 470 workforce housing units controlled by private businesses
- 60% mitigation requirement for new construction

Steamboat Springs

- Brown Ranch annexation negotiations
- Affordable Housing requirements in annexation criteria
- FAR and lot coverage bonus for ADUs and Workforce Units
- City developing employee housing (full-time and seasonal)

Telluride

- Pay property owners to deed restrict free market units
- Approximately 38% of year-round population lives in deed restricted housing units

Vail

- Since 2017, realized a 50% increase in deed restricted homes, increasing from 688 to over 1,025
- Invested more than $74 million between 2017 and 2022 to achieve housing goals
- Vail InDEED Deed Restriction Purchase Program, a highly innovative, first-of-its kind program resulted in more than 175 deed restricted homes for more than 385 residents. A model for communities across the country.
- Future housing developments will deliver another 552 deed restricted homes to housing supply.

Winter Park

- Led effort to form regional housing authority in 2022 and passed 2 mil property tax funding for $1.2 M in annual revenue
- Created incentive program for local businesses to master lease existing short-term rentals adding 45 bedrooms to long-term rental inventory over 2 seasons
- Formed Winter Park Housing Assistance Fund in 2018 that provides on-going rental assistance to rent burdened community members
- ADUs required to be deed restricted to community housing. $10,000 cash incentive for construction

RESOLUTION NUMBER _________

RESOLUTION OF THE [NAME OF MUNICIPALITY] IN OPPOSITION TO STATEWIDE LAND USE AND ZONING PREEMPTIONS IN SENATE BILL23-213

WHEREAS, for a century, the State of Colorado has committed both in statute and in the state constitution to the local control of land use planning and zoning because local governments are closest to the land and to the people that occupy it;

WHEREAS, zoning and land use cannot be viewed separately from the impacts of proposed uses of land on surrounding properties and a community as a whole, including the ability to ensure adequate water and utilities; to provide enough public safety services, schools, and recreational services; to make sure that sufficient and safe infrastructure is available to handle increased population or more intense uses; to align development with the community's economic goals; to prevent displacement of existing people; to preserve important historical sites; and to protect open space and the environment in general;

WHEREAS, Senate Bill 23-213 would place statewide mandates on hyper local land use matters and substitute the judgment of legislators and state regulators who lack the understanding needed to make the right decisions for our community;

WHEREAS, Senate Bill 23-213 will undermine long-range planning efforts and will severely limit our ability to maintain reasonable zoning regulations to ensure a high quality of life and sound economic environment for our current and future residents, workers, and business owners;

WHEREAS, Senate Bill 23-213 silences the voices of our residents by taking away the right to be heard at public hearings on zoning matters or to use their constitutional rights of initiative or referendum to address zoning and land use matters;

NOW, THEREFORE, be it resolved by the [City Council/Board of Trustees] of the [Name of Municipality] that:

1. It is the position of the [Name of Municipality] that municipalities are best suited to determine appropriate zoning laws for their communities and that collaboration and cooperation – not top-down statewide mandates and giveaways to special interests – are the solution to Colorado's affordable housing problem;

2. The [Name of Municipality] opposes Senate Bill 23-213 and strongly urges its legislators to vote NO on this unprecedented and irresponsible preemption.

Resolved this ____ of 2023.

____
Mayor

Attest:

____
Municipal Clerk

April 3, 2023

Colorado Senate Local Government and Housing Commission

RE: Comments on SB23-213 Affordable Housing

Dear Commission,

My name is Shelley Kaup and I am a City Councilor with the City of Glenwood Springs and longtime resident. I applaud the Governor and Colorado Legislature for efforts to address the housing shortage and crisis which exists in our state. It has truly become a crisis that effects every aspect of life in our communities. I am writing comments today from the perspective of an elected official of a Rural Resort and job center community on the Western Slope. I support passage of the bill with amendments as needed to make it work for local communities. These are my personal comments and do not represent a position of our City Council as a whole.

Housing has long been tight in our mountain communities but in the last 10-15 years it has reached crisis level. The causes for this are many ranging from high construction costs, lost 'decade' of construction 2008-2018, challenging geography and lower wage service jobs. Since 2015, new factors have aggravated the market. While vacation homes have always been a part of mountain communities, the growth of the Short-term rental market and shift of mindset from 'homes to investments' led to exponential growth of investor owned second homes as vacation rentals and investments. These trends have not only depleted housing stock in critical markets, it has further driven up the cost of housing, not only by reducing supply of housing for the locals, but by speculative pricing driven by investment in resort areas. Pressure from urban areas in our state and out of state visitors have driven many locals out of our markets. Yet we need locals to sustain our communities and our economies. While the housing crisis is evident in many parts of the state, the causes of the crisis in the Rural Resort areas can be driven by unique forces and require some different solutions.

Please include requirements for resident occupancy and affordability, as locally appropriate. Simply decreasing regulation and costs for developers will not solve this crisis. It will take decades for supply to catch up to demand, if ever. Especially in the mountains, the problem is too far out of balance, land is too limited, construction costs too high, and demand too high for vacation properties and investments. Too much incentive to developers without requirements for resident occupancy and affordability, will only exacerbate the problem. Our state is too beautiful to continue to sell it off to the highest bidder. *Just as we protect our wild lands for healthy ecosystems and wildlife, we must protect local Colorado communities and the people who live here.* I urge you to amend SB23-213 to include local needs for resident occupancy as well as affordability, so that our communities can thrive as places to live and work as well as destination for our visitors. We need solutions that respect the needs of Colorado communities for locals to live and work in their communities.

Many of the mountain communities have over 50%, *more than half* of their housing units which are 2nd (vacation) homes or short-term rentals that sit empty for much of the year. This is too much 'wasted' real estate and housing stock that serves the tourism industry but is used inefficiently and does not serve our local communities/residents. Local families and workforce are displaced, and new market rate development rarely meets their needs. Are there solutions that can/should address this inefficient use of built housing units? By focusing only on new and infill construction, the proposed bill SB23-213 misses an opportunity to reduce the overabundance of under-utilized housing in existence today. Some proposed ideas for Rural Resort areas:

- change the classification of Short-term rental properties for tax purposes from Residential use to Commercial. These units are hospitality units and are not residences in the true sense of providing a home and they should not have the tax benefit of a residence.
- Charge a housing/land displacement fee for housing units which are purchased or constructed but are not used for long term housing for local Coloradans.
- Provide incentives for existing vacation or short-term rental units to be converted into resident occupied long term rentals or homes ownership units.

If regulations are opened up and more housing density allowed, the local communities themselves must be the benefactors.

- What is to prevent the new units from being sold off as investment properties, short-term rentals or vacation homes?
- Can the infill density allowed be limited primarily to workforce?
- A substantial portion of new infill must be affordable.

The rural resorts and mountain job centers know/understand the crisis and need solutions that work. I urge you to consider some of the ideas above and work with these communities to find regionally appropriate solutions. I support the amendments being worked on in cooperation with CAST member communities.
We need managed sustainable tourism, and planned sustainable housing that builds and supports the local community & workforce. This will help maintain Colorado as a beautiful state to live in and to visit.

Thank you for all your efforts on this important issue.

Sincerely,
Shelley Kaup
Councilor At-Large
City of Glenwood Springs

cc – CO Senator Will Perry, District 5;
CO Senator Dylan Roberts, District 8;
CO Representative Elizabeth Velasco, CO House District 57

<u>Proposed Amendments to the Bill regarding Rural Resorts:</u>

- move parts related to Rural Resorts into one consolidated section of the Housing Planning section of the bill
- put these sections under the heading of "Affordability Strategies". This makes it clear that any ADUs, Middle Housing, or multifamily housing must meet affordability provisions and the goals of the community. It also clarifies that additional market-rate or second-home housing production is not the intended outcome of the bill within Rural Resorts.
- We are removing the language that states "inclusionary zoning must not make housing economically infeasible" from the bill and replacing with a reference to current inclusionary zoning statute.
- Infrastructure/water supply exemptions: we are removing the "application" process and changing it to a "notification process"
- Please let us know if there are any other items that are concerning for local authority to apply existing or future affordability requirements, concerns about water issues, or any others.

Proposed Steps in Rural Resort Housing Planning and Affordability Strategies process:

1. **Define how Rural Resort Regions will be identified** and requirements/options for Rural Resort Region Housing Needs Plans.
   a. A Regional Plan may be optional if an existing regional effort is sufficient and can be built upon over time

2. **Identify local housing targets for Rural Resort Job Centers** in a RRJC Housing Plan, based on data from the Regional Housing Plan.

3. In the RRJC Housing Plan, identify RRJC Affordability Strategies to meet identified housing goals based on local housing needs. Determine the number of strategies each municipality must adopt from a menu of strategies. **Municipalities that have already adopted that number of strategies are exempt.** The menu may include:
   - upzoning only with strong affordability protections including but not limited to deed restrictions and STR regulations as decided locally (i.e. Middle Housing and Multifamily Housing near Key Corridors)
   - accessory dwelling units
     - only with strong affordability protections as decided locally
     - with minimum standards that fit the mountain environment. Minimum standards could be decided through either:

        - details in statute we can work on together now (on setbacks, size)
        - or, rulemaking process through DOLA
    - with the ability to supersede private covenants and restrictions
- reduced parking requirements at a level and locations if and where appropriate to each community
- incentives for affordable housing
- local funding mechanisms for affordable housing
- Regional collaboration on housing and transportation planning to aggressively reduce climate impacts of new housing through location of new housing near transit hubs, and increased use of transit and other forms of non-vehicular transportation.
- Adopt non-construction solutions to increase workforce housing residential stock including acquisition of deed restrictions on free market properties.
- Adopt efficient and effective processes including administrative review for affordable housing projects.
- Adopt Water Utility Allocation Plan for affordable housing
- additional strategies TBD

Accountability options:

- Make plans in RRJCs or Rural Resort Regions binding
- track progress towards target % growth per year of Affordable Housing
- Other performance targets as identified in development of Affordability Strategies
- communities not adopting strategies, submitting plans, or meeting other performance targets adopt model codes or lose opportunities for funding?

Amendments Currently Under Consideration for SB 23-213

Proposed amendments to SB 23-213 respond to stakeholder and member feedback by strengthening affordability requirements, recognizing the uniqueness of rural resort communities, increasing flexibility for local communities in parking, multifamily housing, and ADUs, streamlining implementation, and strengthening stakeholder input. Amendment concepts described below are not meant to be an exhaustive list, nor should this list be interpreted as the only amendments that will be considered for the bill. Sponsors are committed to continuing conversations, reviewing feedback, and addressing concerns from stakeholders throughout this process.

Amendments under consideration will:

Strengthen Affordability and Anti-Displacement

- Establish an affordability menu in statute, while still preserving local flexibility, to enable earlier implementation.
- Strengthen affordability requirements in the model codes.
- Add parameters and indicators into the anti-displacement analysis provisions, and establish goals for the menu of displacement mitigation measures.
- Clarify ability to maintain or adopt local inclusionary zoning ordinances, by revising economic infeasibility language.
- Further refine definitions and provisions in the housing needs planning section to ensure the housing needs assessment addresses more demographics and income levels.

Revise Rural Resort Requirements

Rural Resort Job Centers would only be subject to particular requirements, including:

- Identifying options for regional housing needs plans and establishing targets.
- Choosing from a menu of options to meet housing goals based on local affordability needs, with no requirements that would lead to zoning for increased density for second homes or short term rentals.

Provide Additional Flexibility in Housing Options

- **ADUs:** Revise minimum standards for size and setbacks.
- **Middle Housing:** Update definition of middle housing from allowing between 2 and 6 units to between 2 and 4 units.
- **Key Corridors and TOCs:** Provide flexibility for local governments to locate density in a portion (25% for Key Corridors) of the land area, and provide certainty around density standards (20-40 dwelling units per acre).
- **Transit Oriented Communities and Key Corridors:** Clarify that the density levels in minimum standards in these sections mean a local government must allow a density up to that high, but can permit projects of a lower density.
- Create a waiver process for small, less resourced urban municipalities to opt out of housing needs plans.
- Provide a compromise option to enable limited minimum parking standards in Middle Housing and Key Corridors sections.

Streamline Implementation

- Create an implementation process for state agencies.
- Simplify implementation and provide more certainty by including more standards in statute, which enables less rulemaking and more clarity for local governments.
- Clarify that municipalities would be encouraged to continue use of existing local housing needs plans, with updates needed only to address additional requirements from SB 23-213, or if new data from housing needs assessments shows additional housing needs or issues.
- Clarify vague standards involving site “infeasibility”.
- Simplify water loss reporting section to streamline implementation.
- Clarify local authority and simplify the process for water supply and infrastructure exemptions.

Strengthen Stakeholder Input

- Add metropolitan planning organization and local government representation to the multi-agency committee.
- Improve public processes by ensuring access to translation and interpretation, outreach to underrepresented groups, and meeting options that are both in-person and virtual.