

First Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 19-0866.01 Bob Lackner x4350

SENATE BILL 19-226

SENATE SPONSORSHIP

Winter,

HOUSE SPONSORSHIP

Caraveo,

Senate Committees
Local Government

House Committees

A BILL FOR AN ACT

101 CONCERNING THE ABILITY OF COUNTY GOVERNMENTS TO ESTABLISH
102 VOLUNTARY HOUSING AGREEMENT PROGRAMS IN THE
103 UNINCORPORATED AREAS OF A COUNTY.

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>.)

The bill authorizes the board of county commissioners of any county, by duly enacted ordinances, resolutions, or other forms of binding law, to establish and create a program that implements voluntary housing agreements within an unincorporated area of the county. The bill defines "voluntary housing agreement program" to mean a program adopted by

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

a county government that enables agreements between the county and a developer that increase the supply of housing stock within the county that is priced as affordable for low- and moderate-income households.

Nothing in the bill is intended to challenge or affect the legal status of any such program implemented and in effect prior to the effective date of the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 30-28-111.5 as
3 follows:

4 **30-28-111.5. Inclusionary zoning - unincorporated areas -**
5 **legislative declaration - legislative intent - definition.** (1) THE
6 GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT:

7 (a) AMONG THE BIGGEST CHALLENGES FACING THE STATE IS THE
8 NEED FOR AFFORDABLE HOUSING IN ALL OF THE STATE'S GEOGRAPHIC
9 REGIONS. AMONG OTHER EFFECTS, THE IMMENSE DEMAND FOR
10 AFFORDABLE HOUSING IS A HUGE IMPEDIMENT TO ECONOMIC GROWTH AND
11 OPPORTUNITY WITHIN THE STATE AND THE ABILITY OF THE STATE TO
12 PROVIDE A HIGH QUALITY OF LIFE FOR ALL ITS RESIDENTS AND TO
13 DEVELOP, ATTRACT, AND MAINTAIN A HIGH-QUALITY WORKFORCE.

14 (b) ACROSS THE NATION, HUNDREDS OF COMMUNITIES, INCLUDING
15 SOME OF THE LARGEST MUNICIPALITIES IN THE STATE, HAVE ADOPTED
16 PROGRAMS THAT USE VOLUNTARY HOUSING AGREEMENTS AS AN
17 IMPORTANT AND USEFUL MEANS AMONG OTHER STRATEGIES FOR
18 EXPANDING THE SUPPLY OF AFFORDABLE HOUSING. THESE PROGRAMS
19 HAVE BEEN CREATED TO PROMOTE THE GOALS OF CREATING DIVERSITY IN
20 INCOME LEVELS AMONG RESIDENTS IN A NEIGHBORHOOD, STIMULATING
21 THE EQUITABLE GROWTH OF NEW RESIDENTS IN A GIVEN COMMUNITY,
22 PRODUCING AFFORDABLE HOUSING FOR A DIVERSE LABOR FORCE, AND

1 INCREASING HOME OWNERSHIP OPPORTUNITIES FOR PERSONS IN LOW- AND
2 MODERATE-INCOME HOUSEHOLDS. SUCH PROGRAMS HAVE BEEN
3 ADMINISTERED FOR MANY YEARS WITHOUT LEGAL CHALLENGE.

4 (c) BY ENACTING SENATE BILL 19-____ IN 2019, THE GENERAL
5 ASSEMBLY INTENDS TO GIVE COUNTY GOVERNMENTS THE FULLEST DEGREE
6 OF LEGAL AUTHORIZATION POSSIBLE TO CREATE AND ADMINISTER
7 PROGRAMS THAT PROMOTE VOLUNTARY HOUSING AGREEMENTS WITHIN
8 THE UNINCORPORATED AREAS OF THEIR COUNTIES AND TO GIVE COUNTY
9 GOVERNMENTS THE SAME POWERS TO ENACT SUCH PROGRAMS AS HAVE
10 BEEN ENJOYED BY MUNICIPAL GOVERNMENTS FOR MANY YEARS WITHIN
11 THEIR TERRITORIAL BOUNDARIES. IN SO DOING, COUNTY GOVERNMENTS
12 WILL CONTINUE TO EMPLOY A MEANINGFUL TOOL TO EXPAND THE SUPPLY
13 OF AFFORDABLE HOUSING WITHIN THE TERRITORIAL BOUNDARIES OF THEIR
14 COUNTIES.

15 (d) THE GENERAL ASSEMBLY FURTHER INTENDS THAT SENATE BILL
16 19-____, ENACTED IN 2019, BE CONSTRUED AS LIBERALLY AS POSSIBLE TO
17 PROMOTE THE POLICY OBJECTIVES SPECIFIED IN THIS SUBSECTION (1).

18 (2) AS USED IN THIS SECTION, "VOLUNTARY HOUSING AGREEMENT
19 PROGRAM" MEANS A PROGRAM ADOPTED BY A COUNTY GOVERNMENT
20 THAT ENABLES AGREEMENTS BETWEEN THE COUNTY AND A DEVELOPER
21 THAT INCREASE THE SUPPLY OF HOUSING STOCK WITHIN THE COUNTY THAT
22 IS PRICED AS AFFORDABLE FOR LOW- AND MODERATE-INCOME
23 HOUSEHOLDS. THE COMPONENTS OF SUCH A PROGRAM MAY INCLUDE THE
24 COUNTY ENTERING INTO AN AGREEMENT WITH A DEVELOPER TO SET ASIDE
25 A SET PERCENTAGE OF UNITS EITHER WITHIN A PROPOSED DEVELOPMENT
26 OR THAT ARE LOCATED OFF-SITE THAT ARE PRICED AS AFFORDABLE FOR
27 PERSONS IN LOW- AND MODERATE-INCOME HOUSEHOLDS, OFFERING THE

1 DEVELOPER DIFFERENT FORMS OF INCENTIVES TO COMPENSATE THE
2 DEVELOPER FOR PRICING CERTAIN HOUSING UNITS IN A WAY THAT
3 PROMOTES AFFORDABLE HOUSING, TARGETING A PARTICULAR INCOME
4 RANGE AS THE BENEFICIARY OF SUCH PROGRAMS, AND SPECIFYING A TIME
5 PERIOD FOR WHICH AFFECTED HOUSING UNITS ARE REQUIRED TO STAY
6 AFFORDABLE.

7 (3) THE BOARD OF COUNTY COMMISSIONERS OF ANY COUNTY MAY,
8 BY DULY ENACTED ORDINANCES, RESOLUTIONS, OR OTHER FORMS OF
9 BINDING LAW, ESTABLISH AND CREATE A VOLUNTARY HOUSING
10 AGREEMENT PROGRAM WITHIN ANY UNINCORPORATED AREA OF THE
11 COUNTY. NOTHING IN THIS SECTION IS INTENDED TO CHALLENGE OR
12 AFFECT THE LEGAL STATUS OF ANY SUCH PROGRAM IMPLEMENTED AND IN
13 EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

14 **SECTION 2.** In Colorado Revised Statutes, 30-11-107, **add** (4)
15 as follows:

16 **30-11-107. Powers of the board.** (4) IN ACCORDANCE WITH
17 SECTION 30-28-111.5, THE BOARD OF COUNTY COMMISSIONERS OF ANY
18 COUNTY MAY, BY DULY ENACTED ORDINANCES, RESOLUTIONS, OR OTHER
19 FORMS OF BINDING LAW, ENTER INTO VOLUNTARY HOUSING AGREEMENTS
20 WITHIN ANY UNINCORPORATED AREA OF THE COUNTY.

21 **SECTION 3. Act subject to petition - effective date.** This act
22 takes effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.