

SB213_L.005

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government & Housing.

SB23-213 be amended as follows:

- 1 Amend printed bill, page 8, line 19, strike "a current unmet housing need"
2 and substitute "an unmet housing need, as of 2022,".
- 3 Page 8, after line 23 insert:
 - 4 "(E) Older adults represent the fastest growing segment of
5 Colorado's population and have diverse housing needs that are not being
6 adequately met in the current housing market, including the need for more
7 accessible and affordable housing units built with universal design and
8 located within age friendly communities. The housing and land use
9 policies of the state shall be guided by the findings and recommendations
10 of the strategic action plan on aging, developed pursuant to section
11 24-32-3406, and the lifelong Colorado initiative created pursuant to
12 section 26-11-302, including the eight realms of livable and age friendly
13 communities;".
- 14 Reletter succeeding sub-subparagraphs accordingly.
- 15 Page 9, line 24, after "commutes," insert "reduced options for older adults
16 to age in community residential settings,".
- 17 Page 10, line 24, strike "levels." and substitute "levels and accessible for
18 people of all ages and abilities.".
- 19 Page 11, line 9, strike "state" and substitute "statewide".
- 20 Page 12, line 4, strike "2040" and substitute "2030".
- 21 Page 12, line 7, after "year." insert "According to the state demographer,
22 households with residents over age sixty-five are expected to increase by
23 197,000 from 2020 to 2030, meaning over half of the growth in
24 households across the state is expected to be households over sixty-five.".
- 25 Page 14, line 5, strike "and".
- 26 Page 15, line 3, strike "Planning." and substitute "Planning;".
- 27 Page 16, line 4, strike "Policy." and substitute "Policy; and".
- 28 Page 21, lines 5 and 6, strike "grew from two million to two million nine
29 hundred thousand," and substitute "increased by nearly fifty percent,".

1 Page 21, line 7, strike "(VI)" and substitute "(b)".

2 <{**The above amendments are to the nonstatutory leg. dec.**}>

3 Page 22, line 15, strike "AND".

4 Page 22, line 20, strike "DATA." and substitute "DATA; AND

5 (VIII) THE AFFORDABLE HOUSING TRANSFORMATIONAL TASK
6 FORCE ESTABLISHED IN SECTION 24-75-229 (6)(a), IDENTIFIED A
7 STATEWIDE HOUSING NEEDS ASSESSMENT AND PRODUCTION STRATEGY AS
8 A TOP LEGISLATIVE PRIORITY FOR COLORADO IN THE TASK FORCE'S
9 FEBRUARY 23, 2022, REPORT TO THE GENERAL ASSEMBLY.

10 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
11 DEVELOPMENT AND USE OF LAND IS A MATTER OF MIXED STATEWIDE AND
12 LOCAL CONCERN."

13 Page 22, strike lines 21 through 23.

14 <{**The above amendments are to the leg. dec. of part 1 of article 33:**
15 **section 29-33-101 in the printed bill.**}>

16 Page 23, line 12, strike "INCOME." and substitute "INCOME ON HOUSING
17 COSTS."

18 Page 23, strike lines 13 through 22 and substitute:

19 "(4) "BUS RAPID TRANSIT" MEANS A BUS-BASED TRANSIT SERVICE
20 THAT INCLUDES AT LEAST THREE OF THE FOLLOWING:

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

23 (b) DEDICATED LANES OR BUSWAYS;

24 (c) TRAFFIC SIGNAL PRIORITY;

25 (d) OFF-BOARD FARE COLLECTION;

26 (e) ELEVATED PLATFORMS; OR

27 (f) ENHANCED STATIONS."

28 Page 23, strike lines 26 and 27 and substitute:

29 "(6) "COTTAGE CLUSTER" MEANS A GROUPING OF TWO OR MORE
30 DETACHED HOUSING UNITS, EACH HOUSING UNIT HAVING A FOOTPRINT OF
31 NO MORE THAN NINE HUNDRED SQUARE FEET, AND THE GROUPING HAVING
32 A COMMON COURTYARD."

1 Page 24, strike lines 1 through 15 and substitute:

2 "(7) "DISCRETIONARY APPROVAL PROCESS" MEANS A
3 DEVELOPMENT APPROVAL PROCESS CONDUCTED PURSUANT TO LOCAL LAW
4 THAT REQUIRES A PUBLIC BODY OR OFFICIAL TO MAKE ONE OR MORE
5 SUBJECTIVE DETERMINATIONS, INCLUDING:

6 (a) EVALUATIONS OF CONSISTENCY OF AN APPLICATION WITH
7 LOCAL PLANS;

8 (b) COMPATIBILITY OR HARMONY OF AN APPLICATION WITH
9 SURROUNDING LAND USES OR DEVELOPMENT;

10 (c) INDIVIDUALIZED EVALUATIONS RELATING TO MITIGATION OF
11 IMPACTS; OR

12 (d) EVALUATION OF AN APPLICATION'S CONSISTENCY WITH PUBLIC
13 WELFARE.

14 (8) "DISPLACEMENT" MEANS THE RELOCATION OF RESIDENTS THAT
15 WOULD NOT HAVE OCCURRED IF NOT FOR INCREASED PRICES, RENTS, OR
16 OTHER ECONOMIC FACTORS."

17 Renumber succeeding subsections accordingly.

18 Page 24, strike lines 24 through 27.

19 Renumber succeeding sections accordingly.

20 Page 25, after line 3 insert:

21 "(11) "HISTORIC PROPERTY" MEANS A PROPERTY LISTED ON THE
22 NATIONAL REGISTER OF HISTORIC PLACES, LISTED ON THE COLORADO
23 STATE REGISTER OF HISTORIC PROPERTIES, OR LISTED AS A HISTORIC
24 LANDMARK BY A CERTIFIED LOCAL GOVERNMENT, AS DEFINED IN SECTION
25 39-22-514.5 (2)(b)."

26 Renumber succeeding subsections accordingly.

27 Page 25, line 5, strike "CITY, OR CITY AND COUNTY" and substitute "CITY
28 OR TOWN, OR HOME RULE COUNTY."

29 Page 25, strike lines 10 through 12 and substitute "DEVELOPMENTS."

30 Page 25, strike lines 20 through 27 and substitute:

31 "(16) (a) "MIDDLE HOUSING" MEANS A TYPE OF HOUSING THAT
32 INCLUDES BETWEEN TWO AND FOUR SEPARATE UNITS IN:

- 1 (I) A BUILDING DESIGNED AS A SINGLE STRUCTURE;
2 (II) A TOWNHOUSE; OR
3 (III) A COTTAGE CLUSTER.

4 (b) MUNICIPALITIES MAY DEFINE MIDDLE HOUSING TO INCLUDE
5 ADDITIONAL HOUSING TYPES AND EXPANDED HOUSING UNIT AMOUNTS, SO
6 LONG AS THE MUNICIPALITY'S DEFINITION IS NOT MORE RESTRICTIVE THAN
7 THE DEFINITION OF "MIDDLE HOUSING" IN SUBSECTION (17)(a) OF THIS
8 SECTION.

9 (17) "MIXED-INCOME DEVELOPMENT" MEANS HOUSING WHERE
10 SOME OF THE HOUSING UNITS WITHIN A PARTICULAR DEVELOPMENT HAVE
11 RESTRICTED RENTAL OR FOR-SALE RATES THAT ARE AFFORDABLE FOR
12 LOW- AND MODERATE-INCOME HOUSEHOLDS AND SOME UNITS HAVE
13 HIGHER RENTAL OR FOR-SALE RATES."

14 Page 26, strike lines 1 and 2.

15 Page 26, line 5, strike "AN" and substitute "THE COMMITTEE ESTABLISHED
16 IN SECTION 29-33-103."

17 Page 26, strike lines 6 through 14.

18 Page 26, line 15, after the second "GROUP" insert "CREATED IN THE
19 DEPARTMENT OF LOCAL AFFAIRS".

20 Page 26, line 22, strike "RESIDENTIAL".

21 Page 26, after line 24 insert:

22 "(22) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY
23 OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY."

24 Renumber succeeding subsections accordingly.

25 Page 27, strike lines 14 and 15 and substitute:

26 "(26) "POPULATION" MEANS CURRENT POPULATION AS REPORTED
27 BY THE STATE DEMOGRAPHER."

28 Page 27, strike line 19 and substitute "RESTRICT OR LIMIT RENTAL OR SALE
29 PRICE AND RESTRICT RESIDENT INCOME LEVELS TO LOW-TO
30 MODERATE-INCOME HOUSEHOLDS LEVELS FOR A SPECIFIED PERIOD."

31 Page 28, line 5, strike "HEADWAY".

1 Page 28, line 11, after "PAYMENT." insert "SUBJECT JURISDICTIONS MAY
2 APPLY THEIR OWN DEFINITION OF SHORT-TERM RENTAL FOR THE PURPOSES
3 OF THIS ARTICLE 33."

4 Page 28, strike lines 19 through 24 and substitute:

5 "(c) IS IN AN AGRICULTURAL, FORESTRY, NATURAL RESOURCE
6 PRESERVATION, OR OPEN SPACE ZONING DISTRICT;

7 (d) IS A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC
8 DISTRICT; OR"

9 Page 29, line 9, strike "THAT IS:" and substitute "THAT:".

10 Page 29, line 10, strike "WITHIN" and substitute "IS WITHIN".

11 Page 29, strike lines 21 through 24 and substitute:

12 "(34) "TOWNHOME" MEANS A SINGLE FAMILY DWELLING UNIT
13 CONSTRUCTED IN A GROUP OF ATTACHED UNITS IN WHICH EACH UNIT
14 EXTENDS FROM FOUNDATION TO ROOF AND HAS OPEN SPACE ON AT LEAST
15 TWO SIDES."

16 Page 30, strike lines 9 through 11 and substitute:

17 "(38) "USE BY RIGHT" MEANS A LAND USE, THE DEVELOPMENT OF
18 WHICH PROCEEDS UNDER OBJECTIVE STANDARDS SET FORTH IN ZONING OR
19 OTHER LOCAL LAWS, AND THAT DOES NOT HAVE A DISCRETIONARY
20 APPROVAL PROCESS."

21 <{***The above amendments are to the definitions section for article 33:***
22 ***section 29-33-102 in the printed bill.***}>

23 Page 30, after before line 12 insert:

24 "**29-33-103. Multi-agency advisory committee - rural resort**
25 **area committee - urban area advisory committee.** (1) THERE IS
26 HEREBY CREATED IN THE DEPARTMENT OF LOCAL AFFAIRS THE
27 MULTI-AGENCY ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS
28 THE COMMITTEE.

29 (2) THE COMMITTEE IS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
30 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND
31 FUNCTIONS UNDER THE DEPARTMENT OF LOCAL AFFAIRS.

32 (3) (a) THE COMMITTEE CONSISTS OF ELEVEN VOTING MEMBERS AS

1 FOLLOWS:

2 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
3 AFFAIRS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

4 (II) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY OFFICE,
5 OF THE EXECUTIVE DIRECTOR'S DESIGNEE;

6 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
7 TRANSPORTATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

8 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
9 RESOURCES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

10 (V) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
11 AGRICULTURE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

12 (VI) TWO MEMBERS WHO ARE STAFF-LEVEL REPRESENTATIVES
13 FROM METROPOLITAN PLANNING ORGANIZATIONS WHO ARE APPOINTED BY
14 THE GOVERNOR;

15 (VII) TWO MEMBERS WHO ARE STAFF-LEVEL REPRESENTATIVES
16 FROM URBAN MUNICIPALITIES WHO ARE APPOINTED BY THE GOVERNOR;

17 (VIII) TWO MEMBERS WHO ARE STAFF-LEVEL REPRESENTATIVES
18 FROM RURAL RESORT JOB CENTER MUNICIPALITIES WHO ARE APPOINTED BY
19 THE GOVERNOR.

20 (b) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS TO
21 THE COMMITTEE NO LATER THAN SEPTEMBER 1, 2023.

22 (4) EACH MEMBER OF THE COMMITTEE WHO IS APPOINTED
23 PURSUANT TO SUBSECTION (3) OF THIS SECTION SERVES AT THE PLEASURE
24 OF THE OFFICIAL WHO APPOINTED THE MEMBER. THE TERM OF
25 APPOINTMENT IS FOUR YEARS; EXCEPT THAT THE TERM OF EACH MEMBER
26 INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (3) OF THIS SECTION IS
27 TWO YEARS AND THE TERM OF EACH MEMBER INITIALLY APPOINTED
28 PURSUANT TO SUBSECTIONS (3) OF THIS SECTION IS ONE YEAR. NO MEMBER
29 OF THE COMMITTEE SHALL SERVE MORE THAN TWO CONSECUTIVE TERMS.

30 (6) (a) THE GOVERNOR SHALL CALL THE FIRST MEETING OF THE
31 COMMITTEE NO LATER THAN OCTOBER 1, 2023.

32 (b) THE COMMITTEE SHALL ELECT A CHAIR FROM AMONG ITS
33 MEMBERS TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS, AS
34 DETERMINED BY THE COMMITTEE. A MEMBER IS NOT ELIGIBLE TO SERVE
35 AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

36 (c) THE COMMITTEE SHALL MEET AT LEAST ONCE EVERY YEAR.
37 THE CHAIR MAY CALL SUCH ADDITIONAL MEETINGS AS ARE NECESSARY
38 FOR THE COMMITTEE TO COMPLETE ITS DUTIES.

39 (7) THE COMMITTEE SHALL COMPLETE ITS DUTIES AS REQUIRED BY
40 THIS ARTICLE 33.

41 (9) UPON REQUEST BY THE COMMITTEE, THE DEPARTMENT OF
42 LOCAL AFFAIRS SHALL PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF
43 SERVICES AS MAY BE NECESSARY TO IMPLEMENT THIS SECTION.

1 (10) (a) THERE IS CREATED AS PART OF THE MULTI-AGENCY
2 ADVISORY COMMITTEE THE RURAL RESORT SUBCOMMITTEE.

3 (b) THE RURAL RESORT AREA SUBCOMMITTEE CONSISTS OF THE
4 MEMBERS OF THE MULTI-AGENCY ADVISORY COMMITTEE APPOINTED
5 PURSUANT TO SUBSECTIONS (3)(a)(I), (3)(a)(II), (3)(a)(III), (3)(a)(IV),
6 (3)(a)(V), AND (3)(a)(VIII) OF THIS SECTION.

7 (c) THE GOVERNOR SHALL CALL THE FIRST MEETING OF THE RURAL
8 RESORT AREA SUBCOMMITTEE.

9 (d) THE RURAL RESORT AREA SUBCOMMITTEE SHALL ELECT A
10 CHAIR FROM AMONG ITS MEMBERS TO SERVE FOR A TERM NOT TO EXCEED
11 TWO YEARS, AS DETERMINED BY THE SUBCOMMITTEE. A MEMBER IS NOT
12 ELIGIBLE TO SERVE AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

13 (e) IN ACCORDANCE WITH 29-33-109, THE RURAL RESORT AREA
14 SUBCOMMITTEE SHALL DEVELOP RECOMMENDATIONS TO PRESENT TO THE
15 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
16 CONCERNING GUIDELINES RELATED TO RURAL RESORT JOB CENTER
17 MUNICIPALITIES.

18 (11) (a) THERE IS CREATED AS PART OF THE MULTI-AGENCY
19 ADVISORY COMMITTEE THE URBAN AREA SUBCOMMITTEE.

20 (b) THE URBAN AREA SUBCOMMITTEE CONSISTS OF THE MEMBERS
21 OF THE MULTI-AGENCY ADVISORY COMMITTEE APPOINTED PURSUANT TO
22 SUBSECTIONS (3)(a)(I), (3)(a)(II), (3)(a)(III), (3)(a)(IV), (3)(a)(V), AND
23 (3)(a)(VII) OF THIS SECTION.

24 (c) THE GOVERNOR SHALL CALL THE FIRST MEETING OF URBAN
25 AREA SUBCOMMITTEE.

26 (d) THE URBAN AREA SUBCOMMITTEE SHALL ELECT A CHAIR FROM
27 AMONG ITS MEMBERS TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS,
28 AS DETERMINED BY THE SUBCOMMITTEE. A MEMBER IS NOT ELIGIBLE TO
29 SERVE AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

30 (e) IN ACCORDANCE WITH SECTION 29-33-109, THE URBAN AREA
31 SUBCOMMITTEE SHALL DEVELOP RECOMMENDATIONS TO PRESENT TO THE
32 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
33 CONCERNING GUIDELINES RELATED TO URBAN CENTER MUNICIPALITIES."

34 Renumber succeeding sections accordingly.

35 Page 39, line 2, strike "29-33-103" and substitute "29-33-104".

36 Strike "29-33-104" and substitute "29-33-105" on: **Page 39**, line 4; **Page**
37 **42**, line 16; **Page 90**, line 17; **Page 95**, line 22; and **Page 96**, line 1.

38 Strike "29-33-105" and substitute "29-33-106" on: **page 34**: line 22; **Page**
39 **35**, line 11; **Page 39**, line 7; and **Page 41**, line 10.

1 Strike "29-33-106" and substitute "29-33-107" on: **Page 35**, line 11; and
2 **Page 39**, line 9.

3 Strike "29-33-107" and substitute "29-33-108" on: **Page 39**, line 11; and
4 **Page 104**, line 17.

5 Strike "29-33-108" and substitute "29-33-109" on: **Page 30**, line 18; **Page**
6 **33**, line 3; **Page 36**, line 9; **Page 37**, line 22; and **Page 44**, line 3.

7 Strike "29-33-109" and substitute "29-33-110" on: **Page 30**, line 13; **Page**
8 **90**, line 13; and **Page 95**, line 25.

9 Page 105, line 112, strike "29-33-111 (3)," and substitute "29-33-112
10 (3),".

11 Page 39, line 14, strike "29-33-112." and substitute "29-33-113."

12 <{*The above amendment creates the multi-agency advisory committee*
13 *in a new section 29-33-103.*>

14 Page 30, line 17, strike "DEMOGRAPHY OFFICE," and substitute
15 "DEMOGRAPHER,".

16 Page 31, line 1, strike "AND".

17 Page 31, strike lines 2 through 5 and substitute:

18 "(III) ESTIMATE THE HOUSING NECESSARY TO ACCOMMODATE THE
19 DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE STATE
20 DEMOGRAPHER, CATEGORIZED BY HOUSEHOLD SIZE; HOUSEHOLD TYPE,
21 INCLUDING FOR SUPPORTIVE, FOR-SALE, AND RENTAL HOUSING; AND
22 INCOME LEVEL, INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME,
23 AND LOW-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED STATES
24 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND

25 "(IV) ENSURE LOCAL GOVERNMENT INPUT AND COORDINATION;".

26 Page 31, strike lines 7 through 9 and substitute:

27 "(I) ASSESS REGIONAL HOUSING NEEDS FOR EACH REGION, BASED
28 ON:".

29 Page 31, line 11, strike "LEVELS;" and substitute "LEVELS, INCLUDING
30 EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME

1 HOUSEHOLDS AS DEFINED BY THE UNITED STATES DEPARTMENT OF
2 HOUSING AND URBAN DEVELOPMENT;"

3 Page 31, line 12, strike "AND".

4 Page 31, after line 12 insert:

5 "(C) CURRENT JOBS BY INCOME LEVEL;"

6 Reletter succeeding sub-subparagraph accordingly.

7 Page 31, after line 13 insert:

8 "(E) DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE
9 STATE DEMOGRAPHER; AND".

10 Page 31, strike lines 19 through 22 and substitute:

11 "(c) FOR LOCAL HOUSING NEEDS ASSESSMENTS, METHODS TO
12 ASSESS LOCAL HOUSING NEEDS FOR EACH LOCAL GOVERNMENT, BASED
13 ON:"

14 Page 31, line 24, strike "LEVELS;" and substitute "LEVELS, INCLUDING
15 EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME
16 HOUSEHOLDS AS DEFINED BY THE UNITED STATES DEPARTMENT OF
17 HOUSING AND URBAN DEVELOPMENT;"

18 Page 31, line 26, strike "BALANCE;" and substitute "BALANCE, INCLUDING
19 THE AVAILABILITY OF HOUSING AFFORDABLE TO LOW-INCOME WORKERS
20 IN THE LOCALITY;"

21 Page 32, line 2, strike "AND".

22 Page 32, strike line 3 and substitute:

23 "(VII) MEASURES OF HOMELESSNESS AND HOUSING INSTABILITY
24 IN THE LOCALITY; AND

25 (VIII) DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE
26 STATE DEMOGRAPHER."

27 Page 32, strike lines 14 through 16 and substitute:

28 "(I) HOUSING NEEDS IN THE AREA SORTED BY INCOME LEVELS,

1 INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND
2 LOW-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED STATES
3 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND UNIT TYPES,
4 INCLUDING ACCESSIBLE UNITS, SUPPORTIVE HOUSING, FOR-SALE HOUSING
5 AND RENTAL HOUSING;"

6 Page 32, line 21, strike "LOCAL GOVERNMENTS" and substitute
7 "MUNICIPALITIES".

8 <{*The above amendments are to the housing needs assessment section*
9 *of the bill in section 29-33-103 in the printed bill.*>

10 Page 33, lines 7 and 8, strike "BOTH RURAL RESORT JOB CENTER
11 MUNICIPALITIES AND".

12 Page 33, lines 11 and 12, strike "RURAL RESORT JOB CENTER
13 MUNICIPALITY AND".

14 Page 33, after line 15 insert:

15 "(b) IF A LOCAL GOVERNMENT NO LONGER QUALIFIES AS THE SAME
16 TIER OF URBAN MUNICIPALITY OR AS A RURAL RESORT JOB CENTER
17 MUNICIPALITY OR BEGINS TO QUALIFY AS A RURAL RESORT JOB CENTER
18 MUNICIPALITY, THE REQUIREMENTS OF THIS SUBSECTION (3) THAT APPLY
19 TO THE LOCAL GOVERNMENT'S NEW URBAN MUNICIPALITY TIER
20 DESIGNATION OR NEW RURAL RESORT JOB CENTER MUNICIPALITY
21 DESIGNATION APPLY FOR THE LOCAL GOVERNMENT'S NEXT HOUSING NEEDS
22 ASSESSMENT AND HOUSING NEEDS PLAN."

23 Reletter succeeding paragraph accordingly.

24 Page 33, line 17, strike "A RURAL RESORT JOB CENTER MUNICIPALITY OR"
25 and substitute "AN".

26 Page 33, lines 20 and 21, strike "RURAL RESORT JOB CENTER
27 MUNICIPALITY OR".

28 Page 33, after line 22 insert:

29 "(c) ON OR BEFORE JUNE 30, 2024, AND ON OR BEFORE JUNE 30
30 EVERY FIVE YEARS THEREAFTER, A TIER ONE OR TIER TWO URBAN
31 MUNICIPALITY WITH A POPULATION OF LESS THAN TWENTY-FIVE
32 THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME OF LESS THAN

1 FIFTY-FIVE THOUSAND DOLLARS NEED NOT SUBMIT A HOUSING NEEDS PLAN
2 TO THE DEPARTMENT OF LOCAL AFFAIRS, IF THE MUNICIPALITY INSTEAD
3 SENDS A LETTER TO THE DEPARTMENT IN A FORM AND MANNER
4 DETERMINED BY THE DEPARTMENT INDICATING THAT THE MUNICIPALITY
5 DOES NOT INTEND TO SUBMIT A HOUSING NEEDS PLAN."

6 Page 33, line 27, strike "RURAL RESORT JOB CENTER".

7 Page 34, line 1, strike "MUNICIPALITY OR".

8 Page 34, line 7, strike "RURAL RESORT JOB CENTER MUNICIPALITY OR".

9 Page 34, lines 15 and 16, strike "RURAL RESORT JOB CENTER
10 MUNICIPALITY OR".

11 Page 34, line 20, strike "RURAL RESORT JOB CENTER MUNICIPALITY OR".

12 Page 34, lines 22 and 23, strike "BOTH ADDRESS HOUSING NEEDS AND".

13 Page 34, strike line 25 and substitute:

14 "SUBJECT JURISDICTION'S LOCAL HOUSING NEEDS ASSESSMENT AND
15 ADDRESS AREAS AND HOUSING TYPES THAT PARTS 2 THROUGH 5 OF THIS
16 ARTICLE 33 APPLY TO IN THE SUBJECT JURISDICTION; AND".

17 Page 35, strike lines 2 through 5.

18 Reletter succeeding paragraph accordingly.

19 Page 35, line 12, after "AREAS." insert "ON OR BEFORE JUNE 30, 2025, AN
20 URBAN MUNICIPALITY SHALL SUBMIT THIS INFORMATION TO THE
21 DEPARTMENT OF LOCAL AFFAIRS."

22 Page 35, lines 13 and 14, strike "A RURAL RESORT JOB CENTER
23 MUNICIPALITY OR" and substitute "AN".

24 Page 35, after line 15 insert:

25 "(6) A RURAL RESORT JOB CENTER MUNICIPALITY OR URBAN
26 MUNICIPALITY THAT ADOPTED A PLAN TO ADDRESS LOCAL HOUSING NEEDS
27 PRIOR TO THE EFFECTIVE DATE OF THIS SECTION MAY, RATHER THAN
28 DEVELOPING AND ADOPTING A NEW HOUSING NEEDS PLAN PURSUANT TO
29 SUBSECTION (3) OF THIS SECTION, UPDATE ITS EXISTING PLAN TO ADDRESS

1 ADDITIONAL NEEDS IDENTIFIED IN THE LOCAL HOUSING NEEDS
2 ASSESSMENT BEYOND WHAT THE MUNICIPALITY'S EXISTING PLAN TO
3 ADDRESS LOCAL HOUSING NEEDS INCLUDES, AND ANY REQUIREMENTS IN
4 SECTION 29-33-105 (4) NOT ALREADY INCLUDED IN THE MUNICIPALITY'S
5 EXISTING PLAN TO ADDRESS LOCAL HOUSING NEEDS.

6 (7) (a) A COUNTY OR MUNICIPALITY WITHIN A REGION DEFINED IN
7 THE REGIONAL HOUSING NEEDS ASSESSMENT MAY PARTICIPATE IN A
8 REGIONAL HOUSING NEEDS PLANNING PROCESS.

9 (b) A REGIONAL HOUSING NEEDS PLANNING PROCESS MAY BE LED
10 BY A REGIONAL ENTITY AND MUST ENCOURAGE PARTICIPATING COUNTIES
11 AND MUNICIPALITIES TO IDENTIFY STRATEGIES THAT IMPROVE
12 COORDINATION BETWEEN ENTITIES TO MEET THE HOUSING NEEDS
13 IDENTIFIED FOR THOSE LOCAL GOVERNMENTS IN THE REGIONAL AND
14 LOCAL HOUSING NEEDS ASSESSMENTS."

15 Renumber succeeding subsection accordingly.

16 Page 35, lines 21, strike "EFFICIENT GROWTH AREA," and substitute
17 "STRATEGIC GROWTH AREA,".

18 <{*The above amendments are to the housing needs plans section of the*
19 *bill: section 29-33-104 in the printed bill.*>

20 Page 36, strike lines 2 through 24 and substitute:

21 **"29-33-106. Menu of urban municipality affordability**
22 **strategies - menu of rural resort job center municipality affordability**
23 **strategies. (1) IN ORDER TO SUPPORT AFFORDABILITY AND ADVANCE**
24 **MEETING THE HOUSING NEEDS OF ALL INCOME LEVELS IDENTIFIED IN THE**
25 **LOCAL HOUSING NEEDS ASSESSMENT, INCLUDING EXTREMELY**
26 **LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME HOUSEHOLDS AS**
27 **DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN**
28 **DEVELOPMENT, THE MENU OF AFFORDABILITY STRATEGIES FOR AN URBAN**
29 **MUNICIPALITY MUST INCLUDE THE FOLLOWING:**

30 (a) IMPLEMENTATION OF A LOCAL INCLUSIONARY ZONING
31 ORDINANCE IN ACCORDANCE WITH THE REQUIREMENTS SECTIONS
32 29-20-104 (e.5) AND (e.7);

33 (b) THE CREATION OF A PROGRAM TO SUBSIDIZE OR OTHERWISE
34 REDUCE LOCAL DEVELOPMENT REVIEW OR FEES, INCLUDING:

35 (I) BUILDING PERMIT FEES;

36 (II) PLANNING WAIVERS;

37 (III) WATER AND SEWER TAP FEES; AND

38 (IV) INFRASTRUCTURE COSTS FOR REGULATED AFFORDABLE

- 1 HOUSING DEVELOPMENT;
- 2 (c) THE CREATION OF AN EXPEDITED DEVELOPMENT REVIEW
3 PROCESS FOR REGULATED AFFORDABLE HOUSING DEVELOPMENTS;
- 4 (d) THE ESTABLISHMENT OF A DENSITY BONUS PROGRAM THAT
5 GRANTS INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT BEYOND
6 WHAT IS REQUIRED BY THIS ARTICLE 33 TO INCREASE THE CONSTRUCTION
7 OF REGULATED AFFORDABLE HOUSING UNITS;
- 8 (e) ENABLING REGULATED AFFORDABLE HOUSING AS A USE BY
9 RIGHT IN HOUSING TYPES AND AREAS BEYOND WHAT IS REQUIRED BY THIS
10 ARTICLE 33, SUCH AS ADDITIONAL ZONE DISTRICTS, HIGHER ALLOWED
11 DENSITIES, OR OTHER APPROACHES CONSISTENT WITH THE GOALS OF
12 INCREASING HOUSING AFFORDABILITY, SUPPLY, AND HOUSING UNIT TYPE
13 DIVERSITY;
- 14 (f) THE ESTABLISHMENT OF A POLICY OR PLAN TO LEVERAGE
15 MUNICIPALLY OWNED LAND FOR REGULATED AFFORDABLE HOUSING
16 DEVELOPMENT.
- 17 (g) THE ESTABLISHMENT OF A DEDICATED LOCAL REVENUE SOURCE
18 FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT;
- 19 (h) REGULATION OF SHORT-TERM RENTALS OR SECOND HOMES;
- 20 (i) THE ELIMINATION OF LOCAL PARKING REQUIREMENTS FOR
21 REGULATED AFFORDABLE HOUSING;
- 22 (j) A COMMITMENT TO REMAINING ELIGIBLE FOR THE STATEWIDE
23 AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102 (1); AND
- 24 (k) ANY OTHER STRATEGIES PROPOSED BY A LOCAL GOVERNMENT
25 OR THE MULTI-AGENCY ADVISORY COMMITTEE THAT ARE APPROVED BY
26 THE DEPARTMENT OF LOCAL AFFAIRS AND THAT SUPPORT EQUAL OR
27 GREATER AFFORDABILITY CONSISTENT WITH THE NEEDS IDENTIFIED IN THE
28 RELEVANT LOCAL HOUSING NEEDS ASSESSMENT.
- 29 (2) (a) URBAN MUNICIPALITIES SHALL ADOPT THE NUMBER OF
30 AFFORDABILITY STRATEGIES REQUIRED BY SECTIONS 29-33-105 (4)(e)(I)
31 AND SUBMIT A REPORT DETAILING THESE STRATEGIES TO THE DEPARTMENT
32 OF LOCAL AFFAIRS NO LATER THAN JUNE 30, 2025. IN DETERMINING WHICH
33 STRATEGIES TO ADOPT, AN URBAN MUNICIPALITY SHALL CONSIDER
34 PREVIOUS PLANS ADDRESSING HOUSING NEEDS OR OTHER AVAILABLE DATA
35 TO INFORM THE SELECTION OF STRATEGIES TO ADDRESS KNOWN HOUSING
36 NEEDS.
- 37 (b) THE AFFORDABILITY STRATEGIES IDENTIFIED IN SUBSECTIONS
38 (1)(c) AND (1)(j) OF THIS SECTION CANNOT BE USED TO SATISFY THE
39 REQUIREMENTS OF SECTION 29-33-105 (4)(e)(I).
- 40 (3) IN ORDER TO SUPPORT AFFORDABILITY AND ADVANCE MEETING
41 THE HOUSING NEEDS OF ALL INCOME LEVELS IDENTIFIED IN THE LOCAL
42 HOUSING NEEDS ASSESSMENT, THE MENU OF AFFORDABILITY STRATEGIES
43 FOR A RURAL RESORT JOB CENTER MUNICIPALITY MUST INCLUDE THE

1 FOLLOWING:

2 (a) A STRATEGY DEFINED BY THE RURAL RESORT JOB CENTER
3 MUNICIPALITY THAT SETS PARAMETERS FOR THE CONSTRUCTION AND
4 PERMITTING OF ACCESSORY DWELLING UNITS, MIDDLE HOUSING, AND
5 MULTIFAMILY HOUSING THAT:

6 (I) IS WITHIN A WALKABLE DISTANCE OF TRANSIT STOPS, WHEN
7 POSSIBLE;

8 (II) INCORPORATES AFFORDABILITY PROTECTIONS SUCH AS DEED
9 RESTRICTIONS AND SHORT-TERM RENTAL RESTRICTIONS AS IDENTIFIED BY
10 THE RURAL RESORT JOB CENTER MUNICIPALITY; AND

11 (III) PROVIDES HOUSING THAT MEETS THE RURAL RESORT JOB
12 CENTER MUNICIPALITY'S HOUSING AFFORDABILITY NEEDS AND DOES NOT
13 ENCOURAGE OR REQUIRE ANY HOUSING THAT DOES NOT MEET THE RURAL
14 RESORT JOB CENTER MUNICIPALITY'S HOUSING AFFORDABILITY NEEDS.

15 (b) IMPLEMENTING A LOCAL INCLUSIONARY ZONING ORDINANCE
16 IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 29-20-104 (e.5)
17 AND (e.7);

18 (c) THE CREATION OF A PROGRAM TO SUBSIDIZE OR OTHERWISE
19 REDUCE LOCAL DEVELOPMENT FEES, INCLUDING:

20 (I) BUILDING PERMIT FEES;

21 (II) WATER AND SEWER TAP FEES; AND

22 (III) OTHER INFRASTRUCTURE COSTS FOR REGULATED
23 AFFORDABLE HOUSING DEVELOPMENT;

24 (d) CREATING AN EXPEDITED DEVELOPMENT REVIEW PROCESS FOR
25 REGULATED AFFORDABLE HOUSING DEVELOPMENTS;

26 (e) ESTABLISHING A DENSITY BONUS PROGRAM THAT ALLOWS
27 INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT BEYOND WHAT IS
28 OTHERWISE REQUIRED BY THIS ARTICLE 33 TO INCREASE THE
29 CONSTRUCTION OF REGULATED AFFORDABLE HOUSING UNITS;

30 (f) ENABLING REGULATED AFFORDABLE HOUSING AS A USE BY
31 RIGHT IN HOUSING TYPES AND AREAS BEYOND WHAT IS REQUIRED BY THIS
32 ARTICLE 33, BY:

33 (I) CREATING ADDITIONAL ZONING DISTRICTS;

34 (II) ALLOWING HIGHER HOUSING DENSITY; OR

35 (II) ADOPTING OTHER APPROACHES CONSISTENT WITH THE GOALS
36 OF INCREASING HOUSING AFFORDABILITY, SUPPLY, AND HOUSING UNIT
37 TYPE DIVERSITY;

38 (g) ESTABLISHING A POLICY OR PLAN TO LEVERAGE
39 MUNICIPALLY-OWNED LAND FOR THE DEVELOPMENT OF REGULATED
40 AFFORDABLE HOUSING;

41 (h) ESTABLISHING A DEDICATED LOCAL REVENUE SOURCE FOR THE
42 DEVELOPMENT OF REGULATED AFFORDABLE HOUSING;

43 (i) REGULATING SHORT-TERM RENTALS OR SECOND HOMES;

- 1 (j) REDUCING OR ELIMINATING LOCAL PARKING REQUIREMENTS
2 FOR REGULATED AFFORDABLE HOUSING;
- 3 (k) MAKING A COMMITMENT TO AND REMAINING ELIGIBLE FOR THE
4 STATEWIDE AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102
5 (1);
- 6 (l) ADOPTING A POLICY THAT RESULTS IN NON-CONSTRUCTION
7 SOLUTIONS TO INCREASE AFFORDABLE HOUSING, INCLUDING THE:
- 8 (I) ACQUISITION OF DEED RESTRICTIONS ON EXISTING
9 MARKET-RATE HOUSING UNITS;
- 10 (II) PRESERVATION OF EXISTING DEED RESTRICTIONS; OR
11 (III) PROGRAMS TO DISINCENTIVE THE USE OF HOMES AS
12 NON-PRIMARY RESIDENCES;
- 13 (m) ADOPTING A REGIONAL HOUSING NEEDS PLAN WITH
14 MULTI-JURISDICTIONAL COMMITMENTS TO MEET IDENTIFIED HOUSING
15 TARGETS TO INCREASE THE SUPPLY OF AFFORDABLE HOUSING;
- 16 (n) ADOPTING A STRATEGY PROPOSED BY EITHER A LOCAL
17 GOVERNMENT OR THE MULTI-AGENCY ADVISORY COMMITTEE, AND THAT
18 IS APPROVED BY THE DEPARTMENT OF LOCAL AFFAIRS, THAT SUPPORTS
19 EQUAL OR GREATER HOUSING AFFORDABILITY CONSISTENT WITH THE
20 NEEDS IDENTIFIED IN THE RELEVANT LOCAL HOUSING NEEDS ASSESSMENT;
21 AND
- 22 (o) ADOPTING A POLICY OR REGULATORY TOOL THAT INCENTIVIZES
23 THE PROMOTION OF AFFORDABLE HOUSING DEVELOPMENT AS IDENTIFIED
24 IN SECTION 24-32-130 (3).
- 25 (4) RURAL RESORT JOB CENTER MUNICIPALITIES SHALL ADOPT AT
26 LEAST FIVE OF THE AFFORDABILITY STRATEGIES LISTED IN SUBSECTION (3)
27 OF THIS SECTION AND SUBMIT A REPORT DETAILING THESE STRATEGIES TO
28 THE DEPARTMENT OF LOCAL AFFAIRS NO LATER THAN JUNE 30, 2025. IN
29 DETERMINING WHICH STRATEGIES TO ADOPT, A RURAL RESORT JOB CENTER
30 MUNICIPALITY SHALL CONSIDER PREVIOUS PLANS ADDRESSING HOUSING
31 NEEDS OR OTHER AVAILABLE DATA TO INFORM THE SELECTION OF
32 STRATEGIES TO ADDRESS KNOWN HOUSING NEEDS.
- 33 (5) NOTWITHSTANDING SUBSECTION (4) OF THIS SECTION OR
34 SECTION 29-33-105 (4)(e)(I), A RURAL RESORT JOB CENTER MUNICIPALITY
35 OR URBAN MUNICIPALITY MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF
36 LOCAL AFFAIRS CONCERNING AFFORDABILITY STRATEGIES THAT THE
37 MUNICIPALITY HAS ADOPTED OUTSIDE OF THOSE LISTED IN THIS SECTION,
38 OR THAT THE MUNICIPALITY ADOPTED PRIOR TO THE EFFECTIVE DATE OF
39 THIS SECTION, AND THE DEPARTMENT MAY DETERMINE WHETHER THOSE
40 STRATEGIES MAY QUALIFY AS ~~AN~~ AFFORDABILITY STRATEGIES FOR
41 PURPOSES OF SUBSECTION (4) OF THIS SECTION OR SECTION 29-33-105
42 (4)(e)(I).".

1 <{The above amendments are to the menu of affordability strategies
2 section of the bill: section 29-33-105 in the printed bill.}>

3 Page 36, line 26, strike "DECEMBER 31, 2024," and substitute "JUNE 30,
4 2025,".

5 Page 37, line 2, after "MUNICIPALITIES." insert "THE EXECUTIVE DIRECTOR
6 SHALL DESIGN THE MENU WITH THE GOAL OF PROVIDING URBAN
7 MUNICIPALITIES WITH ADEQUATE GUIDANCE AND TOOLS TO PREVENT
8 DISPLACEMENT FROM AREAS AT HIGH RISK FOR DISPLACEMENT,
9 PARTICULARLY IN AREAS IMPACTED BY, AND WHERE HOUSING
10 DEVELOPMENT IS ALLOWED BY, PARTS 2, 3, 4, AND 5, OF THIS ARTICLE 33.".

11 Page 37, line 9, after "THE" insert "AREAS AT THE".

12 Page 37, line 10, strike "STANDARDS;" and substitute "STANDARDS. THIS
13 GUIDANCE MUST INCLUDE FACTORS THAT CAN BE USED TO IDENTIFY RISKS
14 FOR DISPLACEMENT AT THE NEIGHBORHOOD, CENSUS TRACT, OR OTHER
15 SMALL GEOGRAPHY LEVEL. THE FACTORS MUST INCLUDE THE FOLLOWING
16 FOR THE RELEVANT AREA:

- 17 (I) THE PERCENT OF RESIDENTS WHO ARE LOW-INCOME RESIDENTS;
18 (II) THE PERCENT OF RESIDENTS WHO ARE RENTERS;
19 (III) THE PERCENT OF COST-BURDENED HOUSEHOLDS;
20 (IV) THE NUMBER OF ADULTS WHO ARE TWENTY-FIVE YEARS OF
21 AGE OR OLDER AND HAVE NOT EARNED AT LEAST A HIGH SCHOOL
22 DIPLOMA;
23 (V) THE PERCENTAGE OF HOUSEHOLDS IN WHICH A LANGUAGE
24 OTHER THAN ENGLISH IS SPOKEN;
25 (VI) THE PERCENTAGE OF RESIDENTS WHO WERE BORN OUTSIDE OF
26 THE UNITED STATES;
27 (VII) THE EMPLOYMENT RATE;
28 (VIII) THE PERCENTAGE OF HOUSEHOLDS THAT DO NOT HAVE
29 INTERNET ACCESS."

30 Page 37, line 12, strike "LOCAL GOVERNMENT" and substitute
31 "MUNICIPALITY".

32 Page 37, lines 12 and 13, strike "ANTI-DISPLACEMENT" and substitute
33 "DISPLACEMENT MITIGATION".

34 Page 37, line 15, strike "CHOSE" and substitute "CHOOSE".

35 Page 37, after line 15 insert:

1 "(3) AN URBAN MUNICIPALITY MAY SUBMIT EVIDENCE TO THE
2 DEPARTMENT OF LOCAL AFFAIRS CONCERNING DISPLACEMENT MITIGATION
3 MEASURES THAT THE MUNICIPALITY HAS ADOPTED OUTSIDE OF THOSE
4 LISTED IN THIS SECTION, OR THAT THE MUNICIPALITY ADOPTED PRIOR TO
5 THE EFFECTIVE DATE OF THIS SECTION, AND THE DEPARTMENT MAY
6 DETERMINE WHETHER THOSE STRATEGIES MAY QUALIFY AS A
7 DISPLACEMENT MITIGATION MEASURE FOR PURPOSES OF SECTION
8 29-33-105 (4)(g).

9 (4) THE DEPARTMENT OF LOCAL AFFAIRS, SHALL PROVIDE
10 TECHNICAL ASSISTANCE AND FUNDING TO SUPPORT URBAN
11 MUNICIPALITIES IN CONDUCTING DISPLACEMENT ANALYSIS AND IN
12 IDENTIFYING DISPLACEMENT MITIGATION MEASURES TO ADDRESS THE
13 RISK OF DISPLACEMENT IN THE AREAS AT THE HIGHEST RISK OF
14 DISPLACEMENT."

15 <*{The above amendments are to the menu of displacement mitigation*
16 *measures section of the bill: section 29-33-106 in the printed bill.}*>

17 Page 37, strike lines 17 through 27 and substitute:

18 "LATER THAN MARCH 31, 2024, THE EXECUTIVE DIRECTOR OF THE
19 DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH A REPORT THAT
20 IDENTIFIES MULTI-AGENCY IMPLEMENTATION PRINCIPLES TO ACHIEVE
21 STRATEGIC GROWTH OBJECTIVES. THE EXECUTIVE DIRECTOR SHALL
22 UPDATE THIS REPORT EVERY FIVE YEARS.

23 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
24 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
25 29-33-109 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
26 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
27 CONCERNING THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS
28 SECTION.

29 (2) STRATEGIC GROWTH OBJECTIVES SERVE AS BROAD GUIDANCE
30 TO STATE AGENCIES AND OTHER ENTITIES ENGAGED IN THE
31 IMPLEMENTATION OF SENATE BILL 23-213, ARE INTENDED TO AID IN
32 REACHING THE HOUSING AND LAND USE GOALS OF SENATE BILL 23-213 AS
33 IDENTIFIED IN SUBSECTION (4) OF THIS SECTION, AND ARE TO BE UTILIZED
34 IN DEVELOPING MULTI-AGENCY IMPLEMENTATION PRINCIPLES FOR
35 STRATEGIC GROWTH OBJECTIVES. STRATEGIC GROWTH OBJECTIVES MUST,
36 AT A MINIMUM:

37 (a) CONSIDER THE DIFFERENT CONTEXTS AND NEEDS OF
38 STRATEGIC GROWTH AREAS IN RURAL, RURAL RESORT, AND URBAN AREAS
39 OF THE STATE;

40 (b) PROMOTE STRATEGIC GROWTH AREAS THAT HAVE:

- 1 (I) A VARIETY OF HOUSING TYPES;
2 (II) TRANSIT-SUPPORTIVE DENSITIES IN NEW OR EXISTING TRANSIT
3 CORRIDORS;
4 (III) MIDDLE HOUSING AND MULTIFAMILY HOUSING IN EXISTING
5 OR NEW WALKABLE MIXED-USE NEIGHBORHOODS AND CENTERS; AND
6 (IV) SUFFICIENT WATER SUPPLIES AND ALLOCATIONS TO
7 AFFORDABLE AND WATER-EFFICIENT HOUSING TYPES;
8 (c) IN LOCATIONS WHERE GROWTH IS OCCURRING BEYOND
9 EXISTING CENSUS URBANIZED AREAS, DIFFERENTIATE BETWEEN
10 STRATEGIC GROWTH AREAS, GENERAL GROWTH AREAS, AND
11 CONSERVATION AREAS;
12 (d) PROMOTE INVESTMENTS THAT SUPPORT STRATEGIC GROWTH
13 AREAS;
14 (e) STREAMLINE AGENCY PERMITTING PROCESSES TO SUPPORT
15 STRATEGIC GROWTH AREAS;
16 (f) REVIEW PROJECT PRIORITIZATION PROCESSES AND GRANT
17 PROGRAMS TO SUPPORT STRATEGIC GROWTH AREAS;
18 (g) CONSIDER STEPS TO SUPPORT STRATEGIC GROWTH OBJECTIVES
19 WHEN UPDATING PLANNING DOCUMENTS, INCLUDING PERFORMANCE
20 MEASURES AND PERFORMANCE TARGETS; AND
21 (h) IDENTIFY OTHER STRATEGIC GROWTH OBJECTIVES AS NEEDED
22 DURING THE IMPLEMENTATION OF THE MULTI-AGENCY IMPLEMENTATION
23 PRINCIPLES IDENTIFIED IN SUBSECTION (1)(a) OF THIS SECTION.
24 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
25 AFFAIRS SHALL IDENTIFY AND DEFINE ADDITIONAL STRATEGIC GROWTH
26 OBJECTIVES BEYOND THOSE IDENTIFIED IN SUBSECTION (2) OF THIS
27 SECTION.
28 (4) FOR THE PURPOSES OF THIS SECTION, THE HOUSING AND LAND
29 USE GOALS OF SENATE BILL 23-213 INCLUDE:
30 (a) PLANNING FOR FUTURE GROWTH;
31 (b) INCREASING HOUSING AFFORDABILITY;
32 (c) INCREASING ECONOMIC MOBILITY;
33 (d) ALIGNING WATER SUPPLY WITH HOUSING PLANNING;
34 (e) BALANCING REGIONAL JOBS AND HOUSING;
35 (f) REDUCING AIR POLLUTION AND GREENHOUSE GAS EMISSIONS;
36 AND
37 (g) PRESERVING OPEN SPACE AND AGRICULTURAL LAND.
38 (5) (a) NO LATER THAN JUNE 30, 2025, THE MULTI-AGENCY GROUP
39 SHALL SUBMIT A REPORT TO THE EXECUTIVE DIRECTOR OF THE
40 DEPARTMENT OF LOCAL AFFAIRS WHO SHALL SUBMIT THE REPORT TO THE
41 GENERAL ASSEMBLY.
42 (b) THE REPORT MUST ASSESS BOTH:
43 (I) THE AVAILABILITY AND SUFFICIENCY OF WATER SUPPLIES IN

1 COUNTIES WITH A POPULATION GREATER THAN TWO HUNDRED AND FIFTY
2 THOUSAND TO PROVIDE FOR ANTICIPATED GROWTH AND DEVELOPMENT;
3 AND

4 (II) POLICY OPTIONS TO OPTIMIZE WATER SUPPLY AND
5 DEVELOPMENT.

6 (c) ENTITIES WITH WATER SUPPLY MASTER PLANS SHALL MAKE
7 THEM AVAILABLE TO THE MULTI-AGENCY GROUP FOR THE DRAFTING OF
8 THE REPORT."

9 Page 38, strike lines 1 through 21.

10 <*The above amendment replaces the strategic growth objectives*
11 *section of the bill: section 29-33-107 in the printed bill.*>

12 Page 38, line 25, strike "COMMITTEE" and substitute "COMMITTEE
13 CREATED IN SECTION 29-33-103 (1), RURAL RESORT AREA SUBCOMMITTEE
14 CREATED IN SECTION 29-33-103 (10), OR THE URBAN AREA
15 SUBCOMMITTEE CREATED IN SECTION 29-33-103 (11),".

16 Page 39, line 19, strike "MEETINGS" and substitute "HEARINGS".

17 Page 39, line 17, strike "COMMITTEE" and substitute "COMMITTEE
18 CREATED IN SECTION 29-33-103 (1), RURAL RESORT AREA SUBCOMMITTEE
19 CREATED IN SECTION 29-33-103 (10), OR THE URBAN AREA
20 SUBCOMMITTEE CREATED IN SECTION 29-33-103 (11),".

21 Page 39, line 24, strike "AND".

22 Page 39, line 26, strike "FIELDS." and substitute "FIELDS; AND
23 "(e) ENSURE ACCESSIBILITY TO THE COMMENT AND HEARING
24 PROCESS BY PROVIDING TRANSLATED MATERIALS AND INTERPRETATION
25 SERVICES, PROVIDING AT LEAST ONE OF THE HEARINGS IN PERSON, AND
26 CONDUCTING OUTREACH TO ENCOURAGE PARTICIPATION FROM
27 UNDERREPRESENTED COMMUNITIES."

28 <*The above amendments are to the public comment and hearing*
29 *process section of the bill: section 29-33-108 in the printed bill.*>

30 Page 40, line 15, strike "30-28-106 (6.5)(d) AND 31-23-206 (6.5)(d)" and
31 substitute "30-28-106 AND 31-23-206".

32 <*The above amendments are to the natural and agricultural priorities*
33 *report section of the bill: section 29-33-109 in the printed bill.*>

1 Page 40, strike lines 17 through 27 and substitute:

- 2 **"housing needs plan process - rural resort job center municipality**
3 **housing needs plans.** (1) (a) A GROUP OF COUNTIES OR MUNICIPALITIES
4 MAY PARTICIPATE IN A REGIONAL HOUSING NEEDS PLANNING PROCESS.
5 (b) THE COUNTIES OR MUNICIPALITIES THAT PARTICIPATE IN A
6 PLANNING PROCESS:
7 (I) MAY UTILIZE DATA AND INFORMATION FROM A RURAL RESORT
8 REGIONAL HOUSING NEEDS ASSESSMENT THAT IS NO MORE THAN FIVE
9 YEARS OLD TO INFORM THEIR PARTICIPATION IN THE PLANNING PROCESS;
10 (II) ARE ENCOURAGED TO INCORPORATE STRATEGIC GROWTH
11 OBJECTIVES AS DEFINED IN SECTION 29-33-108 IN THE PLANNING PROCESS;
12 AND
13 (III) ARE ENCOURAGED TO IDENTIFY STRATEGIES THAT ADDRESS
14 THE HOUSING NEEDS IDENTIFIED IN LOCAL HOUSING NEEDS ASSESSMENTS
15 THROUGH THE ADOPTION OF INTERJURISDICTIONAL STRATEGIES.
16 (c) IF NO EXISTING REGIONAL PLAN EXISTS, A GROUP OF COUNTIES
17 OR MUNICIPALITIES MAY REQUEST THAT THE RURAL RESORT ADVISORY
18 COMMITTEE FACILITATE THE CREATION OF A REGIONAL PLANNING
19 PROCESS.
20 (d) BY DECEMBER 31, 2024, THE RURAL RESORT ADVISORY
21 COMMITTEE SHALL ISSUE A REPORT TO THE EXECUTIVE DIRECTOR OF THE
22 DEPARTMENT OF LOCAL AFFAIRS ON THE STATUS, OPPORTUNITIES, AND
23 CHALLENGES OF REGIONAL PLANNING IN THE RURAL RESORT REGIONS,
24 INCLUDING THE CONNECTION BETWEEN HOUSING AND TRANSPORTATION.
25 THE RURAL RESORT ADVISORY COMMITTEE SHALL ALSO EVALUATE AND
26 MAKE RECOMMENDATIONS ON THE USE OF DATA TO CREATE
27 AFFORDABILITY STRATEGIES IN REGIONAL AND LOCAL HOUSING
28 ASSESSMENTS AND REGIONAL AND LOCAL HOUSING PLANS THAT FOLLOW
29 STRATEGIC GROWTH OBJECTIVES AS DEFINED IN SECTION 29-33-108.
30 (2) (a) NO LATER THAN DECEMBER 31, 2026, AND EVERY FIVE
31 YEARS THEREAFTER, A RURAL RESORT JOB CENTER MUNICIPALITY SHALL
32 DEVELOP, ADOPT, AND SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS A
33 HOUSING NEEDS PLAN. THE HOUSING NEEDS PLAN MUST INCLUDE THE
34 FOLLOWING:
35 (I) A NARRATIVE DESCRIPTION OF THE STAKEHOLDER
36 ENGAGEMENT CONDUCTED DURING THE DEVELOPMENT OF THE HOUSING
37 NEEDS PLAN;
38 (II) AN ANALYSIS OF HOW THE RURAL RESORT JOB CENTER
39 MUNICIPALITY WILL ADDRESS LOCAL HOUSING NEEDS AS IDENTIFIED FROM
40 A REGIONAL HOUSING ASSESSMENT, INCLUDING THE DEMONSTRATED
41 HOUSING NEEDS FOR PERSONS OF DIFFERENT INCOME LEVELS; AND
42 (III) AN IMPLEMENTATION PLAN THAT DESCRIBES HOW THE RURAL

1 RESORT JOB CENTER MUNICIPALITY WILL COMPLY WITH THE SELECTED
2 AFFORDABILITY STRATEGIES FROM SECTION 29-33-106.

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

9 (c) THE DEPARTMENT OF LOCAL AFFAIRS SHALL POST THE HOUSING
10 NEEDS PLANS SUBMITTED BY RURAL RESORT JOB CENTER MUNICIPALITIES
11 PUBLICLY ON THE DEPARTMENT OF LOCAL AFFAIR'S WEBSITE."

12 Strike page 41.

13 Page 42, strike lines 1 through 20.

14 <{**The above amendment replaces the regional collaboration section of**
15 **the bill: section 29-33-110 in the printed bill.**>

16 Page 43, line 10, after "ENTITY." insert "BEGINNING JANUARY 1, 2026,
17 AND EVERY YEAR THEREAFTER, THE DEPARTMENT OF LOCAL AFFAIRS
18 SHALL PROVIDE A REPORT ON THE ASSISTANCE REQUESTED BY LOCAL
19 GOVERNMENTS PURSUANT TO THIS SECTION, WHETHER OR NOT ADEQUATE
20 STATE FUNDING IS AVAILABLE TO MEET THE ASSISTANCE REQUESTED BY
21 LOCAL GOVERNMENTS, AND ANY ADDITIONAL RESOURCES THAT LOCAL
22 GOVERNMENTS HAVE IDENTIFIED THAT WOULD HELP COMPLETE ADVISORY
23 HOUSING NEEDS PLANS."

24 <{**The above amendment is to the technical assistance section of the**
25 **bill: section 29-33-111 in the printed bill.**>

26 Page 44, line 9, after "2026," insert "AND NO LATER THAN DECEMBER 31
27 OF EACH YEAR THEREAFTER,".

28 Page 44, line 10, after "DATA" insert "FOR THE PREVIOUS CALENDAR
29 YEAR".

30 Page 44, line 11, strike "AFFAIRS ONCE EVERY YEAR:" and substitute
31 "AFFAIRS:".

32 Page 45, line 6, strike "DIVISION" and substitute "DEPARTMENT".

33 <{**The above amendments are to the reporting requirements section of**

1 *the bill: section 29-33-112 in the printed bill.*>

2 Page 47, line 12, strike "STATE" and substitute "STATEWIDE".

3 Page 47, lines 23 and 24, strike "MUNICIPALITY, RURAL RESORT JOB
4 CENTER MUNICIPALITY," and substitute "MUNICIPALITY".

5 Page 48, line 21, after "RIGHT" insert "AS AN ACCESSORY USE TO A
6 SINGLE-UNIT DETACHED DWELLING".

7 Page 48, strike line 24 and substitute "RIGHT; AND".

8 Page 49, line 1, after "OFF-STREET" insert "VEHICLE".

9 Page 49, line 6, after "RIGHT" insert "AS AN ACCESSORY USE TO A
10 SINGLE-UNIT DETACHED DWELLING".

11 Page 49, strike line 9 and substitute "RIGHT;".

12 Page 49, line 17, after "NONCONFORMANCE;" insert "AND".

13 Page 49, strike lines 18 through 24 and substitute:

14 "(d) ALLOW ACCESSORY DWELLING UNIT SIZES BETWEEN FIVE
15 HUNDRED AND EIGHT HUNDRED SQUARE FEET. SUBJECT JURISDICTIONS
16 MAY ADDITIONALLY PERMIT SMALLER OR LARGER ACCESSORY DWELLING
17 UNITS AT THEIR DISCRETION."

18 Page 50, strike lines 1 through 6 and substitute:

19 "(a) APPLY STANDARDS CONCERNING ARCHITECTURAL STYLE,
20 BUILDING MATERIALS, OR LANDSCAPING THAT ARE MORE RESTRICTIVE
21 THAN THE STANDARDS THAT THE SUBJECT JURISDICTION APPLIES TO A
22 SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT;"

23 Page 50, line 8, after "DELAYS" insert "IN THE PERMITTING OR APPROVAL
24 OF ACCESSORY DWELLING UNITS,"

25 Page 50, line 10, strike "ON AN ELIGIBLE PROPERTY INFEASIBLE;" and
26 substitute "PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT;"

27 Page 50, line 17, after "OFF-STREET" insert "VEHICLE".

- 1 Page 50, line 20, strike "GREATER THAN FIVE FEET".
- 2 Page 50, line 21, strike "UNIT," and substitute "UNIT GREATER THAN THE
3 MINIMUM SIDE SETBACK REQUIRED FOR A SINGLE-UNIT DETACHED
4 DWELLING OR THE SETBACK REQUIRED FOR OTHER ACCESSORY BUILDINGS
5 IN THE SAME ZONING DISTRICT,".
- 6 Page 50, line 27, strike "DECEMBER 31, 2024," and substitute "JUNE 30,
7 2025,".
- 8 Page 51, lines 7 and 8, strike "JUNE 30, 2025," and substitute "DECEMBER
9 31, 2025,".
- 10 Page 51, line 9, strike "PARCELS," and substitute "PARCELS AND THE
11 SUBJECT JURISDICTION SHALL NOT DENY OR CONDITION APPROVAL OF AN
12 APPLICATION FOR AN ACCESSORY DWELLING UNIT ON ANY APPLICABLE
13 PARCEL ON ANY BASIS THAT IS INCONSISTENT WITH THE MODEL CODE,"
14 and strike "29-33-303" and substitute "29-33-203".
- 15 Page 51, line 10, after "JURISDICTION" insert "AND REMAINS IN EFFECT".
- 16 Page 51, line 15, after "SECTION," insert "THE SUBJECT JURISDICTION'S
17 ACCESSORY DWELLING UNIT DECISIONS SHALL BE CONSISTENT WITH THE
18 MODEL CODE AND".
- 19 Page 51 strike lines 22 through 27 and substitute:
- 20 "(4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
21 MAY NOTIFY THE DEPARTMENT OF LOCAL AFFAIRS THAT AN EXEMPTION OR
22 AN EXTENSION IS NECESSARY FROM THE REQUIREMENTS OF SUBSECTION
23 (1) OF THIS SECTION.
- 24 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
25 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
26 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
27 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
28 EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED
29 IN THIS SUBSECTION (4)(b)(I), "DEFICIENT" INCLUDES, IN REFERENCE TO
30 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
31 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
32 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
33 APPLICABLE, ISSUES CONCERNING:
- 34 (I) WATER SUPPLY;
- 35 (II) WASTEWATER TREATMENT CAPACITY;

1 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION
2 CAPACITY; OR

3 (IV) STORMWATER MANAGEMENT CAPACITY.

4 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
5 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (4)(b) OF THIS
6 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
7 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
8 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
9 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
10 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN IN THE
11 NOTICE."

12 Reletter succeeding paragraph accordingly.

13 Page 52, strike lines 1 through 10.

14 Page 52, line 14, strike "DECEMBER 31, 2024," and substitute "JUNE 30,
15 2025,".

16 Page 53, lines 3 and 4, strike "STANDARDS OR HAS ADOPTED THE MODEL
17 CODE." and substitute "STANDARDS."

18 Page 53, line 9, strike "AMENDED;" and substitute "AMENDED, OR TO
19 OTHERWISE PROVIDE PARKING SIGNED FOR USE BY PERSONS EXPERIENCING
20 DISABILITIES;

21 (b) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE
22 PAYMENT OF IMPACT FEES IN CONFORMANCE WITH THE REQUIREMENTS OF
23 SECTION 29-20-104.5 OR THE MITIGATION OF IMPACTS IN CONFORMANCE
24 WITH THE REQUIREMENTS OF SECTION PART 2 OF ARTICLE 20 OF TITLE
25 29."

26 Reletter succeeding paragraphs accordingly.

27 Page 53, strike lines 15 and 16 and substitute:

28 "(e) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
29 DISTRICT TO A PARCEL ON WHICH AN ACCESSORY DWELLING UNIT IS
30 ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATING TO
31 DEMOLITION."

32 <{*The above amendments are to the accessory dwelling units section*
33 *of the bill: part 2 of title 33 in the printed bill.*>

- 1 Page 55, line 6, after "TWENTY-NINE" insert "PERCENT".
- 2 Page 56, line 3, strike "STATE" and substitute "STATEWIDE".
- 3 Page 56, lines 11 and 12, strike "A RURAL RESORT JOB CENTER
4 MUNICIPALITY OR".
- 5 Page 56, lines 14 and 15, strike "A RURAL RESORT JOB CENTER
6 MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY." and substitute "A
7 SUBJECT JURISDICTION".
- 8 Page 57, lines 15 and 16, strike "RIGHT AS OF JANUARY 1, 2023." and
9 substitute "RIGHT".
- 10 Page 57, strike lines 17 through 19 and substitute:
- 11 "(4) THE MODEL CODE MUST NOT ALLOW MINIMUM PARKING
12 REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING
13 OF MIDDLE HOUSING THAT ARE GREATER THAN ONE-HALF OF A PARKING
14 SPACE PER DWELLING UNIT, WHICH MAY BE ROUNDED UP."
- 15 Page 57, line 21, strike "TIER ONE URBAN MUNICIPALITY" and substitute
16 "SUBJECT JURISDICTION".
- 17 Page 57, line 23, strike "MUNICIPALITY'S" and substitute "SUBJECT
18 JURISDICTION'S".
- 19 Page 57, line 24, strike "MUNICIPALITY" and substitute "SUBJECT
20 JURISDICTION".
- 21 Page 57, line 25, strike "RIGHT AS OF JANUARY 1, 2023." and substitute
22 "RIGHT".
- 23 Page 57, strike lines 26 and 27.
- 24 Page 58, strike lines 1 through 4.
- 25 Reletter succeeding paragraph accordingly.
- 26 Page 58, line 13, after "NONCONFORMANCE;" insert "AND".
- 27 Page 58, line 15, strike "PROCEDURES; AND" and substitute
28 "PROCEDURES".

1 Page 58, strike lines 16 through 19.

2 Page 58, strike lines 23 through 27 and substitute:

3 "(a) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT
4 INDIVIDUALLY OR CUMULATIVELY CREATE UNREASONABLE COSTS OR
5 DELAYS IN THE PERMITTING OR APPROVAL OF MIDDLE HOUSING, OR THAT
6 MAKE THE PERMITTING, SITING, OR CONSTRUCTION OF MIDDLE HOUSING
7 PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT;

8 (b) APPLY STANDARDS PERTAINING TO ARCHITECTURAL
9 COMPATIBILITY, BUILDING MATERIALS, OR LANDSCAPING THAT ARE MORE
10 RESTRICTIVE THAN THE STANDARDS THAT THE SUBJECT JURISDICTION
11 APPLIES TO A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING
12 DISTRICT;"

13 Page 59, strike lines 1 through 4.

14 Page 59, strike lines 18 through 23.

15 Reletter succeeding paragraphs accordingly.

16 Page 59, strike line 27 and substitute:

17 "(g) APPLY MINIMUM PARKING REQUIREMENTS IN CONNECTION
18 WITH THE CONSTRUCTION OR PERMITTING OF MIDDLE HOUSING THAT ARE
19 GREATER THAN ONE-HALF OF A PARKING SPACE PER DWELLING UNIT,
20 WHICH MAY BE ROUNDED UP."

21 Page 60, strike line 1.

22 Page 60, line 6, strike "DECEMBER 31, 2024," and substitute "JUNE 30,
23 2025,".

24 Page 60, lines 6 and 7, strike "TIER ONE URBAN MUNICIPALITY" and
25 substitute "SUBJECT JURISDICTION".

26 Page 60, line 11, strike "TIER ONE URBAN MUNICIPALITY" and substitute
27 "SUBJECT JURISDICTION".

28 Page 60, lines 12 and 13, strike "JUNE 30, 2025," and substitute
29 "DECEMBER 31, 2025,".

30 Page 60, line 14, after "PARCELS," insert "AND THE SUBJECT JURISDICTION

1 SHALL NOT DENY OR CONDITION APPROVAL OF AN APPLICATION FOR A
2 MIDDLE HOUSING PROJECT ON ANY APPLICABLE PARCEL ON ANY BASIS
3 THAT IS INCONSISTENT WITH THE MODEL CODE,".

4 Page 60, lines 14 and 15, strike "URBAN MUNICIPALITY" and substitute
5 "SUBJECT JURISDICTION".

6 Page 60, line 16, strike "URBAN MUNICIPALITY" and substitute "SUBJECT
7 JURISDICTION".

8 Page 60, strike lines 18 through 27.

9 Page 61, strike lines 1 and 2.

10 Renumber succeeding subsections accordingly.

11 Page 61, line 4, after "EFFECT," insert "MIDDLE HOUSING DECISIONS ARE
12 REQUIRED TO BE CONSISTENT WITH THE MODE CODE".

13 Page 61, strike lines 13 through 27 and substitute:

14 "(3) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
15 MAY NOTIFY THE DEPARTMENT OF LOCAL AFFAIRS THAT AN EXEMPTION OR
16 AN EXTENSION IS NECESSARY FROM THE REQUIREMENTS OF SUBSECTION
17 (1) OF THIS SECTION.

18 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
19 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
20 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
21 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
22 EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED
23 IN THIS SUBSECTION (3)(b), "DEFICIENT" INCLUDES, IN REFERENCE TO THE
24 SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
25 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
26 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
27 APPLICABLE, ISSUES CONCERNING:

28 (I) WATER SUPPLY;

29 (II) WASTEWATER TREATMENT CAPACITY;

30 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION
31 CAPACITY; OR

32 (IV) STORMWATER MANAGEMENT CAPACITY.

33 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
34 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (4)(b) OF THIS
35 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO

1 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
2 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
3 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
4 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN IN THE
5 NOTICE."

6 Reletter succeeding paragraph accordingly.

7 Page 62, strike line 1.

8 Page 62, line 4, strike "(4)." and substitute "(3)."

9 Renumber succeeding subsection accordingly.

10 Page 62, line 5, strike "(I)", strike "DECEMBER 31, 2024," and substitute
11 "JUNE 30, 2025," and strike "TIER ONE URBAN" and substitute "SUBJECT
12 JURISDICTION".

13 Page 62, line 6, strike "MUNICIPALITY".

14 Page 62, strike lines 10 through 14.

15 Page 62, line 16, strike "(5)(a)" and substitute "(4)(a)".

16 Page 62, lines 26 and 27, strike "STANDARDS OR HAS ADOPTED THE
17 MODEL CODE." and substitute "STANDARDS."

18 Page 63, line 5, strike "AMENDED;" and substitute "AMENDED, OR TO
19 OTHERWISE PROVIDE PARKING SIGNED FOR USE BY PERSONS EXPERIENCING
20 DISABILITIES;"

21 Page 63, strike lines 6 through 9 and substitute:

22 "(b) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE
23 PAYMENT OF IMPACT FEES IN CONFORMANCE WITH THE REQUIREMENTS OF
24 SECTION 29-20-104.5 OR THE MITIGATION OF IMPACTS IN CONFORMANCE
25 WITH THE REQUIREMENTS OF SECTION PART 2 OF ARTICLE 20 OF TITLE 29;

26 (c) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO
27 MIDDLE HOUSING IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
28 29-20-104 (e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE 20 OF
29 TITLE 29;"

30 Reletter succeeding paragraphs accordingly.

1 Page 63, strike lines 14 and 15 and substitute:

2 "(f) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
3 DISTRICT TO A PARCEL ON WHICH MIDDLE HOUSING IS ALLOWED IN THAT
4 HISTORIC DISTRICT, INCLUDING RULES RELATING TO DEMOLITION."

5 <{*The above amendments are to the middle housing section of the bill:*
6 *part 3 of title 33 in the printed bill.*>

7 Page 65, after line 24, insert:

8 "(1) "ELIGIBLE PARCEL" MEANS A PARCEL THAT IS NOT:
9 (a) A STANDARD EXEMPT PARCEL;
10 (b) PART OF A PARCEL THAT INCLUDES LAND THAT IS A PARK AND
11 OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2);
12 (c) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;
13 OR
14 (d) ON OR ADJOINING A SITE THAT:
15 (I) IS CURRENTLY USED FOR AN INDUSTRIAL USE;
16 (II) CURRENTLY ALLOWS INDUSTRIAL USES;
17 (III) IS DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
18 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN; OR
19 (IV) IS OWNED BY, USED AS OR OPERATED BY AN AIRPORT."

20 Renumber succeeding subsections accordingly.

21 Page 66, line 16, strike "WITHIN A TIER ONE URBAN MUNICIPALITY." and
22 substitute "IN A SUBJECT JURISDICTION."

23 (2) IF A TRANSIT-ORIENTED AREA IS LOCATED WITHIN MULTIPLE
24 JURISDICTIONS, A SUBJECT JURISDICTION NEED ONLY MEET THE
25 REQUIREMENTS OF THIS PART 4 IN THE PARTS OF A TRANSIT-ORIENTED
26 AREA LOCATED WITHIN THE SUBJECT JURISDICTION."

27 Renumber succeeding subsection accordingly.

28 Page 66, line 18 "PARCELS THAT" and substitute "ELIGIBLE PARCELS."

29 Page 66, strike lines 19 through 23 and substitute:

30 "(4) WHERE THE REQUIREMENTS OF THIS PART 4 APPLY TO
31 PARCELS OR LOTS TO WHICH PARTS 2, 3, OR 5 OF THIS ARTICLE 33 ALSO
32 APPLY, THE REQUIREMENTS OF THIS PART 4 SHALL APPLY ALONG WITH ALL
33 OTHER RELEVANT PARTS."

- 1 Page 67, line 18, after "OFF-STREET" insert "VEHICLE".
- 2 Page 67, line 19, strike "RESIDENTIAL".
- 3 Page 67, strike lines 22 through 27 and substitute:
 - 4 "(b) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
 - 5 MULTIFAMILY RESIDENTIAL HOUSING OF AT LEAST FORTY UNITS PER ACRE
 - 6 NET DENSITY AS A USE BY RIGHT IN TRANSIT-ORIENTED AREAS; AND
 - 7 (c) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
 - 8 MIXED-INCOME MULTIFAMILY HOUSING OF AT LEAST SIXTY UNITS PER
 - 9 ACRE NET DENSITY AS A USE BY RIGHT IN TRANSIT-ORIENTED AREAS."
- 10 Page 68 strike lines 1 through 4.
- 11 Page 68, line 8, strike "AS:" and substitute "AS THE SUBJECT JURISDICTION
- 12 HAS ADOPTED AN INCLUSIONARY ZONING ORDINANCE THAT APPLIES
- 13 WITHIN TRANSIT-ORIENTED AREAS."
- 14 Page 68, strike lines 9 through 13.
- 15 Page 68, line 16, after "CREATE" insert "OR UPDATE".
- 16 Page 68, line 16 and 17, strike "WITHIN TRANSIT-ORIENTED AREAS" and
- 17 substitute "WITHIN EACH TRANSIT-ORIENTED AREA".
- 18 Page 68, line 18, strike "GROSS" and substitute "AVERAGE NET".
- 19 Page 68, line 20, strike "DISTRICTS" and substitute "SUBDISTRICTS".
- 20 Page 68, line 22, strike "GROSS" and substitute "AVERAGE NET".
- 21 Page 68, line 23, strike "THE ZONING DISTRICTS MUST" and substitute:
 - 22 "THE MINIMUM AREA OF THE ZONING DISTRICT OR SUBDISTRICTS MUST IN
 - 23 TOTAL BE GREATER THAN OR EQUAL TO FIFTY PERCENT OF THE AREA OF
 - 24 ELIGIBLE PARCELS IN EACH TRANSIT-ORIENTED AREA IN A SUBJECT
 - 25 JURISDICTION. A SUBJECT JURISDICTION MAY CHOOSE TO INCLUDE EXEMPT
 - 26 PARCELS, AS SPECIFIED IN SECTION 29-33-402, WHEN CALCULATING THE
 - 27 AREA OF ELIGIBLE PARCELS IN EACH TRANSIT-ORIENTED AREA IN A
 - 28 SUBJECT JURISDICTION."
- 29 Page 68, strike line 24.

- 1 Page 68, line 27, strike "GROSS" and substitute "AVERAGE NET".
- 2 Page 69, line 14, strike "INFEASIBLE;" and substitute "PHYSICALLY
3 IMPOSSIBLE OR PRACTICALLY DIFFICULT;".
- 4 Page 69, line 16, strike "SATISFYING THE MINIMUM RESIDENTIAL DENSITY
5 LIMITS" and substitute "A REQUIREMENT OF A CERTAIN DENSITY".
- 6 Page 69, line 17, strike "INFEASIBLE;" and substitute "PHYSICALLY
7 IMPOSSIBLE OR PRACTICALLY DIFFICULT;".
- 8 Page 69, line 18, after "OFF-STREET" insert "VEHICLE".
- 9 Page 69, line 25, strike "DECEMBER 31, 2024," and substitute "JUNE 30,
10 2025,".
- 11 Page 70, lines 4 and 5, strike "JUNE 30, 2025," and substitute "DECEMBER
12 31, 2025,".
- 13 Page 70, line 6, after "PARCELS," insert "AND THE SUBJECT JURISDICTION
14 SHALL NOT DENY OR CONDITION APPROVAL OF AN APPLICATION FOR A
15 MULTIFAMILY HOUSING PROJECT ON ANY APPLICABLE PARCEL ON ANY
16 BASIS THAT IS INCONSISTENT WITH THE MODEL CODE,".
- 17 Page 70, strike lines 7 through 9 and substitute: "JURISDICTION, UNTIL
18 THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE SUBJECT
19 JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH THE MINIMUM
20 STANDARDS.".
- 21 Page 70, line 12, after "SECTION," insert "THE SUBJECT JURISDICTION'S
22 ACCESSORY DWELLING UNIT DECISIONS SHALL BE CONSISTENT WITH THE
23 MODEL CODE AND".
- 24 Page 70, strike lines 20 through 27 and substitute:
- 25 "(4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
26 MAY NOTIFY THE DEPARTMENT OF LOCAL AFFAIRS THAT AN EXEMPTION OR
27 AN EXTENSION IS NECESSARY FROM THE REQUIREMENTS OF SUBSECTION
28 (1) OF THIS SECTION.
- 29 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
30 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
31 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
32 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION

1 EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED
2 IN THIS SUBSECTION (4)(b)(I), "DEFICIENT" INCLUDES, IN REFERENCE TO
3 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
4 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
5 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
6 APPLICABLE, ISSUES CONCERNING:

- 7 (I) WATER SUPPLY;
- 8 (II) WASTEWATER TREATMENT CAPACITY;
- 9 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION
10 CAPACITY; OR
- 11 (IV) STORMWATER MANAGEMENT CAPACITY.

12 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
13 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (4)(b) OF THIS
14 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
15 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
16 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
17 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
18 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN IN THE
19 NOTICE."

20 Reletter succeeding paragraph accordingly.

21 Page 71, strike lines 1 through 8.

22 Page 71, line 12, strike "DECEMBER 31, 2024," and substitute "JUNE 30,
23 2025,".

24 Page 72, lines 1 and 2, strike "STANDARDS OR HAS ADOPTED THE MODEL
25 CODE." and substitute "STANDARDS.".

26 Page 72, line 8, strike "AMENDED;" and substitute "AMENDED, OR TO
27 OTHERWISE PROVIDE PARKING SIGNED FOR USE BY PERSONS EXPERIENCING
28 DISABILITIES;".

29 Page 72, strike lines 9 through 12 and substitute:

30 (b) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE
31 PAYMENT OF IMPACT FEES IN CONFORMANCE WITH THE REQUIREMENTS OF
32 SECTION 29-20-104.5 OR THE MITIGATION OF IMPACTS IN CONFORMANCE
33 WITH THE REQUIREMENTS OF PART 2 OF ARTICLE 20 OF TITLE 29;

34 (c) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN
35 TRANSIT-ORIENTED AREAS IN ACCORDANCE WITH THE REQUIREMENTS OF
36 SECTION 29-20-104 (e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE

1 20 OF TITLE 29:".

2 Reletter succeeding paragraphs accordingly.

3 Page 72, strike lines 19 and 20 and substitute:

4 "(g) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
5 DISTRICT TO A PARCEL ON WHICH HOUSING IN A TRANSIT-ORIENTED AREA
6 IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATING TO
7 DEMOLITION."

8 <{*The above amendments are to the transit-oriented areas section of*
9 *the bill: part 4 of title 33 in the printed bill.*>

10 Page 72, line 26, after "TRANSIT" insert "AREAS".

11 Page 76, line 2, strike "DEALINGS" and substitute "DWELLINGS".

12 Page 76, strike lines 14 through 17 and substitute:

13 "(1) "ELIGIBLE PARCEL" MEANS A PARCEL, EXCLUDING THE
14 PARCELS IDENTIFIED IN SECTION 29-33-504 (3) THAT HAS AT LEAST
15 TWENTY-FIVE PERCENT OF ITS AREA WITHIN KEY CORRIDORS."

16 Page 76, line 22, strike "29-33-504 (1)(a)" and substitute "29-33-503
17 (1)(a) AND DESIGNATED AS KEY CORRIDORS IN THE KEY CORRIDORS MAP
18 PUBLISHED BY THE DEPARTMENT OF TRANSPORTATION PURSUANT TO
19 SECTION 29-33-503."

20 Page 76, after line 24 insert:

21 "(6) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS
22 MULTIFAMILY HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING
23 UNITS ARE SET ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN
24 EIGHTY PERCENT OF THE AREA MEDIAN INCOME. FOR THE PURPOSES OF
25 DEFINING "MIXED-INCOME MULTIFAMILY HOUSING" IN THIS SUBSECTION
26 (5), A SUBJECT JURISDICTION WITH A LOCAL INCLUSIONARY ZONING
27 ORDINANCE THAT APPLIES IN A KEY CORRIDOR MAY APPLY ITS
28 ORDINANCE'S PROVISIONS INCLUDING AREA MEDIAN INCOME THRESHOLDS
29 AND REQUIREMENTS FOR THE PERCENTAGE OF UNITS THAT MUST BE SET
30 ASIDE FOR HOUSEHOLDS BELOW THAT AREA MEDIAN INCOME."

31 Renumber succeeding subsections accordingly.

1
2 Page 77, strike lines 1 through 3.

3 Renumber succeeding subsection accordingly.

4 Page 77, lines 4 and 5, strike "RURAL RESORT JOB CENTER MUNICIPALITY
5 OR A".

6 Page 77, strike lines 6 through 27 and substitute:

7 **"29-33-503. Key corridors map.** (1) (a) NO LATER THAN MARCH
8 31, 2024, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
9 TRANSPORTATION SHALL CREATED A KEY CORRIDORS MAP THAT
10 DESIGNATES KEY CORRIDORS.

11 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
12 THE PROCESS USED BY THE MULTI-AGENCY ADVISORY COMMITTEE TO
13 DEVELOP RECOMMENDATIONS FOR THE MODEL CODE PURSUANT TO
14 SECTION 29-33-505 (2), PROVIDE RECOMMENDATIONS TO THE EXECUTIVE
15 DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION CONCERNING THE
16 CREATION OF THE KEY CORRIDORS MAP.

17 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
18 TRANSPORTATION SHALL INCLUDE THE FOLLOWING AREAS IN THE KEY
19 CORRIDORS MAP:

20 (a) AREAS WITHIN ONE-HALF MILE OF A BUS STOP ON A LIMITED
21 ACCESS HIGHWAY SERVED BY AN EXISTING OR PLANNED COMMUTER BUS
22 RAPID TRANSIT SERVICE;

23 (b) AREAS WITHIN ONE-QUARTER MILE OF:

24 (I) A BUS STOP NOT ON A LIMITED ACCESS HIGHWAY SERVED BY AN
25 EXISTING OR PLANNED COMMUTER BUS RAPID TRANSIT SERVICE;

26 (II) A ROADWAY SERVED BY AN EXISTING OR PLANNED URBAN BUS
27 RAPID TRANSIT SERVICE;

28 (III) A ROADWAY WITHIN A CENSUS URBANIZED AREA SERVED BY
29 A BUS ROUTE THAT IS BOTH SCHEDULED TO RUN EVERY FIFTEEN MINUTES
30 OR LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS AND IS AT
31 LEAST ONE MILE LONG; OR

32 (IV) A BUS STOP SERVED BY A BUS ROUTE THAT:

33 (A) IS SCHEDULED TO RUN EVERY FIFTEEN MINUTES OR LESS
34 DURING THE HIGHEST FREQUENCY SERVICE HOURS;

35 (B) IS AT LEAST ONE MILE LONG; AND

36 (C) THAT RUNS ON A LIMITED ACCESS HIGHWAY OR OUTSIDE OF AN
37 AREA THAT IS DESIGNATED AS AN URBANIZED AREA BY THE MOST RECENT
38 FEDERAL DECENNIAL CENSUS; AND

39 (c) PARCELS ZONED FOR COMMERCIAL, INSTITUTIONAL, OR MIXED

1 USES AND THAT HAVE AT LEAST TWENTY-FIVE PERCENT OF THEIR AREA
2 WITHIN ONE-EIGHTH MILE OF A ROADWAY SERVED BY A FIXED ROUTE BUS
3 SERVICE."

4 Page 78, strike line 1.

5 Page 78, lines 2 and 3, strike "LOCAL AFFAIRS" and substitute
6 "TRANSPORTATION".

7 Page 78, line 3, strike "FREQUENT TRANSIT SERVICE AREA" and substitute
8 "KEY CORRIDOR".

9 Page 78, line 11, strike "FREQUENT TRANSIT SERVICE AREAS," and
10 substitute "KEY CORRIDORS,".

11 Page 78, line 12, strike "LOCAL AFFAIRS" and substitute
12 "TRANSPORTATION".

13 Page 78, after line 13 insert:

14 "(5) WHERE THE REQUIREMENTS OF THIS PART 5 APPLY TO
15 PARCELS OR LOTS TO WHICH PARTS 2, 3, OR 4 OF THIS ARTICLE 33 ALSO
16 APPLY, THE REQUIREMENTS OF THIS PART 5 SHALL APPLY ALONG WITH ALL
17 OTHER RELEVANT PARTS."

18 Page 78, line 14, strike "(a)".

19 Page 78, line 16, strike "PARCELS" insert "ALL ELIGIBLE PARCELS."

20 Page 78, strike lines 17 through 27.

21 Page 79, strike lines 1 through 6.

22 Page 79, lines 8 and 9, strike "RURAL RESORT JOB CENTER MUNICIPALITY
23 OR A TIER ONE URBAN MUNICIPALITY" and substitute "SUBJECT
24 JURISDICTION".

25 Page 79, line 13, strike "OR".

26 Page 79, after line 13, insert:

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

1 (c) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;
2 OR".

3 Reletter succeeding paragraph accordingly.

4 Page 79, line 14, strike "THAT IS:" and substitute "THAT:".

5 Page 79, strike lines 15 through 19 and substitute:

6 (I) IS CURRENTLY USED FOR AN INDUSTRIAL USE;
7 (II) CURRENTLY ALLOWS INDUSTRIAL USES;
8 (III) IS DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
9 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN; OR
10 (IV) IS OWNED BY, USED AS, OR OPERATED BY AN AIRPORT."

11 Page 80, strike lines 12 through 27 and substitute:

12 (a) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
13 MULTIFAMILY HOUSING AS A USE BY RIGHT IN KEY CORRIDORS WITH
14 DENSITIES NO LESS THAN:

15 (I) FORTY MULTIFAMILY HOUSING DWELLING UNITS PER ACRE NET
16 DENSITY IN AREAS DESIGNATED IN A KEY CORRIDORS MAP DUE TO THEIR
17 PROXIMITY TO COMMUTER BAS RAPID TRANSIT SERVICE OR URBAN BUS
18 RAPID TRANSIT SERVICE; AND

19 (II) THIRTY MULTIFAMILY HOUSING DWELLING UNITS PER ACRE
20 NET DENSITY FOR ALL OTHER AREAS DESIGNATED AS A KEY CORRIDOR;
21 AND

22 (b) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
23 MIXED-INCOME MULTIFAMILY HOUSING, WITH DENSITIES UP TO AT LEAST
24 ONE HUNDRED AND FIFTY PERCENT OF THE DENSITY LIMITS ESTABLISHED
25 FOR MULTIFAMILY HOUSING IN SUBSECTION (3)(a) OF THIS SECTION, AS A
26 USE BY RIGHT IN KEY CORRIDORS. AFFORDABLE UNITS WITHIN
27 MIXED-INCOME MULTIFAMILY HOUSING DEVELOPMENTS MUST BE OF A
28 SIMILAR SIZE AS THE OTHER UNITS IN THE DEVELOPMENT.

29 (4) THE MODE CODE MUST NOT ALLOW MINIMUM PARKING
30 REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING
31 OF MULTIFAMILY HOUSING IN KEY CORRIDORS THAT ARE GREATER THAN
32 ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE
33 ROUNDED UP.

34 **29-33-506. Minimum standards.** (1) NOTWITHSTANDING ANY
35 LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT
36 ADOPT THE MODEL CODE SHALL CREATE A ZONING DISTRICT OR DISTRICTS
37 WITHIN KEY CORRIDORS IN WHICH MULTIFAMILY HOUSING IS ALLOWED AS

1 A USE BY RIGHT.

2 (2) THE MINIMUM AREA OF THE ZONING DISTRICT OR DISTRICTS
3 REQUIRED BY SUBSECTION (1) OF THIS SECTION AND ALLOWED BY
4 SUBSECTION (5) OF THIS SECTION MUST IN TOTAL BE GREATER THAN OR
5 EQUAL TO TWENTY FIVE PERCENT OF THE AREA OF ELIGIBLE PARCELS IN
6 KEY CORRIDORS IN THE SUBJECT JURISDICTION. A SUBJECT JURISDICTION
7 MAY CHOOSE TO INCLUDE EXEMPT PARCELS SPECIFIED IN SECTION
8 29-33-504(3) IN THE CALCULATION OF THE AREA OF ELIGIBLE PARCELS IN
9 KEY CORRIDORS IN THE SUBJECT JURISDICTION.

10 (3) WITHIN THE ZONING DISTRICT OR DISTRICTS REQUIRED BY
11 SUBSECTION (1) OF THIS SECTION, A SUBJECT JURISDICTION SHALL ALLOW
12 MULTIFAMILY HOUSING AS A USE BY RIGHT AT AN AVERAGE NET DENSITY
13 OF AT LEAST:

14 (a) THIRTY MULTIFAMILY HOUSING DWELLING UNITS PER ACRE IN
15 AREAS DESIGNATED IN A KEY CORRIDORS MAP DUE TO THEIR PROXIMITY
16 TO COMMUTER BUS RAPID TRANSIT SERVICE OR URBAN BUS RAPID TRANSIT
17 SERVICE; AND

18 (b) TWENTY MULTIFAMILY HOUSING DWELLING UNITS PER ACRE
19 IN ALL OTHER AREAS DESIGNATED IN A KEY CORRIDORS MAP.

20 (4) SUBJECT JURISDICTIONS MAY ESTABLISH MULTIPLE ZONING
21 DISTRICTS THAT ALLOW DIFFERENT DENSITIES OF MULTIFAMILY HOUSING,
22 SO LONG AS THE AVERAGE IS MET ACROSS ALL OF THE ZONING DISTRICT OR
23 DISTRICTS REQUIRED BY SUBSECTION (1) OF THIS SECTION IN THE SUBJECT
24 JURISDICTION. SUBJECT JURISDICTIONS ARE ENCOURAGED TO LOCATE
25 DISTRICTS IN CENTERS OR ALONG CORRIDORS THAT ARE PLANNED FOR
26 MIXED-USE, WALKABLE AREAS.

27 (5) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
28 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY
29 MEET THE AVERAGE NET DENSITY REQUIREMENTS ESTABLISHED IN THE
30 MINIMUM STANDARDS BY ADOPTING LOCAL LAWS APPLICABLE TO A
31 ZONING DISTRICT OR ZONING DISTRICTS COVERING AREAS OUTSIDE OF KEY
32 CORRIDORS, SO LONG AS THE ZONING DISTRICT OR ZONING DISTRICTS
33 SATISFY THE AREA REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION,
34 AND IF EITHER:

35 (a) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR

36 (b) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
37 AREAS FOR TRANSIT-COMPATIBLE USE IN OTHER AREAS."

38 Strike page 81.

39 Page 82, strike lines 1 and 2.

40 Page 82, strike line 15 and substitute "DENSITY REQUIREMENTS

1 ESTABLISHED IN SECTION 29-33-505 (3)(a) PHYSICALLY IMPOSSIBLE OR
2 PRACTICALLY DIFFICULT; OR".

3 Page 82, strike lines 16 through 18 and substitute:

4 "(c) APPLY MINIMUM PARKING REQUIREMENTS IN CONNECTION
5 WITH THE CONSTRUCTION OR PERMITTING OF MULTIFAMILY HOUSING IN
6 KEY CORRIDORS THAT ARE GREATER THAN ONE-HALF OF A PARKING SPACE
7 PER DWELLING UNIT, WHICH MAY BE ROUNDED UP."

8 Page 82, after line 21, insert:

9 "(7) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROVIDE
10 TECHNICAL ASSISTANCE OR FUNDING TO METROPOLITAN PLANNING
11 ORGANIZATIONS AND SUBJECT JURISDICTIONS TO ADOPT MINIMUM
12 STANDARDS FOR KEY CORRIDORS THAT SUPPORT REGIONAL PLANNING
13 GOALS."

14 Page 82, line 23, strike "DECEMBER 31, 2026," and substitute "JUNE 30,
15 2025,".

16 Page 83, lines 2 and 3, strike "JUNE 30, 2027," and substitute "DECEMBER
17 31, 2025,".

18 Page 83, line 4, strike "IN KEY CORRIDORS, AS SPECIFIED IN SECTION
19 29-33-504," and substitute "AND THE SUBJECT JURISDICTION SHALL NOT
20 DENY OR CONDITION THE APPROVAL OF AN APPLICATION FOR A
21 MULTIFAMILY HOUSING PROJECT ON ANY APPLICABLE PARCEL ON ANY
22 BASIS THAT IS INCONSISTENT WITH THE MODEL CODE,".

23 Page 83, line 5, after "JURISDICTION" insert "AND REMAINS IN EFFECT".

24 Page 83, line 9, strike "EFFECT" and substitute "EFFECT, KEY CORRIDOR
25 DECISIONS ARE REQUIRED TO BE CONSISTENT WITH THE MODEL CODE".

26 Page 83, line 15, strike "ACCESSORY DWELLING".

27 Page 83, strike lines 18 through 27 and substitute:

28 "(4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
29 MAY NOTIFY THE DEPARTMENT OF LOCAL AFFAIRS THAT AN EXEMPTION OR
30 AN EXTENSION IS NECESSARY FROM THE REQUIREMENTS OF SUBSECTION
31 (1) OF THIS SECTION.

1 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
2 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
3 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
4 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
5 EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED
6 IN THIS SUBSECTION (4)(b)(I), "DEFICIENT" INCLUDES, IN REFERENCE TO
7 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
8 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
9 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
10 APPLICABLE, ISSUES CONCERNING:

11 (I) WATER SUPPLY;

12 (II) WASTEWATER TREATMENT CAPACITY;

13 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION
14 CAPACITY; OR

15 (IV) STORMWATER MANAGEMENT CAPACITY.

16 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
17 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (4)(b) OF THIS
18 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
19 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
20 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
21 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
22 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN IN THE
23 NOTICE."

24 Reletter succeeding paragraph accordingly.

25 Page 84, strike lines 1 through 6.

26 Page 84, line 10, strike "DECEMBER 31, 2026," and substitute "JUNE 30,
27 2025,".

28 Page 84, lines 10 and 11, strike "RURAL RESORT JOB CENTER
29 MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY" and substitute
30 "SUBJECT JURISDICTION".

31 Page 84, lines 26 and 27, strike "STANDARDS OR HAS ADOPTED THE
32 MODEL CODE." and substitute "STANDARDS.".

33 Page 85, line 5, strike "AMENDED;" and substitute "AMENDED, OR TO
34 OTHERWISE PROVIDE PARKING SIGNED FOR USE BY PERSONS EXPERIENCING
35 DISABILITIES;".

36 Page 85, strike lines 6 through 9 and substitute:

1 "(b) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE
2 PAYMENT OF IMPACT FEES IN CONFORMANCE WITH THE REQUIREMENTS OF
3 SECTION 29-20-104.5 OR THE MITIGATION OF IMPACTS IN CONFORMANCE
4 WITH THE REQUIREMENTS OF SECTION PART 2 OF ARTICLE 20 OF TITLE 29;

5 (c) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN KEY
6 CORRIDORS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
7 29-20-104 (e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE 20 OF
8 TITLE 29;"

9 Reletter succeeding paragraphs accordingly.

10 Page 85, after line 9 insert:

11 "(d) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
12 HOUSING IN KEY CORRIDORS;"

13 Page 85, strike lines 13 and 14 and substitute:

14 "(g) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
15 DISTRICT TO A PARCEL ON WHICH HOUSING IN KEY CORRIDORS IS ALLOWED
16 IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATING TO
17 DEMOLITION."

18 <{**The above amendments are to the key corridors section of the bill:**
19 **part 5 of title 33 in the printed bill.**>

20 Page 88, line 2, after "CORRIDORS" insert "IN THE JURISDICTIONS AND
21 AREAS TO WHICH ARTICLE 33 OF TITLE 29 APPLIES AND".

22 Page 88, after line 2 insert:

23 "(b) ANY PROVISION OF A PLANNED UNIT DEVELOPMENT
24 APPROVED PRIOR TO THE ADOPTION OF SUBSECTION (5.5)(a) OF THIS
25 SECTION, AND WHICH FAILS TO CONFORM TO THE REQUIREMENTS OF THAT
26 SUBSECTION, SHALL BE DEEMED TO BE SUPERSEDED BY THE ADOPTION OF
27 A LOCAL REGULATION OR IMPLEMENTATION OF A MODEL CODE PURSUANT
28 TO ARTICLE 33 OF TITLE 29. NOTWITHSTANDING THIS SUBSECTION
29 (5.5)(b), A LOCAL GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS
30 TO ANY SUCH PLANNED UNIT DEVELOPMENT."

31 Reletter succeeding paragraph accordingly.

32 Page 88, line 7, strike "CORRIDOR" and substitute "CORRIDORS".

1 Page 88, line 10, strike "29-33-102 (18)." and substitute "29-33-102
2 (16).".

3 Page 88, line 12, strike "29-33-102 (36)." and substitute "29-33-102
4 (35).".

5 <{*The above amendments are to the standards and conditions for*
6 *planned unit development section of the bill: section 7 in the printed*
7 *bill.*>

8 Page 88, line 22, strike "29-33-102 (30)." and substitute "29-33-102
9 (29).".

10 Page 89, line 3, strike "CITY," and substitute "CITY OR TOWN,".

11 <{*The above amendments are to the local government residential*
12 *occupancy limits section of the bill: section 8 in the printed bill.*>

13 Page 89, strike lines 4 through 27 and substitute:

14 "SECTION 9. In Colorado Revised Statutes, 30-28-106, **repeal**
15 **and reenact, with amendments,** (3)(a); and **add** (3)(a.5), (8), and (9) as
16 follows:

17 **30-28-106. Adoption of master plan - contents.** (3) (a) THE
18 MASTER PLAN OF A COUNTY OR REGION, WITH THE ACCOMPANYING MAPS,
19 PLATS, CHARTS, AND DESCRIPTIVE AND EXPLANATORY MATTER, MUST
20 SHOW THE COUNTY OR REGIONAL PLANNING COMMISSION'S
21 RECOMMENDATIONS FOR THE DEVELOPMENT OF THE TERRITORY COVERED
22 BY THE PLAN. THE MASTER PLAN OF A COUNTY OR REGION IS AN ADVISORY
23 DOCUMENT TO GUIDE LAND DEVELOPMENT DECISIONS; HOWEVER, THE
24 PLAN OR ANY PART THEREOF MAY BE MADE BINDING BY INCLUSION IN THE
25 COUNTY'S OR REGION'S ADOPTED SUBDIVISION, ZONING, PLATTING,
26 PLANNED UNIT DEVELOPMENT, OR OTHER SIMILAR LAND DEVELOPMENT
27 REGULATIONS AFTER SATISFYING NOTICE, DUE PROCESS, AND HEARING
28 REQUIREMENTS FOR LEGISLATIVE OR QUASI-JUDICIAL PROCESSES AS
29 APPROPRIATE. A MASTER PLAN ADOPTED ON OR AFTER JUNE 30, 2024,
30 MUST INCLUDE:

31 (I) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
32 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
33 REPORT CREATED IN SECTION 29-33-110;

34 (II) A HOUSING ELEMENT;

35 (III) FOR COUNTIES WITH A POPULATION OF GREATER THAN TWO
36 HUNDRED FIFTY THOUSAND, A GREENFIELD DEVELOPMENT ANALYSIS THAT

1 IS CONDUCTED IN THE SAME MANNER AND ON THE SAME TIMELINE AS THE
2 GREENFIELD DEVELOPMENT ANALYSIS REQUIRED IN SECTION 29-33-105
3 (4)(d);

4 (IV) (A) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE
5 AND SUITABLE SUPPLY OF WATER;

6 (B) IN COMPLETING A WATER SUPPLY ELEMENT, THE PLANNING
7 COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER
8 FOR USE WITHIN THE COUNTY OR REGION TO ENSURE COORDINATION ON
9 WATER SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY
10 ELEMENT MUST IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO
11 MEET THE NEEDS OF THE PUBLIC AND PRIVATE INFRASTRUCTURE
12 REASONABLY ANTICIPATED OR IDENTIFIED IN THE PLANNING PROCESS;

13 (C) THE WATER SUPPLY ELEMENT MUST INCLUDE WATER
14 CONSERVATION POLICIES, TO BE DETERMINED BY THE COUNTY, WHICH
15 MAY INCLUDE GOALS SPECIFIED IN THE STATE WATER PLAN ADOPTED
16 PURSUANT TO SECTION 37-60-106.3 AND MAY INCLUDE POLICIES TO
17 IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER PLAN
18 GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING
19 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND
20 ZONING CHANGES.

21 (D) THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION
22 24-1-125 MAY HIRE AND EMPLOY ONE FULL-TIME EMPLOYEE TO PROVIDE
23 EDUCATIONAL RESOURCES AND ASSISTANCE TO COUNTIES THAT INCLUDE
24 WATER CONSERVATION POLICIES IN THEIR MASTER PLANS AS DESCRIBED
25 IN SUBSECTION (3)(a)(IV)(C) OF THIS SECTION.

26 (a.5) AFTER CONSIDERATION OF EACH OF THE FOLLOWING, WHERE
27 APPLICABLE OR APPROPRIATE, THE MASTER PLAN MAY INCLUDE:

28 (I) THE GENERAL LOCATION, CHARACTER, AND EXTENT OF
29 EXISTING, PROPOSED, OR PROJECTED STREETS OR ROADS, RIGHTS-OF-WAY,
30 VIADUCTS, BRIDGES, WATERWAYS, WATERFRONTS, PARKWAYS,
31 HIGHWAYS, MASS TRANSIT ROUTES AND CORRIDORS, AND ANY
32 TRANSPORTATION PLAN PREPARED BY ANY METROPOLITAN PLANNING
33 ORGANIZATION THAT COVERS ALL OR A PORTION OF THE COUNTY OR
34 REGION AND THAT THE COUNTY OR REGION HAS RECEIVED NOTIFICATION
35 OF OR, IF THE COUNTY OR REGION IS NOT LOCATED IN AN AREA COVERED
36 BY A METROPOLITAN PLANNING ORGANIZATION, ANY TRANSPORTATION
37 PLAN PREPARED BY THE DEPARTMENT OF TRANSPORTATION THAT THE
38 COUNTY OR REGION HAS RECEIVED NOTIFICATION OF AND THAT APPLIES
39 TO THE COUNTY OR REGION;

40 (II) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
41 INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR
42 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS,
43 PLAYGROUNDS, FORESTS, RESERVATIONS, SQUARES, PARKS, AIRPORTS,

1 AVIATION FIELDS, MILITARY INSTALLATIONS, AND OTHER PUBLIC WAYS,
2 GROUNDS, OPEN SPACES, TRAILS, AND DESIGNATED FEDERAL, STATE, AND
3 LOCAL WILDLIFE AREAS. FOR PURPOSES OF THIS SECTION, "MILITARY
4 INSTALLATION" HAS THE SAME MEANING AS SPECIFIED IN SECTION
5 29-20-105.6 (2)(b).

6 (III) THE GENERAL LOCATION AND EXTENT OF PUBLIC UTILITIES,
7 TERMINALS, CAPITAL FACILITIES, AND TRANSFER FACILITIES, WHETHER
8 PUBLICLY OR PRIVATELY OWNED, FOR WATER, LIGHT, POWER, SANITATION,
9 TRANSPORTATION, COMMUNICATION, HEAT, AND OTHER PURPOSES, AND
10 ANY PROPOSED OR PROJECTED NEEDS FOR CAPITAL FACILITIES AND
11 UTILITIES, INCLUDING THE PRIORITIES, ANTICIPATED COSTS, AND FUNDING
12 PROPOSALS FOR SUCH FACILITIES AND UTILITIES;

13 (IV) THE ACCEPTANCE, WIDENING, REMOVAL, EXTENSION,
14 RELOCATION, NARROWING, VACATION, ABANDONMENT, MODIFICATION, OR
15 CHANGE OF USE OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY,
16 INCLUDING THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE
17 RIGHTS-OF-WAY OF OTHER COUNTIES, REGIONS, OR MUNICIPALITIES,
18 GROUNDS, OPEN SPACES, BUILDINGS, PROPERTIES, UTILITIES, OR
19 TERMINALS, REFERRED TO IN SUBSECTIONS (1)(a.5)(I) THROUGH
20 (1)(a.5)(IV) OF THIS SECTION;

21 (V) METHODS FOR ASSURING ACCESS TO APPROPRIATE
22 CONDITIONS FOR SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY
23 SOURCES, INCLUDING GEOTHERMAL ENERGY USED FOR WATER HEATING
24 OR SPACE HEATING OR COOLING IN A SINGLE BUILDING, FOR SPACE
25 HEATING FOR MORE THAN ONE BUILDING THROUGH A PIPELINE NETWORK,
26 OR FOR ELECTRICITY GENERATION;

27 (VI) THE GENERAL CHARACTER, LOCATION, AND EXTENT OF
28 COMMUNITY CENTERS, TOWNSITES, HOUSING DEVELOPMENTS, WHETHER
29 PUBLIC OR PRIVATE, THE EXISTING, PROPOSED, OR PROJECTED LOCATION
30 OF RESIDENTIAL NEIGHBORHOODS AND SUFFICIENT LAND FOR FUTURE
31 HOUSING DEVELOPMENT FOR THE EXISTING AND PROJECTED ECONOMIC
32 AND OTHER NEEDS OF ALL CURRENT AND ANTICIPATED RESIDENTS OF THE
33 COUNTY OR REGION, AND URBAN CONSERVATION OR REDEVELOPMENT
34 AREAS. IF A COUNTY OR REGION HAS ENTERED INTO A REGIONAL
35 PLANNING AGREEMENT, SUCH AGREEMENT MAY BE INCORPORATED BY
36 REFERENCE INTO THE MASTER PLAN.

37 (VII) THE GENERAL LOCATION AND EXTENT OF FORESTS,
38 AGRICULTURAL AREAS, FLOOD CONTROL AREAS, AND OPEN DEVELOPMENT
39 AREAS FOR PURPOSES OF CONSERVATION, FOOD AND WATER SUPPLY,
40 SANITARY AND DRAINAGE FACILITIES, FLOOD CONTROL, OR THE
41 PROTECTION OF URBAN DEVELOPMENT;

42 (VIII) A LAND CLASSIFICATION AND UTILIZATION PROGRAM;

43 (IX) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS

1 TO ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED
2 INCREMENTS OF TIME. THE COUNTY OR REGION MAY BASE THESE
3 PROJECTIONS UPON DATA FROM THE DEPARTMENT OF LOCAL AFFAIRS AND
4 UPON THE COUNTY'S OR REGION'S LOCAL OBJECTIVES.

5 (X) THE LOCATION OF AREAS CONTAINING STEEP SLOPES,
6 GEOLOGICAL HAZARDS, ENDANGERED OR THREATENED SPECIES,
7 WETLANDS, FLOODPLAINS, FLOODWAYS, AND FLOOD RISK ZONES, HIGHLY
8 ERODIBLE LAND OR UNSTABLE SOILS, AND WILDFIRE HAZARDS. FOR
9 PURPOSES OF DETERMINING THE LOCATION OF SUCH AREAS, THE PLANNING
10 COMMISSION SHALL CONSIDER THE FOLLOWING SOURCES FOR GUIDANCE:

11 (A) THE COLORADO GEOLOGICAL SURVEY FOR DEFINING AND
12 MAPPING GEOLOGICAL HAZARDS;

13 (B) THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE
14 UNITED STATES DEPARTMENT OF THE INTERIOR AND THE PARKS AND
15 WILDLIFE COMMISSION CREATED IN SECTION 33-9-101, FOR LOCATING
16 AREAS INHABITED BY ENDANGERED OR THREATENED SPECIES;

17 (C) THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE
18 UNITED STATES FISH AND WILDLIFE SERVICE NATIONAL WETLANDS
19 INVENTORY FOR DEFINING AND MAPPING WETLANDS;

20 (D) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
21 DEFINING AND MAPPING FLOODPLAINS, FLOODWAYS, AND FLOOD RISK
22 ZONES;

23 (E) THE NATURAL RESOURCES CONSERVATION SERVICE OF THE
24 UNITED STATES DEPARTMENT OF AGRICULTURE FOR DEFINING AND
25 MAPPING UNSTABLE SOILS AND HIGHLY ERODIBLE LAND; AND

26 (F) THE COLORADO STATE FOREST SERVICE FOR LOCATING
27 WILDFIRE HAZARD AREAS.

28 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
29 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH RELEVANT
30 ENTITIES TO ENSURE THAT THE ADOPTION OR AMENDING OF THE MASTER
31 PLAN IS AN INCLUSIVE PROCESS.

32 (9) NO MORE THAN SIXTY DAYS BEFORE THE FINAL PUBLIC
33 HEARING REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE
34 COMMISSION SHALL SUBMIT THE MOST RECENT DRAFT OF THE MASTER
35 PLAN TO THE DIVISION OF LOCAL GOVERNMENT CREATED IN THE
36 DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT
37 SHALL REVIEW THESE REPORTS TO ENSURE THEY COMPLY WITH THE
38 REQUIREMENTS OF THIS SECTION."

39 Renumber succeeding sections accordingly.

40 Strike page 90.

1 Page 91, strike lines 1 through 8.

2 <{*The above amendments are to the county master plan section of the*
3 *bill: section 9 in the printed bill.*>

4 Page 91, line 24, strike "(5)(b)(I)(C);" and substitute "(5)(b)(I)(A) and
5 (5)(b)(I)(B)".

6 Page 91, lines 24 and 25, strike "(5)(b)(I.5); and **repeal** (5)(b)(II)" and
7 substitute "(5)(b)(I.5)".

8 Page 92, strike lines 1 through 24 and substitute:

9 "(III) "MANUFACTURED HOME" HAS THE SAME MEANING AS SET
10 FORTH IN SECTION 24-32-3302 (20).

11 (IV) "MODULAR HOME" HAS THE SAME MEANING AS SET FORTH IN
12 SECTION 24-32-3302 (25)."

13 Page 93, strike lines 2 through 10 and substitute:

14 "(A) Homes certified by the division of housing created in section
15 24-32-704 or a party authorized to act on its behalf; THE APPROVAL
16 PROCESSES OF MODULAR HOMES SHALL BE BASED ON OBJECTIVE
17 STANDARDS AND ADMINISTRATIVE REVIEW THAT ARE EQUIVALENT TO
18 THAT REQUIRED FOR SITE-BUILT HOMES, UNLESS A MUNICIPALITY
19 REGULATES SITE-BUILT HOMES THROUGH A SUBJECTIVE REVIEW PROCESS,
20 IN WHICH CASE A MUNICIPALITY MAY USE AN EQUIVALENT REVIEW
21 PROCESS FOR A MODULAR HOME AND A SITE-BUILT HOME;

22 (B) Homes certified by the United States department of housing
23 and urban development through its office of manufactured housing
24 programs, a successor agency, or a party authorized to act on its behalf.
25 THE APPROVAL PROCESSES OF MANUFACTURED HOMES SHALL BE BASED
26 ON OBJECTIVE STANDARDS AND ADMINISTRATIVE REVIEW THAT ARE
27 EQUIVALENT TO THAT REQUIRED FOR SITE-BUILT HOMES, UNLESS A
28 MUNICIPALITY REGULATES SITE-BUILT HOMES THROUGH A SUBJECTIVE
29 REVIEW PROCESS, IN WHICH CASE A MUNICIPALITY MAY USE AN
30 EQUIVALENT REVIEW PROCESS FOR A MANUFACTURED HOME AND A
31 SITE-BUILT HOME. ~~or~~".

32 Page 93, line 11, before "(I.5)" insert "(b)".

33 Page 93, strike lines 23 through 27.

1 Page 94, strike lines 1 and 2.

2 <{The above amendments are to the manufactured and modular
3 housing section of the bill: section 11 in the printed bill.}>

4 Page 94, strike lines 3 through 27 and substitute:

5 **SECTION 12.** In Colorado Revised Statutes, 31-23-206, **repeal**
6 **and reenact, with amendments,** (1); and **add** (1.5), (8), and (9) as
7 follows:

8 **31-23-206. Master plan.** (1) IT IS THE DUTY OF THE COMMISSION
9 TO MAKE AND ADOPT A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT
10 OF THE MUNICIPALITY, INCLUDING ANY AREAS OUTSIDE ITS BOUNDARIES,
11 SUBJECT TO THE APPROVAL OF THE GOVERNMENTAL BODY HAVING
12 JURISDICTION THEREOF, THAT IN THE COMMISSION'S JUDGMENT BEAR
13 RELATION TO THE PLANNING OF THE MUNICIPALITY. THE MASTER PLAN OF
14 A MUNICIPALITY IS AN ADVISORY DOCUMENT TO GUIDE LAND
15 DEVELOPMENT DECISIONS; HOWEVER, THE PLAN OR ANY PART THEREOF
16 MAY BE MADE BINDING BY INCLUSION IN THE MUNICIPALITY'S ADOPTED
17 SUBDIVISION, ZONING, PLATTING, PLANNED UNIT DEVELOPMENT, OR
18 OTHER SIMILAR LAND DEVELOPMENT REGULATIONS AFTER SATISFYING
19 NOTICE, DUE PROCESS, AND HEARING REQUIREMENTS FOR LEGISLATIVE OR
20 QUASI-JUDICIAL PROCESSES AS APPROPRIATE. WHEN A COMMISSION
21 DECIDES TO ADOPT A MASTER PLAN, THE COMMISSION SHALL CONDUCT
22 PUBLIC HEARINGS, AFTER NOTICE OF SUCH PUBLIC HEARINGS HAS BEEN
23 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
24 MUNICIPALITY IN A MANNER SUFFICIENT TO NOTIFY THE PUBLIC OF THE
25 TIME, PLACE, AND NATURE OF THE PUBLIC HEARING, PRIOR TO FINAL
26 ADOPTION OF A MASTER PLAN IN ORDER TO ENCOURAGE PUBLIC
27 PARTICIPATION IN AND AWARENESS OF THE DEVELOPMENT OF SUCH PLAN
28 AND SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC
29 COMMENTS THROUGHOUT THE PROCESS OF DEVELOPING THE PLAN. THE
30 PLAN, ADOPTED OR AMENDED ON OR AFTER JUNE 30, 2024, WITH THE
31 ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE MATTER, MUST
32 INCLUDE:

33 (a) A HOUSING ELEMENT THAT USES BEST AVAILABLE DATA, SUCH
34 AS THE MOST RECENT LOCAL HOUSING NEEDS PLAN CREATED PURSUANT
35 TO SECTION 29-33-104 OR OTHER RECENT HOUSING ANALYSES;

36 (b) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
37 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
38 REPORT CREATED IN SECTION 29-33-110;

39 (c) A GREENFIELD DEVELOPMENT ANALYSIS THAT IS CONDUCTED
40 IN THE SAME MANNER AS THE GREENFIELD DEVELOPMENT ANALYSIS

1 REQUIRED IN SECTION 29-33- 105 (4)(d);

2 (d) (I) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE
3 AND SUITABLE SUPPLY OF WATER;

4 (II) IN COMPLETING THE WATER SUPPLY ELEMENT, THE PLANNING
5 COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER
6 FOR USE WITHIN THE MUNICIPALITY TO ENSURE COORDINATION ON WATER
7 SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT MUST
8 IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE
9 NEEDS OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY
10 ANTICIPATED OR IDENTIFIED IN THE PLANNING PROCESS;

11 (III) THE WATER SUPPLY ELEMENT MUST INCLUDE WATER
12 CONSERVATION POLICIES, TO BE DETERMINED BY THE MUNICIPALITY,
13 WHICH MAY INCLUDE GOALS SPECIFIED IN THE STATE WATER PLAN
14 ADOPTED PURSUANT TO SECTION 37-60-106.3 AND MAY INCLUDE POLICIES
15 TO IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER PLAN
16 GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING
17 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND
18 ZONING CHANGES;

19 (V) NOTHING IN THIS SUBSECTION (1)(d) SHALL BE CONSTRUED TO
20 SUPERSEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF
21 WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS, THE RIGHT TO
22 BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER
23 WATER USE AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR,
24 REPLACEMENT, OR USE OF ANY WATER FACILITY.

25 (e) THE MOST RECENT VERSION OF THE PLAN REQUIRED BY
26 SECTION 31-12-105 (1)(e) OR A SIMILAR ELEMENT ANALYZING AND
27 MAKING A PLAN FOR AREAS OF POTENTIAL GROWTH WITHIN THREE MILES
28 OF THE MUNICIPAL BOUNDARY.

29 (1.5) A MASTER PLAN MAY INCLUDE:

30 (a) THE GENERAL LOCATION, CHARACTER, AND EXTENT OF
31 EXISTING, PROPOSED, OR PROJECTED STREETS, ROADS, RIGHTS-OF-WAY,
32 BRIDGES, WATERWAYS, WATERFRONTS, PARKWAYS, HIGHWAYS, MASS
33 TRANSIT ROUTES AND CORRIDORS, AND ANY TRANSPORTATION PLAN
34 PREPARED BY ANY METROPOLITAN PLANNING ORGANIZATION THAT
35 COVERS ALL OR A PORTION OF THE MUNICIPALITY AND THAT THE
36 MUNICIPALITY HAS RECEIVED NOTIFICATION OF OR, IF THE MUNICIPALITY
37 IS NOT LOCATED IN AN AREA COVERED BY A METROPOLITAN PLANNING
38 ORGANIZATION, ANY TRANSPORTATION PLAN PREPARED BY THE
39 DEPARTMENT OF TRANSPORTATION THAT THE MUNICIPALITY HAS
40 RECEIVED NOTIFICATION OF AND THAT COVERS ALL OR A PORTION OF THE
41 MUNICIPALITY;

42 (b) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
43 INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR

1 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS,
2 PLAYGROUNDS, SQUARES, PARKS, AIRPORTS, AVIATION FIELDS, MILITARY
3 INSTALLATIONS, AND OTHER PUBLIC WAYS, GROUNDS, OPEN SPACES,
4 TRAILS, AND DESIGNATED FEDERAL, STATE, AND LOCAL WILDLIFE AREAS.
5 FOR PURPOSES OF THIS SECTION, "MILITARY INSTALLATION" HAS THE
6 SAME MEANING AS SPECIFIED IN SECTION 29-20-105.6 (2)(b).

7 (c) THE GENERAL LOCATION AND EXTENT OF PUBLIC UTILITIES
8 TERMINALS, CAPITAL FACILITIES, AND TRANSFER FACILITIES, WHETHER
9 PUBLICLY OR PRIVATELY OWNED OR OPERATED, FOR WATER, LIGHT,
10 SANITATION, TRANSPORTATION, COMMUNICATION, POWER, AND OTHER
11 PURPOSES, AND ANY PROPOSED OR PROJECTED NEEDS FOR CAPITAL
12 FACILITIES AND UTILITIES, INCLUDING THE PRIORITIES, ANTICIPATED
13 COSTS, AND FUNDING PROPOSALS FOR SUCH FACILITIES AND UTILITIES;

14 (d) THE ACCEPTANCE, REMOVAL, RELOCATION, WIDENING,
15 NARROWING, VACATING, ABANDONMENT, MODIFICATION, CHANGE OF USE,
16 OR EXTENSION OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
17 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
18 OF OTHER MUNICIPALITIES, COUNTIES, OR REGIONS, GROUNDS, OPEN
19 SPACES, BUILDINGS, PROPERTY, UTILITY, OR TERMINALS, REFERRED TO IN
20 SUBSECTIONS (1.5) (a) THROUGH (a) OF THIS SECTION AND SUBSECTION
21 (1)(d) OF THIS SECTION;

22 (e) A ZONING PLAN FOR THE CONTROL OF THE HEIGHT, AREA,
23 BULK, LOCATION, AND USE OF BUILDINGS AND PREMISES. SUCH A ZONING
24 PLAN MAY PROTECT AND ASSURE ACCESS TO APPROPRIATE CONDITIONS
25 FOR SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING
26 GEOTHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
27 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
28 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
29 GENERATION; HOWEVER, REGULATIONS AND RESTRICTIONS OF THE
30 HEIGHT, NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER
31 STRUCTURES, AND THE HEIGHT AND LOCATION OF TREES AND OTHER
32 VEGETATION SHALL NOT APPLY TO EXISTING BUILDINGS, STRUCTURES,
33 TREES, OR VEGETATION EXCEPT FOR NEW GROWTH ON SUCH VEGETATION.

34 (f) THE GENERAL CHARACTER, LOCATION, AND EXTENT OF
35 COMMUNITY CENTERS, HOUSING DEVELOPMENTS, WHETHER PUBLIC OR
36 PRIVATE, THE EXISTING, PROPOSED, OR PROJECTED LOCATION OF
37 RESIDENTIAL NEIGHBORHOODS AND SUFFICIENT LAND FOR FUTURE
38 HOUSING DEVELOPMENT FOR THE EXISTING AND PROJECTED ECONOMIC
39 AND OTHER NEEDS OF ALL CURRENT AND ANTICIPATED RESIDENTS OF THE
40 MUNICIPALITY, AND REDEVELOPMENT AREAS. IF A MUNICIPALITY HAS
41 ENTERED INTO A REGIONAL PLANNING AGREEMENT, SUCH AGREEMENT
42 MAY BE INCORPORATED BY REFERENCE INTO THE MASTER PLAN.

43 (g) A MASTER PLAN FOR THE EXTRACTION OF COMMERCIAL

1 MINERAL DEPOSITS PURSUANT TO SECTION 34-1-304;

2 (h) A PLAN FOR THE LOCATION AND PLACEMENT OF PUBLIC
3 UTILITIES THAT FACILITATES THE PROVISION OF SUCH UTILITIES TO ALL
4 EXISTING, PROPOSED, OR PROJECTED DEVELOPMENTS IN THE
5 MUNICIPALITY;

6 (i) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS TO
7 ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED INCREMENTS
8 OF TIME. THE MUNICIPALITY MAY BASE THESE PROJECTIONS UPON DATA
9 FROM THE DEPARTMENT OF LOCAL AFFAIRS AND UPON THE
10 MUNICIPALITY'S LOCAL OBJECTIVES.

11 (j) THE AREAS CONTAINING STEEP SLOPES, GEOLOGICAL HAZARDS,
12 ENDANGERED OR THREATENED SPECIES, WETLANDS, FLOODPLAINS,
13 FLOODWAYS, AND FLOOD RISK ZONES, HIGHLY ERODIBLE LAND OR
14 UNSTABLE SOILS, AND WILDFIRE HAZARDS. FOR PURPOSES OF
15 DETERMINING THE LOCATION OF SUCH AREAS, THE PLANNING COMMISSION
16 SHALL CONSIDER THE FOLLOWING SOURCES FOR GUIDANCE:

17 (I) THE COLORADO GEOLOGICAL SURVEY FOR DEFINING AND
18 MAPPING GEOLOGICAL HAZARDS;

19 (II) THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE
20 UNITED STATES DEPARTMENT OF THE INTERIOR AND THE PARKS AND
21 WILDLIFE COMMISSION CREATED IN SECTION 33-9-101, FOR LOCATING
22 AREAS INHABITED BY ENDANGERED OR THREATENED SPECIES;

23 (III) THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE
24 UNITED STATES FISH AND WILDLIFE SERVICE NATIONAL WETLANDS
25 INVENTORY FOR DEFINING AND MAPPING WETLANDS;

26 (IV) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
27 DEFINING AND MAPPING FLOODPLAINS, FLOODWAYS, AND FLOOD RISK
28 ZONES;

29 (V) THE NATURAL RESOURCES CONSERVATION SERVICE OF THE
30 UNITED STATES DEPARTMENT OF AGRICULTURE FOR DEFINING AND
31 MAPPING UNSTABLE SOILS AND HIGHLY ERODIBLE LAND; AND

32 (VI) THE COLORADO STATE FOREST SERVICE FOR LOCATING
33 WILDFIRE HAZARD AREAS.

34 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
35 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH RELEVANT
36 ENTITIES TO ENSURE THAT THE ADOPTING OR AMENDING OF THE MASTER
37 PLAN IS AN INCLUSIVE PROCESS.

38 (9) NO MORE THAN SIXTY DAYS BEFORE THE FINAL PUBLIC
39 HEARING REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE
40 COMMISSION SHALL SUBMIT THE MOST RECENT DRAFT OF THE MASTER
41 PLAN TO THE DIVISION OF LOCAL GOVERNMENT CREATED IN THE
42 DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT
43 SHALL REVIEW THESE REPORTS TO ENSURE THEY COMPLY WITH THE

1 REQUIREMENTS OF THIS SECTION."

2 Renumber succeeding sections accordingly.

3 Strike page 95.

4 Page 96, strike lines 1 through 20.

5 <{*The above amendments are to the municipality master plan section*
6 *of the bill: section 12 in the printed bill.*>

7 Page 96, line 24, strike "29-33-102 (33)" and substitute "29-33-102 (32)".

8 Page 96, line 25, strike "29-33-102 (34)" and substitute "29-33-102 (33)".

9 <{*The above amendment is the urban municipality grant of power*
10 *section: section 13 in the printed bill.*>

11 Page 98, line 6, strike "LESS LANDSCAPED" and substitute "SMALLER
12 IRRIGATED LANDSCAPE".

13 Page 100, strike lines 3 through 27 and substitute:

14 "(d) **Water loss program requirements.** (I) NO LATER THAN
15 JANUARY 1, 2025, THE BOARD SHALL ADOPT GUIDELINES FOR THE
16 CONDUCT OF STANDARDIZED VALIDATED WATER LOSS AUDITS BY
17 COVERED ENTITIES.

18 (II) NO LATER THAN JUNE 30, 2026, EACH COVERED ENTITY SHALL
19 SUBMIT A COMPLETED AND VALIDATED WATER LOSS AUDIT REPORT FOR
20 THE PREVIOUS CALENDAR YEAR. FOR REPORTS SUBMITTED IN SUBSEQUENT
21 YEARS, EACH COVERED ENTITY SHALL SUBMIT A COMPLETED AND
22 VALIDATED WATER LOSS AUDIT REPORT COVERING THE PREVIOUS
23 CALENDAR YEAR NO LATER THAN JUNE 30 CONCURRENT WITH SECTION
24 37-60-126 (4.5)(a)."

25 Strike page 101.

26 Page 102, strike lines 1 through 18.

27 <{*The above amendments are to the water conservation and drought*
28 *mitigation planning section of the bill: section 14 in the printed bill.*>

29 Page 103, line 2, strike "CORRIDORS." and substitute "CORRIDORS IN THE

1 JURISDICTION AND AREAS TO WHICH ARTICLE 33 OF TITLE 29 APPLIES."

2 Page 103, line 3, strike "ACCESSORY DWELLING UNITS OR MIDDLE
3 HOUSING" and substitute "ACCESSORY DWELLING UNITS, MIDDLE HOUSING,
4 HOUSING IN TRANSIT-ORIENTED AREAS, AND HOUSING IN KEY CORRIDORS".

5 Page 103, line 13, strike "29-33-102 (18)" and substitute "29-33-102
6 (16)".

7 Page 103, line 15, strike "29-33-102 (36)" and substitute "29-33-102
8 (35)".

9 <{*The above amendments are to the HOA section of the bill: section 15*
10 *in the printed bill.*>

11 Page 104, line 6, after "DECEMBER 31, 2024," insert "OR BEFORE THE
12 NEXT REGIONAL TRANSPORTATION PLANNING CYCLE BEGINS,".

13 <{*The above amendments are to the transportation planning section of*
14 *the bill: section 18 in the printed bill.*>

15 Page 105, strike lines 4 through 6 and substitute "**- revenue sources for**
16 **fund - use of fund. (2) (e)** FEE REVENUES FROM THE MULTIMODAL
17 TRANSPORTATION OPTIONS FUND GENERATED ON OR AFTER JANUARY 1,
18 2025, AND OTHER STATE FUNDS TRANSFERRED TO THE MULTIMODAL
19 TRANSPORTATION OPTIONS FUND ON OR AFTER JULY 1, 2024, SHALL".

20 Page 105, line 9, strike "OBJECTIVES." and substitute "OBJECTIVES, AS
21 DETERMINED IN SECTION 29-33-108."

22 <{*The above amendments are to the multimodal transportation options*
23 *fund section of the of the bill: section 19 in the printed bill.*>

24 Page 105, line 14, after "appropriation." insert "Any unexpended and
25 unencumbered money appropriated to the department of local affairs for
26 state fiscal year 2023-24 remains available for expenditure by the
27 division of local government in the department of local affairs through
28 state fiscal year 2026-27 without further appropriation for the department
29 of local affairs and local grantees to comply with planning requirements
30 in the legislation."

31 <{*The above amendments are to the appropriations section of the bill:*
32 *section 20 in the printed bill.*>

- 1 Page 2, strike lines 104 and 105.
- 2 Page 2, line 106, strike "HIGHWAY ACCESS CODE,".
- 3 <{*This amendment is to the title's trailer.*}>
** ** ** ** ** ** ** **

Overarching Timeline Updates - Throughout Amendments

- **Affordability and anti-displacement:**
 - Affordability menu in statute, so no rulemaking needed.
 - Anti-displacement menu moved up to March 2024.
 - Deadline to conduct displacement analysis and select strategies, and select affordability strategies moved to June 2025 to align with infill housing policy deadlines.
- **ADUs, Middle Housing, and Transit-Oriented Communities:**
 - Timeline moved back six months to align with affordability and anti-displacement (minimum standards-compliant code would be due June 2025).
- **Key Corridors:**
 - Minimum standards in statute, so no rulemaking needed.
 - Timeline moved forward to align with other infill housing policies and affordability (minimum standards-compliant code would be due June 2025).

Part 1

Non-Statutory Legislative Declaration (Pg 1)

- Clarifications / typo fixes
- Adds age-friendly considerations to legislative declaration that acknowledge Colorado's shifting demographics and growing older adult population
- Adds Affordable Housing Transformational Task Force and identification of a housing needs assessment and production strategy as a state priority

Definitions (Pg 2-5)

Summary: The sponsors and state agencies made multiple refinements to definitions that will result in more effective implementation of the bill, while not altering the substance of the legislation. Many of these were received from stakeholders and local governments and align the language with common definitions at the state and local level.

- Updates local government definition to include territorial towns and counties, and creates separate municipality definition to clean up application of different bill sections.
- Updates population data source to state demographer.
- Clarifies bike parking requirements are allowed.
- Updates bus rapid transit definition to be clearer / stronger.
- Adds definition for historic property.
- Streamlines terms from "multifamily residential housing" to "multifamily housing".
- Updates standard exempt parcel agricultural zoning designation to include forestry, natural resource preservation, or open space zoning.
- Updates cottage cluster definition to be more clear, enable clusters as small as two homes.
- Changes townhome definition to be consistent with IRC definition.
- Updates middle housing definition, and clarify the number of units for all middle housing types from 6 to 4 units.
- Provides flexibility in middle housing definition for local governments to adopt more expansive

definitions if they wish.

- Clarifies use by right definition.
- Clarifies discretionary approval definition.
- Clarifies in short term rental definition that local governments can apply their own definition of short term rentals.
- Clarifies residential density limits, that local governments have to allow up to such densities, but can permit lower density projects (these fixes are also made in Parts 2-5).
- Clarifies local law definition.
- Makes mixed-income a standalone definition.
- Updates regulated affordable housing definition to say limits unit rent or sale price; accounts for housing that is not publicly funded but where vouchers are accepted (“programs”):
- Clarifies affordable housing definition.
- Updates displacement definition.
- Various typo fixes.

Multi-agency Advisory Committee (Pg 5-8)

- The amendment adds municipalities, Metropolitan Planning Organizations (MPOs), and the Department of Agriculture to the committee in addition to other state agencies. It creates different sub-committees for Rural Resorts and Urban municipalities that will advise on topics related to those parts of the state and serve as a vehicle for stakeholder engagement.

Housing Needs Plan (Pg 8-12)

Summary: these amendments both streamline the process for local governments and add more detail where needed to ensure important housing data is collected, as requested by stakeholders.

- Clarifications to ensure local government input and coordination into the housing needs assessment
- Clarify/simplify local and regional assessments to better highlight top down / bottom up process
- Adds language re: homeownership
- Includes housing instability in addition to homelessness
- Regional and local assessments should consider locally based employment and wages
- Adds clarifications to data sources / factors, including reference to the state demographer
- States the need to define needs/shortages for all income levels, referencing HUD definitions
- Clarifies what happens when a community changes tier
- Clarifies local governments can/are encouraged to update their existing housing needs plans
- Enables smaller communities with low median household income to opt out of housing needs plans
- Makes it clear that state funding decisions should apply to the non-housing policies in Article 33, like natural land area protection in the DNR report:
- Typo fixes

Rural Resort Job Centers (Pg 10-12)

Summary: these amendments streamline the legislation for Rural Resorts by putting all provisions in one section of the bill. It also clarifies the criticality of affordability protections around deed-restrictions and short-term-rentals that municipalities should apply to new housing.

- Strikes rural resort job center municipalities from Parts 2-5 and adds all pieces to the Housing Needs Planning section

Menu of Affordability Strategies (Pg 12-15)

Summary: These amendments put the affordability menu in statute and clarifies that local governments may count strategies they have previously adopted if they meet the criteria in the menu.

- Creates the affordability menu in statute: In order to support affordability and advance meeting the housing needs of all income levels identified in the local housing needs assessment, including extremely low-income, very low-income, and low-income households as defined by the U.S. Dept of Housing and Urban Development, the menu of affordability strategies shall include the following:
 1. Implementation of a local inclusionary zoning ordinance in accordance with the requirements of C.R.S. Section 29-20-104(e.5)-(e.7)
 2. The creation of a program to subsidize or otherwise reduce local development review or fees, including but not limited to building permit fees, planning waivers, and water and sewer tap fees, and other infrastructure costs for regulated affordable housing development.
 3. The creation of an expedited development review process for regulated affordable housing developments.
 4. The establishment of a density bonus program that grants increased floor area ratio, density, or height beyond what is required by this bill to increase the construction of regulated affordable housing units.
 5. Enabling regulated affordable housing as a use by right in housing types and areas beyond what is required by this bill, such as additional zone districts, higher allowed densities, or other approaches consistent with the goals of increasing housing affordability, supply, and housing unit type diversity.
 6. The establishment of a policy or plan to leverage municipally-owned land for regulated affordable housing development.
 7. The establishment of a dedicated local revenue source for regulated affordable housing development.
 8. Regulation of short term rentals or second homes.
 9. The elimination of local parking requirements for regulated affordable housing
 10. Making a commitment to and remaining eligible for the Statewide Affordable Housing Fund under 29-32-105; and
 11. Other strategies proposed by a local government or the multi-agency advisory committee and approved by DOLA that support equal or greater affordability consistent with the needs identified in the local housing needs assessment.
 - Subject jurisdictions may not count both strategy 3 and 10 towards their required number of strategies (since there is overlap)
- Clarifies that local governments may count previously adopted affordability strategies so long as they meet the criteria in the menu.

Displacement Mitigation Strategies (Pg 16-17)

Summary: Adds goals for the menu, factors to be considered in the displacement analysis, and available funds/TA to support this work.

- Adds goals for the menu: “with the goal of providing municipalities with adequate guidance and tools to prevent displacement from areas at high risk for displacement, particularly in areas impacted by, and where housing development is allowed by, Parts 2-5.”
- Clarify displacement analysis is to identify **areas** at risk for displacement.
- Adds factors that must be considered in the analysis guidance in the menu, including:
 - Percent of low income residents
 - Percent renters
 - Percent of cost-burdened households
 - Percent of adults age twenty-five and older who have not earned at least a high school diploma
 - Percentage of households which a language other than English is spoken
 - Percent foreign born
 - Unemployment rates
 - Percent of households without internet access
- Adds funding and technical assistance to support displacement analysis.
- Clarifies local governments may use previously completed displacement analyses and/or adopted strategies so long as they meet the criteria in the menu.
- Typo fixes

Strategic Growth Objectives (Pg 17-19)

- Adds goals of the legislation that guide strategic growth objectives
- Add more clarity around strategic growth objectives
- Adds an implementation process for state agencies
- Make it clear that state funding decisions should apply to the non-housing policies in Article 33, like natural land area protection in the DNR report

Public Comment and Hearing Process (Pg 19)

- Refine public process to include translation and interpretation, in-person hearing, outreach to underrepresented communities
- Clarifies language re: meetings/hearings.

Natural and Agricultural Land Priorities (Pg 19)

- Technical fixes

Regional Collaboration (Pg 19-21)

- Supports regional collaboration for urban municipalities

Technical Assistance (Pg 21)

- Adds reporting req for DOLA to ensure adequate funding

Reporting (Pg 21)

- Clarifies reporting cadence
- Typo fixes

Part 2 - ADUs (Pg 22-24)

Summary: simplifies standards and removes some provisions that municipalities felt created difficulties in implementation.

- Updates ADU size standards
- Updates ADU setback minimum standards
- Clarifies water infrastructure and supply exemption / extension process
- Strikes “date bys” that affect zoning designations to enable communities to change zoning if needed
- Clarify that ADUs must be an accessory use to a principal dwelling
- Strikes unclear language re: no more restrictive standards than single-unit detached homes
- Updates and clarifies design standards provisions
- Clarifies vague standard around infeasibility that would have stymied progress and invited legal challenge
- Makes clarification that communities can apply impact fees to these housing types
- Makes clarifications to ensure existing local historic district and historic landmark protections will still apply
- Clarifies accessible parking provision
- Cleans up model code going into effect language

Part 3 - Middle Housing (Pg 24-29)

Summary: simplifies standards and removes some provisions that municipalities felt created difficulties in implementation.

- Updates middle housing definition, and clarifies the number of units for all middle housing types from 6 to 4 units.
- Clarifies water infrastructure and supply exemption / extension process
- Strikes “date bys” that affect zoning designations to enable communities to change zoning if needed
- Strikes unclear language re: no more restrictive standards than single-unit detached homes
- Updates and clarifies design standards provisions
- Clarifies vague standard around infeasibility
- Makes clarification that communities can apply impact fees to these housing types
- Makes clarifications to ensure existing local historic district and historic landmark protections will still apply
- Clarifies accessible parking provision
- Cleans up model code going into effect language
- Clarifies local inclusionary zoning ordinances can be applies to these types, just ties back to statute
- Enables limited minimum parking requirements, up to 0.5 space per housing unit, which may be rounded up for odd numbers of housing units.

Part 4 - Transit-Oriented Communities (Pg 29-33)

Summary: adds additional detail to provide clear parameters in statute while leaving flexibility in implementation for municipalities.

- Clarifies water infrastructure and supply exemption / extension process
- Strikes “date bys” that affect zoning designations to enable communities to change zoning if needed
- Clarifies vague standard around infeasibility
- Makes clarification that communities can apply impact fees to these housing types
- Makes clarifications to ensure existing local historic district and historic landmark protections will still apply
- Clarifies accessible parking provision
- Cleans up model code going into effect language
- Clarifies local inclusionary zoning ordinances can be applies to these types, just ties back to statute
- Clarifies what section applies in the event of an overlap between TOC, key corridors, etc, that highest density housing type applies
- Clarifies that local governments only responsible for area within a transit-oriented area that’s in their jurisdiction if it crosses jurisdictional boundaries
- Adds a definition and clarifies eligible parcels
- Changes from using the definition of “gross density” to “average net density” in minimum standards to make it clearer and easier to calculate.
- Adds exemptions for industrial and airport-owned or operated land
- Provides flexibility for local governments to zone for density levels in minimum standards in 50% of the land area of eligible parcels in transit-oriented areas.

Part 5 - Key Corridors (Pg 33-40)

Summary: adds additional detail that provides clear parameters in statute rather than having that detail be developed in rulemaking, while leaving flexibility for implementation by municipalities.

- Changes key corridors mapping step to be completed by CDOT
- Clarifies water infrastructure and supply exemption / extension process
- Strikes “date bys” that affect zoning designations to enable communities to change zoning if needed
- Clarifies vague standard around infeasibility
- Makes clarification that communities can apply impact fees to these housing types
- Makes clarifications to ensure existing local historic district and historic landmark protections will still apply
- Clarifies industrial exemption and adds airport owned/operated land exemption; also adds exemption for parks/open space and land in conservation easement (like in TOC)
- Clarifies accessible parking provision
- Cleans up model code going into effect language
- Clarifies local inclusionary zoning ordinances can be applied to these types, just ties back to statute
- Changes from using definition of “gross density” to “average net density” in minimum standards to make it clearer and easier to calculate.
- Updates frequent bus designations to include reference to peak hour service
- Clarifies commercial designation
- Deletes stray reference to ADUs in this section
- Adds clarification that local governments can apply short term rental regulations (like other sections, just was missing in this one)

- Enables limited minimum parking requirements, up to 0.5 space per housing unit, which may be rounded up.
- Creates minimum standards in statute, including allowing up to 20-30 units per acre, and providing local governments flexibility to zone for key corridors in 25% of the area of eligible parcels in key corridors.
- Adds language encouraging regional planning for key corridors

Other (Pg 40-51)

- PUDs: clarifies that these provisions apply in the same areas that Parts 2 - 5 apply to.
- The Comprehensive Plan section is reorganized to:
 - Add TA and stakeholder engagement from DOLA
 - Delete requirement to submit draft comp plan to DOLA 60 days in advance of adoption
- Manufactured housing: Cleans up definitions and other elements of this section, simplifies and clarifies the intent that manufactured homes and modular homes are to be treated the same as site built homes.
- Water loss: updates and simplifies this section.
- HOAs: clarifies that these provisions apply in the same areas that Parts 2 - 5 apply to.
- Clean up to ensure CDOT's MMOF funding provisions apply correctly going forward
- Appropriation: Enables roll-forward of funds

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO
UNOFFICIAL PREAMENDED VERSION**

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

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

*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.*

UNOFFICIAL PREAMENDED VERSION

101 VALIDATED WATER LOSS AUDIT REPORT TO THE COLORADO
102 WATER CONSERVATION BOARD, PROHIBITING A UNIT OWNERS'
103 ASSOCIATION FROM PROHIBITING CERTAIN KINDS OF HOUSING,
104 _____ CRITERIA FOR CERTAIN GRANT PROGRAMS, AND
105 EXPENDITURES FROM THE MULTIMODAL TRANSPORTATION
106 OPTIONS FUND TO ALIGN WITH STATE STRATEGIC GROWTH
107 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.

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

2 **SECTION 1. Legislative declaration.** (1) (a) (I) The general

1 assembly finds and declares that:

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

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

13 (C) Colorado's housing supply has not kept pace with population
14 growth. Between 2010 and 2020, the state added one hundred twenty-six
15 thousand fewer housing units than in the prior decade, despite the
16 population increasing by a similar amount in each decade. The state has
17 an unmet housing need, as of 2022, of between sixty-five thousand and
18 ninety thousand units, according to the state demographer;

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

22 (E) Older adults represent the fastest growing segment of
23 Colorado's population and have diverse housing needs that are not being
24 adequately met in the current housing market, including the need for more
25 accessible and affordable housing units built with universal design and
26 located within age friendly communities. The housing and land use
27 policies of the state must be informed by the findings and

1 recommendations of the strategic action plan on aging, developed
2 pursuant to section 24-32-3406, and the lifelong Colorado initiative
3 created pursuant to section 26-11-302, including the eight realms of
4 livable and age friendly communities;

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

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

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

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

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

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

27 (A) The consequences of land use policies that limit housing

1 supply and diversity include a lack of housing that is affordable to
2 Coloradans of low and moderate incomes, a lack of housing to support
3 employment growth, an imbalance in jobs and housing, segregated and
4 unequal communities, reduced mobility and long commutes, reduced
5 options for older adults to age in their community of choice, loss of open
6 space and agricultural land, high water usage, and increased greenhouse
7 gas and air pollution;

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

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

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

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

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

26 (B) In the November 2022 election, Colorado voters approved
27 Proposition 123, which will dedicate an estimated three hundred million

1 dollars per year to affordable housing.

2 (II) Therefore, the general assembly finds, determines, and
3 declares that, coupled with historic investments in affordable housing,
4 reforms to local land use regulations can accelerate an increase in housing
5 supply that is affordable at all income levels and accessible for people of
6 all ages and abilities.

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

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

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

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

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

1 traffic, and air pollution; and

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

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

12 (a) The state has an interest in planning for future growth. The
13 state demographer estimates that between 2023 and 2030 the state will
14 add an average of thirty-five thousand households per year, and that
15 between 2030 and 2040 the state will add an additional twenty-nine
16 thousand six hundred households per year. According to the state
17 demographer, households headed by a household age sixty-five and above
18 are expected to increase by 197,000 from 2020 to 2030, meaning over
19 half of the growth in households across the state is expected to be
20 households over sixty-five.

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

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

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

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

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

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

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

27 (i) Proposed market-rate and affordable housing projects are

1 routinely delayed or denied due to discretionary and subjective political
2 processes and land use regulations that limit denser development either
3 directly or indirectly;

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

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

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

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

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

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

27 (III) Housing costs can dictate the quality of a child's education,

1 and the highest performing schools are located in areas with the highest
2 housing costs;

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

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

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

26 (VII) Through legislation such as House Bill 21-1266 and Senate
27 Bill 21-272, the state has made significant efforts to identify

1 disproportionately impacted communities and to prioritize benefits to
2 these communities;

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

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

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

18 (n) The state has an interest in advancing efficient water use, and
19 local government decisions that encourage dispersed, low density
20 development negatively affects the state's water supply:

21 (I) Efficient water use is essential for creating vibrant communities
22 that balance water supply and demand needs to create a sustainable urban
23 landscape, according to the vision laid out in the Colorado water plan;

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

27 (III) Compared to a single-unit detached dwelling, accessory

1 dwelling units use twenty-two percent less water, small multifamily
2 homes sixty-three percent less, and larger multifamily homes eighty-six
3 percent less, based on data from Denver and Aurora water users analyzed
4 for the Colorado water and growth dialogue Final Report in 2018.

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

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

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

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

25 (IV) The ten rural resort municipalities with the highest jobs to
26 housing ratios in the state added eighteen percent fewer housing units per
27 capita and their commute times for workers were seventeen percent

1 longer on average than jurisdictions in rural resort counties as a whole,
2 according to data from the 2020 federal decennial Census, American
3 Community Survey, and the Longitudinal Employer-Household Dynamics
4 Origin-Destination Employment Dataset from the Census;

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

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

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

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

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

1 Survey; and

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

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

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

13 (III) According to the greenhouse gas pollution reduction
14 roadmap, published by the Colorado energy office and dated January 14,
15 2021, the transportation sector is the single largest source of greenhouse
16 gas pollution in Colorado;

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

20 (V) As part of the greenhouse gas pollution reduction roadmap,
21 a strategic action plan to achieve legislatively adopted targets of reducing
22 greenhouse gas pollution economy-wide by fifty percent below 2005
23 levels by 2030 and ninety percent by 2050, the state committed to
24 reducing emissions from the transportation sector by forty-one percent by
25 2030 from a 2005 baseline;

26 (VI) The Greenhouse Gas Transportation Planning Standard
27 adopted by the Transportation Commission in 2021 set a target to reduce

1 transportation greenhouse gas emissions through the transportation
2 planning process by one million five hundred thousand tons by 2030;

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

11 (VIII) Local government land use decisions that require a
12 minimum amount of parking spaces increase the cost of new residential
13 projects, which increases housing costs. According to the Regional
14 Transportation District study "Residential Parking in Station Areas: A
15 Study of Metro Denver", structured parking spaces in the Denver
16 metropolitan areas cost twenty-five thousand dollars each to build in
17 2020, and use space which would otherwise be used for revenue
18 generating residential units, decreasing the profitability of residential
19 development. As a result, parking requirements may discourage
20 developers from building new residential projects, or, if they do move
21 forward with projects, force them to recoup the costs of building
22 excessive parking by increasing housing prices.

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

26 (I) A study of urbanized areas in the United States, "The Effect of
27 Land-Use Controls on the Spatial Size of U.S. Urbanized Areas", in the

1 Journal of Regional Science, found that the presence of density
 2 restrictions such as minimum lot sizes and floor area ratio limits result in
 3 larger urbanized areas;

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

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

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

15 (V) Between 2012 and 2017, the number of people living in the
 16 wildland-urban interface increased by nearly fifty percent, according to
 17 the Colorado state forest service.

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

22 **SECTION 2.** In Colorado Revised Statutes, **add** article 33 to title
 23 29 as follows:

24 **ARTICLE 33**

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

26 **PART 1**

27 **HOUSING NEEDS PLANNING**

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

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

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

10 (III) HOUSING MARKETS EXPAND BEYOND THE BORDERS OF
11 INDIVIDUAL LOCAL GOVERNMENTS, AND INFORMATION IS REQUIRED ON A
12 LOCAL, REGIONAL, AND STATEWIDE SCALE TO MAKE A HOLISTIC PLAN FOR
13 ADDRESSING HOUSING NEEDS;

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

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

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

27 (VII) THE STATE MANAGES MULTIPLE GRANT-BASED PROGRAMS

1 DESIGNED TO HELP LOCAL GOVERNMENTS ASSESS AND MEET HOUSING
2 NEEDS, AND THESE PROGRAMS WILL BE ABLE TO MORE EFFECTIVELY
3 ADDRESS HOUSING ISSUES WITH MORE COMPREHENSIVE AND CONSISTENT
4 INFORMATION INFORMED BY REGIONAL AND STATEWIDE DATA; AND

5 (VIII) THE AFFORDABLE HOUSING TRANSFORMATIONAL TASK
6 FORCE ESTABLISHED IN SECTION 24-75-229 (6)(a), IDENTIFIED A
7 STATEWIDE HOUSING NEEDS ASSESSMENT AND PRODUCTION STRATEGY AS
8 A TOP LEGISLATIVE PRIORITY FOR COLORADO IN THE TASK FORCE'S
9 FEBRUARY 23, 2022, REPORT TO THE GENERAL ASSEMBLY.

10 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
11 DEVELOPMENT AND USE OF LAND IS A MATTER OF MIXED STATEWIDE AND
12 LOCAL CONCERN.

13 **29-33-102. Definitions.** AS USED IN THIS ARTICLE 33, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES
16 THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC.
17 3601 ET SEQ., AS AMENDED.

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

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

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

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

26 (3) "AFFORDABLE HOUSING" MEANS HOUSING FOR WHICH LOW-
27 AND MODERATE-INCOME HOUSEHOLDS DO NOT SPEND MORE THAN THIRTY

- 1 PERCENT OF THEIR HOUSEHOLD INCOME ON HOUSING COSTS.
- 2 (4) "BROWNFIELD DEVELOPMENT" MEANS THE DEVELOPMENT OF
3 BROWNFIELD SITES, AS DEFINED IN SECTION 31-25-103 (3.1).
- 4 (5) "BUILDABLE LANDS ANALYSIS" MEANS AN EVALUATION OF
5 LANDS SUITABLE FOR DEVELOPMENT INCLUDING POTENTIAL GREYFIELD
6 DEVELOPMENT, BROWNFIELD DEVELOPMENT, AND GREENFIELD
7 DEVELOPMENT.
- 8 (6) "BUS RAPID TRANSIT" MEANS A BUS-BASED TRANSIT SERVICE
9 THAT INCLUDES AT LEAST THREE OF THE FOLLOWING:
- 10 (a) SERVICE THAT IS SCHEDULED TO RUN EVERY FIFTEEN MINUTES
11 OR LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS;
- 12 (b) DEDICATED LANES OR BUSWAYS;
- 13 (c) TRAFFIC SIGNAL PRIORITY;
- 14 (d) OFF-BOARD FARE COLLECTION;
- 15 (e) ELEVATED PLATFORMS; OR
- 16 (f) ENHANCED STATIONS.
- 17 (7) "COMMUTER BUS RAPID TRANSIT SERVICE " MEANS A BUS RAPID
18 TRANSIT SERVICE THAT OPERATES ON A LIMITED-ACCESS HIGHWAY FOR
19 THE MAJORITY OF ITS ROUTE.
- 20 (8) "COTTAGE CLUSTER" MEANS A GROUPING OF TWO OR MORE
21 DETACHED HOUSING UNITS, EACH HOUSING UNIT HAVING A FOOTPRINT OF
22 NO MORE THAN NINE HUNDRED SQUARE FEET, AND THE GROUPING HAVING
23 A COMMON COURTYARD.
- 24 (9) "DISCRETIONARY APPROVAL PROCESS" MEANS A DEVELOPMENT
25 APPROVAL PROCESS CONDUCTED PURSUANT TO LOCAL LAW THAT
26 REQUIRES A PUBLIC BODY OR OFFICIAL TO MAKE ONE OR MORE SUBJECTIVE
27 DETERMINATIONS, INCLUDING:

1 (a) EVALUATIONS OF CONSISTENCY OF AN APPLICATION WITH
2 LOCAL PLANS;

3 (b) COMPATIBILITY OR HARMONY OF AN APPLICATION WITH
4 SURROUNDING LAND USES OR DEVELOPMENT;

5 (c) INDIVIDUALIZED EVALUATIONS RELATING TO MITIGATION OF
6 IMPACTS; OR

7 (d) EVALUATION OF AN APPLICATION'S CONSISTENCY WITH PUBLIC
8 WELFARE.

9 (10) "DISPLACEMENT" MEANS THE RELOCATION OF RESIDENTS
10 THAT WOULD NOT HAVE OCCURRED IF NOT FOR INCREASED PRICES, RENTS,
11 OR OTHER ECONOMIC FACTORS.

12 (11) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING
13 COMplete INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS,
14 INCLUDING PERMANENT PROVISIONS FOR COOKING, EATING, LIVING,
15 SANITATION, AND SLEEPING.

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

20 (13) "GREENFIELD DEVELOPMENT" MEANS NEW DEVELOPMENT ON
21 LANDS THAT HAVE PREVIOUSLY NOT BEEN DEVELOPED AND MAY EITHER
22 BE WITHIN CURRENT MUNICIPAL BOUNDARIES OR OUTSIDE THEM AND IN A
23 POTENTIAL ANNEXATION AREA.

24 (14) "GREYFIELD DEVELOPMENT" MEANS INFILL, REDEVELOPMENT,
25 OR NEW DEVELOPMENT WITHIN AN EXISTING MUNICIPALITY OR CENSUS
26 URBANIZED AREA ON VACANT, PARTIALLY VACANT, OR UNDERUTILIZED
27 LAND.

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

4 (16) "HISTORIC PROPERTY" MEANS A PROPERTY LISTED ON THE
5 NATIONAL REGISTER OF HISTORIC PLACES, LISTED ON THE COLORADO
6 STATE REGISTER OF HISTORIC PROPERTIES, OR LISTED AS A HISTORIC
7 LANDMARK BY A CERTIFIED LOCAL GOVERNMENT, AS DEFINED IN SECTION
8 39-22-514.5 (2)(b).

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

12 (18) "LOCAL INCLUSIONARY ZONING ORDINANCE" MEANS A LOCAL
13 LAW ENACTED PURSUANT TO SECTION 29-20-104 (1)(e.5) TO EITHER
14 REQUIRE OR INCENTIVIZE THE CONSTRUCTION OF AFFORDABLE OR
15 REGULATED AFFORDABLE HOUSING UNITS WITHIN MIXED-INCOME
16 DEVELOPMENTS. AS USED IN THIS SUBSECTION (15), "MIXED-INCOME
17 DEVELOPMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION
18 24-32-130 (1)(f).

19 (19) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY,
20 REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT
21 GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING, BUT NOT
22 LIMITED TO LAND USE CODES, ZONING CODES, AND SUBDIVISION CODES.

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

26 (21) (a) "MIDDLE HOUSING" MEANS A TYPE OF HOUSING THAT
27 INCLUDES BETWEEN TWO AND FOUR SEPARATE UNITS IN:

1 (I) A BUILDING DESIGNED AS A SINGLE STRUCTURE;

2 (II) A TOWNHOME BUILDING; OR

3 (III) A COTTAGE CLUSTER.

4 (b) MUNICIPALITIES MAY DEFINE MIDDLE HOUSING TO INCLUDE
5 ADDITIONAL HOUSING TYPES AND EXPANDED HOUSING UNIT AMOUNTS, SO
6 LONG AS THE MUNICIPALITY'S DEFINITION IS NOT MORE RESTRICTIVE THAN
7 THE DEFINITION OF "MIDDLE HOUSING" IN SUBSECTION(21)(a) OF THIS
8 SECTION.

9 (22) "MIXED-INCOME DEVELOPMENT" MEANS HOUSING WHERE
10 SOME OF THE HOUSING UNITS WITHIN A PARTICULAR DEVELOPMENT HAVE
11 RESTRICTED RENTAL OR FOR-SALE RATES THAT ARE AFFORDABLE FOR
12 LOW- AND MODERATE-INCOME HOUSEHOLDS AND SOME UNITS HAVE
13 HIGHER RENTAL OR FOR-SALE RATES.

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

16 (24) "MULTI-AGENCY ADVISORY COMMITTEE" MEANS THE
17 COMMITTEE ESTABLISHED IN SECTION 29-33-103.

18

19 (25) "MULTI-AGENCY GROUP" MEANS A GROUP CREATED IN THE
20 DEPARTMENT OF LOCAL AFFAIRS COMPOSED OF STAFF FROM:

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

23 (b) THE COLORADO ENERGY OFFICE;

24 (c) THE DEPARTMENT OF NATURAL RESOURCES; AND

25 (d) THE DEPARTMENT OF TRANSPORTATION.

26 (23) "MULTIFAMILY HOUSING" MEANS A BUILDING OR GROUP
27 OF BUILDINGS ON THE SAME LOT WITH SEPARATE LIVING UNITS FOR THREE

1 OR MORE HOUSEHOLDS.

2 (26) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY
3 OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

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

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

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

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

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

20 (30) "POPULATION" MEANS CURRENT POPULATION AS REPORTED
21 BY THE STATE DEMOGRAPHER.

22 (31) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE
23 HOUSING CREATED OR SUPPORTED BY PUBLIC SUBSIDIES, LOCAL
24 INCLUSIONARY ZONING ORDINANCES, OR OTHER REGULATIONS THAT
25 RESTRICT OR LIMIT RENTAL OR SALE PRICE AND RESTRICT RESIDENT
26 INCOME LEVELS TO LOW-TO MODERATE-INCOME HOUSEHOLDS LEVELS FOR
27 A SPECIFIED PERIOD.

1 (32) "RURAL RESORT JOB CENTER MUNICIPALITY" MEANS A
2 MUNICIPALITY THAT:

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

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

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

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

11 (e) HAS A TRANSIT STOP SERVICED BY A TRANSIT AGENCY THAT
12 SERVES AT LEAST TWO MUNICIPALITIES AND WITH SERVICE THAT INCLUDES
13 AN AVERAGE OF AT LEAST TWENTY _____ TRIPS PER DAY, AS OF JANUARY
14 1, 2023.

15 (33) "SHORT-TERM RENTAL" MEANS A BUILDING OR A PORTION OF
16 A BUILDING DESIGNED FOR USE PREDOMINANTLY AS A PLACE OF
17 RESIDENCE BY A PERSON OR A FAMILY THAT IS PROVIDED TO AN
18 INDIVIDUAL OR BUSINESS FOR FEWER THAN THIRTY CONSECUTIVE DAYS IN
19 EXCHANGE FOR MONETARY PAYMENT. SUBJECT JURISDICTIONS MAY APPLY
20 THEIR OWN DEFINITION OF SHORT-TERM RENTAL FOR THE PURPOSES OF
21 THIS ARTICLE 33.

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

24 (35) "STANDARD EXEMPT PARCEL" MEANS A PARCEL THAT:

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

27 (b) IS NOT SERVED BY A DOMESTIC WATER AND SEWAGE

1 TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);
2 (c) IS IN AN AGRICULTURAL, FORESTRY, NATURAL RESOURCE
3 PRESERVATION, OR OPEN SPACE ZONING DISTRICT;
4 (d) IS A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC
5 DISTRICT; OR
6 (e) IS IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN,
7 AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
8 (36) "TIER ONE URBAN MUNICIPALITY" MEANS EITHER:
9 (a) A MUNICIPALITY THAT:
10 (I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT
11 HAS A POPULATION OF ONE MILLION OR MORE;
12 (II) HAS AT LEAST TEN PERCENT OF ITS LAND WITHIN AN AREA
13 THAT IS DESIGNATED AS AN URBANIZED AREA BY THE MOST RECENT
14 FEDERAL DECENNIAL CENSUS WITH A POPULATION GREATER THAN
15 SEVENTY-FIVE THOUSAND; AND
16 (III) HAS A POPULATION OF AT LEAST ONE THOUSAND; OR
17 (b) A MUNICIPALITY THAT:
18 (I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT
19 HAS A POPULATION OF LESS THAN ONE MILLION; AND
20 (II) HAS A POPULATION OF AT LEAST TWENTY-FIVE THOUSAND.
21 (37) "TIER TWO URBAN MUNICIPALITY" MEANS A MUNICIPALITY
22 THAT DOES NOT SATISFY THE DEFINITION OF A TIER ONE URBAN
23 MUNICIPALITY AND:
24 (a) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION;
25 (b) HAS A POPULATION OF BETWEEN FIVE THOUSAND AND
26 TWENTY-FIVE THOUSAND; AND
27 (c) IS IN A COUNTY WITH A POPULATION OF TWO HUNDRED FIFTY

1 THOUSAND OR MORE.

2 (38) "TOWNHOME" MEANS A SINGLE-UNIT DWELLING UNIT
3 CONSTRUCTED IN A GROUP OF ATTACHED UNITS IN WHICH EACH UNIT
4 EXTENDS FROM FOUNDATION TO ROOF AND HAS OPEN SPACE ON AT LEAST
5 TWO SIDES.

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

12 (40) "UNDEVELOPED URBAN LAND" MEANS GREENFIELD
13 DEVELOPMENT AREAS WITHIN AN EXISTING MUNICIPALITY THAT HAVE
14 REMAINED UNDEVELOPED BUT COULD ACCOMMODATE FUTURE
15 DEVELOPMENT.

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

19 (42) "URBAN MUNICIPALITY" MEANS BOTH A TIER ONE AND A TIER
20 TWO URBAN MUNICIPALITY.

21 (43) "USE BY RIGHT" MEANS A LAND USE, THE DEVELOPMENT OF
22 WHICH PROCEEDS UNDER OBJECTIVE STANDARDS SET FORTH IN ZONING OR
23 OTHER LOCAL LAWS, AND THAT DOES NOT HAVE A DISCRETIONARY
24 APPROVAL PROCESS.

25 29-33-103. Multi-agency advisory committee - rural resort
26 area committee - urban area advisory committee. (1) THERE IS
27 HEREBY CREATED IN THE DEPARTMENT OF LOCAL AFFAIRS THE

1 MULTI-AGENCY ADVISORY COMMITTEE, REFERRED TO IN THIS SECTION AS
2 THE COMMITTEE.

3 (2) THE COMMITTEE IS A TYPE 2 ENTITY, AS DEFINED IN SECTION
4 24-1-105, AND EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND
5 FUNCTIONS UNDER THE DEPARTMENT OF LOCAL AFFAIRS.

6 (3) (a) THE COMMITTEE CONSISTS OF ELEVEN VOTING MEMBERS AS
7 FOLLOWS:

8 (I) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
9 AFFAIRS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

10 (II) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY OFFICE,
11 OF THE EXECUTIVE DIRECTOR'S DESIGNEE;

12 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
13 TRANSPORTATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

14 (IV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
15 RESOURCES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

16 (V) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
17 AGRICULTURE, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

18 (VI) TWO MEMBERS WHO ARE STAFF-LEVEL REPRESENTATIVES
19 FROM METROPOLITAN PLANNING ORGANIZATIONS WHO ARE APPOINTED BY
20 THE GOVERNOR;

21 (VII) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE
22 PLANNING AND IS A STAFF-LEVEL REPRESENTATIVE FROM A TIER ONE
23 URBAN MUNICIPALITY WHO IS APPOINTED BY THE GOVERNOR;

24 (VIII) ONE MEMBER WHO HAS A BACKGROUND IN LAND USE
25 PLANNING AND IS A STAFF-LEVEL REPRESENTATIVE FROM A TIER ONE
26 URBAN MUNICIPALITY WHO IS APPOINTED BY THE GOVERNOR; AND

27 (IX) TWO MEMBERS WHO HAVE A BACKGROUND IN LAND USE

1 PLANNING AND ARE STAFF-LEVEL REPRESENTATIVES FROM RURAL RESORT
2 JOB CENTER MUNICIPALITIES WHO ARE APPOINTED BY THE GOVERNOR.

3 (b) THE GOVERNOR SHALL MAKE THE INITIAL APPOINTMENTS TO
4 THE COMMITTEE NO LATER THAN SEPTEMBER 1, 2023.

5 (4) EACH MEMBER OF THE COMMITTEE WHO IS APPOINTED
6 PURSUANT TO SUBSECTION (3) OF THIS SECTION SERVES AT THE PLEASURE
7 OF THE OFFICIAL WHO APPOINTED THE MEMBER. THE TERM OF
8 APPOINTMENT IS FOUR YEARS; EXCEPT THAT THE TERM OF EACH MEMBER
9 INITIALLY APPOINTED PURSUANT TO SUBSECTIONS (3) OF THIS SECTION IS
10 TWO YEARS AND THE TERM OF EACH MEMBER INITIALLY APPOINTED
11 PURSUANT TO SUBSECTIONS (3) OF THIS SECTION IS ONE YEAR. NO
12 APPOINTED MEMBER OF THE COMMITTEE SHALL SERVE MORE THAN TWO
13 CONSECUTIVE TERMS.

14 (5) (a) THE GOVERNOR SHALL CALL THE FIRST MEETING OF THE
15 COMMITTEE NO LATER THAN OCTOBER 1, 2023.

16 (b) THE COMMITTEE SHALL ELECT A CHAIR FROM AMONG ITS
17 MEMBERS TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS, AS
18 DETERMINED BY THE COMMITTEE. A MEMBER IS NOT ELIGIBLE TO SERVE
19 AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

20 (c) THE COMMITTEE SHALL MEET AT LEAST ONCE EVERY YEAR.
21 THE CHAIR MAY CALL SUCH ADDITIONAL MEETINGS AS ARE NECESSARY
22 FOR THE COMMITTEE TO COMPLETE ITS DUTIES.

23 (6) THE COMMITTEE SHALL COMPLETE ITS DUTIES AS REQUIRED BY
24 THIS ARTICLE 33.

25 (7) UPON REQUEST BY THE COMMITTEE, THE DEPARTMENT OF
26 LOCAL AFFAIRS SHALL PROVIDE OFFICE SPACE, EQUIPMENT, AND STAFF
27 SERVICES AS MAY BE NECESSARY TO IMPLEMENT THIS SECTION.

1 (8) (a) THERE IS CREATED AS PART OF THE MULTI-AGENCY
2 ADVISORY COMMITTEE THE RURAL RESORT AREA SUBCOMMITTEE.

3 (b) THE RURAL RESORT AREA SUBCOMMITTEE CONSISTS OF:

4 (I) THE MEMBERS OF THE MULTI-AGENCY ADVISORY COMMITTEE
5 APPOINTED PURSUANT TO SUBSECTIONS (3)(a)(I), (3)(a)(II), (3)(a)(III),
6 (3)(a)(IV), (3)(a)(V), AND (3)(a)(IX) OF THIS SECTION; AND

7 (II) TWO MEMBERS WHO HAVE A BACKGROUND IN LAND USE
8 PLANNING AND ARE STAFF-LEVEL REPRESENTATIVES FROM RURAL RESORT
9 JOB CENTER MUNICIPALITIES WHO ARE APPOINTED BY THE GOVERNOR.
10 THESE TWO MEMBERS ARE NOT MEMBERS OF THE MULTI-AGENCY
11 ADVISORY COMMITTEE.

12 (c) THE GOVERNOR SHALL CALL THE FIRST MEETING OF THE RURAL
13 RESORT AREA SUBCOMMITTEE.

14 (d) THE RURAL RESORT AREA SUBCOMMITTEE SHALL ELECT A
15 CHAIR FROM AMONG ITS MEMBERS TO SERVE FOR A TERM NOT TO EXCEED
16 TWO YEARS, AS DETERMINED BY THE SUBCOMMITTEE. A MEMBER IS NOT
17 ELIGIBLE TO SERVE AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

18 (e) IN ACCORDANCE WITH 29-33-109, THE RURAL RESORT AREA
19 SUBCOMMITTEE SHALL DEVELOP RECOMMENDATIONS TO PRESENT TO THE
20 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
21 CONCERNING GUIDELINES RELATED TO RURAL RESORT JOB CENTER
22 MUNICIPALITIES.

23 (9) (a) THERE IS CREATED AS PART OF THE MULTI-AGENCY
24 ADVISORY COMMITTEE THE URBAN AREA SUBCOMMITTEE.

25 (b) THE URBAN AREA SUBCOMMITTEE CONSISTS OF THE MEMBERS
26 OF THE MULTI-AGENCY ADVISORY COMMITTEE APPOINTED PURSUANT TO
27 SUBSECTIONS (3)(a)(I), (3)(a)(II), (3)(a)(III), (3)(a)(IV), (3)(a)(V),

1 (3)(a)(VII), AND (3)(a)(VIII) OF THIS SECTION.

2 (c) THE GOVERNOR SHALL CALL THE FIRST MEETING OF URBAN
3 AREA SUBCOMMITTEE.

4 (d) THE URBAN AREA SUBCOMMITTEE SHALL ELECT A CHAIR FROM
5 AMONG ITS MEMBERS TO SERVE FOR A TERM NOT TO EXCEED TWO YEARS,
6 AS DETERMINED BY THE SUBCOMMITTEE. A MEMBER IS NOT ELIGIBLE TO
7 SERVE AS CHAIR FOR MORE THAN TWO SUCCESSIVE TERMS.

8 (e) IN ACCORDANCE WITH SECTION 29-33-109, THE URBAN AREA
9 SUBCOMMITTEE SHALL DEVELOP RECOMMENDATIONS TO PRESENT TO THE
10 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
11 CONCERNING GUIDELINES RELATED TO URBAN CENTER MUNICIPALITIES.

12 **29-33-104. Housing needs assessments - methodology.**

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

16 (b) THE MULTI-AGENCY ADVISORY COMMITTEE, IN CONSULTATION
17 WITH THE STATE DEMOGRAPHER, SHALL, AS PART OF THE PUBLIC
18 COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION 29-33-109(2),
19 DEVELOP RECOMMENDATIONS TO PROVIDE TO THE EXECUTIVE DIRECTOR
20 OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE METHODOLOGY
21 FOR DEVELOPING STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS
22 ASSESSMENTS.

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

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

27 (I) ESTIMATE EXISTING HOUSING STOCK;

1 (II) CONDUCT A HOUSING SHORTAGE ANALYSIS; _____

2 (III) ESTIMATE THE HOUSING NECESSARY TO ACCOMMODATE THE
3 DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE STATE
4 DEMOGRAPHER, CATEGORIZED BY HOUSEHOLD SIZE; HOUSEHOLD TYPE,
5 INCLUDING FOR SUPPORTIVE, FOR-SALE, AND RENTAL HOUSING; AND
6 INCOME LEVEL, INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME,
7 AND LOW-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED STATES
8 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND

9 (IV) ENSURE LOCAL GOVERNMENT INPUT AND COORDINATION;

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

11 (I) ASSESS REGIONAL HOUSING NEEDS FOR EACH REGION, BASED
12 ON:

13 (A) EXISTING AND PROJECTED HOUSING SHORTAGES AND
14 SURPLUSES FOR DIFFERENT HOUSEHOLD TYPES AND INCOME LEVELS,
15 INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND
16 LOW-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED STATES
17 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

18 (B) EXISTING HOUSING DIVERSITY AND STOCK; _____

19 (C) CURRENT JOBS BY INCOME LEVEL;

20 (D) FUTURE POPULATION AND JOB GROWTH PROJECTIONS; AND

21 (E) DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE
22 STATE DEMOGRAPHER; AND

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

1 (c) FOR LOCAL HOUSING NEEDS ASSESSMENTS, METHODS TO
2 ASSESS LOCAL HOUSING NEEDS FOR EACH LOCAL GOVERNMENT, BASED ON:

3 (I) THE CURRENT PROPORTION OF THE LOCALITY'S POPULATION IN
4 DIFFERENT HOUSEHOLD INCOME LEVELS, INCLUDING EXTREMELY
5 LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME HOUSEHOLDS AS
6 DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
7 DEVELOPMENT;

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

9 (III) THE LOCALITY'S JOB-HOUSING BALANCE, INCLUDING THE
10 AVAILABILITY OF HOUSING AFFORDABLE TO LOW-INCOME WORKERS IN THE
11 LOCALITY;

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

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

14 (VI) VACANCY RATES IN THE LOCALITY; _____

15 (VII) MEASURES OF HOMELESSNESS AND HOUSING INSTABILITY IN
16 THE LOCALITY; AND

17 (VIII) DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE
18 STATE DEMOGRAPHER.

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

26 (b) EACH OF THE ASSESSMENTS MUST INCLUDE FOR THE RELEVANT
27 AREA, BASED ON STATE DEMOGRAPHIC DATA DURING THE TWENTY-YEAR

1 PLANNING PERIOD, ESTIMATES OF:

2 (I) HOUSING NEEDS IN THE AREA SORTED BY INCOME LEVELS,
3 INCLUDING EXTREMELY LOW-INCOME, VERY LOW-INCOME, AND
4 LOW-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED STATES
5 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND UNIT TYPES,
6 INCLUDING ACCESSIBLE UNITS, SUPPORTIVE HOUSING, FOR-SALE HOUSING
7 AND RENTAL HOUSING;

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

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

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

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

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

15 **29-33-105. Housing needs plans - guidance - definition.**

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

19 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
20 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
21 29-33-109 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
22 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
23 CONCERNING GUIDANCE FOR CREATING A HOUSING NEEDS PLAN.

24 (2) THE GUIDANCE FOR CREATING A HOUSING NEEDS PLAN MUST
25 INCLUDE GUIDANCE SPECIFICALLY FOR _____ URBAN MUNICIPALITIES.

26 (3) (a) NO LATER THAN DECEMBER 31, 2026, AND EVERY FIVE
27 YEARS THEREAFTER, IN ACCORDANCE WITH THE GUIDANCE FOR CREATING

1 A HOUSING NEEDS PLAN, EVERY _____ URBAN MUNICIPALITY SHALL
2 DEVELOP, ADOPT, AND SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS A
3 HOUSING NEEDS PLAN. THE DEPARTMENT OF LOCAL AFFAIRS SHALL POST
4 THE SUBMITTED PLANS PUBLICLY ON ITS WEBSITE.

5 (b) BEFORE ADOPTING AND SUBMITTING A HOUSING NEEDS PLAN,
6 AN URBAN MUNICIPALITY SHALL PUBLISH THE MOST RECENT DRAFT OF ITS
7 HOUSING NEEDS PLAN AND PROVIDE NOTICE OF A PUBLIC COMMENT PERIOD
8 FOR THE RECEIPT OF WRITTEN COMMENTS CONCERNING THE PLAN. THE ==
9 == URBAN MUNICIPALITY MAY ALSO CHOOSE TO HOLD A PUBLIC HEARING
10 ON THE PLAN.

11 (c) ON OR BEFORE JUNE 30, 2024, AND ON OR BEFORE JUNE 30
12 EVERY FIVE YEARS THEREAFTER, A TIER ONE OR TIER TWO URBAN
13 MUNICIPALITY WITH A POPULATION OF LESS THAN TWENTY-FIVE
14 THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME OF LESS THAN
15 FIFTY-FIVE THOUSAND DOLLARS NEED NOT SUBMIT A HOUSING NEEDS PLAN
16 TO THE DEPARTMENT OF LOCAL AFFAIRS, IF THE MUNICIPALITY INSTEAD
17 SENDS A LETTER TO THE DEPARTMENT IN A FORM AND MANNER
18 DETERMINED BY THE DEPARTMENT INDICATING THAT THE MUNICIPALITY
19 DOES NOT INTEND TO SUBMIT A HOUSING NEEDS PLAN.

20 (4) A HOUSING NEEDS PLAN MUST INCLUDE:
21 (a) A NARRATIVE DESCRIPTION OF THE STAKEHOLDER
22 ENGAGEMENT CONDUCTED DURING THE DEVELOPMENT OF THE HOUSING
23 NEEDS PLAN;

24 (b) AN ANALYSIS OF HOW THE _____ URBAN MUNICIPALITY WILL
25 PROVIDE A REALISTIC OPPORTUNITY FOR DEVELOPMENT THAT WILL
26 ADDRESS ITS LOCAL HOUSING NEEDS ASSESSMENT, INCLUDING THE
27 DEMONSTRATED HOUSING NEEDS FOR PERSONS OF DIFFERENT INCOME

1 LEVELS, OVER THE NEXT TWENTY YEARS WITH AN EQUITABLE
2 DISTRIBUTION OF HOUSING WITHIN THE JURISDICTION;

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

10 (d) A BUILDABLE LANDS ANALYSIS, AS DEFINED IN SUBSECTION (6)
11 OF THIS SECTION, WHICH THE _____ URBAN MUNICIPALITY SHALL ALSO
12 PROVIDE TO THE DIVISION OF LOCAL GOVERNMENT WITHIN THE
13 DEPARTMENT OF LOCAL AFFAIRS;

14 (e) (I) A DESCRIPTION OF AT LEAST TWO STRATEGIES THAT THE _____
15 _____ URBAN MUNICIPALITY ADOPTS FROM THE MENU OF AFFORDABILITY
16 STRATEGIES DESCRIBED IN SECTION 29-33-106. THESE STRATEGIES MUST
17 _____ MAKE PROGRESS TOWARD MEETING DEMONSTRATED HOUSING NEEDS
18 ACROSS ALL HOUSEHOLD INCOMES AND TYPES IDENTIFIED IN THE SUBJECT
19 JURISDICTION'S LOCAL HOUSING NEEDS ASSESSMENT AND ADDRESS AREAS
20 AND HOUSING TYPES THAT PARTS 2 THROUGH 5 OF THIS ARTICLE 33 APPLY
21 TO IN THE SUBJECT JURISDICTION; AND

22 (II) AN IMPLEMENTATION PLAN AND THE ANTICIPATED OUTCOMES
23 FOR EACH OF THE STRATEGIES ADOPTED PURSUANT TO THIS SUBSECTION
24 (4)(e);

25 (f) IN THE CASE OF AN URBAN MUNICIPALITY WITH A
26 TRANSIT-ORIENTED AREA, AT LEAST THREE STRATEGIES ADOPTED
27 PURSUANT TO SUBSECTION (4)(e) OF THIS SECTION; AND

1 (g) IN THE CASE OF AN URBAN MUNICIPALITY, A NARRATIVE
2 ANALYSIS OF ANY AREA AT ELEVATED RISK OF RESIDENTIAL
3 DISPLACEMENT THAT THE URBAN MUNICIPALITY HAS IDENTIFIED AND A
4 DESCRIPTION OF AND IMPLEMENTATION PLAN FOR THE STRATEGIES FROM
5 THE MENU OF DISPLACEMENT MITIGATION MEASURES DESCRIBED IN
6 SECTION 29-33-107, THAT THE URBAN MUNICIPALITY WILL USE TO
7 MITIGATE IDENTIFIED DISPLACEMENT RISKS IN THESE AREAS. ON OR
8 BEFORE JUNE 30, 2025, AN URBAN MUNICIPALITY SHALL SUBMIT THIS
9 INFORMATION TO THE DEPARTMENT OF LOCAL AFFAIRS.

10 (5) WHEN UPDATING ITS MASTER PLAN, AN URBAN MUNICIPALITY
11 SHALL INCLUDE ITS MOST RECENT HOUSING NEEDS PLAN IN ITS MASTER
12 PLAN.

13 (6) AN URBAN MUNICIPALITY THAT ADOPTED A PLAN TO ADDRESS
14 LOCAL HOUSING NEEDS PRIOR TO THE EFFECTIVE DATE OF THIS SECTION
15 MAY, RATHER THAN DEVELOPING AND ADOPTING A NEW HOUSING NEEDS
16 PLAN PURSUANT TO SUBSECTION (3) OF THIS SECTION, UPDATE ITS
17 EXISTING PLAN TO ADDRESS ADDITIONAL NEEDS IDENTIFIED IN THE LOCAL
18 HOUSING NEEDS ASSESSMENT BEYOND WHAT THE MUNICIPALITY'S
19 EXISTING PLAN TO ADDRESS LOCAL HOUSING NEEDS INCLUDES, AND ANY
20 REQUIREMENTS IN SECTION 29-33-105 (4) NOT ALREADY INCLUDED IN THE
21 MUNICIPALITY'S EXISTING PLAN TO ADDRESS LOCAL HOUSING NEEDS.

22 (7) (a) A COUNTY OR MUNICIPALITY WITHIN A REGION DEFINED IN
23 THE REGIONAL HOUSING NEEDS ASSESSMENT MAY PARTICIPATE IN A
24 REGIONAL HOUSING NEEDS PLANNING PROCESS.

25 (b) A REGIONAL HOUSING NEEDS PLANNING PROCESS MAY BE LED
26 BY A REGIONAL ENTITY AND MUST ENCOURAGE PARTICIPATING COUNTIES
27 AND MUNICIPALITIES TO IDENTIFY STRATEGIES THAT IMPROVE

1 COORDINATION BETWEEN ENTITIES TO MEET THE HOUSING NEEDS
2 IDENTIFIED FOR THOSE LOCAL GOVERNMENTS IN THE REGIONAL AND
3 LOCAL HOUSING NEEDS ASSESSMENTS.

4 (8) (a) AS USED IN THIS SECTION UNLESS THE CONTEXT OTHERWISE
5 REQUIRES, "BUILDABLE LANDS ANALYSIS" MEANS A COMPREHENSIVE
6 ANALYSIS OF VACANT, PARTIALLY VACANT, AND UNDERUTILIZED LAND
7 WITHIN AN EXISTING MUNICIPALITY WHICH CAN ACCOMMODATE INFILL
8 DEVELOPMENT, REDEVELOPMENT, AND NEW DEVELOPMENT. THE
9 ANALYSIS INCLUDES GREYFIELD DEVELOPMENT, BROWNFIELD
10 DEVELOPMENT, AND UNDEVELOPED URBAN LAND WITHIN A MUNICIPALITY,
11 AS WELL AS GREENFIELD DEVELOPMENT.

12 (b) IN COMPLETING A BUILDABLE LANDS ANALYSIS, METROPOLITAN
13 PLANNING ORGANIZATIONS AND LOCAL GOVERNMENTS SHALL PRIORITIZE
14 GREYFIELD DEVELOPMENT AND DEVELOPMENT PATTERNS THAT SUPPORT
15 STRATEGIC GROWTH OBJECTIVES.

16 (c) IF GREENFIELD DEVELOPMENT IS DEEMED NECESSARY TO MEET
17 HOUSING NEEDS, THE ANALYSIS MUST DEMONSTRATE THAT SUCH NEEDS
18 CANNOT BE SATISFIED BY GREYFIELD DEVELOPMENT OR BROWNFIELD
19 DEVELOPMENT WITHIN THE EXISTING MUNICIPALITY OR CENSUS
20 URBANIZED AREA.

21 (d) A BUILDABLE LANDS ANALYSIS MUST:

22 (I) CLASSIFY POTENTIAL GREENFIELD DEVELOPMENT AREAS AS A
23 CONSERVATION AREA, EFFICIENT GROWTH AREA, OR GENERAL GROWTH
24 AREA. SUCH CLASSIFICATIONS MUST FURTHER THE STRATEGIC GROWTH
25 OBJECTIVES MOST RECENTLY PUBLISHED BY THE EXECUTIVE DIRECTOR OF
26 THE DEPARTMENT OF LOCAL AFFAIRS.

27 (II) ASSESS ALIGNMENT WITH THE NATURAL AND AGRICULTURAL

1 LAND VALUES PRIORITY REPORT IN THE CONSIDERATION OF GREENFIELD
2 DEVELOPMENT AND ANNEXATION OPPORTUNITIES;

3 (III) IDENTIFY INFRASTRUCTURE GAPS, INCLUDING BUT NOT
4 LIMITED TO TRANSPORTATION WATER, SEWER, STORMWATER, AND UTILITY
5 INFRASTRUCTURE, TO ASSESS DEVELOPMENT READINESS, AND IDENTIFY
6 POTENTIAL FUNDING AND POLICY SOLUTIONS TO ENABLE DEVELOPMENT;

7 (IV) ASSESS ALIGNMENT WITH STRATEGIC GROWTH OBJECTIVES
8 AND QUANTIFY THE IMPACTS OF PLANNED DEVELOPMENT ON HOUSING AND
9 TRANSPORTATION COSTS, HOUSEHOLD DRIVING AND GREENHOUSE GAS
10 EMISSIONS, WATER AND ENERGY CONSUMPTION, ACCESS TO JOBS AND
11 ESSENTIAL SERVICES, TRANSIT VIABILITY, COMMUTE MODE SHARE, GOALS
12 LISTED IN THE NATURAL AND AGRICULTURAL LAND VALUES PRIORITY
13 REPORT, AND OTHER METRICS DEEMED RELEVANT BY THE DEPARTMENT OF
14 LOCAL AFFAIRS; AND

15 (V) IDENTIFY THE WAYS IN WHICH STATE AND REGIONAL FUNDING
16 CAN BETTER SUPPORT DEVELOPMENT PLANS AND STRATEGIC GROWTH
17 OBJECTIVES.

18 (e) ON OR BEFORE DECEMBER 31, 2025, METROPOLITAN PLANNING
19 ORGANIZATIONS, IN CONSULTATION WITH COUNTIES AND MUNICIPALITIES,
20 SHALL COMPLETE A BUILDABLE LANDS ANALYSIS USING INFORMATION IN
21 CONJUNCTION WITH THE REGIONAL HOUSING NEEDS ASSESSMENT. ON OR
22 BEFORE DECEMBER 31, 2026, URBAN MUNICIPALITIES AND RURAL RESORT
23 JOB CENTER MUNICIPALITIES SHALL COMPLETE A BUILDABLE LANDS
24 ANALYSIS AND INCLUDE IT IN THEIR HOUSING NEEDS PLANS.

25 (f) THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF
26 LOCAL AFFAIRS, THE OFFICE OF ECONOMIC DEVELOPMENT AND
27 INTERNATIONAL TRADE, AND METROPOLITAN PLANNING ORGANIZATIONS

1 SHALL USE THE BUILDABLE LANDS ANALYSES TO INFORM THEIR PLANNING
2 PROCESSES, PROJECT PRIORITIZATION, AND GRANT FUNDING CRITERIA.

3 (6) AS USED IN THIS SECTION, A "GREENFIELD DEVELOPMENT
4 ANALYSIS" MEANS AN ANALYSIS IN WHICH A LOCAL GOVERNMENT
5 CLASSIFIES ANY AREA THAT IS LOCATED IN A METROPOLITAN PLANNING
6 ORGANIZATION BUT OUTSIDE OF A CENSUS URBANIZED AREA IDENTIFIED
7 IN A MASTER PLAN OR OUTSIDE OF A PLAN REQUIRED BY SECTION
8 31-12-105 (1)(e) AS A CONSERVATION AREA, EFFICIENT GROWTH AREA, OR
9 GENERAL GROWTH AREA. IN MAKING THIS IDENTIFICATION, A LOCAL
10 GOVERNMENT SHALL RELY ON THE CRITERIA AND DEFINITIONS IN THE
11 STRATEGIC GROWTH OBJECTIVES MOST RECENTLY PUBLISHED BY THE
12 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS. THESE
13 DESIGNATIONS PROVIDE INFORMATION TO STATE AND REGIONAL ENTITIES
14 FOR PLANNING PROCESSES, PROJECT PRIORITIZATION, AND GRANT FUNDING
15 CRITERIA.

16 **29-33-106. Menu of urban municipality affordability**
17 **strategies - menu of rural resort job center municipality affordability**
18 **strategies.** (1) IN ORDER TO SUPPORT AFFORDABILITY AND ADVANCE
19 MEETING THE HOUSING NEEDS OF ALL INCOME LEVELS IDENTIFIED IN THE
20 LOCAL HOUSING NEEDS ASSESSMENT, INCLUDING EXTREMELY
21 LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME HOUSEHOLDS AS
22 DEFINED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
23 DEVELOPMENT, THE MENU OF AFFORDABILITY STRATEGIES FOR AN URBAN
24 MUNICIPALITY MUST INCLUDE THE FOLLOWING:

25 (a) IMPLEMENTATION OF A LOCAL INCLUSIONARY ZONING
26 ORDINANCE IN ACCORDANCE WITH THE REQUIREMENTS SECTIONS
27 29-20-104 (e.5) AND (e.7);

- 1 (b) THE CREATION OF A PROGRAM TO SUBSIDIZE OR OTHERWISE
2 REDUCE LOCAL DEVELOPMENT REVIEW OR FEES, INCLUDING:
- 3 (I) BUILDING PERMIT FEES;
4 (II) PLANNING WAIVERS;
5 (III) WATER AND SEWER TAP FEES; AND
6 (IV) INFRASTRUCTURE COSTS FOR REGULATED AFFORDABLE
7 HOUSING DEVELOPMENT;
- 8 (c) THE CREATION OF AN EXPEDITED DEVELOPMENT REVIEW
9 PROCESS FOR REGULATED AFFORDABLE HOUSING DEVELOPMENTS;
- 10 (d) THE ESTABLISHMENT OF A DENSITY BONUS PROGRAM THAT
11 GRANTS INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT BEYOND
12 WHAT IS REQUIRED BY THIS ARTICLE 33 TO INCREASE THE CONSTRUCTION
13 OF REGULATED AFFORDABLE HOUSING UNITS;
- 14 (e) ENABLING REGULATED AFFORDABLE HOUSING AS A USE BY
15 RIGHT IN HOUSING TYPES AND AREAS BEYOND WHAT IS REQUIRED BY THIS
16 ARTICLE 33, SUCH AS ADDITIONAL ZONE DISTRICTS, HIGHER ALLOWED
17 DENSITIES, OR OTHER APPROACHES CONSISTENT WITH THE GOALS OF
18 INCREASING HOUSING AFFORDABILITY, SUPPLY, AND HOUSING UNIT TYPE
19 DIVERSITY;
- 20 (f) THE ESTABLISHMENT OF A POLICY OR PLAN TO LEVERAGE
21 MUNICIPALLY OWNED LAND FOR REGULATED AFFORDABLE HOUSING
22 DEVELOPMENT.
- 23 (g) THE ESTABLISHMENT OF A DEDICATED LOCAL REVENUE SOURCE
24 FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT;
- 25 (h) THE REGULATION OF SHORT-TERM RENTALS OR SECOND HOMES
26 IN A WAY THAT SUPPORTS LOCAL HOUSING NEEDS;
- 27 (i) THE ELIMINATION OF LOCAL PARKING REQUIREMENTS FOR

1 REGULATED AFFORDABLE HOUSING:

2 (j) MAKING COMMITMENT TO AND REMAINING ELIGIBLE FOR THE
3 STATE AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102 (1):

4 AND

5 (k) ANY OTHER STRATEGIES PROPOSED BY A LOCAL GOVERNMENT
6 OR THE MULTI-AGENCY ADVISORY COMMITTEE THAT ARE APPROVED BY
7 THE DEPARTMENT OF LOCAL AFFAIRS AND THAT SUPPORT EQUAL OR
8 GREATER AFFORDABILITY CONSISTENT WITH THE NEEDS IDENTIFIED IN THE
9 RELEVANT LOCAL HOUSING NEEDS ASSESSMENT.

10 (2) (a) URBAN MUNICIPALITIES SHALL DEMONSTRATE THE
11 ADOPTION OF THE NUMBER OF AFFORDABILITY STRATEGIES REQUIRED BY
12 SECTIONS 29-33-105 (4)(e)(I) AND SUBMIT A REPORT DETAILING THESE
13 STRATEGIES TO THE DEPARTMENT OF LOCAL AFFAIRS NO LATER THAN JUNE
14 30, 2025. IN DETERMINING WHICH STRATEGIES TO ADOPT, AN URBAN
15 MUNICIPALITY SHALL CONSIDER PREVIOUS PLANS ADDRESSING HOUSING
16 NEEDS OR OTHER AVAILABLE DATA TO INFORM THE SELECTION OF
17 STRATEGIES TO ADDRESS KNOWN HOUSING NEEDS.

18 (b) AN URBAN MUNICIPALITY CAN ONLY USE ONE OF THE
19 AFFORDABILITY STRATEGIES IDENTIFIED IN SUBSECTIONS (1)(c) AND (1)(j)
20 OF THIS SECTION TO SATISFY THE REQUIREMENTS OF SECTION 29-33-105
21 (4)(e)(I).

22 (3) IN ORDER TO SUPPORT AFFORDABILITY AND ADVANCE MEETING
23 THE HOUSING NEEDS OF ALL INCOME LEVELS IDENTIFIED IN THE LOCAL
24 HOUSING NEEDS ASSESSMENT, THE MENU OF AFFORDABILITY STRATEGIES
25 FOR A RURAL RESORT JOB CENTER MUNICIPALITY MUST INCLUDE THE
26 FOLLOWING:

27 (a) A STRATEGY DEFINED BY THE RURAL RESORT JOB CENTER

1 MUNICIPALITY THAT SETS PARAMETERS FOR THE CONSTRUCTION AND
2 PERMITTING OF ACCESSORY DWELLING UNITS, MIDDLE HOUSING, AND
3 MULTIFAMILY HOUSING THAT:

4 (I) IS WITHIN A WALKABLE DISTANCE OF TRANSIT STOPS, WHEN
5 POSSIBLE;

6 (II) INCORPORATES AFFORDABILITY PROTECTIONS SUCH AS DEED
7 RESTRICTIONS AND SHORT-TERM RENTAL RESTRICTIONS AS IDENTIFIED BY
8 THE RURAL RESORT JOB CENTER MUNICIPALITY; AND

9 (III) PROVIDES HOUSING THAT MEETS THE RURAL RESORT JOB
10 CENTER MUNICIPALITY'S HOUSING AFFORDABILITY NEEDS AND DOES NOT
11 ENCOURAGE OR REQUIRE ANY HOUSING THAT DOES NOT MEET THE RURAL
12 RESORT JOB CENTER MUNICIPALITY'S HOUSING AFFORDABILITY NEEDS.

13 (b) IMPLEMENTING A LOCAL INCLUSIONARY ZONING ORDINANCE
14 IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 29-20-104 (e.5)
15 AND (e.7);

16 (c) THE CREATION OF A PROGRAM TO SUBSIDIZE OR OTHERWISE
17 REDUCE LOCAL DEVELOPMENT FEES, INCLUDING:

18 (I) BUILDING PERMIT FEES;

19 (II) WATER AND SEWER TAP FEES; AND

20 (III) OTHER INFRASTRUCTURE COSTS FOR REGULATED
21 AFFORDABLE HOUSING DEVELOPMENT;

22 (d) CREATING AN EXPEDITED DEVELOPMENT REVIEW PROCESS FOR
23 REGULATED AFFORDABLE HOUSING DEVELOPMENTS;

24 (e) ESTABLISHING A DENSITY BONUS PROGRAM THAT ALLOWS
25 INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT BEYOND WHAT IS
26 OTHERWISE REQUIRED BY THIS ARTICLE 33 TO INCREASE THE
27 CONSTRUCTION OF REGULATED AFFORDABLE HOUSING UNITS;

1 (f) ENABLING REGULATED AFFORDABLE HOUSING AS A USE BY
2 RIGHT;

3 (g) ESTABLISHING A POLICY OR PLAN TO LEVERAGE
4 MUNICIPALLY-OWNED LAND FOR THE DEVELOPMENT OF REGULATED
5 AFFORDABLE HOUSING;

6 (h) ESTABLISHING A DEDICATED LOCAL REVENUE SOURCE FOR THE
7 DEVELOPMENT OF REGULATED AFFORDABLE HOUSING;

8 (i) REGULATING SHORT-TERM RENTALS OR SECOND HOMES;

9 (j) REDUCING OR ELIMINATING LOCAL PARKING REQUIREMENTS
10 FOR REGULATED AFFORDABLE HOUSING;

11 (k) MAKING A COMMITMENT TO AND REMAINING ELIGIBLE FOR THE
12 STATEWIDE AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102
13 (l);

14 (l) ADOPTING A POLICY THAT RESULTS IN NON-CONSTRUCTION
15 SOLUTIONS TO INCREASE AFFORDABLE HOUSING, INCLUDING THE:

16 (I) ACQUISITION OF DEED RESTRICTIONS ON EXISTING
17 MARKET-RATE HOUSING UNITS;

18 (II) PRESERVATION OF EXISTING DEED RESTRICTIONS; OR

19 (III) PROGRAMS TO DISINCENTIVE THE USE OF HOMES AS
20 NON-PRIMARY RESIDENCES;

21 (m) ADOPTING A REGIONAL HOUSING NEEDS PLAN WITH
22 MULTI-JURISDICTIONAL COMMITMENTS TO MEET IDENTIFIED HOUSING
23 TARGETS TO INCREASE THE SUPPLY OF AFFORDABLE HOUSING;

24 (n) ADOPTING A STRATEGY PROPOSED BY EITHER A LOCAL
25 GOVERNMENT OR THE MULTI-AGENCY ADVISORY COMMITTEE, AND THAT
26 IS APPROVED BY THE DEPARTMENT OF LOCAL AFFAIRS, THAT SUPPORTS
27 EQUAL OR GREATER HOUSING AFFORDABILITY CONSISTENT WITH THE

1 NEEDS IDENTIFIED IN THE RELEVANT LOCAL HOUSING NEEDS ASSESSMENT;

2 AND

3 (o) ADOPTING A POLICY OR REGULATORY TOOL THAT INCENTIVIZES
4 THE PROMOTION OF AFFORDABLE HOUSING DEVELOPMENT AS IDENTIFIED
5 IN SECTION 24-32-130 (3).

6 (4) RURAL RESORT JOB CENTER MUNICIPALITIES SHALL ADOPT AT
7 LEAST FIVE OF THE AFFORDABILITY STRATEGIES LISTED IN SUBSECTION (3)
8 OF THIS SECTION AND SUBMIT A REPORT DETAILING THESE STRATEGIES TO
9 THE DEPARTMENT OF LOCAL AFFAIRS NO LATER THAN DECEMBER 31,
10 2026. IN DETERMINING WHICH STRATEGIES TO ADOPT, A RURAL RESORT
11 JOB CENTER MUNICIPALITY SHALL CONSIDER PREVIOUS PLANS ADDRESSING
12 HOUSING NEEDS OR OTHER AVAILABLE DATA TO INFORM THE SELECTION
13 OF STRATEGIES TO ADDRESS KNOWN HOUSING NEEDS.

14 (5) NOTWITHSTANDING SUBSECTION (4) OF THIS SECTION OR
15 SECTION 29-33-105 (4)(e)(I), A RURAL RESORT JOB CENTER MUNICIPALITY
16 OR URBAN MUNICIPALITY MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF
17 LOCAL AFFAIRS CONCERNING AFFORDABILITY STRATEGIES THAT THE
18 MUNICIPALITY HAS ADOPTED OUTSIDE OF THOSE LISTED IN THIS SECTION,
19 OR THAT THE MUNICIPALITY ADOPTED PRIOR TO THE EFFECTIVE DATE OF
20 THIS SECTION, AND THE DEPARTMENT MAY DETERMINE WHETHER THOSE
21 STRATEGIES MAY QUALIFY AS ~~AN~~ AFFORDABILITY STRATEGIES FOR
22 PURPOSES OF SUBSECTION (4) OF THIS SECTION OR SECTION 29-33-105
23 (4)(e)(I).

24 **29-33-107. Menu of displacement mitigation measures for**
25 **urban municipalities.** (1) (a) NO LATER THAN MARCH 31, 2024, THE
26 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
27 DEVELOP A MENU OF DISPLACEMENT MITIGATION MEASURES FOR URBAN

1 MUNICIPALITIES. THE MENU SHALL BE DESIGNED WITH THE GOAL OF
2 PROVIDING URBAN MUNICIPALITIES WITH ADEQUATE GUIDANCE AND
3 TOOLS TO PREVENT DISPLACEMENT FROM AREAS AT HIGH RISK FOR
4 DISPLACEMENT, PARTICULARLY IN AREAS IMPACTED BY, AND WHERE
5 HOUSING DEVELOPMENT IS ALLOWED BY, PARTS 2, 3, 4, AND 5, OF THIS
6 ARTICLE 33.

7 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
8 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
9 29-33-109 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
10 EXECUTIVE DIRECTOR OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
11 OF A MENU OF DISPLACEMENT MITIGATION MEASURES.

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

13 (a) PROVIDE GUIDANCE TO IDENTIFY THE AREAS AT THE HIGHEST
14 RISKS FOR DISPLACEMENT USING OBJECTIVE STANDARDS. THIS GUIDANCE
15 MUST INCLUDE FACTORS THAT CAN BE USED TO IDENTIFY RISKS FOR
16 DISPLACEMENT AT THE CENSUS TRACT OR OTHER SIMILAR GEOGRAPHIC
17 SCALE. THE FACTORS MUST INCLUDE, BUT ARE NOT LIMITED TO, THE
18 FOLLOWING:

19 (I) THE PERCENTAGE OF RESIDENTS WHO ARE LOW-INCOME;

20 (II) THE PERCENTAGE OF RESIDENTS WHO ARE RENTERS;

21 (III) THE PERCENTAGE OF COST-BURDENED HOUSEHOLDS;

22 (IV) THE NUMBER OF ADULTS WHO ARE TWENTY-FIVE YEARS OF
23 AGE OR OLDER AND HAVE NOT EARNED AT LEAST A HIGH SCHOOL
24 DIPLOMA;

25 (V) THE PERCENTAGE OF HOUSEHOLDS IN WHICH THE PRIMARY
26 LANGUAGE THAT IS SPOKEN IS A LANGUAGE OTHER THAN ENGLISH IS
27 SPOKEN;

1 (VI) THE PERCENTAGE OF RESIDENTS WHO WERE BORN OUTSIDE OF
2 THE UNITED STATES;

3 (VII) THE EMPLOYMENT RATE; AND

4 (VIII) THE PERCENTAGE OF HOUSEHOLDS THAT DO NOT HAVE
5 INTERNET ACCESS.

6 (b) PROVIDE GUIDANCE AND RECOMMENDATIONS FOR HOW A
7 URBAN MUNICIPALITY SHALL INCORPORATE DISPLACEMENT MITIGATION
8 MEASURES INTO A HOUSING NEEDS PLAN; AND

9 (c) INCLUDE DISPLACEMENT MITIGATION MEASURES LOCAL
10 GOVERNMENTS MAY CHOOSE FROM IN DEVELOPING A HOUSING NEEDS
11 PLAN.

12 (3) (a) AN URBAN MUNICIPALITY MAY SUBMIT EVIDENCE TO THE
13 DEPARTMENT OF LOCAL AFFAIRS CONCERNING DISPLACEMENT MITIGATION
14 MEASURES THAT THE MUNICIPALITY ADOPTED PRIOR TO THE EFFECTIVE
15 DATE OF THIS SECTION, AND THE DEPARTMENT MAY DETERMINE WHETHER
16 THOSE STRATEGIES MAY QUALIFY AS A DISPLACEMENT MITIGATION
17 MEASURE FOR PURPOSES OF SECTION 29-33-105 (4)(g).

18 (b) AN URBAN MUNICIPALITY MAY SUBMIT EVIDENCE TO THE
19 DEPARTMENT OF LOCAL AFFAIRS CONCERNING DISPLACEMENT ANALYSIS
20 THAT THE MUNICIPALITY CONDUCTED PRIOR TO THE EFFECTIVE DATE OF
21 THIS SECTION, AND THE DEPARTMENT MAY DETERMINE WHETHER THAT
22 ANALYSIS MAY QUALIFIES AS A NARRATIVE ANALYSIS OF ANY AREA AT
23 ELEVATED RISK OF RESIDENTIAL DISPLACEMENT FOR PURPOSES OF SECTION
24 29-33-105 (4)(g).

25 (4) THE DEPARTMENT OF LOCAL AFFAIRS, SHALL PROVIDE
26 TECHNICAL ASSISTANCE AND FUNDING TO SUPPORT URBAN MUNICIPALITIES
27 IN CONDUCTING DISPLACEMENT ANALYSIS AND IN IDENTIFYING

1 DISPLACEMENT MITIGATION MEASURES TO ADDRESS THE RISK OF
2 DISPLACEMENT IN THE AREAS AT THE HIGHEST RISK OF DISPLACEMENT.

3 **29-33-108. Strategic growth objectives - reporting.** (1) (a) No
4 LATER THAN MARCH 31, 2024, THE EXECUTIVE DIRECTOR OF THE
5 DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH A REPORT THAT
6 IDENTIFIES MULTI-AGENCY IMPLEMENTATION PRINCIPLES TO ACHIEVE
7 STRATEGIC GROWTH OBJECTIVES. THE EXECUTIVE DIRECTOR SHALL
8 UPDATE THIS REPORT EVERY FIVE YEARS.

9 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
10 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
11 29-33-109 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
12 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
13 CONCERNING THE REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS
14 SECTION.

15 (2) STRATEGIC GROWTH OBJECTIVES SERVE AS BROAD GUIDANCE
16 TO STATE AGENCIES AND OTHER ENTITIES ENGAGED IN THE
17 IMPLEMENTATION OF SENATE BILL 23-213, ARE INTENDED TO AID IN
18 REACHING THE HOUSING AND LAND USE GOALS OF SENATE BILL 23-213 AS
19 IDENTIFIED IN SUBSECTION (4) OF THIS SECTION, AND ARE TO BE UTILIZED
20 IN DEVELOPING MULTI-AGENCY IMPLEMENTATION PRINCIPLES FOR
21 STRATEGIC GROWTH OBJECTIVES. STRATEGIC GROWTH OBJECTIVES MUST,
22 AT A MINIMUM:

23 (a) CONSIDER THE DIFFERENT CONTEXTS AND NEEDS OF STRATEGIC
24 GROWTH AREAS IN RURAL, RURAL RESORT, AND URBAN AREAS OF THE
25 STATE;

26 (b) PROMOTE STRATEGIC GROWTH AREAS THAT HAVE:

27 (I) A VARIETY OF HOUSING TYPES;

1 (II) TRANSIT-SUPPORTIVE DENSITIES IN NEW OR EXISTING TRANSIT
2 CORRIDORS;

3 (III) MIDDLE HOUSING AND MULTIFAMILY HOUSING IN EXISTING OR
4 NEW WALKABLE MIXED-USE NEIGHBORHOODS AND CENTERS; AND

5 (IV) SUFFICIENT WATER SUPPLIES AND ALLOCATIONS TO
6 AFFORDABLE AND WATER-EFFICIENT HOUSING TYPES;

7 (c) IN LOCATIONS WHERE GROWTH IS OCCURRING BEYOND
8 EXISTING CENSUS URBANIZED AREAS, DIFFERENTIATE BETWEEN STRATEGIC
9 GROWTH AREAS, GENERAL GROWTH AREAS, AND CONSERVATION AREAS;

10 (d) PROMOTE INVESTMENTS THAT SUPPORT STRATEGIC GROWTH
11 AREAS;

12 (e) STREAMLINE AGENCY PERMITTING PROCESSES TO SUPPORT
13 STRATEGIC GROWTH AREAS;

14 (f) REVIEW PROJECT PRIORITIZATION PROCESSES AND GRANT
15 PROGRAMS TO SUPPORT STRATEGIC GROWTH AREAS;

16 (g) CONSIDER STEPS TO SUPPORT STRATEGIC GROWTH OBJECTIVES
17 WHEN UPDATING PLANNING DOCUMENTS, INCLUDING PERFORMANCE
18 MEASURES AND PERFORMANCE TARGETS; AND

19 (h) IDENTIFY OTHER STRATEGIC GROWTH OBJECTIVES AS NEEDED
20 DURING THE IMPLEMENTATION OF THE MULTI-AGENCY IMPLEMENTATION
21 PRINCIPLES IDENTIFIED IN SUBSECTION (1)(a) OF THIS SECTION.

22 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
23 AFFAIRS MAY IDENTIFY AND DEFINE ADDITIONAL STRATEGIC GROWTH
24 OBJECTIVES BEYOND THOSE IDENTIFIED IN SUBSECTION (2) OF THIS
25 SECTION.

26 (4) FOR THE PURPOSES OF THIS SECTION, THE HOUSING AND LAND
27 USE GOALS OF SENATE BILL 23-213 INCLUDE:

- 1 (a) PLANNING FOR FUTURE GROWTH;
- 2 (b) INCREASING HOUSING AFFORDABILITY;
- 3 (c) INCREASING ECONOMIC MOBILITY;
- 4 (d) ALIGNING WATER SUPPLY AND HOUSING PLANNING;
- 5 (e) BALANCING REGIONAL JOBS AND HOUSING;
- 6 (f) REDUCING AIR POLLUTION AND GREENHOUSE GAS EMISSIONS;
- 7 AND
- 8 (g) PRESERVING OPEN SPACE AND AGRICULTURAL LAND.

9 (5) (a) NO LATER THAN JUNE 30, 2025, THE MULTI-AGENCY GROUP
10 SHALL SUBMIT A REPORT TO THE EXECUTIVE DIRECTOR OF THE
11 DEPARTMENT OF LOCAL AFFAIRS WHO SHALL SUBMIT THE REPORT TO THE
12 GENERAL ASSEMBLY.

- 13 (b) THE REPORT MUST ASSESS BOTH:
- 14 (I) THE AVAILABILITY AND SUFFICIENCY OF WATER SUPPLIES IN
15 COUNTIES WITH A POPULATION GREATER THAN TWO HUNDRED AND FIFTY
16 THOUSAND TO PROVIDE FOR ANTICIPATED GROWTH AND DEVELOPMENT;
- 17 AND
- 18 (II) POLICY OPTIONS TO OPTIMIZE WATER SUPPLY AND
19 DEVELOPMENT.

20 =====

21 **29-33-109. Public comment and hearing process.** (1) IN
22 DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE
23 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE
24 MULTI-AGENCY ADVISORY COMMITTEE CREATED IN SECTION 29-33-103
25 (1), RURAL RESORT AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103
26 (8), OR THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103
27 (9), SHALL CONDUCT A PUBLIC COMMENT AND HEARING PROCESS ABOUT:

1 (a) DEVELOPING METHODOLOGY FOR THE DEVELOPMENT OF
2 STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS
3 PURSUANT TO SECTION 29-33-104;

4 (b) CREATING A HOUSING NEEDS PLAN PURSUANT TO SECTION
5 29-33-105;

6 (c) DEVELOPING A MENU OF AFFORDABILITY STRATEGIES THAT
7 INCLUDES STRATEGIES TO ADDRESS HOUSING PRODUCTION,
8 PRESERVATION, AND AFFORDABILITY PURSUANT TO SECTION 29-33-106;

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

11 (e) PUBLISHING A REPORT THAT IDENTIFIES STRATEGIC GROWTH
12 OBJECTIVES PURSUANT TO SECTION 29-33-108; AND

13 (f) DEVELOPING REPORTING GUIDANCE AND TEMPLATES FOR
14 RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES
15 PURSUANT TO SECTION 29-33-113.

16 (2) TO CONDUCT THE PUBLIC COMMENT AND HEARING PROCESS
17 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE MULTI-AGENCY
18 ADVISORY COMMITTEE CREATED IN SECTION 29-33-103 (1), RURAL RESORT
19 AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8), OR THE URBAN
20 AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103 (9), SHALL:

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

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

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

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

4 (e) ENSURE ACCESSIBILITY TO THE COMMENT AND HEARING
5 PROCESS BY PROVIDING TRANSLATED MATERIALS AND INTERPRETATION
6 SERVICES, PROVIDING AT LEAST ONE OF THE HEARINGS IN PERSON, AND
7 CONDUCTING OUTREACH TO ENCOURAGE PARTICIPATION FROM
8 UNDERREPRESENTED COMMUNITIES.

9 **29-33-110. Natural and agricultural land priorities report.**

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

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

20 (b) PRESERVATION OF AGRICULTURAL LAND AND OPEN SPACE.

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

25 **29-33-111. Regional collaboration - rural resort regional**
26 **housing needs plan process - rural resort job center municipality**
27 **housing needs plans.** (1) (a) A GROUP OF COUNTIES OR MUNICIPALITIES

1 MAY PARTICIPATE IN A REGIONAL HOUSING NEEDS PLANNING PROCESS.
2 (b) THE COUNTIES OR MUNICIPALITIES THAT PARTICIPATE IN A
3 PLANNING PROCESS:
4 (I) MAY UTILIZE DATA AND INFORMATION FROM A RURAL RESORT
5 REGIONAL HOUSING NEEDS ASSESSMENT THAT IS NO MORE THAN FIVE
6 YEARS OLD TO INFORM THEIR PARTICIPATION IN THE PLANNING PROCESS;
7 (II) ARE ENCOURAGED TO INCORPORATE STRATEGIC GROWTH
8 OBJECTIVES AS DEFINED IN SECTION 29-33-108 IN THE PLANNING PROCESS;
9 AND
10 (III) ARE ENCOURAGED TO IDENTIFY STRATEGIES THAT ADDRESS
11 THE HOUSING NEEDS IDENTIFIED IN LOCAL HOUSING NEEDS ASSESSMENTS
12 THROUGH THE ADOPTION OF INTERJURISDICTIONAL STRATEGIES.
13 (c) IF NO EXISTING REGIONAL PLAN EXISTS, A GROUP OF COUNTIES
14 OR MUNICIPALITIES MAY REQUEST THAT THE RURAL RESORT AREA
15 SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8) FACILITATE THE
16 CREATION OF A REGIONAL PLANNING PROCESS.
17 (d) BY DECEMBER 31, 2024, THE RURAL RESORT AREA
18 SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8) SHALL ISSUE A REPORT
19 TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON
20 THE STATUS, OPPORTUNITIES, AND CHALLENGES OF REGIONAL PLANNING
21 IN THE RURAL RESORT REGIONS, INCLUDING THE CONNECTION BETWEEN
22 HOUSING AND TRANSPORTATION. THE RURAL RESORT AREA
23 SUBCOMMITTEE CREATED IN SECTION 29-33-103 (8) SHALL ALSO
24 EVALUATE AND MAKE RECOMMENDATIONS ON THE USE OF DATA TO
25 CREATE AFFORDABILITY STRATEGIES IN REGIONAL AND LOCAL HOUSING
26 ASSESSMENTS AND REGIONAL AND LOCAL HOUSING PLANS THAT FOLLOW
27 STRATEGIC GROWTH OBJECTIVES AS DEFINED IN SECTION 29-33-108.

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

7 (2) TO ASSIST LOCAL GOVERNMENTS IN COMPLYING WITH THIS
8 ARTICLE 33, THE DIVISION OF LOCAL GOVERNMENT WITHIN THE
9 DEPARTMENT OF LOCAL AFFAIRS, WITH THE SUPPORT OF THE
10 MULTI-AGENCY GROUP, SHALL PROVIDE TECHNICAL ASSISTANCE FUNDING
11 THROUGH EITHER A GRANT PROGRAM OR THE PROVISION OF CONSULTANT
12 SERVICES THROUGH SUBJECT JURISDICTIONS OR BOTH A GRANT PROGRAM
13 AND PROVISION OF CONSULTANT SERVICES. THE DIVISION OF LOCAL
14 GOVERNMENT MAY ALSO PROVIDE TECHNICAL ASSISTANCE FUNDING
15 THROUGH A METROPOLITAN PLANNING ORGANIZATION OR OTHER
16 REGIONAL ENTITY. BEGINNING JANUARY 1, 2026, AND EVERY YEAR
17 THEREAFTER, THE DEPARTMENT OF LOCAL AFFAIRS SHALL PROVIDE A
18 REPORT ON THE ASSISTANCE REQUESTED BY LOCAL GOVERNMENTS
19 PURSUANT TO THIS SECTION, WHETHER OR NOT ADEQUATE STATE FUNDING
20 IS AVAILABLE TO MEET THE ASSISTANCE REQUESTED BY LOCAL
21 GOVERNMENTS, AND ANY ADDITIONAL RESOURCES THAT LOCAL
22 GOVERNMENTS HAVE IDENTIFIED THAT WOULD HELP COMPLETE ADVISORY
23 HOUSING NEEDS PLANS.

24 (3) (a) THE HOUSING PLANS ASSISTANCE FUND IS CREATED IN THE
25 STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL
26 ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND FOR
27 IMPLEMENTATION OF THE GRANT PROGRAM, AND GIFTS, GRANTS, OR

1 DONATIONS CREDITED TO THE FUND. THE STATE TREASURER SHALL CREDIT
 2 ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT
 3 OF MONEY IN THE HOUSING PLANS ASSISTANCE CASH FUND TO THE FUND.

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

9 **29-33-113. Reporting requirements.** (1) (a) NO LATER THAN
 10 DECEMBER 31, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
 11 LOCAL AFFAIRS SHALL DEVELOP REPORTING GUIDANCE AND TEMPLATES
 12 FOR RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN
 13 MUNICIPALITIES.

14 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
 15 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
 16 29-33-109(2), PROVIDE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR
 17 OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
 18 OF REPORTING GUIDANCE AND TEMPLATES FOR RURAL RESORT JOB CENTER
 19 MUNICIPALITIES AND URBAN MUNICIPALITIES.

20 (2) AT A MINIMUM, RURAL RESORT JOB CENTER MUNICIPALITIES
 21 AND URBAN MUNICIPALITIES SHALL REPORT, NO LATER THAN DECEMBER
 22 31, 2026, AND NO LATER THAN DECEMBER 31 OF EACH YEAR THEREAFTER,
 23 IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
 24 AFFAIRS, THE FOLLOWING HOUSING DATA TO THE DEPARTMENT OF LOCAL
 25 AFFAIRS:

26 (a) THE NUMBER OF PERMITS THAT THE MUNICIPALITY ISSUED FOR
 27 NEW HOUSING UNITS CATEGORIZED BY THE NUMBER OF UNITS IN EACH

1 STRUCTURE TYPE;

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

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

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

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

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

14 (g) THE NUMBER OF INTERGOVERNMENTAL AGREEMENTS THAT
15 THE MUNICIPALITY HAS ENTERED INTO TO ADDRESS ITS LOCAL AND
16 REGIONAL HOUSING NEEDS ASSESSMENTS AND A DESCRIPTION OF THESE
17 AGREEMENTS.

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

23 **29-33-114. Compliance.** NO LATER THAN JUNE 30, 2027, THE
24 DEPARTMENT OF LOCAL AFFAIRS SHALL CONDUCT A COMPLIANCE REVIEW
25 AND APPROVE HOUSING NEEDS PLANS OR PROVIDE FEEDBACK TO RURAL
26 RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES AS
27 NEEDED.

1 PART 2

2 ACCESSORY DWELLING UNITS

3 **29-33-201. Legislative declaration.** (1) (a) THE GENERAL
4 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

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

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

12 (III) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

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

26 (V) MORE PERMISSIVE LOCAL GOVERNMENT ACCESSORY
27 DWELLING UNIT REGULATIONS CAN HELP INCREASE HOUSING SUPPLY AND

1 STABILIZE HOUSING COSTS;

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

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

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

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

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

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

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

27 **29-33-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

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

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

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

10 (4) "SUBJECT JURISDICTION" MEANS A NON-URBAN MUNICIPALITY
11 OR URBAN MUNICIPALITY.

12 **29-33-203. Applicability - exemptions.** (1) THE REQUIREMENTS
13 OF THIS PART 2 APPLY ONLY IN A SUBJECT JURISDICTION.

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

17 **29-33-204. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
18 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
19 PROMULGATE AN ACCESSORY DWELLING UNIT MODEL CODE.

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

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

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

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

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

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

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

8 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT AS AN
9 ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF
10 THE SUBJECT JURISDICTION WHERE THE SUBJECT JURISDICTION ALLOWS
11 SINGLE-UNIT DETACHED DWELLINGS AS A USE BY RIGHT; AND

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

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

17 **29-33-205. Minimum standards.** (1) NOTWITHSTANDING ANY
18 LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT
19 ADOPT THE MODEL CODE SHALL:

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

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

27 (c) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING

1 SINGLE-UNIT DETACHED DWELLING TO CREATE AN ACCESSORY DWELLING
2 UNIT SO LONG AS THE ADDITION OR CONVERSION DOES NOT INCREASE
3 NONCONFORMANCE WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS
4 LOCAL LAWS ALLOW FOR SUCH AN INCREASE IN NONCONFORMANCE; AND

5 (d) ALLOW ACCESSORY DWELLING UNIT SIZES BETWEEN FIVE
6 HUNDRED AND EIGHT HUNDRED SQUARE FEET. SUBJECT JURISDICTIONS
7 MAY ADDITIONALLY PERMIT SMALLER OR LARGER ACCESSORY DWELLING
8 UNITS AT THEIR DISCRETION.

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

12 (a) APPLY STANDARDS CONCERNING ARCHITECTURAL STYLE,
13 BUILDING MATERIALS, OR LANDSCAPING THAT ARE MORE RESTRICTIVE
14 THAN THE STANDARDS THAT THE SUBJECT JURISDICTION APPLIES TO A
15 SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT;

16 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT MAKE THE
17 PERMITTING, APPROVAL OF SITING, OR CONSTRUCTION OF AN ACCESSORY
18 DWELLING UNIT PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT;

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

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

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

1 (f) REQUIRE SIDE OR REAR SETBACKS _____ FOR AN ACCESSORY
2 DWELLING UNIT GREATER THAN THE MINIMUM SIDE SETBACK REQUIRED
3 FOR A SINGLE-UNIT DETACHED DWELLING OR THE SETBACK REQUIRED FOR
4 OTHER ACCESSORY BUILDINGS IN THE SAME ZONING DISTRICT. UNLESS
5 SUCH A SETBACK IS NECESSARY TO COMPLY WITH PUBLIC HEALTH OR
6 SAFETY STANDARDS.

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

10 **29-33-206. Adoption of model codes - satisfaction of minimum**
11 **standards - reporting.** (1) NO LATER THAN JUNE 30, 2025. A SUBJECT
12 JURISDICTION SHALL EITHER:

13 (a) ADOPT LOCAL LAWS CONCERNING ACCESSORY DWELLING UNITS
14 THAT SATISFY THE MINIMUM STANDARDS ESTABLISHED IN SECTION
15 29-33-205; OR

16 (b) ADOPT THE MODEL CODE.

17 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
18 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BEFORE DECEMBER
19 31, 2025. THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR
20 APPLICABLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT DENY OR
21 CONDITION APPROVAL OF AN APPLICATION FOR AN ACCESSORY DWELLING
22 UNIT ON ANY APPLICABLE PARCEL ON ANY BASIS THAT IS INCONSISTENT
23 WITH THE MODEL CODE. AS SPECIFIED IN SECTION 29-33-203. IN THE
24 SUBJECT JURISDICTION AND REMAINS IN EFFECT UNTIL THE DEPARTMENT
25 OF LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
26 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

27 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE

1 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
2 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT
3 JURISDICTION'S ACCESSORY DWELLING UNIT DECISIONS SHALL BE
4 CONSISTENT WITH THE MODEL CODE AND THE SUBJECT JURISDICTION
5 SHALL:

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

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

11 (4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
12 MAY NOTIFY THE DEPARTMENT OF LOCAL AFFAIRS THAT AN EXEMPTION OR
13 AN EXTENSION IS NECESSARY FROM THE REQUIREMENTS OF SUBSECTION
14 (1) OF THIS SECTION.

15 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
16 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
17 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
18 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
19 EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED
20 IN THIS SUBSECTION (4)(b)(I), "DEFICIENT" INCLUDES, IN REFERENCE TO
21 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
22 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
23 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
24 APPLICABLE, ISSUES CONCERNING:

25 (I) WATER SUPPLY;

26 (II) WASTEWATER TREATMENT CAPACITY;

27 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION

1 CAPACITY; OR
2 (IV) STORMWATER MANAGEMENT CAPACITY.
3 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
4 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (4)(b) OF THIS
5 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
6 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
7 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
8 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
9 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN IN THE
10 NOTICE.
11 =====
12 (d) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
13 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
14 (4).
15 (5) (a) NO LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION
16 SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN A FORM AND
17 MANNER DETERMINED BY THE DEPARTMENT OF LOCAL AFFAIRS, A REPORT
18 DEMONSTRATING EVIDENCE OF COMPLIANCE WITH EITHER THE MODEL
19 CODE OR MINIMUM STANDARDS.
20 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
21 SUBSECTION (5)(a) OF THIS SECTION , THE DEPARTMENT OF LOCAL AFFAIRS
22 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
23 REPORT AND PROVIDE FEEDBACK TO A SUBJECT JURISDICTION. THE
24 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
25 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
26 LOCAL LAWS AND RE-SUBMIT THEIR REPORT.
27 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT

1 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
2 IMMEDIATELY FOR THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
3 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
4 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

5 **29-33-207. Subject jurisdiction restrictions.** (1) NOTHING IN
6 THIS PART 2 PREVENTS A LOCAL GOVERNMENT FROM:

7 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
8 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
9 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED
10 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

11 (b) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE
12 PAYMENT OF IMPACT FEES IN CONFORMANCE WITH THE REQUIREMENTS OF
13 SECTION 29-20-104.5 OR THE MITIGATION OF IMPACTS IN CONFORMANCE
14 WITH THE REQUIREMENTS OF SECTION PART 2 OF ARTICLE 20 OF TITLE 29.

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

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

20 (e) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
21 DISTRICT TO A PARCEL ON WHICH AN ACCESSORY DWELLING UNIT IS
22 ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATING TO
23 DEMOLITION.

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

27 PART 3

1 MIDDLE HOUSING

2 **29-33-301. Legislative declaration.** (1) (a) THE GENERAL
3 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

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

6 (II) THE TEN LARGEST MUNICIPALITIES IN THE DENVER
7 METROPOLITAN AREA ALLOW SINGLE-UNIT DETACHED DWELLINGS AS A
8 USE BY RIGHT ON OVER EIGHTY-FIVE PERCENT OF THEIR RESIDENTIAL
9 LAND, COMPARED TO ALLOWING TOWNHOMES, DUPLEXES, TRIPLEXES, AND
10 QUADPLEXES AS A USE BY RIGHT ON LESS THAN THIRTY-FIVE PERCENT OF
11 THEIR RESIDENTIAL LAND, ACCORDING TO PUBLICLY AVAILABLE ZONING
12 DATA;

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

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

20 (V) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

21 (VI) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
22 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
23 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
24 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
25 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
26 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
27 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY

1 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
2 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
3 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
4 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
5 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
6 AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE.

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

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

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

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

25 (XI) MIDDLE HOUSING USES SIGNIFICANTLY LESS ENERGY FOR
26 HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED
27 DWELLINGS DUE TO MIDDLE HOUSING HAVING ATTACHED WALLS AND

1 SMALLER UNIT SIZES, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND
2 GREENHOUSE GAS EMISSIONS; AND

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

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

12 **29-33-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

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

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

19 (3) "SUBJECT JURISDICTION" MEANS _____ OR A TIER ONE URBAN
20 MUNICIPALITY.

21 **29-33-303. Applicability - exemptions.** (1) THE REQUIREMENTS
22 OF THIS PART 3 ONLY APPLY IN A SUBJECT JURISDICTION.

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

26 **29-33-304. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
27 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL

1 PROMULGATE A MIDDLE HOUSING MODEL CODE.

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

5 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
6 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE
7 MIDDLE HOUSING MODEL CODE, THE MULTI-AGENCY ADVISORY
8 COMMITTEE SHALL:

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

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

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

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

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

23 (4) THE MODEL CODE MUST NOT ALLOW MINIMUM OFF-STREET
24 VEHICLE PARKING REQUIREMENTS IN CONNECTION WITH THE
25 CONSTRUCTION OR PERMITTING OF MIDDLE HOUSING THAT ARE GREATER
26 THAN ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE
27 ROUNDED UP.

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

7 =====

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

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

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

17 (III) ALLOW PROPERTIES ON WHICH MIDDLE HOUSING IS ALLOWED
18 TO BE SUBDIVIDED USING OBJECTIVE STANDARDS AND PROCEDURES. =====

19 =

20 =====

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

24 (a) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT MAKE THE
25 PERMITTING, SITING, OR CONSTRUCTION OF MIDDLE HOUSING PHYSICALLY
26 IMPOSSIBLE OR PRACTICALLY DIFFICULT;

27 (b) APPLY STANDARDS PERTAINING TO ARCHITECTURAL

1 COMPATIBILITY, BUILDING MATERIALS, OR LANDSCAPING THAT ARE MORE
2 RESTRICTIVE THAN THE STANDARDS THAT THE SUBJECT JURISDICTION
3 APPLIES TO A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING
4 DISTRICT;

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

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

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

19 _____
20 (f) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE TO
21 MIDDLE HOUSING IN A MANNER THAT INTERFERES WITH THE INTENT OF
22 THIS PART 3; OR

23 (g) APPLY MINIMUM OFF-STREET VEHICLE PARKING REQUIREMENTS
24 IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING OF MIDDLE
25 HOUSING THAT ARE GREATER THAN ONE-HALF OF A PARKING SPACE PER
26 DWELLING UNIT, WHICH MAY BE ROUNDED UP.

27 _____

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

4 **29-33-306. Adoption of model codes - satisfaction of minimum**
5 **standards.** (1) (a) NO LATER THAN JUNE 30, 2025, A SUBJECT
6 JURISDICTION SHALL EITHER:

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

9 (II) ADOPT THE MODEL CODE.

10 (b) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
11 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION BEFORE
12 DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY
13 FOR APPLICABLE PARCELS, AND THE SUBJECT JURISDICTION SHALL NOT
14 DENY OR CONDITION APPROVAL OF AN APPLICATION FOR A MIDDLE
15 HOUSING PROJECT ON ANY APPLICABLE PARCEL ON ANY BASIS THAT IS
16 INCONSISTENT WITH THE MODEL CODE, AS SPECIFIED IN SECTION
17 29-33-303, IN THE SUBJECT JURISDICTION AND REMAINS IN EFFECT UNTIL
18 THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES THAT THE SUBJECT
19 JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH THE MINIMUM
20 STANDARDS.

21 _____

22 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR THE
23 MODEL CODE IS OTHERWISE IN EFFECT, MIDDLE HOUSING DECISIONS ARE
24 REQUIRED TO BE CONSISTENT WITH THE MODEL CODE FOR A SUBJECT
25 JURISDICTION PURSUANT TO EITHER SUBSECTION (1)(b) OR (2)(b) OF THIS
26 SECTION, THE SUBJECT JURISDICTION SHALL:

27 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A

1 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
2 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT
3 JURISDICTION SHALL APPROVE THE MIDDLE HOUSING PROJECT; AND

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

6 (3) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
7 MAY NOTIFY THE DEPARTMENT OF LOCAL AFFAIRS THAT AN EXEMPTION OR
8 AN EXTENSION IS NECESSARY FROM THE REQUIREMENTS OF SUBSECTION
9 (1) OF THIS SECTION.

10 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
11 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
12 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
13 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
14 EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED
15 IN THIS SUBSECTION (3)(b), "DEFICIENT" INCLUDES, IN REFERENCE TO THE
16 SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
17 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
18 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
19 APPLICABLE, ISSUES CONCERNING:

- 20 (I) WATER SUPPLY;
- 21 (II) WASTEWATER TREATMENT CAPACITY;
- 22 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION
23 CAPACITY; OR
- 24 (IV) STORMWATER MANAGEMENT CAPACITY.

25 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
26 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (4)(b) OF THIS
27 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO

1 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
2 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
3 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
4 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN IN THE
5 NOTICE.

6 (d) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
7 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
8 (3).

9 (5) (a) _____ NO LATER THAN JUNE 30, 2025, A SUBJECT
10 JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
11 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
12 AFFAIRS, A REPORT DEMONSTRATING EVIDENCE OF COMPLIANCE WITH
13 EITHER THE MODEL CODE OR MINIMUM STANDARDS.

14 _____
15 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
16 SUBSECTION (4)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
17 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
18 REPORT AND PROVIDE FEEDBACK TO THE SUBJECT JURISDICTION. THE
19 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
20 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
21 LOCAL LAWS AND RESUBMIT THEIR REPORT.

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

27 **29-33-307. Subject jurisdiction restrictions.** (1) NOTHING IN

1 THIS PART 3 PREVENTS A SUBJECT JURISDICTION FROM:

2 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
3 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
4 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED
5 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

6 (b) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE
7 PAYMENT OF IMPACT FEES IN CONFORMANCE WITH THE REQUIREMENTS OF
8 SECTION 29-20-104.5 OR THE MITIGATION OF IMPACTS IN CONFORMANCE
9 WITH THE REQUIREMENTS OF SECTION PART 2 OF ARTICLE 20 OF TITLE 29;

10 (c) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO
11 MIDDLE HOUSING IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
12 29-20-104(e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE 20 OF TITLE
13 29;

14 (d) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
15 MIDDLE HOUSING;

16 (e) ALLOWING SINGLE-UNIT DETACHED DWELLINGS IN AN AREA
17 ZONED FOR SINGLE-UNIT DETACHED DWELLINGS; OR

18 (f) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
19 DISTRICT TO A PARCEL ON WHICH MIDDLE HOUSING IS ALLOWED IN THAT
20 HISTORIC DISTRICT, INCLUDING RULES RELATING TO DEMOLITION.

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

24 PART 4

25 TRANSIT-ORIENTED AREAS

26 **29-33-401. Legislative declaration.** (1) (a) THE GENERAL
27 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

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

3 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

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

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

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

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

1 HOUSING;

2 (VII) RELATIVE TO DISPERSED LOW-DENSITY DEVELOPMENT,
3 COMPACT INFILL HOUSING DEVELOPMENT, INCLUDING MULTIFAMILY
4 HOUSING IN TRANSIT-ORIENTED AREAS DEVELOPMENT, REDUCES WATER
5 USE, GREENHOUSE GAS EMISSIONS, AND HOUSEHOLD ENERGY AND
6 TRANSPORTATION COSTS;

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

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

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

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

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

1 **29-33-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "ELIGIBLE PARCEL" MEANS A PARCEL THAT IS NOT:

4 (a) A STANDARD EXEMPT PARCEL;

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

7 (c) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT; OR

8 (d) ON OR ADJOINING A SITE THAT:

9 (I) IS CURRENTLY USED FOR AN INDUSTRIAL USE;

10 (II) CURRENTLY ALLOWS INDUSTRIAL USES;

11 (III) IS DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
12 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN; OR

13 (IV) IS OWNED BY, USED AS OR OPERATED BY AN AIRPORT.

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

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

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

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

3 **29-33-403. Applicability in transit-oriented areas -**
4 **exemptions.** (1) THE REQUIREMENTS OF THIS PART 4 ONLY APPLY IN A
5 TRANSIT-ORIENTED AREA IN A SUBJECT JURISDICTION.

6 (2) IF A TRANSIT-ORIENTED AREA IS LOCATED WITHIN MULTIPLE
7 JURISDICTIONS, A SUBJECT JURISDICTION NEED ONLY MEET THE
8 REQUIREMENTS OF THIS PART 4 IN THE PARTS OF A TRANSIT-ORIENTED
9 AREA LOCATED WITHIN THE SUBJECT JURISDICTION.

10 (3) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
11 LAWS ADOPTED PURSUANT TO THIS PART 4 ONLY APPLY TO ELIGIBLE
12 PARCELS.

13 (4) WHERE THE REQUIREMENTS OF THIS PART 4 APPLY TO PARCELS
14 OR LOTS TO WHICH PARTS 2, 3, OR 5 OF THIS ARTICLE 33 ALSO APPLY, THE
15 REQUIREMENTS OF THIS PART 4 SHALL SUPERSEDE WHERE THERE IS
16 CONFLICT WITH OTHER RELEVANT PARTS.

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

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

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

27 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC

1 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
2 COMMENT ON THE MODEL CODE;

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

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

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

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

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

15 (b) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
16 MULTIFAMILY _____ HOUSING OF UP TO AT LEAST FORTY UNITS PER ACRE
17 NET DENSITY AS A USE BY RIGHT IN TRANSIT-ORIENTED AREAS; AND

18 (c) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
19 MIXED-INCOME MULTIFAMILY HOUSING OF UP TO AT LEAST SIXTY UNITS
20 PER ACRE NET DENSITY AS A USE BY RIGHT IN TRANSIT-ORIENTED AREAS.

21 _____
22 (4) NOTHING IN THE MODEL CODE SHALL PREVENT A SUBJECT
23 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN
24 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,
25 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS THE SUBJECT
26 JURISDICTION HAS ADOPTED AN INCLUSIONARY ZONING ORDINANCE THAT
27 APPLIES WITHIN TRANSIT-ORIENTED AREAS.

1
2
3 **29-33-405. Minimum standards.** (1) (a) NOTWITHSTANDING
4 ANY LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES
5 NOT ADOPT THE MODEL CODE SHALL CREATE OR UPDATE A ZONING
6 DISTRICT WITHIN EACH TRANSIT-ORIENTED AREA IN WHICH MULTIFAMILY
7 HOUSING IS ALLOWED AS A USE BY RIGHT AND A MINIMUM AVERAGE NET
8 DENSITY OF FORTY UNITS OF MULTIFAMILY HOUSING PER ACRE IS
9 ALLOWED. SUBJECT JURISDICTIONS MAY ESTABLISH DISTRICTS WITHIN
10 THESE ZONING SUBDISTRICTS THAT ALLOW A DIFFERENT DENSITY OF
11 MULTIFAMILY HOUSING DEVELOPMENT SO LONG AS EACH DISTRICT
12 ALLOWS AN AVERAGE NET DENSITY OF MULTIFAMILY HOUSING OF AT
13 LEAST FORTY UNITS PER ACRE. THE MINIMUM AREA OF THE ZONING
14 DISTRICT OR SUBDISTRICTS MUST IN TOTAL BE GREATER THAN OR EQUAL
15 TO FIFTY PERCENT OF THE AREA OF ELIGIBLE PARCELS IN EACH
16 TRANSIT-ORIENTED AREA IN A SUBJECT JURISDICTION. A SUBJECT
17 JURISDICTION MAY CHOOSE TO INCLUDE EXEMPT PARCELS, AS SPECIFIED
18 IN SECTION 29-33-402, WHEN CALCULATING THE AREA OF ELIGIBLE
19 PARCELS IN EACH TRANSIT-ORIENTED AREA IN A SUBJECT JURISDICTION.

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

- 27 (I) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR
 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING

1 AREAS FOR TRANSIT-COMPATIBLE USE IN ADJACENT AREAS.

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

5 (a) APPLY LOCAL LAWS _____ THAT MAKE THE PERMITTING, SITING,
6 OR CONSTRUCTION OF MULTIFAMILY HOUSING IN A TRANSIT-ORIENTED
7 AREA PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT;

8 (b) ADOPT LOCAL LAWS THAT INDIVIDUALLY OR CUMULATIVELY
9 MAKE A DENSITY OF UP TO AT LEAST FORTY UNITS PER ACRE PHYSICALLY
10 IMPOSSIBLE OR PRACTICALLY DIFFICULT; OR

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

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

17 **29-33-406. Adoption of model code - satisfaction of minimum**
18 **standards.** (1) (a) NO LATER THAN JUNE 30, 2025, A SUBJECT
19 JURISDICTION SHALL EITHER:

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

22 (II) ADOPT THE MODEL CODE.

23 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
24 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION BEFORE
25 DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY
26 FOR THE APPLICABLE PARCELS, AND THE SUBJECT JURISDICTION SHALL NOT
27 DENY OR CONDITION APPROVAL OF AN APPLICATION FOR A MULTIFAMILY

1 HOUSING PROJECT ON ANY APPLICABLE PARCEL ON ANY BASIS THAT IS
2 INCONSISTENT WITH THE MODEL CODE, AS SPECIFIED IN SECTION
3 29-33-403, IN THE SUBJECT JURISDICTION, UNTIL THE DEPARTMENT OF
4 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
5 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

6 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR THE
7 MODEL CODE IS OTHERWISE IN EFFECT, FOR A SUBJECT JURISDICTION
8 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT
9 JURISDICTION'S ACCESSORY DWELLING UNIT DECISIONS SHALL BE
10 CONSISTENT WITH THE MODEL CODE AND THE SUBJECT JURISDICTION
11 SHALL:

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

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

18 (4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
19 MAY NOTIFY THE DEPARTMENT OF LOCAL AFFAIRS THAT AN EXEMPTION OR
20 AN EXTENSION IS NECESSARY FROM THE REQUIREMENTS OF SUBSECTION
21 (1) OF THIS SECTION.

22 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
23 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
24 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
25 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
26 EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED
27 IN THIS SUBSECTION (4)(b)(I), "DEFICIENT" INCLUDES, IN REFERENCE TO

1 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
2 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
3 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
4 APPLICABLE, ISSUES CONCERNING:

- 5 (I) WATER SUPPLY;
- 6 (II) WASTEWATER TREATMENT CAPACITY;
- 7 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION
8 CAPACITY; OR
- 9 (IV) STORMWATER MANAGEMENT CAPACITY.

10 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
11 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (4)(b) OF THIS
12 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
13 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
14 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
15 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
16 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN IN THE
17 NOTICE.

18 _____
19 (d) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
20 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
21 (4).

22 (5) (a) NO LATER THAN DECEMBER JUNE 30, 2025, A SUBJECT
23 JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
24 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
25 AFFAIRS, A REPORT CONCERNING THE IMPLEMENTATION OF THE MODEL
26 CODE OR LOCAL LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

27 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN

1 SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
2 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
3 REPORT AND PROVIDE FEEDBACK TO THE SUBJECT JURISDICTION. THE
4 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
5 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
6 LOCAL LAWS AND RESUBMIT ITS REPORT.

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

12 **29-33-407. Subject jurisdiction restrictions.** (1) NOTHING IN
13 THIS PART 4, IN THE MODEL CODE, OR IN THE MINIMUM STANDARDS
14 PREVENTS A LOCAL GOVERNMENT FROM:

15 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
16 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
17 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED
18 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

19 (b) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE
20 PAYMENT OF IMPACT FEES IN CONFORMANCE WITH THE REQUIREMENTS OF
21 SECTION 29-20-104.5 OR THE MITIGATION OF IMPACTS IN CONFORMANCE
22 WITH THE REQUIREMENTS OF PART 2 OF ARTICLE 20 OF TITLE 29;

23 (c) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN
24 TRANSIT-ORIENTED AREAS IN ACCORDANCE WITH THE REQUIREMENTS OF
25 SECTION 29-20-104 (e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE
26 20 OF TITLE 29;

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

- 1 HOUSING IN TRANSIT-ORIENTED AREAS;
- 2 (e) PERMITTING MIXED-USE DEVELOPMENT IN A
3 TRANSIT-ORIENTED AREA;
- 4 (f) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A
5 TRANSIT-ORIENTED AREA; OR
- 6 (g) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
7 DISTRICT TO A PARCEL ON WHICH HOUSING IN A TRANSIT-ORIENTED AREA
8 IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATING TO
9 DEMOLITION.

10 PART 5

11 KEY CORRIDORS

12 **29-33-501. Legislative declaration.** (1) (a) THE GENERAL
13 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

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

17 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

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

1 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
2 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
3 AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE.

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

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

22 (VI) ACCORDING TO THE NATIONAL ASSOCIATION OF REALTORS
23 IN THEIR REPORT "ANALYSIS AND CASE STUDIES ON OFFICE-TO-HOUSING
24 CONVERSIONS", OVER FIVE MILLION SEVEN HUNDRED THOUSAND SQUARE
25 FEET OF OFFICE SPACE BECAME UNOCCUPIED IN THE DENVER
26 METROPOLITAN REAL ESTATE MARKET BETWEEN 2020 AND 2021, THE
27 DENVER MARKET COULD POTENTIALLY ADD OVER TWO THOUSAND NEW

1 RESIDENTIAL UNITS FROM OFFICE TO RESIDENTIAL CONVERSIONS IF IT
2 CONVERTED TWENTY PERCENT OF CURRENTLY VACANT OFFICE SPACE, AND
3 ONE OF THE MAJOR BARRIERS TO CONVERSIONS IS RESTRICTIVE LOCAL
4 LAND USE REGULATIONS THAT REQUIRE DISCRETIONARY APPROVALS;

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

22 (VIII) MEETING HOUSING DEMAND THROUGH COMPACT INFILL
23 DEVELOPMENT CLOSE TO JOBS, SERVICES, AND TRANSIT DECREASES THE
24 NEED FOR NEW DISPERSED, LOW-DENSITY HOUSING. RELATIVE TO
25 DISPERSED LOW-DENSITY DEVELOPMENT, COMPACT INFILL HOUSING
26 DEVELOPMENT, INCLUDING MULTIFAMILY HOUSING DEVELOPMENT,
27 REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, INFRASTRUCTURE

1 COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION COSTS.

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

16 (X) MULTIFAMILY HOUSING ALSO USES SIGNIFICANTLY LESS
17 ENERGY FOR HEATING AND COOLING PER UNIT THAN SINGLE-UNIT
18 DETACHED DWELLINGS DUE TO MULTIFAMILY HOUSING HAVING ATTACHED
19 WALLS AND SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS
20 AND GREENHOUSE GAS EMISSIONS. IN COLORADO, HOUSEHOLD ENERGY
21 DEMAND ON AVERAGE IS SEVENTY PERCENT LESS FOR MULTIFAMILY
22 HOUSING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS, ACCORDING
23 TO THE NATIONAL RENEWABLE ENERGY LABORATORY RESSTOCK
24 ANALYSIS TOOL.

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

1 **29-33-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "ELIGIBLE PARCEL" MEANS A PARCEL, EXCLUDING THE PARCELS
4 IDENTIFIED IN SECTION 29-33-504 (3) THAT HAS AT LEAST TWENTY-FIVE
5 PERCENT OF ITS AREA WITHIN KEY CORRIDORS.

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

9 (3) "KEY CORRIDORS" MEANS _____ THE AREAS DESCRIBED IN
10 SECTION 29-33-503 (1)(a) AND DESIGNATED AS KEY CORRIDORS IN THE
11 KEY CORRIDORS MAP PUBLISHED BY THE DEPARTMENT OF
12 TRANSPORTATION PURSUANT TO SECTION 29-33-503.

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

15 (5) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY
16 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET
17 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF
18 THE AREA MEDIAN INCOME. FOR THE PURPOSES OF DEFINING
19 "MIXED-INCOME MULTIFAMILY HOUSING" IN THIS SUBSECTION (5), A
20 SUBJECT JURISDICTION WITH A LOCAL INCLUSIONARY ZONING ORDINANCE
21 THAT APPLIES IN KEY CORRIDORS MAY APPLY ITS ORDINANCE'S PROVISIONS
22 INCLUDING AREA MEDIAN INCOME THRESHOLDS AND REQUIREMENTS FOR
23 THE PERCENTAGE OF UNITS THAT MUST BE SET ASIDE FOR HOUSEHOLDS
24 BELOW THAT AREA MEDIAN INCOME.

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

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

4 (9) "SUBJECT JURISDICTION" MEANS A _____ TIER ONE URBAN
5 MUNICIPALITY.

6 **29-33-503. Key corridors map. (1) (a) NO LATER THAN MARCH**
7 **31, 2024, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF**
8 **TRANSPORTATION SHALL CREATE A KEY CORRIDORS MAP THAT**
9 **DESIGNATES KEY CORRIDORS.**

10 **(b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF**
11 **THE PROCESS USED BY THE MULTI-AGENCY ADVISORY COMMITTEE TO**
12 **DEVELOP RECOMMENDATIONS FOR THE MODEL CODE PURSUANT TO**
13 **SECTION 29-33-505 (2), PROVIDE RECOMMENDATIONS TO THE EXECUTIVE**
14 **DIRECTOR OF THE DEPARTMENT OF TRANSPORTATION CONCERNING THE**
15 **CREATION OF THE KEY CORRIDORS MAP.**

16 **(2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF**
17 **TRANSPORTATION SHALL INCLUDE THE FOLLOWING AREAS WITHIN TIER**
18 **ONE URBAN MUNICIPALITIES IN THE KEY CORRIDORS MAP:**

19 **(a) AREAS WITHIN ONE-HALF MILE OF A BUS STOP ON A LIMITED**
20 **ACCESS HIGHWAY SERVED BY AN EXISTING OR PLANNED COMMUTER BUS**
21 **RAPID TRANSIT SERVICE;**

22 **(b) AREAS WITHIN ONE-QUARTER MILE OF:**

23 **(I) A BUS STOP NOT ON A LIMITED ACCESS HIGHWAY SERVED BY AN**
24 **EXISTING OR PLANNED COMMUTER BUS RAPID TRANSIT SERVICE;**

25 **(II) A ROADWAY SERVED BY AN EXISTING OR PLANNED URBAN BUS**
26 **RAPID TRANSIT SERVICE;**

27 **(III) A ROADWAY WITHIN A CENSUS URBANIZED AREA SERVED BY**

1 A BUS ROUTE THAT IS BOTH SCHEDULED TO RUN EVERY FIFTEEN MINUTES
2 OR LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS AND IS AT
3 LEAST ONE MILE LONG; OR

4 (IV) A BUS STOP SERVED BY A BUS ROUTE THAT:

5 (A) IS SCHEDULED TO RUN EVERY FIFTEEN MINUTES OR LESS
6 DURING THE HIGHEST FREQUENCY SERVICE HOURS;

7 (B) IS AT LEAST ONE MILE LONG; AND

8 (C) THAT RUNS ON A LIMITED ACCESS HIGHWAY OR OUTSIDE OF AN
9 AREA THAT IS DESIGNATED AS AN URBANIZED AREA BY THE MOST RECENT
10 FEDERAL DECENNIAL CENSUS; AND

11 (c) PARCELS ZONED FOR COMMERCIAL, INSTITUTIONAL, OR MIXED
12 USES AND THAT HAVE AT LEAST TWENTY-FIVE PERCENT OF THEIR AREA
13 WITHIN ONE-EIGHTH MILE OF A ROADWAY SERVED BY A FIXED ROUTE BUS
14 SERVICE.

15 _____
16 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
17 TRANSPORTATION SHALL DESIGNATE AN AREA AS A KEY CORRIDOR BASED
18 ON:

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

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

23 (c) FUTURE TRANSIT SERVICE LEVELS, PLANNED AS OF JANUARY
24 1, 2023, AS DESCRIBED IN FEDERALLY REQUIRED TRANSPORTATION PLANS.

25 (4) IN DESIGNATING KEY CORRIDORS, THE DEPARTMENT OF
26 TRANSPORTATION SHALL NOT RELY ON PLANNING DOCUMENTS ADOPTED
27 AFTER JANUARY 1, 2023.

1 (5) WHERE THE REQUIREMENTS OF THIS PART 5 APPLY TO PARCELS
2 OR LOTS TO WHICH PARTS 2, 3, OR 4 OF THIS ARTICLE 33 ALSO APPLY, THE
3 REQUIREMENTS OF THIS PART 5 SHALL SUPERSEDED WHERE THERE IS A
4 CONFLICT WITH OTHER RELEVANT PARTS.

5 **29-33-504. Key corridor applicability - exemptions.** (1) (a) If
6 A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR THE MODEL CODE
7 IS OTHERWISE IN EFFECT, THE MODEL CODE SHALL APPLY TO ALL ELIGIBLE
8 PARCELS.

9
10 (2) THE REQUIREMENTS OF THIS PART 5 APPLY ONLY TO A KEY
11 CORRIDOR IN A SUBJECT JURISDICTION.

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

15 (a) A STANDARD EXEMPT PARCEL;

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

18 (c) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT; OR

19 (d) ON A SITE OR ADJOINING A SITE THAT :

20 (I) IS CURRENTLY USED FOR AN INDUSTRIAL USE;

21 (II) CURRENTLY ALLOWS INDUSTRIAL USES;

22 (III) IS DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
23 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN; OR

24 (IV) IS OWNED BY, USED AS, OR OPERATED BY AN AIRPORT.

25 **29-33-505. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
26 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
27 PROMULGATE A KEY CORRIDOR MODEL CODE.

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

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

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

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

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

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

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

17 (a) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
18 MULTIFAMILY HOUSING AS A USE BY RIGHT IN KEY CORRIDORS WITH
19 DENSITIES UP TO AT LEAST:

20 (I) FORTY DWELLING UNITS PER ACRE NET DENSITY IN AREAS
21 DESIGNATED IN A KEY CORRIDORS MAP DUE TO THEIR PROXIMITY TO
22 COMMUTER BAS RAPID TRANSIT SERVICE OR URBAN BUS RAPID TRANSIT
23 SERVICE; AND

24 (II) THIRTY DWELLING UNITS PER ACRE NET DENSITY FOR ALL
25 OTHER AREAS DESIGNATED AS A KEY CORRIDOR; AND

26 (b) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW
27 MIXED-INCOME MULTIFAMILY HOUSING, WITH DENSITIES UP TO AT LEAST

1 ONE HUNDRED AND FIFTY PERCENT OF THE DENSITY LIMITS ESTABLISHED
2 FOR MULTIFAMILY HOUSING IN SUBSECTION (3)(a) OF THIS SECTION, AS A
3 USE BY RIGHT IN KEY CORRIDORS. AFFORDABLE UNITS WITHIN
4 MIXED-INCOME MULTIFAMILY HOUSING DEVELOPMENTS MUST BE OF A
5 SIMILAR SIZE AS THE OTHER UNITS IN THE DEVELOPMENT.

6 (4) THE MODEL CODE MUST NOT ALLOW MINIMUM PARKING
7 REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING
8 OF MULTIFAMILY HOUSING IN KEY CORRIDORS THAT ARE GREATER THAN
9 ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE
10 ROUNDED UP.

11 **29-33-506. Minimum standards. (1) NOTWITHSTANDING ANY**
12 LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT
13 ADOPT THE MODEL CODE SHALL CREATE A ZONING DISTRICT OR DISTRICTS
14 WITHIN KEY CORRIDORS IN WHICH MULTIFAMILY HOUSING IS ALLOWED AS
15 A USE BY RIGHT.

16 (2) THE MINIMUM AREA OF THE ZONING DISTRICT OR DISTRICTS
17 REQUIRED BY SUBSECTION (1) OF THIS SECTION AND ALLOWED BY
18 SUBSECTION (5) OF THIS SECTION MUST IN TOTAL BE GREATER THAN OR
19 EQUAL TO TWENTY FIVE PERCENT OF THE AREA OF ELIGIBLE PARCELS IN
20 KEY CORRIDORS IN THE SUBJECT JURISDICTION. A SUBJECT JURISDICTION
21 MAY CHOOSE TO INCLUDE EXEMPT PARCELS SPECIFIED IN SECTION
22 29-33-504 (3) IN THE CALCULATION OF THE AREA OF ELIGIBLE PARCELS IN
23 KEY CORRIDORS IN THE SUBJECT JURISDICTION.

24 (3) WITHIN THE ZONING DISTRICT OR DISTRICTS REQUIRED BY
25 SUBSECTION (1) OF THIS SECTION, A SUBJECT JURISDICTION SHALL ALLOW
26 MULTIFAMILY HOUSING AS A USE BY RIGHT AT AN AVERAGE NET DENSITY
27 OF UP TO AT LEAST:

1 (a) THIRTY MULTIFAMILY HOUSING DWELLING UNITS PER ACRE IN
2 AREAS DESIGNATED IN A KEY CORRIDORS MAP DUE TO THEIR PROXIMITY
3 TO COMMUTER BUS RAPID TRANSIT SERVICE OR URBAN BUS RAPID TRANSIT
4 SERVICE; AND

5 (b) TWENTY MULTIFAMILY HOUSING DWELLING UNITS PER ACRE IN
6 ALL OTHER AREAS DESIGNATED IN A KEY CORRIDORS MAP.

7 (4) SUBJECT JURISDICTIONS MAY ESTABLISH MULTIPLE ZONING
8 DISTRICTS THAT ALLOW DIFFERENT DENSITIES OF MULTIFAMILY HOUSING,
9 SO LONG AS THE AVERAGE NET DENSITY IS MET ACROSS ALL OF THE
10 ZONING DISTRICT OR DISTRICTS REQUIRED BY SUBSECTION (1) OF THIS
11 SECTION IN THE SUBJECT JURISDICTION. SUBJECT JURISDICTIONS ARE
12 ENCOURAGED TO LOCATE DISTRICTS IN CENTERS OR ALONG CORRIDORS
13 THAT ARE PLANNED FOR MIXED-USE, WALKABLE AREAS.

14 (5) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
15 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY
16 MEET THE AVERAGE NET DENSITY REQUIREMENTS ESTABLISHED IN THE
17 MINIMUM STANDARDS BY ADOPTING LOCAL LAWS APPLICABLE TO A
18 ZONING DISTRICT OR ZONING DISTRICTS COVERING AREAS OUTSIDE OF KEY
19 CORRIDORS, SO LONG AS THE ZONING DISTRICT OR ZONING DISTRICTS
20 SATISFY THE AREA REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION,
21 AND IF EITHER:

22 (a) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR

23 (b) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING AREAS
24 FOR TRANSIT-COMPATIBLE USE IN OTHER AREAS.

25 =====

26 =====

27 (a) APPLY STANDARDS THAT MAKE THE PERMITTING, SITING, OR

1 CONSTRUCTION OF MULTIFAMILY HOUSING IN KEY CORRIDORS PHYSICALLY
2 IMPOSSIBLE OR PRACTICALLY DIFFICULT;

3 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT MAKE THE
4 DENSITY REQUIREMENTS ESTABLISHED IN SECTION 29-33-505 (3)(a)
5 PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT; OR

6 (c) APPLY MINIMUM OFF-STREET VEHICLE PARKING REQUIREMENTS
7 IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING OF
8 MULTIFAMILY HOUSING IN KEY CORRIDORS THAT ARE GREATER THAN
9 ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE
10 ROUNDED UP.

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

14 (7) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROVIDE TECHNICAL
15 ASSISTANCE OR FUNDING TO METROPOLITAN PLANNING ORGANIZATIONS
16 AND SUBJECT JURISDICTIONS TO ADOPT MINIMUM STANDARDS FOR KEY
17 CORRIDORS THAT SUPPORT REGIONAL PLANNING GOALS.

18 **29-33-507. Adoption of model codes - satisfaction of minimum**
19 **standards.** (1) NO LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION
20 SHALL EITHER:

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

23 (b) ADOPT THE MODEL CODE.

24 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
25 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BEFORE DECEMBER
26 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE
27 APPLICABLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT DENY OR

1 CONDITION THE APPROVAL OF AN APPLICATION FOR A MULTIFAMILY
2 HOUSING PROJECT ON ANY ELIGIBLE PARCEL ON ANY BASIS THAT IS
3 INCONSISTENT WITH THE MODEL CODE, IN THE SUBJECT JURISDICTION AND
4 REMAINS IN EFFECT UNTIL THE DEPARTMENT OF LOCAL AFFAIRS
5 DETERMINES THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT
6 COMPLY WITH THE MINIMUM STANDARDS.

7 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
8 MODEL CODE IS OTHERWISE IN EFFECT, KEY CORRIDOR DECISIONS ARE
9 REQUIRED TO BE CONSISTENT WITH THE MODEL CODE FOR A SUBJECT
10 JURISDICTION PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE
11 SUBJECT JURISDICTION SHALL:

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

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

18 (4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
19 MAY NOTIFY THE DEPARTMENT OF LOCAL AFFAIRS THAT AN EXEMPTION OR
20 AN EXTENSION IS NECESSARY FROM THE REQUIREMENTS OF SUBSECTION
21 (1) OF THIS SECTION.

22 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
23 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
24 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
25 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
26 EXPECTS THEM TO BECOME DEFICIENT IN THE NEXT FIVE YEARS. AS USED
27 IN THIS SUBSECTION (4)(b)(I), "DEFICIENT" INCLUDES, IN REFERENCE TO

1 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
2 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
3 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
4 APPLICABLE, ISSUES CONCERNING:

- 5 (I) WATER SUPPLY;
- 6 (II) WASTEWATER TREATMENT CAPACITY;
- 7 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION
8 CAPACITY; OR
- 9 (IV) STORMWATER MANAGEMENT CAPACITY.

10 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
11 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (4)(b) OF THIS
12 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
13 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
14 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
15 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
16 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN IN THE
17 NOTICE.

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

22 (5) (a) NO LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION
23 SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS IN A FORM AND
24 MANNER DETERMINED BY THE DEPARTMENT A REPORT DEMONSTRATING
25 EVIDENCE OF COMPLIANCE WITH EITHER THE MODEL CODE OR MINIMUM
26 STANDARDS.

27 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN

1 SUBSECTION (5)(a) OF THIS SECTION , THE DEPARTMENT OF LOCAL AFFAIRS
2 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
3 REPORT AND PROVIDE FEEDBACK TO THE SUBJECT JURISDICTION. THE
4 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
5 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
6 LOCAL LAWS AND RESUBMIT ITS REPORT.

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

12 **29-33-508. Subject jurisdiction restrictions.** (1) NOTHING IN
13 THIS PART 5 PREVENTS A SUBJECT JURISDICTION FROM:

14 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
15 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
16 12101 ET SEQ., AS AMENDED;

17 (b) ADOPTING GENERALLY-APPLICABLE REQUIREMENTS FOR THE
18 PAYMENT OF IMPACT FEES IN CONFORMANCE WITH THE REQUIREMENTS OF
19 SECTION 29-20-104.5 OR THE MITIGATION OF IMPACTS IN CONFORMANCE
20 WITH THE REQUIREMENTS OF SECTION PART 2 OF ARTICLE 20 OF TITLE 29;

21 (c) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN KEY
22 CORRIDORS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION
23 29-20-104 (e.5) AND (e.7) AND SUBJECT TO PART 2 OF ARTICLE 20 OF TITLE
24 29;

25 (d) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
26 HOUSING IN KEY CORRIDORS;

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

1 (f) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A KEY
2 CORRIDOR; OR

3 (g) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
4 DISTRICT TO A PARCEL ON WHICH HOUSING IN KEY CORRIDORS IS ALLOWED
5 IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATING TO DEMOLITION.

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

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

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

17 **24-32-3301. Legislative declaration.** (1) The general assembly
18 hereby finds, determines, and declares that mobile homes, manufactured
19 housing, and factory-built structures are important and effective ways to
20 meet Colorado's affordable housing needs. The general assembly further
21 finds and declares that, because of the housing crisis in Colorado, there
22 is a need to promote the affordability and accessibility of new
23 manufactured homes and factory-built structures. The general assembly
24 encourages local governments to enact ordinances and rules that
25 effectively treat factory-built structures certified through the state
26 program and manufactured housing certified through the federal program
27 the same as site-built homes. The general assembly further finds,

1 determines, and declares that:

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

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

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

11 **24-32-3303. Division of housing - powers and duties - rules.**

12 (1) The division has the following powers and duties pursuant to this part
13 33:

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

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

19 **24-32-3311. Certification of factory-built structures - rules.**

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

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

27 (II) ~~Provide a letter of credit, certificate of deposit issued by a~~

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

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

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

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

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

14 **24-67-105. Standards and conditions for planned unit**
15 **development - definitions.** (5.5) (a) A PLANNED UNIT DEVELOPMENT
16 RESOLUTION OR ORDINANCE ADOPTED PURSUANT TO THIS ARTICLE 67, IF
17 THE PLANNED UNIT DEVELOPMENT HAS A RESIDENTIAL USE, MUST NOT
18 RESTRICT THE PERMITTING OF ACCESSORY DWELLING UNITS, MIDDLE
19 HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, OR HOUSING IN KEY
20 CORRIDORS IN THE JURISDICTIONS AND AREAS TO WHICH ARTICLE 33 OF
21 TITLE 29 APPLIES AND IN ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF
22 TITLE 29.

23 (b) ANY PROVISION OF A PLANNED UNIT DEVELOPMENT APPROVED
24 PRIOR TO THE ADOPTION OF SUBSECTION (5.5)(a) OF THIS SECTION, AND
25 WHICH FAILS TO CONFORM TO THE REQUIREMENTS OF THAT SUBSECTION,
26 SHALL BE DEEMED TO BE SUPERSEDED BY THE ADOPTION OF A LOCAL
27 REGULATION OR IMPLEMENTATION OF A MODEL CODE PURSUANT TO

1 ARTICLE 33 OF TITLE 29. NOTWITHSTANDING THIS SUBSECTION (5.5)(b).
2 A LOCAL GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY
3 SUCH PLANNED UNIT DEVELOPMENT.

4 (c) AS USED IN THIS SUBSECTION (5.5), UNLESS THE CONTEXT
5 OTHERWISE REQUIRES:

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

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

10 (III) "MIDDLE HOUSING" HAS THE SAME MEANING AS SET FORTH IN
11 SECTION 29-33-102 (21).

12 (IV) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
13 FORTH IN SECTION 29-33-102 (39).

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

16 **29-20-110. Local government residential occupancy limits -**
17 **definitions.** (1) NOTWITHSTANDING ANY OTHER PROVISION TO THE
18 CONTRARY, A LOCAL GOVERNMENT SHALL NOT ENACT OR ENFORCE
19 RESIDENTIAL OCCUPANCY LIMITS THAT DIFFER BASED ON THE
20 RELATIONSHIPS OF THE OCCUPANTS OF A DWELLING.

21 (2) NOTHING IN THIS SECTION PREVENTS A LOCAL GOVERNMENT
22 FROM ESTABLISHING RESIDENTIAL OCCUPANCY LIMITS FOR DWELLING
23 UNITS FOR SHORT-TERM RENTALS, AS DEFINED IN SECTION 29-33-102 (30).

24 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
25 REQUIRES:

26 (a) "DWELLING" MEANS ANY IMPROVED REAL PROPERTY, OR
27 PORTION THEREOF, THAT IS USED OR INTENDED TO BE USED AS A

1 RESIDENCE.

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

5 **SECTION 9. In Colorado Revised Statutes, 30-28-106, repeal**
6 **and reenact, with amendments, (3)(a); and add (3)(a.5), (8), and (9) as**
7 **follows:**

8 **30-28-106. Adoption of master plan - contents. (3) (a) THE**
9 **MASTER PLAN OF A COUNTY OR REGION, WITH THE ACCOMPANYING MAPS,**
10 **PLATS, CHARTS, AND DESCRIPTIVE AND EXPLANATORY MATTER, MUST**
11 **SHOW THE COUNTY OR REGIONAL PLANNING COMMISSION'S**
12 **RECOMMENDATIONS FOR THE DEVELOPMENT OF THE TERRITORY COVERED**
13 **BY THE PLAN. THE MASTER PLAN OF A COUNTY OR REGION IS AN ADVISORY**
14 **DOCUMENT TO GUIDE LAND DEVELOPMENT DECISIONS; HOWEVER, THE**
15 **PLAN OR ANY PART THEREOF MAY BE MADE BINDING BY INCLUSION IN THE**
16 **COUNTY'S OR REGION'S ADOPTED SUBDIVISION, ZONING, PLATTING,**
17 **PLANNED UNIT DEVELOPMENT, OR OTHER SIMILAR LAND DEVELOPMENT**
18 **REGULATIONS AFTER SATISFYING NOTICE, DUE PROCESS, AND HEARING**
19 **REQUIREMENTS FOR LEGISLATIVE OR QUASI-JUDICIAL PROCESSES AS**
20 **APPROPRIATE. A MASTER PLAN ADOPTED ON OR AFTER JUNE 30, 2024,**
21 **MUST INCLUDE:**

22 **(I) NATURAL AND AGRICULTURAL LAND PRIORITIES IN**
23 **ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES**
24 **REPORT CREATED IN SECTION 29-33-110;**

25 **(II) A HOUSING ELEMENT;**

26 **(III) FOR COUNTIES WITH A POPULATION OF GREATER THAN TWO**
27 **HUNDRED FIFTY THOUSAND, A BUILDABLE LANDS ANALYSIS THAT IS**

1 CONDUCTED IN THE SAME MANNER AND ON THE SAME TIMELINE AS THE
2 ANALYSIS REQUIRED IN SECTION 29-33-105 (4)(d):

3 (IV) (A) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE
4 AND SUITABLE SUPPLY OF WATER;

5 (B) IN COMPLETING A WATER SUPPLY ELEMENT, THE PLANNING
6 COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR
7 USE WITHIN THE COUNTY OR REGION TO ENSURE COORDINATION ON WATER
8 SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT MUST
9 IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS
10 OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED
11 OR IDENTIFIED IN THE PLANNING PROCESS;

12 (C) THE WATER SUPPLY ELEMENT MUST INCLUDE WATER
13 CONSERVATION POLICIES, TO BE DETERMINED BY THE COUNTY, WHICH
14 MAY INCLUDE GOALS SPECIFIED IN THE STATE WATER PLAN ADOPTED
15 PURSUANT TO SECTION 37-60-106.3 AND MAY INCLUDE POLICIES TO
16 IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER PLAN GOALS
17 AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING SUBDIVISIONS,
18 PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND ZONING
19 CHANGES.

20 (D) THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION
21 24-1-125 MAY HIRE AND EMPLOY ONE FULL-TIME EMPLOYEE TO PROVIDE
22 EDUCATIONAL RESOURCES AND ASSISTANCE TO COUNTIES THAT INCLUDE
23 WATER CONSERVATION POLICIES IN THEIR MASTER PLANS AS DESCRIBED
24 IN SUBSECTION (3)(a)(IV)(C) OF THIS SECTION.

25 (a.5) AFTER CONSIDERATION OF EACH OF THE FOLLOWING, WHERE
26 APPLICABLE OR APPROPRIATE, THE MASTER PLAN MAY INCLUDE:

27 (I) THE GENERAL LOCATION, CHARACTER, AND EXTENT OF

1 EXISTING, PROPOSED, OR PROJECTED STREETS OR ROADS, RIGHTS-OF-WAY,
2 VIADUCTS, BRIDGES, WATERWAYS, WATERFRONTS, PARKWAYS,
3 HIGHWAYS, MASS TRANSIT ROUTES AND CORRIDORS, AND ANY
4 TRANSPORTATION PLAN PREPARED BY ANY METROPOLITAN PLANNING
5 ORGANIZATION THAT COVERS ALL OR A PORTION OF THE COUNTY OR
6 REGION AND THAT THE COUNTY OR REGION HAS RECEIVED NOTIFICATION
7 OF OR, IF THE COUNTY OR REGION IS NOT LOCATED IN AN AREA COVERED
8 BY A METROPOLITAN PLANNING ORGANIZATION, ANY TRANSPORTATION
9 PLAN PREPARED BY THE DEPARTMENT OF TRANSPORTATION THAT THE
10 COUNTY OR REGION HAS RECEIVED NOTIFICATION OF AND THAT APPLIES TO
11 THE COUNTY OR REGION;

12 (II) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
13 INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR
14 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS,
15 PLAYGROUNDS, FORESTS, RESERVATIONS, SQUARES, PARKS, AIRPORTS,
16 AVIATION FIELDS, MILITARY INSTALLATIONS, AND OTHER PUBLIC WAYS,
17 GROUND, OPEN SPACES, TRAILS, AND DESIGNATED FEDERAL, STATE, AND
18 LOCAL WILDLIFE AREAS. FOR PURPOSES OF THIS SECTION, "MILITARY
19 INSTALLATION" HAS THE SAME MEANING AS SPECIFIED IN SECTION
20 29-20-105.6 (2)(b).

21 (III) THE GENERAL LOCATION AND EXTENT OF PUBLIC UTILITIES,
22 TERMINALS, CAPITAL FACILITIES, AND TRANSFER FACILITIES, WHETHER
23 PUBLICLY OR PRIVATELY OWNED, FOR WATER, LIGHT, POWER, SANITATION,
24 TRANSPORTATION, COMMUNICATION, HEAT, AND OTHER PURPOSES, AND
25 ANY PROPOSED OR PROJECTED NEEDS FOR CAPITAL FACILITIES AND
26 UTILITIES, INCLUDING THE PRIORITIES, ANTICIPATED COSTS, AND FUNDING
27 PROPOSALS FOR SUCH FACILITIES AND UTILITIES;

1 (IV) THE ACCEPTANCE, WIDENING, REMOVAL, EXTENSION,
2 RELOCATION, NARROWING, VACATION, ABANDONMENT, MODIFICATION, OR
3 CHANGE OF USE OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
4 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
5 OF OTHER COUNTIES, REGIONS, OR MUNICIPALITIES, GROUNDS, OPEN
6 SPACES, BUILDINGS, PROPERTIES, UTILITIES, OR TERMINALS, REFERRED TO
7 IN SUBSECTIONS (1)(a.5)(I) THROUGH (1)(a.5)(IV) OF THIS SECTION;

8 (V) METHODS FOR ASSURING ACCESS TO APPROPRIATE CONDITIONS
9 FOR SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING
10 GEOHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
11 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
12 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
13 GENERATION;

14 (VI) THE GENERAL CHARACTER, LOCATION, AND EXTENT OF
15 COMMUNITY CENTERS, TOWNSITES, HOUSING DEVELOPMENTS, WHETHER
16 PUBLIC OR PRIVATE, THE EXISTING, PROPOSED, OR PROJECTED LOCATION
17 OF RESIDENTIAL NEIGHBORHOODS AND SUFFICIENT LAND FOR FUTURE
18 HOUSING DEVELOPMENT FOR THE EXISTING AND PROJECTED ECONOMIC
19 AND OTHER NEEDS OF ALL CURRENT AND ANTICIPATED RESIDENTS OF THE
20 COUNTY OR REGION, AND URBAN CONSERVATION OR REDEVELOPMENT
21 AREAS. IF A COUNTY OR REGION HAS ENTERED INTO A REGIONAL PLANNING
22 AGREEMENT, SUCH AGREEMENT MAY BE INCORPORATED BY REFERENCE
23 INTO THE MASTER PLAN.

24 (VII) THE GENERAL SOURCE AND EXTENT OF FORESTS,
25 AGRICULTURAL AREAS, FLOOD CONTROL AREAS, AND OPEN DEVELOPMENT
26 AREAS FOR PURPOSES OF CONSERVATION, FOOD AND WATER SUPPLY,
27 SANITARY AND DRAINAGE FACILITIES, FLOOD CONTROL, OR THE

1 PROTECTION OF URBAN DEVELOPMENT;
2 (VIII) A LAND CLASSIFICATION AND UTILIZATION PROGRAM;
3 (IX) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS
4 TO ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED
5 INCREMENTS OF TIME. THE COUNTY OR REGION MAY BASE THESE
6 PROJECTIONS UPON DATA FROM THE DEPARTMENT OF LOCAL AFFAIRS AND
7 UPON THE COUNTY'S OR REGION'S LOCAL OBJECTIVES.
8 (X) THE LOCATION OF AREAS CONTAINING STEEP SLOPES,
9 GEOLOGICAL HAZARDS, ENDANGERED OR THREATENED SPECIES,
10 WETLANDS, FLOODPLAINS, FLOODWAYS, AND FLOOD RISK ZONES, HIGHLY
11 ERODIBLE LAND OR UNSTABLE SOILS, AND WILDFIRE HAZARDS. FOR
12 PURPOSES OF DETERMINING THE LOCATION OF SUCH AREAS, THE PLANNING
13 COMMISSION SHALL CONSIDER THE FOLLOWING SOURCES FOR GUIDANCE:
14 (A) THE COLORADO GEOLOGICAL SURVEY FOR DEFINING AND
15 MAPPING GEOLOGICAL HAZARDS;
16 (B) THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE
17 UNITED STATES DEPARTMENT OF THE INTERIOR AND THE PARKS AND
18 WILDLIFE COMMISSION CREATED IN SECTION 33-9-101, FOR LOCATING
19 AREAS INHABITED BY ENDANGERED OR THREATENED SPECIES;
20 (C) THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE
21 UNITED STATES FISH AND WILDLIFE SERVICE NATIONAL WETLANDS
22 INVENTORY FOR DEFINING AND MAPPING WETLANDS;
23 (D) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
24 DEFINING AND MAPPING FLOODPLAINS, FLOODWAYS, AND FLOOD RISK
25 ZONES;
26 (E) THE NATURAL RESOURCES CONSERVATION SERVICE OF THE
27 UNITED STATES DEPARTMENT OF AGRICULTURE FOR DEFINING AND

1 MAPPING UNSTABLE SOILS AND HIGHLY ERODIBLE LAND; AND

2 (F) THE COLORADO STATE FOREST SERVICE FOR LOCATING
3 WILDFIRE HAZARD AREAS.

4 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
5 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH RELEVANT
6 ENTITIES TO ENSURE THAT THE ADOPTION OR AMENDING OF THE MASTER
7 PLAN IS AN INCLUSIVE PROCESS.

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

14 _____

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

17 **31-15-713. Power to sell public works - real property.** (1) The
18 governing body of each municipality has the power:

19 (d) NOTWITHSTANDING SUBSECTIONS (1)(a) AND (1)(b) OF THIS
20 SECTION, TO SELL AND DISPOSE OF, BY ORDINANCE, ANY PUBLIC BUILDING
21 OR REAL PROPERTY OWNED BY A MUNICIPALITY THAT IS HELD FOR
22 GOVERNMENT PURPOSES OTHER THAN PARK PURPOSES, IF THE SALE AND
23 DISPOSITION OF THE PUBLIC BUILDING OR REAL PROPERTY IS FOR THE
24 PURPOSE OF PROVIDING PROPERTY TO BE USED FOR THE DEVELOPMENT OF
25 AFFORDABLE HOUSING, AS THE TERM IS DEFINED IN SECTION 29-33-102 (3).
26 THE GOVERNING BODY SHALL DETERMINE THE TERMS AND CONDITIONS OF
27 THE SALE AND DISPOSITION AT A REGULAR OR SPECIAL MEETING AND

1 SHALL MAKE THESE TERMS AND CONDITIONS PUBLICLY AVAILABLE.

2 **SECTION 11.** In Colorado Revised Statutes, 31-23-301, **amend**
3 (5)(b)(I)(A) and (5)(b)(I)(B); add (5)(a)(III), (5)(a)(IV), (5)(a)(V), and
4 (5)(b)(I.5) as follows:

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

7 (III) "MANUFACTURED HOME" HAS THE SAME MEANING AS SET
8 FORTH IN SECTION 24-32-3302 (20).

9 (IV) "MODULAR HOME" HAS THE SAME MEANING AS SET FORTH IN
10 SECTION 24-32-3302 (25).

11 (b) (I) No municipality may have or enact zoning regulations,
12 subdivision regulations, or any other regulation affecting development
13 that exclude or have the effect of excluding homes from the municipality
14 that are:

15 "(A) Homes certified by the division of housing created in section
16 24-32-704 or a party authorized to act on its behalf; THE APPROVAL
17 PROCESSES OF MODULAR HOMES SHALL BE BASED ON OBJECTIVE
18 STANDARDS AND ADMINISTRATIVE REVIEW THAT ARE EQUIVALENT TO
19 THAT REQUIRED FOR SITE-BUILT HOMES, UNLESS A MUNICIPALITY
20 REGULATES SITE-BUILT HOMES THROUGH A SUBJECTIVE REVIEW PROCESS,
21 IN WHICH CASE A MUNICIPALITY MAY USE AN EQUIVALENT REVIEW
22 PROCESS FOR A MODULAR HOME AND A SITE-BUILT HOME;

23 (B) Homes certified by the United States department of housing
24 and urban development through its office of manufactured housing
25 programs, a successor agency, or a party authorized to act on its behalf.
26 THE APPROVAL PROCESSES OF MANUFACTURED HOMES SHALL BE BASED
27 ON OBJECTIVE STANDARDS AND ADMINISTRATIVE REVIEW THAT ARE

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

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

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

18 _____
 19 **SECTION 12. In Colorado Revised Statutes, 31-23-206, repeal**
 20 **and reenact, with amendments, (1); and add (1.5), (8), and (9) as**
 21 **follows:**

22 **31-23-206. Master plan. (1) IT IS THE DUTY OF THE COMMISSION**
 23 **TO MAKE AND ADOPT A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT**
 24 **OF THE MUNICIPALITY, INCLUDING ANY AREAS OUTSIDE ITS BOUNDARIES,**
 25 **SUBJECT TO THE APPROVAL OF THE GOVERNMENTAL BODY HAVING**
 26 **JURISDICTION THEREOF, THAT IN THE COMMISSION'S JUDGMENT BEAR**
 27 **RELATION TO THE PLANNING OF THE MUNICIPALITY. THE MASTER PLAN OF**

1 A MUNICIPALITY IS AN ADVISORY DOCUMENT TO GUIDE LAND
2 DEVELOPMENT DECISIONS; HOWEVER, THE PLAN OR ANY PART THEREOF
3 MAY BE MADE BINDING BY INCLUSION IN THE MUNICIPALITY'S ADOPTED
4 SUBDIVISION, ZONING, PLATTING, PLANNED UNIT DEVELOPMENT, OR OTHER
5 SIMILAR LAND DEVELOPMENT REGULATIONS AFTER SATISFYING NOTICE,
6 DUE PROCESS, AND HEARING REQUIREMENTS FOR LEGISLATIVE OR
7 QUASI-JUDICIAL PROCESSES AS APPROPRIATE. WHEN A COMMISSION
8 DECIDES TO ADOPT A MASTER PLAN, THE COMMISSION SHALL CONDUCT
9 PUBLIC HEARINGS, AFTER NOTICE OF SUCH PUBLIC HEARINGS HAS BEEN
10 PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
11 MUNICIPALITY IN A MANNER SUFFICIENT TO NOTIFY THE PUBLIC OF THE
12 TIME, PLACE, AND NATURE OF THE PUBLIC HEARING, PRIOR TO FINAL
13 ADOPTION OF A MASTER PLAN IN ORDER TO ENCOURAGE PUBLIC
14 PARTICIPATION IN AND AWARENESS OF THE DEVELOPMENT OF SUCH PLAN
15 AND SHALL ACCEPT AND CONSIDER ORAL AND WRITTEN PUBLIC COMMENTS
16 THROUGHOUT THE PROCESS OF DEVELOPING THE PLAN. THE PLAN,
17 ADOPTED OR AMENDED ON OR AFTER JUNE 30, 2024, WITH THE
18 ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE MATTER, MUST
19 INCLUDE:

20 (a) A HOUSING ELEMENT THAT USES BEST AVAILABLE DATA, SUCH
21 AS THE MOST RECENT LOCAL HOUSING NEEDS PLAN CREATED PURSUANT
22 TO SECTION 29-33-104 OR OTHER RECENT HOUSING ANALYSES;

23 (b) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
24 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
25 REPORT CREATED IN SECTION 29-33-110;

26 (c) A BUILDABLE LANDS ANALYSIS THAT IS CONDUCTED IN THE
27 SAME MANNER AS THE ANALYSIS REQUIRED IN SECTION 29-33-105 (4)(d);

1 (d) (I) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE
2 AND SUITABLE SUPPLY OF WATER;

3 (II) IN COMPLETING THE WATER SUPPLY ELEMENT, THE PLANNING
4 COMMISSION SHALL CONSULT WITH THE ENTITIES THAT SUPPLY WATER FOR
5 USE WITHIN THE MUNICIPALITY TO ENSURE COORDINATION ON WATER
6 SUPPLY AND FACILITY PLANNING, AND THE WATER SUPPLY ELEMENT MUST
7 IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET THE NEEDS
8 OF THE PUBLIC AND PRIVATE INFRASTRUCTURE REASONABLY ANTICIPATED
9 OR IDENTIFIED IN THE PLANNING PROCESS;

10 (III) THE WATER SUPPLY ELEMENT MUST INCLUDE WATER
11 CONSERVATION POLICIES, TO BE DETERMINED BY THE MUNICIPALITY,
12 WHICH MAY INCLUDE GOALS SPECIFIED IN THE STATE WATER PLAN
13 ADOPTED PURSUANT TO SECTION 37-60-106.3 AND MAY INCLUDE POLICIES
14 TO IMPLEMENT WATER CONSERVATION AND OTHER STATE WATER PLAN
15 GOALS AS A CONDITION OF DEVELOPMENT APPROVALS, INCLUDING
16 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, SPECIAL USE PERMITS, AND
17 ZONING CHANGES;

18 (V) NOTHING IN THIS SUBSECTION (1)(d) SHALL BE CONSTRUED TO
19 SUPERSEDE, ABROGATE, OR OTHERWISE IMPAIR THE ALLOCATION OF
20 WATER PURSUANT TO THE STATE CONSTITUTION OR LAWS, THE RIGHT TO
21 BENEFICIALLY USE WATER PURSUANT TO DECREES, CONTRACTS, OR OTHER
22 WATER USE AGREEMENTS, OR THE OPERATION, MAINTENANCE, REPAIR,
23 REPLACEMENT, OR USE OF ANY WATER FACILITY.

24 (e) THE MOST RECENT VERSION OF THE PLAN REQUIRED BY
25 SECTION 31-12-105 (1)(e) OR A SIMILAR ELEMENT ANALYZING AND
26 MAKING A PLAN FOR AREAS OF POTENTIAL GROWTH WITHIN THREE MILES
27 OF THE MUNICIPAL BOUNDARY.

1 (1.5) A MASTER PLAN MAY INCLUDE:
2 (a) THE GENERAL SOURCE, CHARACTER, AND EXTENT OF EXISTING,
3 PROPOSED, OR PROJECTED STREETS, ROADS, RIGHTS-OF-WAY, BRIDGES,
4 WATERWAYS, WATERFRONTS, PARKWAYS, HIGHWAYS, MASS TRANSIT
5 ROUTES AND CORRIDORS, AND ANY TRANSPORTATION PLAN PREPARED BY
6 ANY METROPOLITAN PLANNING ORGANIZATION THAT COVERS ALL OR A
7 PORTION OF THE MUNICIPALITY AND THAT THE MUNICIPALITY HAS
8 RECEIVED NOTIFICATION OF OR, IF THE MUNICIPALITY IS NOT LOCATED IN
9 AN AREA COVERED BY A METROPOLITAN PLANNING ORGANIZATION, ANY
10 TRANSPORTATION PLAN PREPARED BY THE DEPARTMENT OF
11 TRANSPORTATION THAT THE MUNICIPALITY HAS RECEIVED NOTIFICATION
12 OF AND THAT COVERS ALL OR A PORTION OF THE MUNICIPALITY;
13 (b) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
14 INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR
15 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS,
16 PLAYGROUNDS, SQUARES, PARKS, AIRPORTS, AVIATION FIELDS, MILITARY
17 INSTALLATIONS, AND OTHER PUBLIC WAYS, GROUNDS, OPEN SPACES,
18 TRAILS, AND DESIGNATED FEDERAL, STATE, AND LOCAL WILDLIFE AREAS.
19 FOR PURPOSES OF THIS SECTION, "MILITARY INSTALLATION" HAS THE SAME
20 MEANING AS SPECIFIED IN SECTION 29-20-105.6 (2)(b).
21 (c) THE GENERAL LOCATION AND EXTENT OF PUBLIC UTILITIES
22 TERMINALS, CAPITAL FACILITIES, AND TRANSFER FACILITIES, WHETHER
23 PUBLICLY OR PRIVATELY OWNED OR OPERATED, FOR WATER, LIGHT,
24 SANITATION, TRANSPORTATION, COMMUNICATION, POWER, AND OTHER
25 PURPOSES, AND ANY PROPOSED OR PROJECTED NEEDS FOR CAPITAL
26 FACILITIES AND UTILITIES, INCLUDING THE PRIORITIES, ANTICIPATED
27 COSTS, AND FUNDING PROPOSALS FOR SUCH FACILITIES AND UTILITIES;

1 (d) THE ACCEPTANCE, REMOVAL, RELOCATION, WIDENING,
2 NARROWING, VACATING, ABANDONMENT, MODIFICATION, CHANGE OF USE,
3 OR EXTENSION OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
4 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
5 OF OTHER MUNICIPALITIES, COUNTIES, OR REGIONS, GROUNDS, OPEN
6 SPACES, BUILDINGS, PROPERTY, UTILITY, OR TERMINALS, REFERRED TO IN
7 SUBSECTIONS (1.5) (a) THROUGH (a) OF THIS SECTION AND SUBSECTION
8 (1)(d) OF THIS SECTION;

9 (e) A ZONING PLAN FOR THE CONTROL OF THE HEIGHT, AREA, BULK,
10 LOCATION, AND USE OF BUILDINGS AND PREMISES. SUCH A ZONING PLAN
11 MAY PROTECT AND ASSURE ACCESS TO APPROPRIATE CONDITIONS FOR
12 SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING
13 GEOHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
14 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
15 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
16 GENERATION; HOWEVER, REGULATIONS AND RESTRICTIONS OF THE HEIGHT,
17 NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES, AND
18 THE HEIGHT AND LOCATION OF TREES AND OTHER VEGETATION SHALL NOT
19 APPLY TO EXISTING BUILDINGS, STRUCTURES, TREES, OR VEGETATION
20 EXCEPT FOR NEW GROWTH ON SUCH VEGETATION.

21 (f) THE GENERAL CHARACTER, LOCATION, AND EXTENT OF
22 COMMUNITY CENTERS, HOUSING DEVELOPMENTS, WHETHER PUBLIC OR
23 PRIVATE, THE EXISTING, PROPOSED, OR PROJECTED LOCATION OF
24 RESIDENTIAL NEIGHBORHOODS AND SUFFICIENT LAND FOR FUTURE
25 HOUSING DEVELOPMENT FOR THE EXISTING AND PROJECTED ECONOMIC
26 AND OTHER NEEDS OF ALL CURRENT AND ANTICIPATED RESIDENTS OF THE
27 MUNICIPALITY, AND REDEVELOPMENT AREAS. IF A MUNICIPALITY HAS

1 ENTERED INTO A REGIONAL PLANNING AGREEMENT, SUCH AGREEMENT
2 MAY BE INCORPORATED BY REFERENCE INTO THE MASTER PLAN.

3 (g) A MASTER PLAN FOR THE EXTRACTION OF COMMERCIAL
4 MINERAL DEPOSITS PURSUANT TO SECTION 34-1-304;

5 (h) A PLAN FOR THE LOCATION AND PLACEMENT OF PUBLIC
6 UTILITIES THAT FACILITATES THE PROVISION OF SUCH UTILITIES TO ALL
7 EXISTING, PROPOSED, OR PROJECTED DEVELOPMENTS IN THE
8 MUNICIPALITY;

9 (i) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS TO
10 ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED INCREMENTS
11 OF TIME. THE MUNICIPALITY MAY BASE THESE PROJECTIONS UPON DATA
12 FROM THE DEPARTMENT OF LOCAL AFFAIRS AND UPON THE MUNICIPALITY'S
13 LOCAL OBJECTIVES.

14 (j) THE AREAS CONTAINING STEEP SLOPES, GEOLOGICAL HAZARDS,
15 ENDANGERED OR THREATENED SPECIES, WETLANDS, FLOODPLAINS,
16 FLOODWAYS, AND FLOOD RISK ZONES, HIGHLY ERODIBLE LAND OR
17 UNSTABLE SOILS, AND WILDFIRE HAZARDS. FOR PURPOSES OF
18 DETERMINING THE LOCATION OF SUCH AREAS, THE PLANNING COMMISSION
19 SHALL CONSIDER THE FOLLOWING SOURCES FOR GUIDANCE:

20 (I) THE COLORADO GEOLOGICAL SURVEY FOR DEFINING AND
21 MAPPING GEOLOGICAL HAZARDS;

22 (II) THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE
23 UNITED STATES DEPARTMENT OF THE INTERIOR AND THE PARKS AND
24 WILDLIFE COMMISSION CREATED IN SECTION 33-9-101, FOR LOCATING
25 AREAS INHABITED BY ENDANGERED OR THREATENED SPECIES;

26 (III) THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE
27 UNITED STATES FISH AND WILDLIFE SERVICE NATIONAL WETLANDS

1 INVENTORY FOR DEFINING AND MAPPING WETLANDS;

2 (IV) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
3 DEFINING AND MAPPING FLOODPLAINS, FLOODWAYS, AND FLOOD RISK
4 ZONES;

5 (V) THE NATURAL RESOURCES CONSERVATION SERVICE OF THE
6 UNITED STATES DEPARTMENT OF AGRICULTURE FOR DEFINING AND
7 MAPPING UNSTABLE SOILS AND HIGHLY ERODIBLE LAND; AND

8 (VI) THE COLORADO STATE FOREST SERVICE FOR LOCATING
9 WILDFIRE HAZARD AREAS.

10 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
11 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH RELEVANT
12 ENTITIES TO ENSURE THAT THE ADOPTING OR AMENDING OF THE MASTER
13 PLAN IS AN INCLUSIVE PROCESS.

14 (9) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR AMENDING
15 THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE MASTER PLAN TO
16 THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL
17 AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW THESE
18 MASTER PLANS TO ENSURE THEY COMPLY WITH THE REQUIREMENTS OF
19 THIS SECTION.

20 _____
21 _____

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

24 **31-23-301. Grant of power.** (6) NEITHER A TIER ONE URBAN
25 MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (36) NOR A TIER TWO
26 URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (37) SHALL
27 IMPOSE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL

1 UNITS IN THE APPROVAL OF RESIDENTIAL DWELLING UNIT CONSTRUCTION
2 PERMITS UNLESS DOING SO IS NECESSARY FOR HEALTH AND SAFETY IN THE
3 URBAN MUNICIPALITY.

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

6 **37-60-126. Water conservation and drought mitigation**
7 **planning - programs - relationship to state assistance for water**
8 **facilities - guidelines - water efficiency grant program - definitions -**
9 **repeal.** (9) (b) The board and the Colorado water resources and power
10 development authority, to which any covered entity has applied for
11 financial assistance for the construction of a water diversion, storage,
12 conveyance, water treatment, or wastewater treatment facility, shall
13 consider any water conservation plan filed pursuant to this section AND
14 ANY VALIDATED WATER LOSS AUDIT REPORT REQUIRED BY SUBSECTION
15 (13)(d) OF THIS SECTION in determining whether to render financial
16 assistance to such entity. Such consideration shall be carried out within
17 the discretion accorded the board and the Colorado water resources and
18 power development authority pursuant to which such board and authority
19 render such financial assistance to such covered entity.

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

22 (b) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS
23 THAT:

24 (I) SAFE AND AFFORDABLE DRINKING WATER IS ESSENTIAL TO
25 PUBLIC HEALTH, AFFORDABLE HOUSING, AND ECONOMIC DEVELOPMENT
26 THROUGHOUT THE STATE;

27 (II) THE COST OF PROVIDING RELIABLE DRINKING WATER IS

1 INCREASING DUE TO FACTORS SUCH AS AGING INFRASTRUCTURE, LOW
2 DENSITY LAND USE DEVELOPMENT THAT IS COSTLY TO SERVE, INCREASED
3 ENERGY COSTS, AND MORE COMPLEX AND COSTLY CHANGES TO THE
4 REGULATORY REQUIREMENTS FOR SAFE DRINKING WATER;

5 (III) COMPACT INFILL DEVELOPMENT REDUCES WATER DEMAND
6 AND INFRASTRUCTURE COSTS THROUGH THE USE OF SHORTER PIPES THAT
7 REDUCE LOSSES, SMALLER IRRIGATED LANDSCAPE SPACE PER UNIT, AND BY
8 BETTER UTILIZING EXISTING INFRASTRUCTURE;

9 (IV) WATER MAIN BREAKS ARE VISIBLE AND DISRUPTIVE
10 MANIFESTATIONS OF THE MORE WIDESPREAD PHENOMENON OF LEAKAGE
11 FROM WATER SYSTEMS;

12 (V) LEAKAGE OF DRINKING WATER FROM WATER DISTRIBUTION
13 SYSTEMS ADDS TO THE COST OF SERVICE TO CUSTOMERS AND MAY LEAD
14 TO INCREASED RAW WATER DEMANDS THAT NEGATIVELY IMPACT THE
15 NATURAL ENVIRONMENT;

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

19 (VII) THE AMERICAN WATER WORKS ASSOCIATION, A NATIONAL
20 ASSOCIATION OF DRINKING WATER UTILITIES AND PROFESSIONALS, HAS
21 RECOMMENDED THAT DRINKING WATER SUPPLIERS CONDUCT AN AUDIT OF
22 WATER LOSSES ON AN ANNUAL BASIS;

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

26 (IX) SEVERAL STATES NOW RECOMMEND OR REQUIRE THAT PUBLIC
27 WATER SUPPLIERS UNDER THEIR JURISDICTIONS CONDUCT AN AUDIT OF

1 WATER LOSSES EACH YEAR USING THE STANDARDIZED TERMS AND
2 METHODS PUBLISHED BY THE AMERICAN WATER WORKS ASSOCIATION;
3 AND

4 (X) REGULAR AUDITING OF WATER LOSSES IS A NECESSARY
5 FOUNDATION FOR THE ADOPTION OF COST-EFFECTIVE STRATEGIES TO
6 REDUCE THE AMOUNTS OF LOST WATER AND REVENUE TO ECONOMICALLY
7 REASONABLE LEVELS.

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

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

21 (II) "WATER LOSS" MEANS THE DIFFERENCE BETWEEN THE ANNUAL
22 VOLUME OF WATER ENTERING A WATER DISTRIBUTION SYSTEM AND THE
23 ANNUAL VOLUME OF METERED AND UNMETERED WATER TAKEN BY
24 REGISTERED CUSTOMERS, THE WATER SUPPLIER, AND OTHERS WHO ARE
25 IMPLICITLY OR EXPLICITLY AUTHORIZED TO DO SO. "WATER LOSS"
26 INCLUDES THE ANNUAL VOLUMES LOST THROUGH ALL TYPES OF LEAKS,
27 BREAKS, AND OVERFLOWS ON MAINS, SERVICE RESERVOIRS, AND SERVICE

1 CONNECTIONS UP TO THE POINT OF CUSTOMER METERING IN ADDITION TO
2 UNAUTHORIZED CONSUMPTION, ALL TYPES OF METERING INACCURACIES,
3 AND SYSTEMIC DATA-HANDLING ERRORS.

4 (d) Water loss program requirements. (I) NO LATER THAN
5 JANUARY 1, 2025, THE BOARD SHALL ADOPT GUIDELINES FOR THE
6 CONDUCT OF STANDARDIZED VALIDATED WATER LOSS AUDITS BY
7 COVERED ENTITIES.

8 (II) NO LATER THAN JUNE 30, 2026, EACH COVERED ENTITY SHALL
9 SUBMIT A COMPLETED AND VALIDATED WATER LOSS AUDIT REPORT FOR
10 THE PREVIOUS CALENDAR YEAR. FOR REPORTS SUBMITTED IN SUBSEQUENT
11 YEARS, EACH COVERED ENTITY SHALL SUBMIT A COMPLETED AND
12 VALIDATED WATER LOSS AUDIT REPORT COVERING THE PREVIOUS
13 CALENDAR YEAR NO LATER THAN JUNE 30 CONCURRENT WITH SECTION
14 37-60-126 (4.5)(a).

15 _____
16 _____

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

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

23 (3) (a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,
24 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE
25 CONTRARY, AN ASSOCIATION SHALL NOT PROHIBIT ACCESSORY DWELLING
26 UNITS, MIDDLE HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, AND
27 HOUSING IN KEY CORRIDORS IN THE JURISDICTION AND AREAS TO WHICH

1 ARTICLE 33 OF TITLE 29 APPLIES. ANY SUCH PROHIBITION ON THE
 2 PERMITTING OF ACCESSORY DWELLING UNITS, MIDDLE HOUSING, HOUSING
 3 IN TRANSIT-ORIENTED AREAS, AND HOUSING IN KEY CORRIDORS IS VOID AS
 4 A MATTER OF PUBLIC POLICY IN ANY WAY THAT IS PROHIBITED BY ARTICLE
 5 33 OF TITLE 29.

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

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

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

12 (III) "MIDDLE HOUSING" HAS THE SAME MEANING AS SET FORTH IN
 13 SECTION 29-33-102 (21).

14 (IV) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
 15 FORTH IN SECTION 29-33-102 (39).

16 **SECTION 16.** In Colorado Revised Statutes, 43-1-106, **amend**
 17 (15)(d) as follows:

18 **43-1-106. Transportation commission - powers and duties -**
 19 **rules - definitions - efficiency and accountability committee.** (15) In
 20 addition to any other duties required by law, the commission shall have
 21 the following charges:

22 (d) To study and make recommendations for existing and future
 23 transportation systems in Colorado with a focus of such study and
 24 recommendations being a ten-year plan for each mode of transportation.
 25 ~~Such~~ THE ten-year plan ~~shall~~ MUST be based on what can be reasonably
 26 expected to be implemented with the estimated revenues which are likely
 27 to be available AND MUST INCLUDE PRIORITIZATION CRITERIA THAT ARE

1 CONSISTENT WITH STATE STRATEGIC GROWTH OBJECTIVES FOR
2 REGIONALLY SIGNIFICANT TRANSPORTATION PROJECTS.

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

5 **43-1-113. Funds - budgets - fiscal year - reports and**
6 **publications.** (20) BEFORE DECEMBER 31, 2024, OR BEFORE THE NEXT
7 REGIONAL TRANSPORTATION PLANNING CYCLE BEGINS, THE DEPARTMENT
8 SHALL ENSURE THAT THE PRIORITIZATION CRITERIA FOR ANY GRANT
9 PROGRAM ADMINISTERED BY THE DEPARTMENT ARE CONSISTENT WITH
10 STATE STRATEGIC GROWTH OBJECTIVES, SO LONG AS DOING SO DOES NOT
11 VIOLATE FEDERAL LAW.

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

14 **43-1-1103. Transportation planning.** (2.5) BEGINNING
15 DECEMBER 31, 2024, ANY REGIONAL TRANSPORTATION PLAN THAT IS
16 CREATED OR UPDATED MUST ADDRESS AND ENSURE CONSISTENCY WITH
17 STATE STRATEGIC GROWTH OBJECTIVES AS DETERMINED IN SECTION
18 29-33-108.

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

- 25 (i) Effective, efficient, and safe freight transport; ~~and~~
26 (j) Reduction of greenhouse gas emissions; AND
27 (k) BEGINNING DECEMBER 31, 2024, ADDRESS AND ENSURE

1 CONSISTENCY WITH STATE STRATEGIC GROWTH OBJECTIVES.

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

4 **43-4-1103. Multimodal transportation options fund - creation**
5 **- revenue sources for fund - use of fund.** (2) (e) ON AND AFTER
6 DECEMBER 31, 2024, EXPENDITURES FOR LOCAL AND STATE MULTIMODAL
7 PROJECTS FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND SHALL
8 ONLY BE MADE FOR MULTIMODAL PROJECTS THAT THE DEPARTMENT
9 DETERMINES ARE CONSISTENT WITH STATE STRATEGIC GROWTH
10 OBJECTIVES, AS DETERMINED IN SECTION 29-33-108.

11 **SECTION 20. Appropriation.** For the 2023-24 state fiscal year,
12 \$15,000,000 is appropriated to the housing plans assistance fund created
13 in section 29-33-112 (3), C.R.S. This appropriation is from the general
14 fund. The department of local affairs is responsible for the accounting
15 related to this appropriation. Any unexpended and unencumbered money
16 appropriated to the department of local affairs for state fiscal year
17 2023-24 remains available for expenditure by the division of local
18 government in the department of local affairs or local government
19 grantees through state fiscal year 2026-27 without further appropriation
20 for the department of local affairs and local grantees to comply with
21 planning requirements in the legislation.

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