

Senate Local Government & Housing

04/06/2023 Upon Adjournment

SB23-213 Land Use

Typed Text of Testimony Submitted

| Name, Position, Representing | Typed Text of Testimony |
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| <p>Sean Murphy</p> <p>Against</p> <p>Trustee for the Town of Berthoud, CO</p> | <p>My name is Sean Murphy and I am a licensed architect, affordable housing advocate, and trustee (city councilmen) for the Town of Berthoud, CO. I strongly believe SB23-213 is the wrong action for the State of Colorado to take in addressing affordable housing.</p> <p>As a representative for a “Tier 2” town that has worked tirelessly over the past several years to address affordable housing, our own code and zoning policy already exceeds many of the standards proposed. We continue to add local incentives, diverse housing options, density, middle housing, and transit-oriented developments. I share many of the principals and goals set forth in this proposed bill with one critical objection.</p> <p>In my opinion, this bill as written robs municipalities of precise and targeted solutions to housing and takes a sledgehammer to the problem, creating as many problems as solutions.</p> <p>Municipal leaders will lose significant control over housing, creating more anger and apathy towards our state government and planning authorities when local governments cannot make nuanced decisions on these complex issues. Our citizens are already frustrated with the lack of control they have in the development of our town and when local leaders lose the ability to help our residents, we will point their righteous anger directly at the legislature. Property owners will be significantly impacted without their say or control. With this significant taking of authority out of the hands of local leaders, it’s debatable whether the bill will even have a significant impact on affordable housing. “A recent paper in the journal Urban Studies examined hundreds of zoning reforms enacted across the U.S. It found that when governments loosen development restrictions, there is “a statistically significant 0.8% increase in housing supply within three to nine years of reform passage,” with most of the units falling at the “higher end” of rents.” (Kenney & Minor, 2023)</p> |

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| | <p>I stand with the Colorado Municipal League and thousands of other local leaders in strongly opposing this bill. I believe local councils, boards, experts, and citizens simply know how to address this issue better than the legislature. Please assist us, incentivize us, and fund us in creating affordable housing. Don't destroy the positive, targeted progress we have made.</p> <p>Thank you for your service and consideration.</p> |
| <p>John Hersey For themselves</p> | <p>SB23-213 proposes to make a significant positive impact to the people and places of Colorado. Unprecedented construction of transit-oriented development in the state's most populated regions would allow more people to live and work in vibrant communities with a variety of nearby destinations connected by clean and affordable public transportation. Co-locating vibrant development and multimodal mobility would discourage driving and, thus, reduce greenhouse gas emissions that fuel climate change. Addressing climate change in this way and myriad others would help the state reliably maintain the productivity of its quintessential natural-resource economy. Housing policy is transportation policy is climate policy. This bill proposes one important way to make a positive impact. Thank you for considering it.</p> |
| <p>Devin Bazata For themselves</p> | <p>I support this bill because we need dense, mixed-use neighborhoods to fight against the rising costs of living in this state. Two years ago I moved to the Capitol Hill neighborhood in Denver, and the only reason I was able to afford to do so was because I could buy a condo. There is a mix of housing options, more than just single family homes mandated by city ordinance. I was also able to start living car free, which saves me thousands of dollars per year. We need this bill so that more places give people housing options they can afford, and the ability to rely less on cars if they so choose.</p> |
| <p>Corey Bratton For themselves</p> | <p>My spouse and I are starting a family this year. We cannot afford to buy a house in Colorado at this time, and we would be happy to continue renting if we were not constantly being priced out of our apartments when it comes time to renew the lease. Colorado needs more affordable housing and more high and medium density housing for families like mine who are providing needed social services in our workplaces, even when those jobs aren't the highest paying.</p> <p>High housing costs are putting significant stress on Coloradans, especially those with the lowest incomes. With skyrocketing rents and home prices out of reach, over half of Coloradans spend more than 30 percent of their income on housing costs. That means they may have to choose between</p> |

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| | <p>paying rent and affording basic life necessities like food, childcare, and medicine. Colorado must act boldly to reduce housing costs.</p> |
| <p>Dustin Mays For themselves</p> | <p>I am writing to express my support for improving housing affordability and access in Colorado. My personal struggle to find reasonably priced housing when I moved to the state last year was disheartening and eye-opening. This experience compels me to advocate for change in the housing landscape.</p> <p>During my search, I observed that areas with high housing costs often lacked diversity and economic dynamism. Limited housing options can create homogenized neighborhoods, stifling innovation and creativity. By increasing the availability of affordable housing, we can foster more inclusive communities that allow people from all walks of life to live, work, and thrive together.</p> <p>To achieve this, I strongly support:</p> <p>Increased housing density: This will reduce urban sprawl and encourage the use of public transit, promoting sustainable growth and efficient land use.</p> <p>Reducing government red tape: Streamlining regulations and bureaucratic processes will facilitate the construction of affordable housing and make it easier for developers to contribute to our state's housing supply.</p> <p>Improving housing affordability and access in Colorado should be a top priority for our policymakers. By implementing effective measures, we can ensure that everyone can find a suitable and affordable home, contributing to a more diverse, economically vibrant, and prosperous Colorado for all.</p> <p>Thank you for your attention to this critical issue. Together, we can create a more inclusive and affordable housing landscape in our beloved state of Colorado.</p> |
| <p>John Watkins For themselves</p> | <p>I am strongly in support of this bill because it takes bold action to upzone entire municipalities across the state. We need more housing diversity, and there are nowhere near enough residential areas where we are allowed to build duplexes, fourplexes, townhouses, and condos. I would like to buy soon, and I do not plan on having children, so a single-family home is too much for me to manage, even if I were to find a long-term partner before then. I would love more options for condos and townhomes in my area, which are the types of units that work the best for my lifestyle. This bill will also allow for denser construction and better land-use, which will allow us</p> |

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| | <p>to increase supply and alleviate the intense upward pressure on housing & rental prices.</p> |
| <p>Natalie Boyle Against themselves</p> | <p>I am adamantly opposed to Senate Bill 23-213 for the following reasons: It will eliminate local control of residential zoning, strip land use regulations leading to negative land use, undermine covenants from Homeowner’s Associations, overwhelm our neighborhoods, streets, and schools and destroy the character of our neighborhoods and negatively impact the quality of life. There are more positive ways to build housing. Senate bill 23-213 is negative and not the way to solve the problem.</p> |
| <p>Jaime Giesen For themselves</p> | <p>I am writing in support of SB23-213 and I am asking for SB23-213 to be passed. My name is Jaime Giesen. I live in Thornton, CO. The unhoused population in our State deserve respect and a working solution. The housing crisis we face goes beyond the current unhoused. The housing market is increasingly expensive for those already in homes. And, price isn’t the only issue. Housing stock - what is allowed and where it is allowed - is contributing to sprawl, to ground-level ozone and greenhouse gas emissions, and the climate crisis. SB23-213 isn’t a perfect bill. It will require some fine-tuning in the years to come; specifically, details around data collections and enforcement. However, this is a start - a framework. SB23-213 is the best tool we have right now to fight both our housing crisis and climate crisis. We don’t have another year to start again. Please pass SB23-213 so we can get to work. Thank you.</p> |
| <p>Annabel Bland For themselves</p> | <p>I've lived in a single family home neighborhood, and it didn't feel like a community, it was just a place I lived. You had to drive everywhere. Part of the reason I moved to Denver and my current apartment was to walk places - the grocery store, the library, the theater, parks, etc. It's better for my physical and mental health. Plus I've saved a lot of money by not having a car - cars are expensive and cause a lot of pollution. Building along transit corridors cuts costs for residents and emissions.</p> |
| <p>Robert Queen For themselves</p> | <p>I would strongly urge everyone to support this legislation in order to make Colorado more affordable for all. Right now, about three-quarters of residential land on the Front Range is zoned only for single-detached houses—the largest and most expensive kind of housing. These options aren't accessible for many Coloradans or don't fit their needs. Yet many types of more affordable, modest homes like duplexes, townhomes, and backyard cottages are illegal to build. By lifting bans on modest housing, we can give cities, towns, and homeowners more flexibility to create a wide variety of more affordable homes near jobs and other services. Even in more rural and exurban areas such as Evergreen, we need to expand the choice of housing for the residents. The current land use policies make it next to impossible for anyone but well-off people to live within the community. Thank you for your consideration.</p> |

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| <p>Andrew Jarmon For themselves</p> | <p>I am in support of this bill as a renter who has been priced out of the housing market. Local governments have had decades to demonstrate that they can resolve this crisis on their own, and have failed to do so at every turn. Like many who are working to save up money for a house where I work, my job does not permit me to take time off to support this bill in person like I would prefer, but I believe my voice should count just as much as someone who has seen their home value appreciate over the decades and now has time to lobby against further housing development.</p> <p>This bill would restore the property rights that those who would like to build more housing have been denied, and would provide the livability freedom for those that work in a community to also live there. Localities like Boulder will claim that this bill goes too far and that a different approach is needed, but this pushback is disingenuous based on their past inability to allow sufficient housing development when they did have control over zoning.</p> |
| <p>Meagan Costello For themselves</p> | <p>I am writing in support of this legislation. My husband grew up in Colorado and we would now like to raise a family here, but because of the unaffordable housing situation we currently can't buy where we have jobs and may be forced to move out of the state. Clearly the current status quo is not working, as local governments have had decades to demonstrate that they will solve this affordability crisis on their own but have failed to do so. Allowing greater density will also promote more walkable communities where people can be close enough to where they work that they don't clog our highways with emissions and traffic that make our naturally beautiful state less beautiful.</p> |
| <p>Barbara Ridgley Against themselves</p> | <p>I feel this bill is beneficial to only developers and people who want to live here, not representing people who do live here. I don't think it's fair to existing homeowners who have purchased their property based on the neighborhood and location. I chose my neighborhood because I like the feel, safety and commonality of the people who live here. By forcing multi-tenant houses in an existing neighborhood, it will cause my property value to drop. We will see added traffic, parking, noise, pollution. Our streets aren't built for this additional density, and our city infrastructure (storm water, waste water, water distribution and light and power) is not adequate for the amount of density you are proposing. By adding additional housing, you are not solving the affordability problem, only causing more problems for the people who live here. People will move out, and the very reason why people want to come here will be eliminated. I'm strongly opposed to this bill.</p> |
| <p>Bev Pogreba Against</p> | <p>SB23-213 contradicts local regulations in Boulder re: ADUs & all construction located in the floodplain as currently it can be built above the</p> |

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| <p>themselves</p> | <p>floodplain elevation to comply. About 30% of Boulder is in the Floodplain or Floodway - greatly in both East & Central / downtown Boulder.</p> <p>Bill also doesn't address Metro Districts which have complicated tax & infrastructure issues & were put in place because counties Cannot Afford to fund more infrastructure.</p> <p>How would HOAs be handled with their bylaws & fees to residents? Mortgage lenders verify HOA funds & FHA financing based on number of rentals, etc.</p> <p>More housing puts an imbalance on current mortgage holders & too complicated to address here.</p> <p>Financial Feasibility discussed in the bill might threaten Boulder's affordable housing requirements.</p> <p>This bill needs input of those who understand economics & city planning.</p> |
| <p>Kathryn Vandegrift For themselves</p> | <p>We face a steep, national need for more housing across every income level. Removing artificial barriers to getting that housing built is an urgent first step. I strongly endorse this measure.</p> |
| <p>Casey Funk Against Southmoor Park East HOA</p> | <p>I am the Secretary and board member of Southmoor Park East HOA. Our Association created in 1965 consists of 620 single family homes in Southeast Denver. We are an RNO and are in good standing with the Secretary of State and DORA. By straw poll after March 22, the members of the Board expressed concern that SB23-213 will preempt local zoning protections (including the mountain view ordinance) and our covenants. The bill empowers the State to change the character of our neighborhood by allowing ADU's and unlimited multi-family use. Our formal Board meeting will be held on April 12 and I intend to supplement my testimony after formal Board action.</p> |
| <p>Travis Clower Against SCP Insurance Group</p> | <p>We already have limited options from an insurance perspective to properly insure ADU's. Insurance carriers have issues covering multiple residences with the same address. It creates liability issues, coverage exposures and increases E&O claim risks for agents. These types of properties are hard for agents to gather proper information in order to insure. SB23-213 would greatly increase the strain on insurance agents and carriers alike.</p> <p>Thanks</p> |
| <p>Harry Brenan For</p> | <p>As a professional city planner with experience and work multiple Colorado municipalities, I am in favor of this bill.</p> |

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| <p>themselves</p> | <p>I also grew up in Colorado, and over the last couple decades I've seen home ownership become increasingly unattainable, and rents become less affordable. I believe that local restrictions on residential land uses is one of the primary reasons that housing supply has not been able to keep pace with demand.</p> <p>I have ample experience with local control over housing policy and land use decisions. Time and again, I've seen local control perpetuate a predominance of single-family detached housing, with very little variety in housing type or price-point. Local land use politics too often prioritize the exclusionary sentiments of NIMBY neighbors over the need to build a diverse range of housing types, for a more diverse population.</p> <p>Further, I believe existing housing policy that prioritizes single-family detached housing effectively limits the positive impacts of other public spending and investment. When local communities continue to promote low-density single-family housing that spreads further out into undeveloped areas, it severely limits the value of statewide investment in public transportation and all but guarantees a future that is car-dependent.</p> <p>While this bill may not singlehandedly solve our state's housing crisis, it would be a landmark effort to bypass local restrictions and ensure that all municipalities do their part to promote housing diversity and affordability.</p> <p>I urge you to support this bill.</p> <p>With respect, Harry Brennan</p> |
| <p>Andrew O'Brien For themselves</p> | <p>My family has been in Colorado since the 1800s, with deep roots in the Denver area including Boulder and Golden. Today, due to high housing costs, my family has dispersed to other states and far apart places like castle rock and Frederick and Erie. This has frayed our family ties and disconnected loved ones from community.</p> <p>I am a 29 year old Denver resident, working for a tech company downtown. My partner is a teacher in DPS schools. We live in a rental duplex in cap hill, and when our lease ends in July, were concerned we won't be able to find another home that is affordable. We know we're privileged, and yet we're facing unaffordability. My heart breaks for the less fortunate, and those who have no better option than to sleep on the streets.</p> |

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| | <p>Allowing more housing now by passing this bill is critical for Denver's future. Housing that is more dense is more affordable, and more financially feasible for local governments to provide services. Dense infill housing is also much better for the environment than sprawling suburbs.</p> <p>Please strengthen Colorado by passing the more housing now bill!</p> |
| <p>Colleen Hoffman Against themselves</p> | <p>Changing land use to disallow single family zoning and thereby increase units/multifamily housing types in neighborhoods will destroy them and will not achieve the desired outcome. I am adamantly against this measure however, if you vote FOR it you will make us very rich as we own 5 acres in the heart of one of the cities you are targeting and we will then have a very large increase in the value of this parcel. So, you can see even some land owners see that increased housing capacity in single family zoning areas is not desired and will adversely affect our cities, infrastructure, quality of life, traffic, etc. Please VOTE against this measure!</p> |
| <p>David Becker Against themselves</p> | <p>I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what's right for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you.</p> |
| <p>Doris Suposs Against themselves</p> | <p>This is over reach by the state. Allow the city to set up their own land use code. They have a much better idea what is going on in their own city than the state does. Not to mention long range goals set in place and now the state just want to take over not knowing what is going on! Developers just want to make money without any care of city standards. There are plenty of ways to hand low income housing w/o tearing down home and putting up high rises.</p> |
| <p>Roberta Litra Against themselves</p> | <p>I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what's right for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you.</p> |
| <p>Julie Farrell Against themselves</p> | <p>I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what's right for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you.</p> |

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| <p>Adam Levell Against themselves</p> | <p>This is pure state government overreach. Unless you are intentionally trying to ruin communities then I urge you to vote no on Senate Bill 213. Do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what’s right for our community. Reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within local municipalities. This kind of legislation would be dangerous to the quality of life on the state and greatly have a negative impact on neighborhoods, community and property values-</p> <p>Unless that is what you are going for...</p> |
| <p>Robert Easton Against themselves</p> | <p>Hello,</p> <p>I am against additional an aspect of this proposal that would override the authority of HOA's to live by the ordinances they have setup.</p> <p>Rob Easton</p> |
| <p>Marvin Paule Against Le Jardin HOA</p> | <p>My experience with the kind of unregulated land-use proposed in this bill comes from living in a neighborhood within a couple of miles of Colorado State University. At that time in Fort Collins, the U +2 ordinance was not being enforced. Our formerly single-family neighborhood contained many larger homes with 3 to 5 bedrooms. As university housing became inadequate to house all students, these larger homes were bought up by remote investors, and filled with numerous student renters. Unlike families with children of all ages, all the occupants of these rental properties owned cars, snowmobile’s, and other sports items which filled the garages. Street parking was soon overwhelmed creating a dangerous situation for children and other pedestrians. Cars were also parked all over the lawns. In addition, the neighborhood pool and tennis courts , which were meant for use by children, were overrun by college age, students, mostly men, hogging the courts, doing cannonball dives off the high diving boards, and generally making the environment, dangerous and unpleasant for the remaining resident children. Upkeep on the properties deteriorated. At one point, we who were 30 year owners in the neighborhood, had 16 single males living within one house of our home (across the street, next-door to them, next-door to us, and behind us). we feared for our granddaughters to play on our cul-de-sac. Because young families could not compete financially for these lucrative, multi-resident rental homes, the neighborhood changed as more units were converted to rentals. It deteriorated into an unkempt, dangerous, unpleasant, yet very expensive enclave. In the 18 years since Fort Collins began to enforce the U+2 rule, this neighborhood has turned back into a single-family neighborhood; homes are well maintained, the pool area is again available to young children to learn to swim or play tennis, and to visit with their friends. The</p> |

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| | <p>current legislation under consideration promises to create this scenario all over the state, without, in fact, accomplishing the goal of lowering housing prices and availability. Indeed, this legislation is likely to convert Colorado into just the kind of housing nightmare that is causing people to leave California, and other similarly over populated states in droves.</p> |
| <p>Jennifer Neeley Against themselves</p> | <p>Please, I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what’s right for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock and the surrounding areas. Thank you.</p> |
| <p>Russell Castagnaro For themselves</p> | <p>RE: Testimony in Support of SB23-213</p> <p>Dear Committee Members of the Senate Local Government & Housing,</p> <p>I am writing to express our strong support for SB23-213, which aims to address housing needs across the state, promote diverse and affordable housing options, and align transportation and land use policies with state strategic growth objectives.</p> <p>Housing affordability is a critical issue for Coloradans, and SB23-213 presents a comprehensive approach to address the diverse housing needs of our communities. By establishing a process to diagnose and address housing needs, this legislation will enable policymakers to make data-driven decisions that best serve the needs of our residents.</p> <p>SB23-213's provisions on accessory dwelling units, middle housing, transit-oriented areas, key corridors, and manufactured and modular homes will increase the availability of diverse housing options and reduce regulatory barriers. This will promote affordability and help meet the growing demand for housing across the state.</p> <p>Furthermore, by prohibiting certain planned unit development resolutions, occupancy limit enforcement, and minimum square footage requirements for residential units, this legislation ensures that local governments prioritize housing affordability and diversity.</p> |

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| | <p>Additionally, SB23-213 recognizes the importance of water conservation by requiring entities to submit completed and validated water loss audit reports. This provision will help ensure efficient water use and promote sustainable growth in Colorado.</p> <p>By aligning transportation policies, grant programs, and multimodal transportation options fund expenditures with state strategic growth objectives, this legislation will foster the development of well-connected, vibrant communities that support a high quality of life for all Coloradans.</p> <p>In conclusion, I believe that SB23-213 will have a significant, positive impact on the availability and affordability of housing in Colorado. I respectfully urge the committee to support this important legislation.</p> <p>Thank you for your consideration.</p> <p>Sincerely,</p> <p>Russell Castagnaro Venture Steward EthDenver</p> |
| <p>Samuel Schetter Against himself</p> | <p>I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what’s right for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you.</p> |
| <p>Sara French Against herself</p> | <p>I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what’s right for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you.</p> |
| <p>Franklin Coleman Against Rocky Mountain Home LLC</p> | <p>Dear Committee,</p> <p>I am president and owner of Rocky Mountain Home LLC. We are a minority owned and operated company. We remodel residential and build new</p> |

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| | residential home throughout Colorado. i employ 1000 employee's with an average annual salary of \$125,000. I am vehemently opposed to SB23-213. If this bill passes I will close my company and relocate my employees out of Colorado. Please deny passage of this bill. |
| Brian Downey Against themselves | I along with my household, friends, and neighbors of the community do not support the state-wide forced mandate on town land. The residents of Castle Rock are responsible and capable of managing land use based on the needs of the community. We do not want to put the decisions of four town in the hands of state legislatures and regulators. We should be able to decide what is best I for the community we reside in as well as the community we want our families to continue their growth. Please reject the over-reaching legislation to ensure a high quality of life and sound economic environment to continue in Castle Rock. |
| Matthew Cady Against themselves | I urge you to vote No on Senate Bill 213. Please do not force statewide mandates on local land-use matters. Local representatives and residents - not state legislators and regulators- should be able to decide what's right for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you. |
| Rick Mccarter Against themselves | Against |
| Jessica Madden Against themselves | I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what's right for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you. |
| Charles Kopp Against themselves | Dear legislators: SB23-213 is about the worst bill I've heard of being introduced in the legislature. I am a democrat and the mainly democratic lawmakers behind the bill may be well-intentioned, but are extremely misguided. I can't believe the audacity and draconian nature of a bill that would virtually give the state control over local housing issues in what has long been a home-rule state in such matters. And the policy of promoting high-density housing state-wide is at best very dubious in making housing more affordable---which I understand has actually backfired in places where it's been tried. |

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| | <p>Once again I smell the influence of developers and investors on lawmakers--who it seems would be the main beneficiaries of such a policy. It's a policy that seems much too growth-oriented in a state where it's high time to slow the rate of growth, considering our finite water supplies and other environmental issues. I did not move here from New Jersey over ten years ago to see the Front Range corridor become as crowded, polluted, and beset by social problems---including increased crime---that the New York Metropolitan area that I came from has long been plagued by. That area, by the way, has extremely high cost housing despite the density.</p> <p>It seems just about everywhere has problems providing affordable housing, and many are worse than Colorado's. We must address this issue, but through more creative ways than the top-down approach included in this terrible senate bill. I'm sure there will be a huge uprising against it once enough of the public knows about it.</p> <p>SB23-213 should be DOA before it gets to the house and governor. Please support local autonomy, the environment, and Colorado's quality of life, and kill this bill!!</p> <p>Sincerely,</p> <p>Charles Kopp Fort Collins</p> |
| <p>Tommy Butler For himself</p> | <p>My name is Tommy Butler. I serve on the Greeley City Council, representing the people of Northeast Greeley. I need to start by saying that this is my personal opinion and does not represent the official position of the City of Greeley.</p> <p>I am writing today to express my support for SB 23-213. This is a housing bill we desperately need. I have not always been an advocate for affordable housing, but when I ran for city council, the number one issue that came up was the cost of housing. That was before COVID. Since then, the problem has only gotten worse. I talk to too many people that are leaving the city they grew up in because they can't afford to live here. I am a millennial, and too many of my friends can't afford to buy their first home. The lack of housing is the biggest problem facing our state.</p> |

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| | <p>This bill is not about preempting local control. I see it as allowing people more flexibility to build housing on land they already own. Do you have enough space in your backyard for an ADU? With this change, local rules won't prohibit you from building it. Is there a vacant lot in your community that has sat empty for years that is zoned single-family? Being able to put a duplex or townhomes there might mean that infill development finally happens.</p> <p>I am proud to say that Greeley is doing our part to build much-needed housing in our city. In the last year and a half, we have approved 920 units of traditional affordable housing development. Our council has approved several up-zoning projects to build much-needed market-rate apartments and updated our code to allow for more housing types. Meanwhile, some surrounding communities have growth caps or simply refuse to allow the housing we need to be built. Greeley cannot build all the affordable housing for our region. This is a state-wide problem that requires state-wide solutions.</p> <p>I hope you join me in supporting this legislation because every municipal government is dealing with the problems that a housing shortage creates. Some cities and towns are working hard to make sure the housing we need is built. But "some" is not enough for the housing crisis we face. Right now, the land-use side of housing policy in Colorado is adrift. But with this legislation, municipalities can finally start rowing in the same direction—and build the homes that the people living in this state desperately need.</p> <p>We need more housing in this state. Let's build it!</p> <p>Thank you for your time, Tommy Butler, Greeley City Council—Ward 1</p> |
| <p>Patrick Y Against themselves</p> | <p>I urge you to vote no Senate bill 213. Do not put state legislation before local municipalities.</p> |
| <p>Vicki Rossen Against</p> | <p>I am against SB23-213. The bill allows unbridled growth in Colorado. The bill is environmentally and socially corrupt.</p> |

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| themselves | It takes away local government control. The bill ignores limited water and energy resources. It overtaxes infrastructure already in place: police and fire departments, water districts and water treatments, streets, schools, hospitals, etc. SB23-213 is a total breach of trust to families and individuals who have made investments in homes by eliminating zoning, allowing unlimited occupancy and requiring communities to grow. What happens to our quality of life? The only group SB23-213 will benefit is investment groups. Affordable housing needs to be carefully and deliberately planned through incentives/ subsidies building actual multiunit buildings to house the Colorado workforce already living here needing the housing. |
| Lisa King Against themselves | Opposed to SB23-213 |
| Robyn Mantia Against themselves | I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives - not State legislators and regulators - should be able to decide what's right for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you. |
| James KING Against themselves | This bill is an overreach by State government. I oppose it. |
| Ramiro Gutierrez Against themselves | Senators: We urge you to vote no on Senate Bill 213. Local residents and local representatives - not State legislators and regulators - should be the ones deciding what's right for our community. Please reject this overreaching legislation so that Castle Rock and other communities may control their own quality of life and sound economic development. Thank you. Ramiro and Patricia K. Gutierrez Castle Rock, Colorado |
| William Dieterich Against | I am against passage of SB23-213 as it removes local control of housing affairs in the cities of Colorado. Housing and building codes are decisions that should be made at the local level, not Denver. |

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| <p>themselves</p> | <p>SB23-213 will destroy the quality of life in many housing areas around the state. There are ways of encouraging affordable housing, SB23-213 is not one of them. Please consider amending this bill and getting stakeholders around the state to contribute to it.</p> <p>William Dieterich, Lt Col USAF Retired</p> |
| <p>Glen Colton</p> <p>Against themselves</p> | <p>Dear Committee Members,</p> <p>I have lived in Fort Collins for 43 years, been actively involved in the community on boards and commissions and worked Open Space campaigns to help make our community a great place. I have also seen our community grow from 60,000 people to 180,000 people in that time.</p> <p>I and many of my neighbors are outraged by the over-reaching, tops down, dictatorial, growth stimulating nature of SB23-213. Never have I seen a bill that would change the character of Colorado so overwhelmingly in a way that many, if not most residents don't want.</p> <p>This bill will do little to help Coloradans that need more affordable housing, but will open the floodgates to out of state people who would like to move here. It would do so by mandating growth quotas developed by State Bureaucrats that forecast the State to grow by nearly 3 million people by 2050 and by eliminating growth controls, occupancy limits, and forcing increased density in existing residential areas. It is the antithesis of local control and democratic government.</p> <p>Residents are extremely frustrated with over development in Colorado: A recent poll showed that residents across Colorado believe the State has grown too much and too fast. Over 90% believe that Colorado is either over developed (61%) or is developed as much as it should (31%). A majority believe Colorado's population should remain the same or decrease. Sixty-three (63) percent of Colorado residents want state and local governments to restrict development to make it more difficult for people to move to Colorado from other states.</p> <p>It is clear residents want less growth. So what does this bill do? It essentially mandates rapid growth that people don't want. And that growth will come from out of state. The number of people who would like to move to Colorado is never ending and they will come as we force cities to add more housing. Clearly, the special interests who wrote this bill are out of touch with what regular citizens want. It intentionally and artificially</p> |

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| | <p>stimulates growth that citizens don't want, and does so by unwanted densification of their neighborhoods.</p> <p>I ask you to kill this bill for the sake of Colorado residents who don't want to all live in dense urban environments determined by tops down dictates. Let Cities control their own destiny. After all, most are already building much denser developments in undeveloped areas and working to provide affordable housing for existing residents.</p> |
| <p>Olivia Dorencz For themselves</p> | <p>I want to testify in favor of SB23-213. I am a current renter in Denver and am unable to see a future where that changes. Home prices are raising faster than I am able to save and rents are doing the same. Every year I am stuck with the anxiety of not knowing whether I will continue to be able to afford to live in my apartment after rent increases, while also knowing that there are fewer and fewer options for me to move to without leaving the state entirely. We simply don't have the housing supply to cope with the increased demand of living in our state. We have an entire generation of people like me who want to put down roots here and build a life, but can't because they can't afford to. We can help lift that burden by legalizing denser housing throughout much of the state. Local municipalities have failed to meet the needs of the people and it is time for the state to legalize the housing we desperately need.</p> |
| <p>Trudy Haines Against themselves</p> | <p>I urge you to withdraw SB23-213; it's an over-reaching, authoritarian attempt to dictate how communities must address the issues of growth and affordable housing.</p> <p>The very elements of the bill trumpeted by the bill's promoters are ones most Coloradan's do not support. Clearly, the special interests who wrote this bill are out of touch with what regular citizens want. It intentionally and artificially stimulates growth that citizens don't want, and does so by densification of their neighborhoods, which they don't want. This would dramatically change the character of our cities; attract outside investors who compete with average citizens buying or renting; and is not desired by many who have seen what is happening in Denver and in other states.</p> <p>I appreciate the opportunity to provide this feedback to this Committee:</p> <p>We have the wrong goal: Why should a population projection from the State Demographer of adding 3 million more people by 2050 be a "goal" or</p> |

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| | <p>at a minimum, a fait accompli? It is not the States’ job to make sure that the 3 million people who may wish to move here can. Our goal should be to help find affordable housing for lower-income residents that are already here.</p> <p>Residents are extremely frustrated with over development in Colorado: Polls show residents across Colorado believe the State has grown too much and too fast. Over 90% believe that Colorado is either over developed (61%) or is developed as much as it should (31%): Colorado Voters Worry State Becoming Too Crowded - Rasmussen Reports®</p> <p>Growth has many negative Environmental and Quality of Life impacts: There are many detrimental impacts of adding 50% more people: crowding, increased density, water supply issues, increased infrastructure needs and costs, cost of utilities, higher taxes, increased crime, more air, noise and water pollution, traffic, loss of nature and habitat, heat sink impact, etc. Have we done an environmental impact study of adding 3 million people?</p> <p>Affordable Housing: Many residents DO support effective and focused affordable housing measures—not legislation that will merely stimulate more growth. Increasing density will not ensure affordability to those who really need help.</p> <p>Please listen to your constituents, not just the special interests pushing this bill. This is a fight for our ability to self-govern and for the very soul of Colorado.</p> |
| <p>Anne McKeehan Against themselves</p> | <p>I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what’s right for our community.</p> <p>My neighbors and I are urgently challenging current local petitions that threaten our property values and the safety of our children. We have been working for months with our local Town Council and I prefer that they continue to be the deciders on these issues. I am a Colorado native and understand the challenges of growth, however my family has struggled for generations to secure our financial stability and I would hate to see this bill impact our property values and way of life here in our home state.</p> |

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| | <p>Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you.</p> |
| <p>Jill Allen Against The Meadows Neighborhood Company</p> | <p>I am the Executive Director of The Meadows Neighborhood Company and we currently have 6,000 units and still under land development. The proposed Senate Bill 213 will negatively effect property values in our HOA and remove the ability for our HOA and the Town of Castle Rock to enforce any rental and housing restrictions when it comes to the quantity of residents that can reside in a single unit. We routinely receive complaints from residents when their neighbors try to rent out their units for Vrbo's and Airbnb's for short term rentals; or try to rent out one single room and make a separate entrance for the renter. When a unit tries to sublet, the surrounding neighbors immediately take notice and submit written complaints. Residents independently research and find the rental ads posted on the internet when they notice new additional tenants and vehicles coming and going at a unit on their street. They request that the HOA and the Town take action ASAP. When residents purchase their homes which is one of their most prized possessions, they know in advance of the rules and regulations in the community's governing documents when it comes to the HOA's rules on subleasing or dividing a unit into multiple dwellings being prohibited and also the Town's regulations. That is one of the factors that residents take into consideration before they purchase a home in an HOA and in the Town that they are looking to reside in.</p> <p>This Senate Bill if approved will have a negative impact on our community at large. Please vote NO on SB-213. Thank you for your time.</p> |
| <p>Jeff Jasper Against himself</p> | <p>SB23-213 is horrible legislation that needs to be voted down. At its core this bill fundamentally foutes the bedrock of democracy the United States was founded on-that the government closest to the people serves them best. This bill as drafted overturns covenants in HOA communities. The very communities people have moved to for their chosen quality of life. If passed this bill would result in costly and lengthy litigation. Cities would assert their constitutional right to zoning authority, builder would litigate whose previously approved plans would be upended by this bill passing. Home prices would plummet. This bill must be voted down.</p> |
| <p>Margaret Reek Against himself</p> | <p>I am against this bill.</p> <p>Local governments and HOAs should have the right to have a say in how their cities and neighborhoods are regulated in terms of housing use and density. It is a quality of life issue and also an economic one for people already living here, who paid to have be in communities with land use rules that match their desired living situation.</p> |

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| | <p>It seems that fostering unbridled growth in Colorado is the only things that anyone in the government cares about. That grown is already negatively impacting the quality of life here. Air pollution is a real issue (especially ozone), and more people in tighter spaces will only aggravate that problem. The infrastructure is not keeping up either. It is harder to get a timely appointment for an kind of medical service, car maintenance, and the list goes on. How about addressing some of these issues?</p> |
| <p>Duncan Eccleston Against themselves</p> | <p>SB 213 reflects an unproven, trickle-down housing development strategy that serves as a giveaway to one particular industry. A true "through the looking glass" moment. I believe in sensible and predictable zoning that reasonably restricts development to protect the values, lifestyles, and investments of citizens. I do not believe in the inherent good of the unregulated marketplace to solve societal problems, especially in the absence of incentives (natural or legislative).</p> <p>In Fort Collins, citizens' action overturned a very similar land use code that removed single family zoning and encouraged the development of out-of-scale multi-unit buildings in historic neighborhoods. Despite the holiday season and cold weather, over 7,000 signatures were gathered in an unprecedented action that united citizens across age groups, housing status, and party affiliation. It was a powerful and committed coalition. My guess is that advocates for SB23-213 will find themselves on the wrong side of a similar broad-based coalition.</p> <p>The current industry driven "YIMBY" strategies are a wolf in sheep's clothing, an out of state money grab coopting the language of inclusion, while promising nothing of the sort. With all the language of "housing choice" it disempowers the choices already made by property owners who have invested in neighborhoods that best suite their needs.</p> <p>I urge you to vote against the bill when the opportunity arises. This bill is bad for your constituents and bad for Colorado. If passes, the damage this bill will do before it is repealed (as it will be once proponents are voted out of office) will be permanent.</p> <p>SB 23-213 is fundamentally flawed and must be killed in committee for the short and long term benefit of Colorado cities and towns.</p> |

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| | <p>1. It preempts local control of land use planning, regulation, and zoning and conflicts with the regulatory authority of home rule cities.</p> <p>2. It is a failed supply-side, trickle-down economic approach to adding truly affordable housing.</p> <p>3. It will increase the displacement of lower income renters as older housing stock is demolished for construction of new, more expensive housing.</p> <p>4. It will devalue property values in existing neighborhoods.</p> <p>5. It won't reduce the demands for parking as claimed.</p> <p>6. The majority of your constituents don't want their single family zoning changed.</p> <p>Sincerely,</p> <p>Duncan Eccleston</p> <p>Fort Collins</p> |
| <p>John DiMattia For himself</p> | <p>I live in one of a handful of townhome developments allowed in my neighborhood.</p> <p>My neighbors are almost all younger first time home buyers like myself.</p> <p>The 1 to 2 bedroom units were a lot more affordable than the new 4 thousand square foot single detached houses that have been replacing older more modest homes in the surrounding blocks.</p> <p>If this bill passes, some of those 1.8 million dollar detached new builds could instead be more affordable duplexes or triplexes, which actually already exist in the neighborhood but became illegal to build here through a downzoning in 2010.</p> |

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| | <p>Recently ADUs have been allowed which is great but we need to re-legalize more modest housing options both in my neighborhood and across the state, instead of only allowing small pockets of these more affordable options.</p> <p>To those concerned about traffic, being able to live in a walkable, amenity rich area means that I leave my house on foot or on an e-bike just as much as I leave the house in a car. If we had ended up in a typical sprawl development, we would have another car payment and would be adding to traffic every time we left the house.</p> <p>By lifting bans on these types of modest housing, we can give cities, towns, and homeowners more flexibility to create a wide variety of more affordable homes near jobs and amenities.</p> |
| <p>David Woodruff Against themselves</p> | <p>This bill is a terrible idea and I urge the committee to vote against SB-213. Zoning decisions should be made by local zoning authorities, counties & municipalities who are most familiar with the needs of their communities. This is not an issue that the State could realistically address in a one-size-fits-all solution. Yes, Denver needs additional housing, which might (or might not!) justify congestion and forcing multi-family housing to be built on single lots. But that is not true for every community throughout the state. I live in Littleton, west of Chatfield reservoir. There is not a shortage of housing here -- there are single family homes for those who want space and land, there are apartments for those willing to live crammed together. Having this choice is very, very important for all Coloradoans. Families work hard and save money to be able to buy homes in neighborhoods that are not crowded. That option should always be available to everyone. The needs of Denver are not the same as the needs of Littleton, or Arvada, or Aurora, or the mountain towns. It would be devastating to the people of Colorado to force all communities to accept a single "statewide" solution simply because Denver has a lack of housing to accommodate its growing population. If this bill passes, developers around the state will purchase and scrape single-family homes and replace them with duplexes or 4-plexes, because they will make money doing this. The cost to the community will be enormous: "more units" = more people, more cars, more drain on WiFi and water and electricity and gas resources. That is a San Francisco model! The entire state of Colorado should not fall under the congestion plan of San Francisco or Portland or Seattle. This bill will benefit developers -- not our communities. Let communities decide how to plan housing!</p> |

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| <p>Karen Derrick-Davis For themselves</p> | <p>I appreciate the complexity of this issue and I believe we need real and bold solutions that may push some communities out of their comfort zones.</p> <p>I want to elevate two specific points:</p> <ol style="list-style-type: none">1) zoning decisions in one community definitely impact other communities, and sometimes the whole state2) zoning decisions directly impact workforce availability <p>I am sharing my own family's experience.</p> <p>Boulder's occupancy limits on unrelated adults in one dwelling directly affected my son's college costs at CU Boulder. There is virtually no on-campus housing option beyond Freshman year, so kids are forced to move off campus. This and the occupancy limits is a boon to the several corporate apartment management companies. It's a BOONDOGGLE for students. It makes housing more expensive and limits options.</p> <p>Now, my son is 25, works full time in Denver at a union-supported job -- and yet, he could have to spend over 50% of his take-home pay to live in a STUDIO apartment within a 15 min bus ride of his work. Needless to say, he lives with me. I love having him around AND I wish he had the option to live on his own.</p> <p>Currently, my mortgage is less than the rent for a one-bedroom apartment anywhere near my neighborhood. And I get the benefit of claiming the mortgage interest on my taxes -- something renters cannot do.</p> <p>Where are the studios my son can afford with his full-time unionized job? My son doesn't want a fancy BBQ patio, swimming pool or work-out facility. He just want a basic, safe place to live close to work.</p> <p>My younger son who goes to Metro State and lives at home (lack of student housing) will graduate in May and face the same issues.</p> <p>My kids need that missing "middle market" in order to be able to remain in Denver and be productive, employed citizens.</p> |
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| | <p>I urge you to find common ground and get some real legislation passed that will help this desperate situation. ADUs alone are not going to save the day, but if we could afford to build one on our property, we would do so to provide housing for at least one of our kids.</p> |
| <p>Mark Tobin Against themselves</p> | <p>The proposed bill is too broad and does not recognize or respect any right of homeowner associations to control any aspect of development in their neighborhoods. This one-size-fits-all bill totally eliminates any local control of development. There are other ways to encourage the development of affordable housing.</p> |
| <p>Karen Sjoberg For Citizens for Clean Air Grand Junction CO nonprofit</p> | <p>Citizens for Clean Air is a local nonprofit out of Grand Junction. We support SB23-213 because it addresses three issues that loom large here in Mesa County: vehicle emissions, affordable housing, and sprawl.</p> <p>Traffic gets worse every year here, and families that live along the heaviest traffic routes are the ones that suffer the most; we've heard from some of them and many are low income and/or communities of color. Additionally people with asthma, COPD and cardiovascular illnesses are among the first to feel the effects of emissions causing air pollution. Many in our organization, including myself, are among them.</p> <p>When Citizens for Clean Air was founded nine years ago, it was the direct result of a terrible winter inversion when cold air was trapped in the valley along with a yellowish-brown haze, caused by car and truck emissions. CCA has been researching and working ever since to improve and protect our air, and SB23-213 is a once-in-a-lifetime policy that does just that: it works to protect our air. Therefore we urge the committee to move this bill forward.</p> <p>Thank you for this opportunity, and for your hard work designing the bill.</p> |
| <p>Abigail Feuka For themselves</p> | <p>As a young professional, renter, former student, and Colorado resident, I am a strong supporter of SB23-213. I have lived in Fort Collins for over five years: for four years as a student and for a year and a half as an ecological data scientist. When people ask me if I'd like to stay in Colorado my answer has always been "I would if I could afford it." I love living in Fort Collins, which has many career opportunities for me in the natural resources sector, and where I have amazing friends and am an active member of the community. I have rented a flat in the same duplex since I moved here in 2018 and I love my neighborhood east of campus. I watch my neighbors' pets and they watch mine. I shovel their sidewalks. They share baking recipes they've been eager to try and I share home brewed beer. I would love nothing more than to be a permanent neighbor here, but I cannot afford to buy a house in Fort Collins where I work. Even together with my partner, we cannot afford a down payment on the 2 bedroom, \$750,000</p> |

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| | <p>homes that go for sale in town. I love living in a duplex, and actually consider this a great option for sharing housing with another young professional, or my aging parents who will not be able to maintain their home much longer. I support SB23-213 because it creates more housing options for people like me: community members who see Colorado as a place of opportunity and hope, where we can be contributing members of society. That starts with housing affordability and a diversity of housing options. I urge you to support this bill, because for thousands of people like me, the prospect of owning a home in this wonderful state is something I value and work towards, but in the current state of the housing market and most land use codes, remains an unattainable dream.</p> |
| <p>Janet Wyatt For themselves</p> | <p>Thank you for the opportunity to submit testimony on this matter. My name is Janet Wyatt and I am speaking on behalf of myself and our communities. I am testifying in support of Senate Bill 23-213, and also want your support for amendments that will strengthen protections for our communities and our climate. This is important to me because I grew up in the San Fernando Valley, CA during a time of terrible air pollution which resulted in me developing asthma. Asthma affected my ability to play sports growing up. Children developing asthma due to air pollution should not be the accepted norm.</p> <p>Denver, as well as other cities in Colorado, including my city have an air pollution problem. The transportation sector is the largest source of greenhouse gases in Colorado. SB23-213 could help provide much needed housing closer to areas of work, cutting down on long distance driving. With less sprawling development but more duplexes, townhomes, and cottages allowed in cities, we could lessen the need for long commutes to work. These units must be affordable. Being a single woman on a now fixed income, I am feeling the pressure of ever rising rent. I used to be able to work to help supplement my income, but am having health problems preventing me from doing so. I wish that when these units are built, some would allow for a small yard and dogs bigger than a miniature poodle. When I have looked into alternative housing, I am not allowed to bring a dog. My dog brings me much comfort.</p> <p>By making these changes statewide, every city can solve the housing shortage problem as well as cut down on transportation emissions. As we transition to cleaner energy transportation systems, hopefully we will have cleaner air too.</p> <p>SB23-213 is a solution to our ever-growing housing crisis as well as a step to curb climate warming greenhouse gases. Sounds like a win-win to me.</p> |
| <p>Adam McLendon Against</p> | <p>I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what's right</p> |

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| <p>themselves</p> | <p>for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you.</p> <p>Adam McLendon</p> |
| <p>Joseph Valencia For themselves</p> | <p>Coloridans are hard working and still, the cost of buying or renting is out of reach! Even though I & many people I know work a full time jobs & even a part-time job on top of that, we can't afford to live anywhere near our job so unfortunately we have to have roommates & will always have to deal with the struggle of that on top of other expenses :(please help & build houses that we can afford & we can be near what loved 1's we have left in this rough city/state to live in. thank you!!!</p> |
| <p>Daniel Birdsell For themselves</p> | <p>Hello, my name is Daniel Birdsell. As a millennial struggling with high housing costs, I'm testifying in favor of Senate Bill 23-213 because it would increase housing affordability and flexibility. It's also likely to reduce per capita infrastructure costs and environmental impacts.</p> <p>I love that this bill would allow for the construction of starter homes that are more affordable than most of the current housing stock. Rents in Colorado have increased dramatically, and the cost of purchasing a home has gone up even more. Despite having a good job, I do not own a home and don't think I will in the near future. By allowing for smaller units and more units, this bill facilitates the construction of starter homes that are in my price range. There are programs to provide subsidized, affordable housing, which is good, but it does not and should not apply to me. I like that this bill makes market-rate housing more affordable.</p> <p>I'm also glad this bill allows the housing stock to be flexible to match the different stages of life. My partner and I rent a small unit in a six-plex. It's perfect for us now. As we consider starting a family, we want to move into a bigger space - a townhome, duplex, or single-family home. As I look out a few more years, I know that my parents are getting older and will need support and will want to move closer to me. The combination of a single-family home with an ADU or both sides of a duplex can be a great way to support aging parents while still retaining some privacy. I'm friends with my neighbors and love my neighborhood. It would be great to have a mixture of housing options, which this bill would allow, so that I can stay in my neighborhood throughout the many stages of life.</p> <p>While this law may have some growing pains initially, at the 10,000 ft view, density is good for both infrastructure costs and the environment. Denser</p> |

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| | <p>housing reduces per capita infrastructure costs, water use, GHG emissions, and vehicle miles traveled. Allowing for density is likely to reduce the encroachment of municipalities into agricultural and wild lands. As the holder of a Ph.D. in Civil and Environmental Engineering, I feel qualified to make these claims.</p> <p>In closing, I genuinely love living in Colorado. However, like many in my generation, I feel the American Dream is slipping out of reach. I don't want a million-dollar mansion; I want a small home that I can afford. Can we please make it legal to build?</p> <p>Thank you, Daniel Birdsell</p> |
| <p>Brett Paglieri For themselves</p> | <p>In Colorado, we value the environment and care about our impact on the climate. The transportation sector is the largest source of greenhouse gasses in Colorado and also causes pollution that harms our air quality, especially in communities closest to highways. More compact development without parking requirements can help reduce the distance people need to drive and cut harmful pollution from cars and trucks. It also helps reduce climate emissions from buildings, since smaller homes use less energy. Higher density housing protects our natural resources and leaves more of Colorado natural.</p> |
| <p>Derek Parks For YIMBYDenver</p> | <p>Hi! My name is Derek. I have a confession to make. I moved here.</p> <p>I grew up in Oklahoma. I was raised by a single mother who was a civil servant for the federal government.</p> <p>In 2001 my life was forever changed when I got a letter stating that I had been admitted to the Colorado School of Mines. Mines is consistently rated as the best buy in higher education and Colorado should be proud that the state can offer a top-level technical education at state tuition prices.</p> <p>I was able to get tuition covered by some Scholarships and help from my new stepfather. Shout out to all the step Dads out there!</p> |

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| | <p>That just left me to cover my room and board. I was able to pay my rent of 300 dollars a month by working a part-time work-study job.</p> <p>Today that same room would rent for well over 1000 dollars a month! Simply stated, I would not have been able to afford this.</p> <p>This increase in rent is because cities like Golden, Lakewood, & Boulder have implemented exclusive zoning, parking minimums, and growth caps. We need this bill because local governments have used the power granted to them by the state to pull up the latter and locked the door on the next generation. Local governments have had the chance to build housing. They have failed! Parking spaces don't pay state tax. Graduates that are able to stay in our great state do! Multifamily homes use less water per capita than single-family homes. People that live near their places of work emit less carbon. More density is the answer to so many of our state's problems.</p> <p>As we are in this holy week and weekend I will close by quoting Leviticus 19:34</p> <p>"The foreigner residing among you must be treated as your native-born. Love them as yourself, for you were foreigners in Egypt. I am the LORD your God."</p> <p>We need this legislature to take action and state that Colorado is open for business and open for the next generation.</p> |
| <p>Ruth Hund For 350 Colorado</p> | <p>Thank you Madame Chair and members of the committee for allowing me to testify. My name is Ruth Hund, and I am here today to testify in strong support of the Land Use bill, SB23-213. I am a citizen of Golden. I am an intern for and am testifying on behalf of 350 Colorado.</p> <p>I was born privileged and bought my home in 2002. If I had to buy my home now, I could not afford it. My son, a starting teacher in Prescott, Arizona where rents rival metro Denver, can barely afford a small studio apartment with only a microwave to cook his meals. He also works a second job. I see those who are forced to live on the streets in Golden and Denver and my heart breaks. These are human beings who deserve better.</p> |

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| | <p>Isn't 350 Colorado an environmental organization? Yes - and a justice organization. This issue affects people of color and the poor disproportionately. Unaffordable housing causes sprawl. You find less expensive homes on the outskirts of Denver. That means that those who can least afford it have the longest commutes. Those long commutes mean more pollution as the transportation sector is the greatest contributor to greenhouse gas emissions in Colorado. We need affordable housing near workplaces and public transportation hubs so we can get cars off the road.</p> <p>I know this bill has been in intensive negotiations and has some flaws. I also consider it ingenious. Allowing municipalities to choose from a menu of solutions guides communities and gives them autonomy.</p> <p>I ask the committee to consider that public opinion is changing. For example, it looks as though Denver Question 2M which will more easily allow zoning variances for affordable housing, will overwhelmingly pass. Personally, I voted for the 1% growth ordinance in Golden some twenty years ago and now regret it. Yes, Golden is a lovely place to live, but I now realize that such ordinances contribute to this crisis. Ultimately the growth restriction is classist and racist.</p> <p>We have a chance to take a step in the right direction. We can give people dignity and help the environment all at once. However, awarding more building permits does not necessarily bring down housing costs. I encourage the committee to add a more robust community engagement process, stronger protections, and affordable housing policies to ensure that new development does not result in more displacement. This bill will help move Colorado toward a cleaner and more equitable future. Please vote for SB23-213</p> |
| <p>Brandon Wilson Against El Paso County</p> | <p>Good afternoon, Senators. My name is Brandon Wilson. I am a Legislative Affairs Specialist for El Paso County and will be speaking in opposition to Senate Bill 213. While this bill primarily impacts municipalities and cities, the erosion of the principle of local control outlined in this bill will be universally felt and is reason enough for counties to oppose this legislation. You have heard from many individuals today who are extremely concerned about the implications and impacts of this proposed bill, so I will keep my comments brief.</p> <p>Under Senate Bill 213, accessory dwelling units would be allowed as a use by right and would not be subject to any approval process. Not only does this tie the hands of those elected officials who represent areas where the ADU's might be constructed but could end up being in direct conflict with master plans or water plans that were developed many years before to</p> |

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| | <p>ensure balanced future growth. As Colorado’s population continues to expand, the strain on water supply will continue to get worse. El Paso County adopted a Water Master Plan in 2019 to ensure an adequate water supply in terms of quantity, dependability, and quality for existing and future development. If ADU’s are allowed to be built, without any regulation or oversight, where is the additional water going to come from?</p> <p>This legislation also seems to conflict with the Colorado Water Plan, which the administration has spent much money and time developing. More people means more water. The transcontinental diversion of water from the western slope to the Front Range has created a contentious and ongoing urban/rural divide in the state that will only continue to get worse with this bill.</p> <p>Not only does this legislation impact local control, it poses a significant unfunded mandate. It’s important to note that the impacts to existing wastewater and stormwater infrastructure will be significant under this bill and local governments will be no doubt be forced to fund improvements to handle the increased load associated with new construction, as well as the preemption of residential occupancy limits. While the legislation does allow for an extension to meet bill requirements, if a jurisdiction can prove deficiencies, there is still a requirement to comply.</p> <p>While we all want to see increased housing in Colorado, Senate Bill 213 is not the right solution. Thank you for your time and consideration of my comments.</p> |
| <p>Alisha Harris For Original Account Strategies LLC</p> | <p>Lack of housing affordability directly impacts me as a small business owner. Currently, I am an unable to afford to buy a home and as a result I rent. From said rental property, I also run a business. How can I keep my business rooted and established in Colorado, adding value to the state’s economy, if I am unable to guarantee that I myself will be able to remain established here?</p> <p>Housing affordability is a statewide crisis that impacts both people and the planet and requires solutions at the statewide level, not merely the local one. I support the state can providing baseline expectations for affordable housing, along with options and support for communities to increase housing across the income spectrum in ways that limit sprawl and avoid displacing existing residents. This will require a data driven approach to understanding what types of housing are needed where, what are the historic impacts of redlining and pollution, and how community involvement and other tools can address the negative impacts of gentrification.</p> |

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| | <p>I urge you to ensure that Senate Bill 213 includes these principles when addressing housing, climate and equity through land use.</p> |
| <p>Katherine Fortna Against themselves</p> | <p>The local governments within our Colorado municipalities understand the issues their residents face, because the people making the decisions live and work within the communities. Local government officials interact with their constituents, listen to their concerns, and govern accordingly.</p> <p>Colorado is geographically and politically diverse; the State Government, many of whom may not reside within the impacted communities and thus do not deal directly with the consequences of their actions, should not be overriding land use decisions made within localities.</p> <p>Please vote No on this overreaching bill. Thank you for your time.</p> |
| <p>Timothy Supplitt For themselves</p> | <p>To the Senate Local Government and Housing Committee members,</p> <p>I urge you to pass SB23-213, which will address critical issues such as housing affordability, climate change, and transportation equity in our state. The measures in this landmark policy are essential to create diverse housing options, reduce climate emissions, and improve our quality of life.</p> <p>SB23-213 can reduce harmful pollution from cars and help communities become greener by allowing more compact development near public transit. This will also provide people with more affordable and convenient transportation options.</p> <p>By lifting bans on more affordable housing types such as duplexes, townhomes, and backyard cottages, we can give cities, towns, and homeowners more flexibility to create a wide variety of affordable homes near jobs and services.</p> <p>Having lived in the suburbs of Tokyo, I have personally experienced how a higher density of homes and fewer bureaucratic restrictions can foster close-knit communities, encourage the use of public transportation, and provide affordable housing options. In Japan, my neighbors and I attended community meetings, interacted with each other, and formed friendships because we shared a sense of pride and belonging to our community. With ample public transportation options and affordable housing choices near transit, I had the flexibility to select from numerous housing options that could suit my needs. As a student in Japan, I was able to find the best housing option for myself because there was a wide selection of affordable</p> |

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| | <p>choices and little red tape to restrict what could be built. By providing people with a range of options, they are empowered to make the best decision for themselves.</p> <p>Thank you for your consideration.</p> <p>Sincerely,</p> <p>Timothy Supplitt</p> <p>6826 W 84th Circle Unit 14, Arvada, CO 80003</p> |
| <p>Laura McLendon</p> <p>Against themselves</p> | <p>I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what’s right for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you.</p> |
| <p>Christopher Conway</p> <p>For themselves</p> | <p>My name is Chris Conway and I am a public school teacher in Fort Collins. The #1 problem me and my colleagues face is housing. We are getting pushed further and further out of the city whose children we are educating. Especially as a newer teacher, Fort Collins is not a realistic place for us to live. As a result we live in neighboring communities and drive long distances for the opportunity to be underpaid. Dont worry, the kids make it worth it. But the Communities we drive from like wellington, loveland, timnath or Johnstown are becoming unaffordable in turn. Fort collins' housing problem is becoming a regional problem</p> <p>Recently Fort Collins tried a few modest steps to address the housing. We allowed Duplexes and ADUs with less parking requirements. But we were blocked by a small contingent of wealthy, well connected residents who have a lot of political power in town. They have made it clear that our town is not for us, its for the people who already got theirs. They have advised me that if I wanted to live in the town I grew up in I shouldnt have made bad choices. Bad choices like being a teacher Or being born 20 years earlier. The setback made me feel like there is no place for teachers in Fort Collins That's why when Governor Polis proposed this bill I was so excited. It promotes smaller unit types of the kind we might be able to afford. We need more housing and we need it now. Please don't shut the door on the teachers of Colorado.</p> |
| <p>Phyllis Naibauer</p> <p>Against</p> | <p>I am against big city politicians dictating what's best for local governments. Local government officials interact with their constituents, listen to their concerns, and govern accordingly.</p> |

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| <p>themselves</p> | <p>Our state is geographically and politically diverse; the State Government, many of whom may not reside within the impacted communities and therefore do not deal directly with the consequences of their actions, should not be overriding land use decisions made within localities.</p> <p>Please vote NO on this overreaching bill. Thank you for your time.</p> |
| <p>Christopher Jarmon</p> <p>For themselves</p> | <p>Dear Senate Local Government and Housing Committee,</p> <p>I am writing to express my support for SB23-213 Land Use. I believe that this bill is an important step forward in addressing Colorado’s housing crisis. As a resident of Colorado, I have seen firsthand how difficult it can be to find affordable housing in our state. This bill will help to address this issue by allowing for buildings that are more water-efficient and energy-efficient, preserving our natural resources by limiting sprawl into environmentally sensitive zones, reducing transportation emissions, and ending housing bans that harken back to redlining and racial covenants.</p> <p>I am particularly excited about the provisions in this bill that will enhance livability and freedom of individuals to build, reduce government spending on unnecessary tape, more efficiently using our limited tax dollars, and help affordable housing providers stretch their limited subsidies to more homes.</p> <p>I live in the outskirts of Denver but most of my friends are forced to relocate elsewhere because Denver's zoning laws make it too expensive to live here (or in Boulder, my hometown).</p> <p>We are a growing state and we need to accommodate for that in future legislation. I believe that this bill will help people like me find affordable housing in Colorado. Thank you for your time and consideration.</p> <p>Sincerely,</p> <p>Christopher Jarmon 9300 E Florida Ave #1801 Denver, CO 80247 ctjarmon@gmail.com</p> |

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| | (303)819-8286 |
| Corey Green Against themselves | against |
| Mark Andrews Against themselves | I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what’s right for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you. |
| Jennifer Bird Against themselves | <p>Oppose SB23-213</p> <p>This 106-page bill is getting rushed through. I doubt most of our government representatives have even read the entire bill. And no bill should be passed if it has not been read.</p> <p>More regulation will not help Colorado through its housing crisis. On the contrary, it will make it far worse.</p> <p>Please note that this also hurts rural Colorado. There is more to this great state than simply the Front Range.</p> <p>This bill as written will severely restrict local control and ignore nuances between communities, erasing more than 100 years of municipal authority over land use and zoning in Colorado. Please recognize that local governments are uniquely capable of understanding their own infrastructure including water, sewer, roads, parks, etc. This bill allows a huge overreach of State Government into local communities.</p> <p>Vote No!</p> |
| Josh Saunders For themselves | Hi, I’m Josh Saunders, I live in a great neighborhood in south east Denver near George Washington High school. We’ve been here for 8 years and I’m a dad of 3 wonderful kids and I’m here to testify in support of the land use bill. I’ve been involved in our neighborhood planning process for southeast Denver for over a year now and along with many others involved in the |

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| | <p>process have consistently asked for increased density in in-person meetings, zoom meetings and planning comments.</p> <p>I asked for the increased density for all the affordability and sustainability goals mentioned during in person testimony. And, our neighborhood is within walking distance of 4 parks, 4 bus lines one of which is slated to be a bus rapid transit, 3 grocery stores, 2 childcare centers, 2 pharmacies, a K-8 school and a high school, and a santiago's. It is an ideal candidate for increased density, but our currently in progress neighborhood plan will only allow for the smallest upzoning to conservation duplexes, in a few places due to neighborhood character. Much of the area plan will remain stuck in single family zoning.</p> <p>This is not acceptable, our neighborhood is now way too expensive and unsustainable. A 1600 sq' foot house, built in the 50's, recently sold for over 600k. I use to teach elementary school and would not stand a chance at these prices.</p> <p>I've heard a few people today share during testimony that the NIMBY's are not in fact in their backyard, they are somewhere else, which is remarkably consistent. I'm here to say that the NIMBY's are in fact in my backyard and local control and planning is not getting it done even in neighborhood's that are ideal candidates for increased density and affordability. Denver needs density, please help make my neighborhood more affordable and sustainable by supporting this bill.</p> <p>Thank you.</p> |
| <p>Shannon Strauser Against themselves</p> | <p>Please, this is too much government overstep and taking away our constitutional and god given rights as citizens and property owners. This bill is not needed. These items belong to local municipalities and local government not the state. My vote is NO.</p> |
| <p>Hanna McCaslin For themselves</p> | <p>Hi, I am a PhD candidate specializing in urban ecology and environmental justice at Colorado State, and I am writing in strong support of SB23-213, from both my professional and personal perspective. From a sustainability and justice standpoint, several provisions of the bill will enable greater energy efficient development and densification around population centers will reduce transit greenhouse gas emissions. This same densification and increased availability of housing will benefit low-income and other</p> |

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| | <p>marginalized communities by enabling them to live closer to their places of work. Simultaneously, creating avenues for marginalized groups to live closer to e.g., Fort Collins, rather than essentially forcing them -- through inaccessibility/unavailability of more local housing -- to live in areas around fracking and energy development is a step towards greater environmental justice as current development trends and sprawl predominantly negatively affect our low-income, people of color, indigenous, and immigrant communities. Limiting this sprawl is also the best option for wildlife and environmental sustainability. Finally, we know from studying the legacies of redlining and racial covenants that these policies negatively impact communities and the environment for decades beyond their use. It is critical we act now to lay new foundations that shape Colorado into some more just and more sustainable over the next many decades.</p> <p>On a personal level, as a graduate student at CSU, when I had to submit my intent-to-reside statement to gain residency, I was genuine in my expression of my desire to stay and put down roots in Colorado following the completion of my degree. However, now, as I'm within a semester of completing my degree and looking for other jobs, finding and affording housing near areas like Fort Collins, Boulder, and Denver where I'd like to live, teach, and start a family feel inaccessible. As an instructor, I've had students approach me about unexpectedly becoming unhoused and thus unable to complete their semesters. Across the university community, students sometimes have to face tradeoffs between affording rent and affording food, and those students who live outside Fort Collins suffer from long commutes that prevent them from attending class in some weather. Occupancy limits, incompatible housing and transit options, and exorbitant costs of housing are crises in Colorado, and I wholeheartedly support moving this bill forward quickly!</p> |
| <p>Mekayla Beaver For herself</p> | <p>Thank you for considering this bill. I am a home owner in Boulder and am strongly in favor of SB23-213 and in taking a much more proactive approach to addressing housing needs across the state. I live in a single family house with my husband who is dealing with severe chronic medical challenges and two young kids and look back longingly on the time when we shared our house with another family. This made raising kids so much easier on both us and the other family. The fact that Boulder will not allow us to do this now that we have two children is extremely frustrating especially as more and more families are moving out of Boulder due to the high cost of living and childcare. I have spoken with countless other families who would like to find some way to live in community with other families in order to share the joys and challenges of raising kids together, but have been unable to find ways to realistically do it within the current limitations. This is an issue that should be addressed statewide as it has been shown</p> |

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| | <p>time and time again that given the opportunity people will just nudge the problem over to the next city over to deal with... which solves nothing.</p> <p>Thank you.</p> |
| <p>Rebekah Scarrow</p> <p>Against</p> <p>Associated Members for Growth and Development</p> | <p>Dear Lawmakers,</p> <p>I represent a group of approximately 100 members of the Mesa County development community including realtors, developers, home builders, engineers, etc. On behalf of our organization, I strongly urge you to oppose this bill.</p> <p>The negative effects on property rights and potential detriment to our local communities are vast. If the local governments were still given control in implementation of the ideas presented in this bill, our support may be generated. However, without looking to the local level, we are assuming all parts of Colorado are facing the exact same situations, which is untrue. Our area specifically would be negatively effected by this measure.</p> <p>Please consider all parts of Colorado when evaluating such a dramatic measure and recognize that we are not all the same.</p> <p>Respectfully submitted,</p> <p>Rebekah Scarrow</p> |
| <p>David Adamson</p> <p>For</p> <p>themselves</p> | <p>Thank you to Governor Polis and staff for their proactivity in this housing matter that is so essential to our civic and environmental health.</p> <p>At Goose Creek Community Land Trust we have worked since 2015 to understand how to create a new Colorado development/redevelopment default characterized by:</p> <p>compact,</p> <p>highly walkable housing communities (prioritize car sharing, biking, electric bus, hailing-service mobility modes preferred with very modest amounts of private car parking available especially on streets),</p> |

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| | <p>durably mixed income (through donation of underlying land to cities or community land trust to moderate appreciation),</p> <p>mostly for sale, very well insulated, all electric housing with</p> <p>with high quality public spaces</p> <p>(all as advocated well here by the mayor of Cincinnati https://www.lincolnst.edu/publications/articles/2023-03-land-matters-podcast-pureval-housing-hope-cincinnati)</p> <p>to all commercial centers and their 15 minute (walking) environs</p> <p>We sought to implement the concept of</p> <p>Neighborhood Pilots as suggested in p 112 of the (https://bouldercolorado.gov/projects/boulder-valley-comprehensive-plan) with the idea that these can be subsequently ramped up to meet the urgent housing needs of our workforce in particular:</p> <p>Goose Creek Community Land Trust proposal for Neighborhood Pilots (2020) <Boulder HousingPilotCompPlanProposal.pdf></p> <p>Our proposal was unfortunately rejected within the Mid Term Update process in June 2020 and we have since pivoted to create a by-right coop: www.750north.coop that will be a model of a pilot expressing the above elements of a more affordable community model.</p> <p>Specifically, in regards to page 3: "The director shall, no later than December 31, 2024, develop and publish a menu of affordability strategies to address housing production, preservation, and affordability" we hope our experience and other sources cited above can help provide guidance to municipalities on how to broadly implement this new walkable mixed income community paradigm in Colorado.</p> |
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| | <p>Thank you,</p> <p>David Adamson</p> |
| <p>Karen Artell</p> <p>Against themselves</p> | <p>I am in opposition to SB 23-213.</p> <p>SB 213 is State government overreach. It challenges home rule cities' authority and does not require that any affordable housing units built.</p> <p>Many of the provisions included in SB213 mirror provisions in Fort Collins's Land Development Code that was repealed due to a successful voter petition.</p> <p>Inclusionary housing policies and affordable housing subsidies will help increase affordable housing.</p> <p>My City has not pushed inclusionary housing polices more than likely due to housing developers' objections to the policies. There's also HB21-1117 which allowed municipalities to require that new rental developments include a certain number or percentage of units to be affordable rentals. If these types of policies had been in place over the last 10 to 20 years, how many more affordable housing units would we have now?</p> <p>SB 213 is custom made for developers and their funding partners because affordable housing is not required. I know there are some that think increased density will automatically lower housing pricing. But will that work in a desirable area to live like Fort Collins or Colorado as a whole where there are seemingly an unlimited number of monied interests interested in investing in housing? I don't think so.</p> <p>Will doing away with single family home zoning lower housing prices? Houston's lack of zoning and lower housing prices is an example I hear as a reason to abolish single family home zoning. True, Houston does not have zoning, but it does have other types of land use provisions. I found a company online that will provide, for a price, information about Houston's land use provisions for investors https://www.thezoningresearchgroup.com/post/houston-the-city-without-zoning-five-things-to-know.</p> <p>Also, using Zillow's Home Value Index https://www.zillow.com/home-values/102001/united-states/ I found that other large Texas cities of Dallas,</p> |

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| | <p>Corpus Christi and San Antonio which have zoning ordinances have lower housing prices too.</p> <p>SB 213 is a huge government overreach that will pit entries with funds for consultants, information purchase and attorneys on retainer such as developers, financiers and State and local governments against Colorado residents because inclusionary housing, housing subsidies and other land use provisions have not been adequately addressed.</p> |
| <p>Carl Miller Against themselves</p> | <p>Colorado state law allows and approves local and municipalities "Home" rule on property rights. The municipalities have the knowledge and expertise to better govern local issues. One size does not fit all. The passage of this regulation would cause major financial and desirability loss to the citizens of Colorado. We as citizens through our representatives need to address the homeless and affordable housing issues, therefore, this bill needs a major amendment.</p> |
| <p>Carol Friesen For themselves</p> | <p>Dear Members of the Local Government and Housing Committee,</p> <p>First of all, many thanks to my representative Steve Woodrow for sponsoring this momentous bill. I am proud to be a Coloradan as we are poised to become a leader in solving the nationwide housing and environmental crisis caused by excesses in local single-family zoning and the resulting urban/suburban sprawl. I have read every page of this comprehensive bill and find little to object to. Colorado has committed to ambitious greenhouse gas reduction goals. These will be difficult to meet without concrete actions, like SB-213. In deciding on the future of this bill, I hope the members of the committee will realize the importance of infill development in our cities. By enacting more uniform standards for development statewide, we can create greater transportation efficiencies and reduce the number and distance of individual car trips, all while saving precious water and securing an ample supply of housing for future generations. I hope you will vote in favor of this landmark legislation.</p> <p>Sincerely, Carol Friesen</p> |
| <p>Joshua Herr For themselves</p> | <p>Hello and thank you for taking the time to hear my testimony.</p> <p>Colorado has a significant problem with affordable housing. Several steps have been taken to try and address the problem however the steps thus far have been woefully inadequate, to say the least. Affordable housing - and real estate development in general - is a multi-pronged challenge that needs to be tackled with a holistic approach. We need to build more</p> |

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| | <p>townhomes, duplexes, and homes that are more affordable in terms of price. We also need to consider other factors related to affordable housing, such as adequate public transportation, access to clean drinking water and sustainable water usage, and strategic planning of new urban areas that support long-term sustainable growth. SB23-213 lays out many of the necessary steps to tackle this problem. We need action on this issue and we need it immediately. The current trajectory of housing prices in Colorado is asinine and unsustainable, even for existing homeowners. Please support this bill. Thank you.</p> <p>Joshua Herr</p> |
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April 5, 2023

To the Colorado Senate,

I am truly hoping sending this is not an exercise in futility. Of all the “knee jerk” reactions to solving a problem, this one is likely one of the worse. And, as such, will result in the exact opposite of what the governor is trying to accomplish, more affordable housing. There is a reason that for over a century zoning was left to local governments, they know their resources, issues and resident preferences the best. As a lawyer, I question whether this legislation is even constitutional. The cities and town of Colorado need to assess their needs regarding housing for their residents and take requisite action, NOT be forced by the state of Colorado. This bill is a disaster waiting to happen. Please VOTE NO.

Respectfully submitted

/Sharon M. Link/

Sharon M. Link

Date: April 6, 2023

To: Members of the Senate Local Government and Housing Committee:

From: Michelle Haefele

I'm asking you to vote no on this bill. It will not address the problem of affordable housing.

It is an oversimplification to assume that the proposed deregulation would increase the supply of housing to the point that prices would decrease. Any possible movement of the housing supply curve is highly unlikely to be sufficient to produce the needed affordable housing which is a public good (along with things like parks and clean air).

"Supply side" policies – which this is -- privatize public goods like affordable housing. We know that private markets never produce the socially optimal amount of a public good – which is why it is appropriate for governments to provide these.

Instead of statewide deregulation of local housing policies, please consider legislation that *directly* funds low income housing and an expansion of our regional public transit systems.

Do not jeopardize our existing neighborhoods in a misguided and likely futile effort to address a truly important issue.

Michelle Haefele

Honorable members of the committee,

My name is Aimee Soukup and I am an educator working in Denver Public Schools. I moved here seven years ago because I am passionate about education in urban schools and I love the outdoors, like most people living in Denver. I have always prioritized living in the neighborhood where I work. Where I worked in NW Denver, I quickly learned that rent was high and my need for a car was low. I sold my car shortly after getting acclimated to Denver and have been able to commute via bike, transit and sometimes car shares on those snowy mornings. I believe that creating affordable housing for fellow urbanites like myself is a unique opportunity that will help alleviate the amount of cars polluting our air while keeping our metro area diverse and populated with more than just young, rich tech workers. I would love the opportunity to put down roots and stay in Denver and for my employer (DPS) for the long term, but in this current housing climate it feels like an insurmountable challenge.

As a public school teacher, I have been renting in Denver since I moved here. Rent increases every year by minimums of \$100 a month, cost of living increases, with minimal adjustments to our salary. I have lived in five apartments in seven years, I am exhausted from moving almost every school year to find a new rent that will be affordable. Most of my friends in the Denver metro are also renters and are unable to make that initial purchase as a first time home owner. My fellow teacher coworkers who own homes state that they were only able to afford a home because they bought one 10-15 years ago. How can we keep and retain excellent educators if they can't find the basic need of stability in owning a home in the area they work?

The Denver housing market does not just impact educators, I worked at a dual language school in the NW area of Denver for the first six years in my DPS career. We heard time after time that our families who had generations of students who attended our school were priced out of our neighborhood and had to relocate to areas outside of Denver. Families would try to commute, driving up to an hour one way just to get to our school, but that is an unsustainable precedent. This is a public crisis for our students, families and teachers in the Denver metro. Prioritizing the families and culture of Denver, by ensuring that all students and teachers have the opportunity for a safe and affordable home in their Denver neighborhood.



NO on SB23-213ashleigh mckown to: committees.lcs.ga 04/05/2023 10:48 AM

I am writing to express my opposition to SB23-213, the new housing legislation proposed in the Colorado Senate. This bill, which repeals Home Rule and enacts a one-size-fits-all approach to housing construction, is crucially flawed and would have devastating effects on neighborhoods around the state.

Local leaders, who are elected by the citizens they represent, know their communities and needs best. They alone should have the power to change zoning and to determine the right type, location, and pace of development. Indeed, in my town of Castle Rock, development has been rapid, varied, and planned to best serve the people who live there. SB23-213 would upend citizens' rights to have a say in their own neighborhoods, giving all the power to developers and out-of-touch lawmakers in Denver. Having read the bill closely, it's not clear that the legislation as proposed would even reduce housing costs.

I urge you to vote **NO** on this legislation and work with local leaders on an alternative.

Ashleigh McKown



SB23-213 - Land Use Bill - Testimony Cole Chandler, Director of Homelessness Initiatives

Thank you Madam Chair and members of the Committee. My name is Cole Chandler and I am the Director of Homelessness Initiatives with the Colorado Department of Human Services. I am here today to express the Department's strong support for SB23-213 and request your yes vote.

At the Department of Human Services, our mission states that, *"Together, we empower Coloradans to thrive."* Across our various offices, we provide human services and support to more than 700,000 Coloradans on an annual basis. Our services span the gamut from child welfare, to foster care, to food assistance, to workforce support, to programs supporting seniors, veterans, those living with disabilities, those suffering from serious mental illness, and more. Each day, Coloradans all across the life-span who are struggling to make ends meet show up on our doorstep and invite us into some of the most vulnerable moments of their lives.

Increasingly, our hundreds of thousands of service recipients are struggling with the high cost of housing and the risk of homelessness in communities across our state. Tens of thousands of our clients have already lost their housing and are in desperate need of the stability that housing brings to our lives.

- The National Low Income Housing Coalition's latest Gap Report suggests that more than 130,000 Extremely Low Income Colorado households are severely cost burdened, spending more than 50% of their income on their housing units. The same report suggests that we are facing a statewide housing unit shortage of more than 164,000 units for households earning at or below 50% of the Area Median Income.
- The 2022 publication, "Homelessness is a Housing Problem" examined regions across the country with high per capita rates of homelessness. The authors tested a number of factors commonly associated with individual episodes of homelessness - mental illness, substance misuse, family break ups, etc. - and found no decipherable trends indicating a correlation between these individual causes of homelessness and higher regional rates of homelessness. Unequivocally, the data showed that in regions where rent was high, and vacancy rates were low, due to a low overall supply of housing, per capita homelessness rates increased.

In order to *empower Coloradans to thrive, together*, we need more accessible and affordable housing across our state. Unfortunately, zoning restrictions in municipalities across the state currently limit our ability to address this problem. SB23-213 isn't a single, stand alone solution for our housing and homelessness crisis, but it is an important and necessary tool to enable us to develop and maintain the accessible and affordable housing that families across our state desperately need.

As a state, we're making historic investments and progress on this crisis through ARPA dollars, forthcoming Proposition 123 resources, and strong cross-agency and cross-community collaborations. SB23-213 compliments those ongoing efforts by deploying international best practices and established land-use policy approaches to increase supply of diverse housing options that support affordability. This bill would enable us to build upon and maximize previous and forthcoming investments so that we can collectively deliver upon a future where *all Coloradans are empowered to thrive*.

For these reasons, and on behalf of our hundreds of thousands of clients statewide, the Department is happy to support Senate Bill 23-213 and request your yes vote. Thank you for the opportunity to testify today, members. I am happy to answer questions.

ADD DEFINITIONS FOR:
BUILDABLE LANDS ANALYSIS, GREENFIELD DEVELOPMENT, GREYFIELD
DEVELOPMENT, BROWNFIELD DEVELOPMENT, AND UNDEVELOPED URBAN
LANDS

29-33-102. DEFINITIONS.

definition of Buildable Lands Analysis

add a new definition on page 23 – line 18 – preceding “bus rapid transit”

18 (4) “BUILDABLE LANDS ANALYSIS” REFERS TO AN EVALUATION OF LANDS SUITABLE FOR DEVELOPMENT INCLUDING POTENTIAL GREYFIELD DEVELOPMENT, BROWNFIELD DEVELOPMENT, AND GREENFIELD DEVELOPMENT.

definition of Greenfield Development

add new definition on page 23 – following definition of buildable lands analysis

(5) “GREENFIELD DEVELOPMENT” REFERS TO NEW DEVELOPMENT ON LANDS WHICH HAVE PREVIOUSLY NOT BEEN DEVELOPED AND MAY EITHER BE WITHIN CURRENT MUNICIPAL BOUNDARIES OR OUTSIDE THE, IN A POTENTIAL ANNEXATION AREA;

definition of Greyfield Development

add new definition on page 23 or 24 – following definition of greenfield development

(6) “GREYFIELD DEVELOPMENT” REFERS TO INFILL, REDEVELOPMENT, OR NEW DEVELOPMENT WITHIN AN EXISTING CITY AND/OR URBANIZED AREA ON VACANT, PARTIALLY VACANT, OR UNDERUTILIZED LAND.

definition of Undeveloped Urban Land

add new definition on page 23 or 24 – following definition of greyfield development

(7) “UNDEVELOPED URBAN LAND” REFERS TO GREENFIELD DEVELOPMENT AREAS WITHIN AN EXISTING MUNICIPALITY WHICH HAVE REMAINED UNDEVELOPED BUT COULD ACCOMMODATE FUTURE DEVELOPMENT;

definition of Brownfield Development

add new definition on page 23 or 24 – following the definition of Undeveloped Urban Land

(8) “BROWNFIELD DEVELOPMENT” REFERS TO SITES AS DEFINED BY C.R.S. 31-25-103: “(3.1) “BROWNFIELD SITE” MEANS REAL PROPERTY, THE DEVELOPMENT, EXPANSION, REDEVELOPMENT, OR REUSE OF WHICH WILL BE COMPLICATED BY THE PRESENCE OF A SUBSTANTIAL AMOUNT OF ONE OR MORE HAZARDOUS SUBSTANCES, POLLUTANTS, OR CONTAMINANTS, AS DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.”

PROPOSED REVISIONS TO EXISTING DRAFT LANGUAGE IN THE BILL

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

Revise language on page 34, beginning at line 19 as follows:

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

Note: greenfield development analysis remains as part of the broader and more comprehensive requirement for a buildable lands analysis

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

revise language on page 35, beginning at line 21 as follows:

21 (6) AS USED IN THIS SECTION, A BUILDABLE LANDS ANALYSIS REFERS TO A
COMPREHENSIVE ANALYSIS OF VACANT, PARTIALLY VACANT, AND UNDERUTILIZED
LAND WITHIN THE EXISTING MUNICIPALITY WHICH CAN ACCOMMODATE INFILL
DEVELOPMENT, REDEVELOPMENT AND NEW DEVELOPMENT; THE ANALYSIS INCLUDES
GREYFIELD, BROWNFIELD AND UNDEVELOPED URBAN LAND WITHIN A MUNICIPALITY,
AS WELL AS GREENFIELD DEVELOPMENT.
22 ~~ANALYSIS MEANS AN ANALYSIS~~ IN WHICH A LOCAL GOVERNMENT
23 CLASSIFIES ANY AREA THAT IS LOCATED IN A METROPOLITAN PLANNING
24 ORGANIZATION BUT OUTSIDE OF A CENSUS URBANIZED AREA IDENTIFIED
25 IN A MASTER PLAN OR OUTSIDE OF A PLAN REQUIRED BY SECTION
26 31-12-105 (1)(e) AS A CONSERVATION AREA, EFFICIENT GROWTH AREA, OR
27 GENERAL GROWTH AREA.

NO LATER THAN DECEMBER 31, 2025, METROPOLITAN PLANNING ORGANIZATIONS MUST
COMPLETE A BUILDABLE LANDS ANALYSIS USING INFORMATION FROM THE REGIONAL
HOUSING NEEDS ASSESSMENT. NO LATER THAN DECEMBER 31, 2026, URBAN
MUNICIPALITIES AND RURAL RESORT JOB CENTER MUNICIPALITIES MUST COMPLETE A
BUILDABLE LANDS ANALYSIS AND INCLUDE IT IN THEIR HOUSING NEEDS PLAN.

(a) AS USED IN THIS SECTION, A BUILDABLE LANDS ANALYSIS MUST:

A. EXAMINE THE POTENTIAL FOR GREYFIELD DEVELOPMENT, BROWNFIELD
DEVELOPMENT, AND GREENFIELD DEVELOPMENT OPPORTUNITIES TO SATISFY
HOUSING NEEDS AS DETERMINED BY HOUSING NEEDS ASSESSMENTS;

B. PRIORITIZE THE ALLOCATION OF HOUSING AND JOB GROWTH IN GREYFIELD
DEVELOPMENT AND IN AREAS THAT SUPPORT STRATEGIC GROWTH OBJECTIVES AS
DEFINED IN SECTION XX;

C. REFER TO THE NATURAL AND AGRICULTURAL LAND VALUES PRIORITY REPORT
IN THE CONSIDERATION OF GREENFIELD DEVELOPMENT OPPORTUNITIES;

D. DESCRIBE THE ENVIRONMENTAL, TRANSPORTATION, FISCAL, AND EQUITY IMPACTS OF DEVELOPMENT TYPES AND SCENARIOS.

E. IDENTIFY INFRASTRUCTURE GAPS INCLUDING BUT NOT LIMITED TO TRANSPORTATION WATER, SEWER, AND UTILITY INFRASTRUCTURE, TO ASSESS DEVELOPMENT READINESS AND IDENTIFY POTENTIAL FUNDING AND POLICY SOLUTIONS TO ENABLE DEVELOPMENT.

(b) METROPOLITAN PLANNING ORGANIZATIONS MUST INCLUDE THE REGIONAL BUILDABLE LANDS ANALYSIS IN THEIR REGIONAL TRANSPORTATION PLANS.

(c) LOCAL GOVERNMENTS MUST SUBMIT THEIR BUILDABLE LANDS ANALYSIS TO THE DEPARTMENT OF TRANSPORTATION AND THEIR METROPOLITAN PLANNING ORGANIZATION TO INFORM PLANNING PROCESSES, PROJECT PRIORITIZATION, AND GRANT FUNDING CRITERIA.

30-28-106. Adoption of master plan - contents

Revise language on page 91, beginning on line 9, as follows:

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

31-23-206. Master plan.

Revise language on page 96, beginning on line 21, as follows:

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

PROPOSED REVISIONS TO STRATEGIC GROWTH OBJECTIVES PIECE

~~Buildable Lands Greenfield Development~~ Analysis

from urban municipalities and rural resort job centers to identify lands for future development, including vacant, partially vacant, and underutilized lands within a city which are prioritized for infill and redeveloped (such as greyfield, brownfield, and undeveloped urban lands), as well as greenfield lands

~~outside of current city boundaries as potential~~ ~~classify~~ planned development areas ~~outside of current census urban areas classified~~ as conservation areas, efficient growth areas, or general growth areas. This analysis is part of the Housing Needs Plan (due 12/31/2026) and will be used to inform state and regional planning and funding decisions. Also goes into Master Plans (Comp plans) and is required of all counties with over 250,000 population.

Add the following new language:

Guidance for the Buildable Lands Analysis (BLA)

Step 1: Calculate gross **vacant acres** – including fully vacant and partially vacant (i.e., underutilized) parcels. (Calculate based on current plan/zone designation.)

Step 2: Subtract out any **unbuildable acres** from total vacant acres – e.g., critical areas or constrained land (such as steep slopes, riparian setbacks, or environmentally sensitive lands).

Step 3: Subtract out land for **future essential public facilities** from gross buildable vacant acres (such as parklands, community services (schools, libraries, community centers, etc.), civic spaces (government buildings, performance centers, etc.), and public places).

Step 4: Calculate total net **buildable acres** by adding redevelopable acres to net buildable vacant acres (resulting in priority locations for infill and reinvestment).

[Retain the following language, with additions]

In addition, the buildable lands analysis includes the following assessment of impacts:

- Demonstration of alignment with Strategic Growth Objectives.
- The evaluation of opportunities to prioritize infill and redevelopment of existing urban land within cities, before considering development of areas outside existing cities or resort communities.
- The fiscal impact of state, regional, and local governments and residents,
- Environmental impacts on climate, air quality, water, and habitat,
- Health and equity impacts on community members, including environmental justice
- Transportation impacts on VMT, transit, job access, and equity.
- Tools to analyze the project-specific impacts on transportation, water consumption, climate change, equity, and infrastructure and public services.
- For the evaluation of greenfield lands, classifications and standards for greenfield development type

April 3, 2023

Colorado Senate Local Government and Housing Commission

RE: Comments on SB23-213 Affordable Housing

Dear Commission,

My name is Shelley Kaup and I am a City Councilor with the City of Glenwood Springs and longtime resident. I applaud the Governor and Colorado Legislature for efforts to address the housing shortage and crisis which exists in our state. It has truly become a crisis that effects every aspect of life in our communities. I am writing comments today from the perspective of an elected official of a Rural Resort and job center community on the Western Slope. I support passage of the bill with amendments as needed to make it work for local communities. These are my personal comments and do not represent a position of our City Council as a whole.

Housing has long been tight in our mountain communities but in the last 10-15 years it has reached crisis level. The causes for this are many ranging from high construction costs, lost 'decade' of construction 2008-2018, challenging geography and lower wage service jobs. Since 2015, new factors have aggravated the market. While vacation homes have always been a part of mountain communities, the growth of the Short-term rental market and shift of mindset from 'homes to investments' led to exponential growth of investor owned second homes as vacation rentals and investments. These trends have not only depleted housing stock in critical markets, it has further driven up the cost of housing, not only by reducing supply of housing for the locals, but by speculative pricing driven by investment in resort areas. Pressure from urban areas in our state and out of state visitors have driven many locals out of our markets. Yet we need locals to sustain our communities and our economies. While the housing crisis is evident in many parts of the state, the causes of the crisis in the Rural Resort areas can be driven by unique forces and require some different solutions.

Please include requirements for resident occupancy and affordability, as locally appropriate. Simply decreasing regulation and costs for developers will not solve this crisis. It will take decades for supply to catch up to demand, if ever. Especially in the mountains, the problem is too far out of balance, land is too limited, construction costs too high, and demand too high for vacation properties and investments. Too much incentive to developers without requirements for resident occupancy and affordability, will only exacerbate the problem. Our state is too beautiful to continue to sell it off to the highest bidder. *Just as we protect our wild lands for healthy ecosystems and wildlife, we must protect local Colorado communities and the people who live here.* I urge you to amend SB23-213 to include local needs for resident occupancy as well as affordability, so that our communities can thrive as places to live and work as well as destination for our visitors. We need solutions that respect the needs of Colorado communities for locals to live and work in their communities.

Many of the mountain communities have over 50%, *more than half* of their housing units which are 2nd (vacation) homes or short-term rentals that sit empty for much of the year. This is too much 'wasted' real estate and housing stock that serves the tourism industry but is used inefficiently and does not serve our local communities/residents. Local families and workforce are displaced, and new market rate development rarely meets their needs. Are there solutions that can/should address this inefficient use of built housing units? By focusing only on new and infill construction, the proposed bill SB23-213 misses an opportunity to reduce the overabundance of under-utilized housing in existence today. Some proposed ideas for Rural Resort areas:

- change the classification of Short-term rental properties for tax purposes from Residential use to Commercial. These units are hospitality units and are not residences in the true sense of providing a home and they should not have the tax benefit of a residence.
- Charge a housing/land displacement fee for housing units which are purchased or constructed but are not used for long term housing for local Coloradans.
- Provide incentives for existing vacation or short-term rental units to be converted into resident occupied long term rentals or homes ownership units.

If regulations are opened up and more housing density allowed, the local communities themselves must be the benefactors.

- What is to prevent the new units from being sold off as investment properties, short-term rentals or vacation homes?
- Can the infill density allowed be limited primarily to workforce?
- A substantial portion of new infill must be affordable.

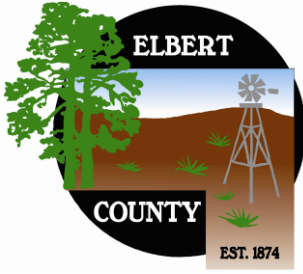
The rural resorts and mountain job centers know/understand the crisis and need solutions that work. I urge you to consider some of the ideas above and work with these communities to find regionally appropriate solutions. I support the amendments being worked on in cooperation with CAST member communities.

We need managed sustainable tourism, and planned sustainable housing that builds and supports the local community & workforce. This will help maintain Colorado as a beautiful state to live in and to visit.

Thank you for all your efforts on this important issue.

Sincerely,
Shelley Kaup
Councilor At-Large
City of Glenwood Springs

cc – CO Senator Will Perry, District 5;
CO Senator Dylan Roberts, District 8;
CO Representative Elizabeth Velasco, CO House District 57



ELBERT COUNTY GOVERNMENT

Chris Richardson, Commissioner District 1
Dallas Schroeder, Commissioner District 2
Grant Thayer, Commissioner District 3

Office 303-621-2341 Fax 303-621-2343
PO Box 7, 215 Comanche St., Kiowa, CO, 80117

April 6, 2023

RE: Letter of OPPOSITION to SB23-213

Dear Chairman and Committee Members:

The Elbert County Board of County Commissioners strongly opposes SB23-213 in its current form and respectfully requests the bill be postponed indefinitely or amended extensively to focus first on a study to identify the specific barriers to the construction of affordable/attainable housing that can be acted on with specific state or local actions within current statutory authorities.

The bill, as written, is based on an unvalidated assumption that local land use processes are causing housing to be unaffordable and unavailable in our state. Based on this very questionable assumption, language is written that strips many current authorities from specifically identified localities.

The legislation ignores the adage that the “Government closest to the People, governs best.” That is concerning but what is worse is this 106-page bill doesn’t seem to direct any action that will reduce the cost of housing. Nor does it direct any action that would measure the impact of the bill on housing affordability if enacted. Certainly, it ignores current statute, such as construction defect law, that has increased costs and reduced availability of “middle housing”.

As a smaller county with very small rural municipalities there are minor direct impacts on our citizens and processes but, the language regarding prioritizing transportation dollars toward supporting “transit communities” is very concerning for those that depend on our already under funded rural transportation network to move commodities to market and commute to employment centers.

As a first step, a statewide housing needs assessment with enough fidelity to guide local and regional planning would be a much more acceptable course of action. The fire, ready, aim process that this bill attempts to employ to solve a well-known but poorly defined issue is the wrong approach.

We ask that this bill be postponed indefinitely in this session or fully rewritten to provide for a study that will provide a strong foundation for future more discrete legislative measures that address specifically identified issues.

FOR THE ELBERT COUNTY BOARD OF COUNTY COMMISSIONERS:

Respectfully,

Chris Richardson
County Commissioner, Chair



Opposition to SB 23-213Beth Dickson to: committees.lcs.ga 04/05/2023 11:32 AM

To whom it may concern,

My name is Beth Dickson and I am a long time resident of Colorado, currently residing in Castle Rock. I am writing to you to express my intense opposition to SB 23-213. I do not support this bill for many reasons, but primarily because it would take away our local governmental rights and voices when it comes to land usage and zoning. The people of our state deserve a voice in how their communities are developed. As a concerned constituent, I urge you to vote NO on SB 23-213.

Respectfully,

Beth Dickson



April 5, 2023

Sens. Mark Baisley, Jim Smallwood and Kevin Van Winkle
Reps. Brandi Bradley, Lisa Frizell, Anthony Hartsook and Robert Marshall
Colorado General Assembly

Re: Town of Castle Rock strongly opposes SB 213

Dear Honorable Legislators:

“Build more housing now,” was part of Gov. Polis’ rallying cry when working with Senators last week to introduce Senate Bill 213, Land Use. Building more housing is exactly what has been occurring in Castle Rock for decades. Looking at the past five years – 2018 to 2022 – 6,440 new housing units have been constructed within our Town. Twenty-five percent of those units, 1,578 of the total, were multifamily units. During that same timeframe, 82 accessory dwelling units have been completed within Castle Rock.

We have also furthered the goal of attainable housing over the last decade by providing financial support to three rent-restricted projects. Water conservation, meanwhile, is always top of mind in Castle Rock – in fact, we are one of only two municipalities in the State that is prohibiting grass lawns in front of new homes.

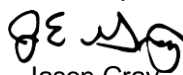

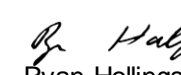


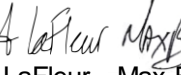
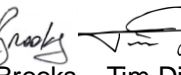
The Town of Castle Rock’s policies have provided for market-based housing choices within our community while respecting property owners’ rights – and while ensuring our community is served not only with a renewable, long-term water supply but also with walkable parks, dependable roads, and timely, top-notch responses during emergencies. The prospect of our painstaking planning being upended by SB 213 is a major reason why we vehemently oppose this legislation. Beyond that, we believe it is critical for you to protect the investment every homeowner in Castle Rock has made and use any means possible to defeat SB 213.

The bill purportedly allows multifamily dwellings to be built in any single-family district covered by the bill, regardless of existing zoning, homeowners association protections or planned developments. The Town is stripped of its authority to require parking or occupancy limits for these uses. **The effect of SB 213 is to substantially diminish the value of Castle Rock single-family homes in current single-family neighborhoods, because the unplanned placement of multifamily uses among detached single-family homes will be negatively viewed as a drastic diminution in the value of property.**

Please do not allow Gov. Polis and others in the General Assembly to destroy our community’s character by forcing incompatible land uses to be placed immediately adjacent to each other. From our past experiences, we know this is in direct opposition to what the residents of Castle Rock want. Further, our residents deserve to have decisions that impact their quality of life and financial investments made by representatives whom they can hold to account, which is us, their Town Council representatives.

Parking issues within neighborhoods greatly impact quality of life – especially in communities without public transit services, like Castle Rock. Cramming six-plexes and other multifamily units — without adequate parking and occupancy limits – into single-family neighborhoods without mass transit is a recipe for community disaster. Do State legislators want to mediate these neighborhood parking disputes? The bill would also have incalculable financial implications on both our municipality and the State, adversely impacting services and affordability. Please work to defeat this legislation and allow us to continue in the work at which we have excelled: building a high-quality community with an array of market-based housing choices.

Sincerely,

| | | | | | | |
|---|---|---|---|--|---|---|
|  |  |  |  |  |  |  |
| Jason Gray Mayor | Kevin Bracken Mayor Pro Tem | Ryan Hollingshead District 1 | Laura Cavey District 2 | Desiree LaFleur District 4 | Max Brooks District 5 | Tim Dietz District 6 |

cc: Colorado Municipal League

Good afternoon and thank you for the opportunity to testify in support of SB23-213. My name is Graham Thurston Hallett, and I am a policy analyst with the Bell Policy Center. The Bell Policy Center provides policymakers, advocates, and the public with reliable resources to create a practical policy agenda that promotes economic mobility for every Coloradan.

We support SB23-213 because it will improve housing affordability in our state by lifting restrictions on our housing supply. One way to bring down housing prices is to build more housing. By allowing our communities to build more densely and sustainably, we can more efficiently use each dollar devoted to new housing. That's important as the state utilizes revenue from federal funds and Proposition 123 for housing.

Colorado continues to face a housing affordability crisis, ranking as the 9th least affordable state for housing in the country. This is partially due to a massive housing supply deficit; the state demographer projects Colorado needs to build 500,000 new housing units by 2030. This trend must be reversed as housing units built fell by 40 percent between 2010 and 2020—the same period in which become untenable for households across the state.

Single-family residential homes are increasingly luxury homes. The median cost for single-family residential homes is 35 percent higher than that of duplexes and 40 percent higher than triplexes or fourplexes of the same square footage. By allowing multi-family housing units in communities, limited private and public funds can stretch further. The cost of the land under the home is high but the cost of construction needn't be. Developers can build more affordable housing for less by simply building a triplex instead of only a single-family home.

Likewise, renters—who comprise 40 percent of the state—are hurt by this supply deficit. Despite the high demand for housing, this supply deficit pushes first-time buyers out of the market. Over the last 12 months, only 28 percent of home sales went to first-time buyers — a six-year low. Would be first time homebuyers remain renters, placing further pressure on a tight rental market. Economic mobility is deferred with home equity.

Homeownership, and consequently wealth accumulation, falls along racial lines in Colorado. While 71 percent of non-Hispanic Whites own their homes, just 51 percent of Hispanic households own their homes, and only 43 percent of Black households are homeowners. Although the gap has begun to narrow in recent years, it remains far too wide. Owning a home remains the primary form of wealth creation for Americans. The status quo only reinforces racial and economic inequality in our state.

Simply put, we can't make housing affordable without more housing and current land codes limit not only the amount but where and how we can build. This bill expands our toolbelt to assure we utilize our resources and build densely and sustainably to combat the housing affordability crisis. For these reasons, we support SB23-213. Thank you for the opportunity to testify.

My name is Hollie Rogin, and I am the mayor of Lyons. I'm representing the Town of Lyons Board of Trustees in opposition to this bill.

First I'll provide some information about what Lyons has done and is doing in regards to housing affordability, then I'll talk about how this bill would have a significantly detrimental effect on our town.

Lyons is a geographically constrained community of about 1.2 square miles and 2,000 people. We have a small sales and property tax base, a \$2M general fund, and only 18 staff. We lack any sort of robust public transit.

We have been working diligently on affordable housing, and I'm happy to say that at the end of this year, we anticipate we will reach 10 percent affordability through the application of ordinances, partnerships with the County and state, and blue-sky innovation.

For example, we approved a PUD in single family zoning and worked with a private entity to save a former nursing home turned small apartment from becoming two multimillion dollar single family homes, which would have displaced 10 families.

After passing our ADU ordinances years ago, we now have so many alley-facing ADUs that we are naming our alleys in order to facilitate public safety and package delivery.

We have received a grant to do a housing needs assessment, currently out for bid.

We offer Lake Macintosh water shares—at a fraction of the cost of Colorado Big Thompson shares—to affordable housing developers to incentivize them and see projects to completion.

We can and do waive tap fees, water dedication requirements, and other development-related fees for affordable housing development.

We have reduced the minimum lot size for single family zoning.

The Town of Lyons is doing its part. Other small rural and mountain towns are as well.

If this bill passes, we would lose control of the very guardrails we put in place to increase affordability for our residents.

We would no longer be able to require primary property owners to reside in their properties in order to build an ADU. That will likely turn Lyons into another high-rent resort town.

We would no longer be able to administer ADU design standards, which would be to the detriment of the funky character people love about Lyons...and I will tell you that notonce has someone said they won't build an ADU because of our design standards.

As we work toward increasing density in town, we know that our infrastructure as-is will not be sufficient. We have aging stormwater and wastewater systems, crumbling residential streets, an electric system in need of upgrade and undergrounding. All of our pipes and wires need significant work to support increased density, and we simply do not have the funding to support that.

We are working hard in collaboration with our Fire Protection District to help our residents harden their properties against wildfire. Five foot setbacks on all lots would make us even more of a tinderbox.

Finally, if Lyons were to be one of the only municipalities in Boulder County allowed to have single-family zoning, it would be absolutely disastrous for any sort of marketrate affordability.

Our County neighbors in Jamestown, Nederland, Ward and Allenspark will face many if not all of the same challenges.

Please do not pass this bill out of committee.

Instead, bring it back to local municipalities to collaborate on one that will achieve this bill's laudable goals, and that will work for everyone.

Thank you for your time.

Hollie Rogin (she, her, hers)

Mayor, Town of Lyons

From the Desk of Karen Hall
Resident of Jefferson County, Colorado
5515 W. Leawood Drive
Littleton, CO 80123-6800

Date: Thursday, April 6, 2023
From: Karen Hall
To: Senate Government & Housing Committee
SENATOR Dominick Moreno - dominick.moreno.senate@coleg.gov
REPRESENTATIVE Iman Jodeh - Iman.Jodeh.house@coleg.gov
REPRESENTATIVE Steven Woodrow - steven.woodrow.house@coleg.gov

To the Senate Government & Housing Committee:

I oppose the SB23-213 Land Use bill because in my opinion the bill is going to just open the door wider for more housing developments by corporate-backed housing investors backed by hedge funds. These groups are not interested in developing affordable housing or smaller homes that can be sold for less because they want bigger profits in their projects.

I suggest that the bill be postponed indefinitely (PI'd) and re-introduced in 2024 with a test of the concept. A test of the concept of SB23-213 would be to have it apply to just one medium metropolitan area and the test would be for 3 years 2024 – 2026 to see if it truly helps develop affordable housing.

I also looked at the fiscal note of SB23-213 and I believe this is too big an expenditure for the State of Colorado on an untested concept. We are still facing inflation and unexpected rate increases from utilities due in part to the war in Ukraine. I think that the 2023 legislative session should support fiscal conservative measures until our U.S. economy rebounds.

Regards,

Karen Hall

Karen Hall
5515 W. Leawood Drive
Littleton, CO 80123-6800
Phone – 303-794-0799
email – Karin@wpsconsultants.com



To whom it may concern Gerald Morrison to: committees.lcs.ga 04/05/2023 02:19 PM

Ref: Senate Bill 213

I urge you to vote no on Senate Bill 213. Please do not force Statewide mandates on local land-use matters. Local residents and representatives — not State legislators and regulators — should be able to decide what's right for our community. Please reject this overreaching legislation to ensure a high quality of life and sound economic environment continue within Castle Rock. Thank you.

We will make our our decisions about land use, we do NOT need the state to be involved as stated in Senate Bill 213

Gerald Morrison
4565 Lions Paw Street
Castle Rock, CO 80104

grmorriso@gmail.com

Dear Governor Polis,

As a left-leaning independent voter, I join those liberals and progressives in my neighborhood in being perplexed by the necessity and fast-tracking of SB23-213 and HB23-1255.

I invite you and the representatives of northern Colorado to take the driving tour my husband and I took in the past two days. We live in southwest Fort Collins. Driving south on Shields to Trilby, we noticed that the very large housing development at that corner that has been there for at least twelve years, has all sizes of houses and duplexes, and many apartment buildings close together on quite small lots. The same was true in the newer developments at the north end of Loveland and through the city.

My husband and I continued to notice the already increased density and growing subdivisions at the south end of Loveland, through Berthoud, and into Longmont. We took a different route on the way home, through housing developments further west. It's true that while there are some larger "estate" houses on larger plots of land, but they are few and when considered against all new development in the area, quite few in number and area. As we approached Loveland from the west and then Fort Collins, we were back into quite dense development, much smaller houses, apartments and duplexes on small lots.

My point is that the desired effect of density has already been happening for quite some time, and it has not brought about easily affordable housing.

As much as I would like to believe in simple answers, I realize that increased density is not having the result you want. I wonder if these House and Senate Bills have been adequately thought through. Cities and counties are already doing this work of supervision and control, and the state is unlikely to do a better job by introducing more regulation. Market rates will continue to be demand-driven and influenced by the price of land, water taps, and construction material costs, and the attraction of living in Colorado.

While I fully agree that affordable housing in Colorado is desirable, I also understand that developers are already following the money and building more dwelling units on smaller plots of land and have been doing so for at least ten years.

Please do not continue the state government power-play that I suspect is really behind all this. As an old English teacher, I see you using the *post hoc ergo propter hoc* fallacy, or *first this, then that*. In this case, your fallacious argument is *first density, then affordability*, without providing evidence or studying what has already been done and whether it has worked.

I hope you and our Larimer County representatives will not enact these bills without a more thorough examination and an explanation to the voters of what you can actually intend to accomplish.

Sincerely,
Jacalyn L. Eis,
5238 Fox Hills Drive
Fort Collins, CO 80526



Submit written testimony for SB23-123Jennifer Niederhauser to: committees.lcs.ga
04/06/2023 05:42 PM

To Whom It May Concern:

I signed up to provide in person testimony to the Senate Committee on Government and Housing today, April 6. I did wait for 6 hours but was never called upon to speak. I totally get it, there were many people there who were speaking for more voices than one, but I am just a citizen.

I am requesting that my testimony be added to the written record as written testimony since I couldn't stay longer until my name was called. I tried to add it online, but the window seems to have closed for today's hearings. I will paste my testimony below. Please let me know if I should submit it in a different fashion.

Best Regards,
Jennifer

"Madame Chair, members of the committee, thank you for the opportunity to present to you today.

My name is Jennifer Niederhauser, I am a residential realtor in the Denver Metro area and I oppose this bill. I am a long time Colorado resident who has lived in multiple jurisdictions both on the front range and the western slope. I was raised by a single mother who was a teacher. I support the need for more affordable housing. But this bill isn't the answer.

I believe in serving my clients through listening to their needs and desires and giving them my time, attention, and empathy. The relationships I develop provide to me a unique and intimate involvement in the financial and personal lives of hundreds of Colorado citizens relating specifically to housing. My clients choose homes to purchase based on factors that go beyond paint colors and numbers of bedrooms and bathrooms. The neighborhood in which they choose to invest their money, spend their leisure time, mingle with the community, relax, and rejuvenate is very important to them. Sweeping zoning and density changes will change these neighborhoods permanently.

This bill will have many consequences, almost all of which are unknown. This bill was introduced too late in the session and should not be passed out of committee because the citizens, cities, and towns have not had a voice. In fact, almost no one I have spoken to has any idea this legislation has even been introduced.

If the bill is such a great idea, then bring citizens, towns, and cities into the conversation. Slow down the process. Get a high level of buy-in from voters across the state. Remove the language preventing a referendum.

No one has handed the mandate to the state legislature and the governor to pass a bill like this. The concept of state mandated density and zoning was not an election issue.

I can tell you unequivocally that if this bill passes and my clients begin to see development happening where they didn't expect higher density, they will be angry and anxious about losing their privacy and equity (don't forget that home ownership has long been touted as a major vehicle for wealth building in the United States for rich and poor alike). They won't like that the control they believed they had over their destiny has simply been written away in one fell swoop.

This bill is the ultimate in top-down governing. We expect that density, growth and zoning decisions are being made on a local level. We have a voice on the local level. We know our city council people. We know our mayors. We expect land use decisions will be made by and for our communities working collaboratively with residents, infrastructure experts, school boards, business owners, municipal staff, and elected officials. This is democracy.

We do lack housing supply in the metro area, and of course in other areas of Colorado. But the market forces that push house prices higher will not be addressed by this bill. Even if more units, more houses, more duplexes are built, they will remain expensive. The reason is that there is a supply of people who can afford them. Once supply reaches a point where prices fall, the development will immediately dry up. No one will continue to build just to lose money. In the case of Colorado, more supply will not equate to more affordability. This bill will allow developers to run amok in our neighborhoods causing profound dismay, loss of home equity, and will ultimately fail to solve our housing crisis.

Thank you Madame Chair and members of the committee. Do you have any questions for me?"

I am a teacher in Denver and have been teaching since 1997. I spent 17 years working in Denver Public Schools at Fairmont/DCIS Fairmont, a Dual Language ECE- 8 school in the Baker neighborhood, and 9 years at Bryant Webster Dual Language, another ECE-8 school in DPS. Both of these schools are in low income areas and serve a bilingual population. Over the years, I have noticed many different teachers and students negatively impacted by lack of affordable housing. As a result, my schools have continuously struggled with student enrollment issues and the retention of teachers.

Many, many teachers I know can't afford to live in the neighborhood where they teach. I was able to buy a house in Denver in 2001 with the help of family members. Without this help, I would have been unable to live anywhere near Denver. It has been devastating to see other colleagues struggle. I have witnessed many competent teachers leave DPS after they have found homes in the surrounding suburbs. Many friends work one or even two extra jobs to make ends meet and to cover the cost of their current mortgage or rent. There is no urban area in Colorado with housing that teachers can afford, and I watch excellent teachers leave every year for that reason.

As the price of homes continues to increase, schools are struggling to remain viable and competitive, while losing students to other districts and even other states. It has become extremely difficult to populate a dual language school that requires a delicate balance of native English and native Spanish speakers. Many of our current students live outside Denver and drive many minutes to get to school each day. For many, the strain of the commute becomes too great and they are forced to leave our school, and DPS, to find a school near their home. Our low income families are unable to find houses in their school community and are pushed out. With a declining student population, teaching positions are reduced in the building, forcing higher class size and increasing the stress on students and educators. With fewer educators in the building, students' socio-emotional and academic needs are not fully met.

We need to act now before it's too late. We are in danger of facing a problem, similar to cities like San Francisco, where only the wealthiest community members remain in the city's center. We must build as much multi-family housing as we can, everywhere we can. We must designate a percentage of housing to low income families. NOW is the time to create an equitable model in Colorado for other states.

Written Testimony for SB23-213

As I enter my 15th year living in Denver, I'm constantly shocked by how much has changed in that time period. I often "joke" with my friends and family who have moved here in the last 5 years about how rental prices have exploded. I explain to them that I once rented a two bedroom apartment in the highlands/northside neighborhood in 2010 for \$765 a month, and was able to split that amount with a friend. This affordable rental unit was the only way I was able to go back to school at Metro State to get my teacher license. I could not have afforded to do this if I was paying today's rates (both in rental prices and tuition). The affordability of Denver when I moved here allowed me to become a teacher. Without this, I don't know that I would have stayed in Denver, as I would have remained in part-time work or low-paying jobs. As a result, it is just my life that was impacted by the situation in Denver over a decade ago, it also allowed me to become a part of a school community in DPS. If I had moved to Denver more recently, our schools would have one less effective, reliable educator. How many other people coming from low-income, less financially secure backgrounds (like myself) have been pushed out of Denver and been pushed out of opportunities to enter careers that impact the future of our city?

I teach English Language learners at my school and have for years. I've built deep connections with the families and community that come to our school and I have seen how the cost of living in Denver has dramatically affected their lives. There once was a time when I would hear from students and families throughout the school year about their excitement of being able to move out of an apartment and into a home they actually owned. Those times have ended; it is now rare for me to hear from my immigrant and refugee families that they worked up to the opportunity to buy a home. Instead, I hear more and more from my students about them taking up work to help their families afford the basic necessities of life. On the rare occasion that I hear of a student's family being able to buy a home, it means they are moving out of Denver, and often out of the state. This housing crisis is dramatically affecting our schools, breaking up communities, lowering our student enrollment, and making it more challenging to fund the staff that our school needs to best serve the neighborhood. Stability at home is so important to my students, who are already at high risk, and their success. I want to see the families at my school, who have often left dangerous situations and traveled long distances, have the opportunity to actually obtain the stability they are seeking. The positive effects of this are innumerable, and would cascade for decades to come. Instead, we have more and more families living with instability, and the negative consequences of this will grow exponentially the longer it is left unaddressed.

After years of fighting for better pay as a DPS teacher, I finally reached the point 2 years ago where I could afford to buy a small condo. I realized at the time, during the pandemic when the condo market had cooled briefly, that I was in a now-or-never moment. Either I could lock in a mortgage at a monthly cost similar to rent, or I could continue to rent and pay a larger part of my salary each year for the foreseeable future. To be frank, I got lucky. If it wasn't for the pandemic, I would be stuck in the cycle of renting forever, and that's not sustainable for someone who wants to become a more permanent member of a community. It should not take a global crisis for people like me to have an opportunity at home ownership. The state needs to act to ensure that opportunities are consistently available to all who dream of the stability of owning a home. Careers like mine, education, will likely be underpaid in this state for as long as

the BS Factor exists and the spirit of Amendment 23 is ignored. The housing crisis will continue to impact those of us who work in these essential, but underpaid, careers. If we can't continue to afford to live here, we will leave eventually. Considering the challenges most schools have with being fully staffed after the pandemic, not addressing the housing crisis in a meaningful way will only further harm my students and my profession.

To whom it may concern,

My name is James Stevens, I am a Denver native and have lived in the Harvey Park and Bear Valley neighborhoods my whole life. I teach 5th grade in DPS in the same neighborhood I grew up in. For the past 11 years the community in which I live in work has changed drastically as housing has become more and more unaffordable in Denver. Many of the teachers I work with have Master's degrees or are pursuing a Master's degree and are struggling to afford living in Denver. When I started teaching in Denver student-teaching programs were growing substantially with most of the teachers striving to work and live in Denver. More recently, a lot of the student-teaching programs have either stopped functioning altogether or the teachers graduating from them are seeking jobs out of Denver and out of state.

During my first 5 years teaching, from 2011 - 2016 each year we were constantly hiring more teachers and paraprofessionals to ensure our nearly 800 students had ample support throughout their learning experience. We had 4 classrooms at every grade level Kinder - 5th grade, and 7 Early Childhood Education teachers. The majority of classrooms were well above 25 students, with our ELA-S classrooms from Kinder - 5th grade all being at capacity (35 students). At this time we had new apartments that were built close by that were made affordable for our predominantly Latino and Asian student populations.

Throughout these years our school was consistently receiving new students to the neighborhood and at times, having to send students to neighboring schools to not exceed capacity. The influx of newcomers and families in the community allowed us to create strong relationships with families as students and their siblings throughout their elementary education experience. We were seeing students excel academically and with strong social-emotional skills thanks to consistent living conditions and consistency in their education.

Around 2017 our enrollment began declining, losing 60 students from 2017 to 2018 and by the 2020 school year we were under 650. For the 2022-23 school year we started the year with just more than 550 students. Now, rather than receiving new students and families who stay in the same neighborhood and school we are losing more students every year. These are students who are changing schools multiple times during their elementary school years. With so much inconsistency we have witnessed our students experience more challenges academically, socially, and emotionally. Due to these challenges our students face we are in greater need of more mental health resources that our schools cannot provide due to lack of funding with such low enrollments.

Along with the cuts to mental health support for students we have cut classroom teachers and paraprofessional support each year. Our students suffer the consequences to this reality everyday. Not only are we less equipped to support them daily but we have had to cut a lot of extracurricular activities and our entire music program. Every year our teachers face the uncertainty of having their positions cut due to lower enrollments and some teachers are forced to make the decision of leaving our school and district to work somewhere that is closer to a home they can afford to live in.

I am lucky enough to have a secure position in my school and am married to another teacher in my school. My wife and I have aspirations of starting a family of our own and have had to make the very difficult decision of putting off our family planning a few years so we can save up enough money to raise our child in Denver. I know we are just one example of many who are impacted by the surging housing costs and lack of new affordable housing options in our city. Our hope is that we can raise our own family in Denver without worry of having to one day move our children away from the neighborhood, schools, and city they were born in. I take great pride in being a Denver native and working in the same community in which I grew up, but it pains me to see the ripple effects our political choices have on our future generations. I hope that one day all of our children can live and succeed in our great neighborhoods.



RE: 213 testimonyKevin Walker to: LCS Committees 04/07/2023 01:40 PM
Cc: "grace@covingtonhomesco.com", "Marla Novak"

Thank you Elizabeth. Please see my testimony below.

Good afternoon,

My name is Kevin Walker and I am here to ask for amendments and changes to SB 213. I am speaking to you on my own behalf though I am a member of numerous of the organizations that you will hear from today.

I have a master's degree City Planning, even if it is from the last century, and in my 45 years in this business I have been a City Planner, a member of the American Institute of Certified Planners, an entitlement consultant, developer, employee of developers, and a member of numerous comprehensive plan and zoning rewrites mostly in the Colorado Springs region. I live in an ADU that we built 4 years ago and it was hardly an easy task.

There is an affordable housing problem and some truth in the preamble sections of this bill. I agree that there is some linkage between Denver area local zoning decisions has resulted in a lack of housing density and units which create a supply and demand imbalance resulting in affordability issues. It is not the only reason for our affordability problem. But for sure, . . .

Zoning does not create supply. Threatening to impose the state's zoning code is the wrong solution to this problem. The State won't administer their own code, the locals won't, in my opinion, and a disaster in our states land use management falls apart. It follows a path of California, Oregon and Washington of statewide, top down legislation that has not resulted in affordability in those three states. 8 hours ago Senator Gonzalez suggested we reimagine this bill so I suggest that Parts 2-5 of Section 2 be stricken. This is only 40 pages of the bill so most of the bill remains.

This leaves the bill with what might be of some use which is some State development of consistent data. Then require local communities develop their own plan to provide their fair share in a required comprehensive planning exercise which is a better path to a solution. Certainly those will be a chance for there to be different ideas developed by unique cities with local conditions in mind.

I would suggest strongly that the state demographer be specifically listed as member of the Multi Agency Group in section 29-33-102 (22) along with builders, planners and economists from the private sector.

I would be remiss if I did not mention that this exercise in seeking more density would be better served if the construction litigation scheme in statute would be modified in concert with this bill and that the many pieces of anti-apartment owners legislation that are currently being debated here be defeated,

Please reimagine this bill.



Kevin Walker

President

614 N. Tejon St.
 Colorado Springs, CO 80903
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 Cell: [\(719\) 331-5480](tel:(719)331-5480)
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From: Elizabeth Burger <elizabeth.burger@coleg.gov> **On Behalf Of** LCS Committees
Sent: Friday, April 07, 2023 12:05 PM
To: Kevin Walker <Kevin.w@wsdistricts.co>
Cc: grace@covingtonhomesco.com; Marla Novak <marla@cshba.com>
Subject: RE: 213 testimony

Kevin and Grace, I apologize that you were not able to testify after waiting such a long time. If you would like to send in written testimony today, I will include it with the official record from yesterday's hearing. You can send your testimony to this email address.

Thanks,
 Elizabeth

From: "Kevin Walker" <Kevin.w@wsdistricts.co>
 To: "LCS Committees" <committees.lcs.ga@coleg.gov>
 Cc: "Marla Novak" <marla@cshba.com>, "grace@covingtonhomesco.com" <grace@covingtonhomesco.com>
 Date: 04/07/2023 11:26 AM
 Subject: RE: 213 testimony

Thanks for the response. I waited until 10:00 and my name was not called. Did not want to continue to wait if I was not properly signed up. With no way to confirm that I would ever be called, I signed off. Might check the tape some day to see if I was ever called. Probably was at 10:05!!

Thanks for looking to improve that notice and to give those of us waiting some way to check. I think that will make for a better experience than mine yesterday.



Kevin Walker

President

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From: Elizabeth Burger <elizabeth.burger@coleg.gov> **On Behalf Of** LCS Committees
Sent: Friday, April 07, 2023 11:13 AM
To: Kevin Walker <Kevin.w@wsdistricts.co>
Subject: RE: 213 testimony

Hi Kevin-

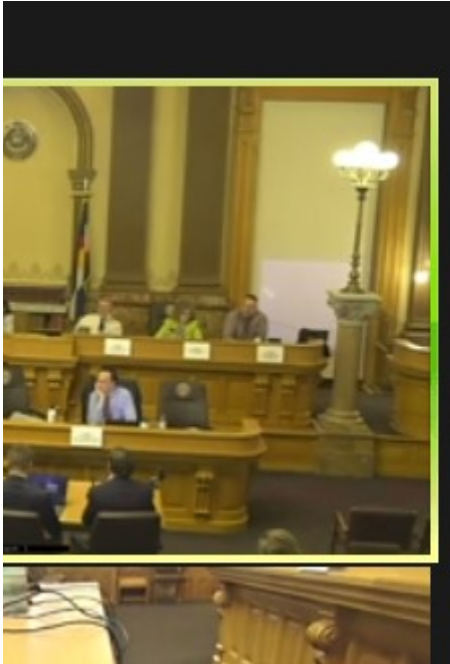
Thanks for writing in, and I'm sorry that you didn't get a response back last night.

About the language our staff put into the chat last night about Zoom name matching the registration system - Our staff is trying to manage a system in which people sign up with one name, and often enter the Zoom with another. They have to manually promote witnesses in the Zoom, and when the Zoom names don't match the name used at registration, they don't know who to promote. That's why the request was made in the chat. That said, the language that was put in the chat was confusing, and didn't give witnesses any information about how to comply with the request from our staff. I wanted to let you know that we will be changing our processes to better explain how witness can verify the name they used at registration and make sure Zoom is displaying the name in the correct way, and how to change the Zoom name, if not. Thanks for taking the time to write in about this issue, and thank you for taking the time to participate in yesterday's hearing. I know it was a long day.

Thank you,
Elizabeth Burger
Legislative Council Staff

From: "Kevin Walker" <Kevin.w@wsdistricts.co>
To: "committees.lcs.ga@coleg.gov" <committees.lcs.ga@coleg.gov>
Date: 04/06/2023 07:56 PM
Subject: RE: 213 testimony

How do I check this?



L

For anyone who has signed up to testify remotely through zoom please make sure that your sign up name is the same name displayed on zoom. If you do not have the same name on zoom you signed up with with or similar we cannot promote you to panel to speak. (First Name, Last Name and title if included)



Kevin Walker

President

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From: Kevin Walker

Sent: Thursday, April 06, 2023 7:55 PM

To: committees.lcs.ga@coleg.gov

Subject: 213 testimony

I saw the note on the lcs link to testimony about name order and spelling. I cannot find the referenced sign up information. I have been waiting for 8 hours and will not be happy if there was not a way to check this.

Kevin Walker

Email is kevin.w@wsdistricts.co

Did I make some mistake?



Kevin Walker
President

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The Colorado General Assembly has moved to a new email domain. Please replace @state.co.us with @coleg.gov in your address book.

The Colorado General Assembly has moved to a new email domain. Please replace @state.co.us with @coleg.gov in your address book.



Opposition to SB23-213Krisha Sielaff to: committees.lcs.ga 04/05/2023 10:08 AM

To Whom it May Concern,

My name is Krisha Sielaff and I am a long time resident of Colorado, currently residing in Castle Rock. I grew up in Parker and have chosen to stay in Colorado to raise my family and build my life because quite frankly, it is the best place to be. I am writing to you to express my intense opposition to SB 23-213. I do not support this bill for many reasons, but primarily because it would take away our local governmental rights and voices when it comes to land usage and zoning. The people of our state deserve a voice in how their communities are developed. As a concerned resident and voter, I urge you to vote NO on SB 23-213.

Respectfully,

Krisha Sielaff

We write to express our staunch and unwavering opposition to the More Housing Now bill. We are appalled by:

1. The absence of any compelling evidence or logic that would suggest this bill will achieve its announced aims;
2. The absence of attention to a range of potential negative unintended consequences;
3. The underlying reality that people who have paid a premium to purchase a house in a single-family neighborhood – and, in the case of people in HOAs, have paid years of HOA dues to support the maintenance of a single-family neighborhood – will experience what is, in effect, a “taking” of those investments;
4. The ways in which it will effectively disenfranchise citizens and undermine city governments’ legitimacy by crippling ongoing local attempts to address this problem in ways that are sensitive to distinctive local conditions and enhance democratic engagement;
5. The ways in which a statewide approach closes off opportunities to study and learn from varied local approaches;
6. The degree to which this bill is an example of political overreach that will further alienate voters – especially those in single-family neighborhoods – who perceive government as indifferent to their opinions and interests.

On the first point: Existing studies are far too few, but the ones we have that examine evidence of the impact over time of zoning rule changes don’t provide support for the assertion that this bill will significantly reduce the existing crisis in low and middle-income residents’ access to “housing [that] is affordable for every budget.” A major study published this year in the *Urban Studies Journal* describes the results as “**the first cross-city panel dataset of land-use reforms [between 2000 and 2019] that increase or decrease allowed housing density and estimate their association with changes in housing supply and rents**” (emphasis added). The principal finding:

We find that reforms that loosen restrictions are associated with a statistically significant 0.8% increase in housing supply within three to nine years of reform passage, accounting for new and existing stock. This increase occurs predominantly for units at the higher end of the rent price distribution; we find no statistically significant evidence that additional lower-cost units became available or moderated in cost in the years following reforms. (Christina Stacy, et. al., “Land-use reforms and housing costs: Does allowing for increased density lead to greater affordability?”, *Urban Studies*, 1,22, p 2.)

Reforms loosening restrictions are, on average, associated with an uptick in new housing supply. But this increase is likely inadequate to expand the availability of housing affordable to low and middle-income households in the short term, at least within the jurisdictions that execute reforms (Idem, p 4)

The authors note that tightening restrictions on housing produces negative effects: “Reforms tightening regulations are associated with increased rents, potentially worsening conditions for low and moderate-income renters.” Thus, the available evidence clearly suggests that the impact

of changes in land-use rules is asymmetric: it is far easier to make supply and affordability worse going forward than it is to make things appreciably better. Proponents of the More Housing Now bill may argue that the positive impact will appear decades out, but that is entirely hypothetical and doesn't meaningfully counter the evidence currently available on the 2000-2019 period. Single-city studies of up-zoning in Minneapolis and elsewhere similarly suggest only very modest, if any, reductions in the cost of housing.

The assertion that density can be increased without providing for parking also seems inconsistent with existing evidence. In Fort Collins we have found that building high-density housing next to transit reduced the frequency with which people used their cars, but it did not reduce the desire to have a car. Perversely, using a car less often actually increased the usefulness of having a safe place to park it for extended periods.

As for the potential unintended consequences, there is evidence that the most financially attractive areas for investors to build more dense housing options are exactly the areas where property costs are lower. It won't be McMansions that are scraped; it is far more likely that properties that serve low income residents will be attractive to profit-driven investors. It is also the case that up-zoning is likely, in older parts of many cities, to overwhelm existing utilities – resulting in the costs of managing up-zoning being borne by the city's taxpayers, while the profits are privatized. Still other possible negative unintended consequences include increased incentives for a flight of those preferring single-family neighborhoods to areas outside of the city, thereby increasing sprawl and the need for more roads to handle commuting into employment centers.

On the third point, it is clear that the proposed bill will have the effect of penalizing those who already live in a single-family zone in order to help those that have not yet been able to acquire housing. It's the kind of redistributive policy that regularly generates intense controversies across the political spectrum. The sad aspect of that outcome in this policy area is that voters' alienation is likely to persist even as the policy's goals are not achieved.

We think items 4-6 need no elaboration.

In sum, please avoid imposing a one-size-fits-all approach that will as surely produce increased alienation as it surely fails to deliver significant increases in affordability. Let our local governments and agencies be the engines of experimentation and citizen engagement.



April 3, 2023

SENT VIA EMAIL

The Honorable Jared Polis, Governor of the State of Colorado
State Capitol Building
200 E. Colfax Avenue, Room 136
Denver, CO 80203

Members of the Senate Local Government and Housing Committee
Colorado General Assembly
State Capitol Building
200 E. Colfax Avenue
Denver, CO 80203

Re: SB 23-213, Concerning Land Use Requirements

Dear Governor Polis and Members of the State Local Government and Housing Committee:

My name is Colleen Whitlow, and I am writing to you in my capacity as the Mayor of the Town of Mead, Colorado to express some significant concerns with SB 23-213 which is scheduled to be heard by the Senate Local Government and Housing Committee on April 6, 2023.

The Town of Mead is a growing and inclusive community located in the heart of Northern Colorado, within commuting distance of Denver, Fort Collins, Boulder, and Longmont. The Town is bisected by both Interstate 25 and Highway 66 – the southern scenic gateway into Rocky Mountain National Park.

I am a small business owner and entrepreneur and have lived in Mead for more than two decades. I am also a 10-year military veteran who was stationed at both Clark Air Force Base and Langley Air Force Base while supporting Operation Desert Shield and Operation Desert Storm.

Here are some of the major issues with SB 23-213:



- The bill removes the legislative discretion of the Town’s elected Board of Trustees to make zoning decisions. Residents of the Town elect the Board members to apply their best legislative judgment to rezoning decisions based on certain criteria including consistency with the Town’s Comprehensive Plan, compatibility or harmony of surrounding land uses and development, or whether the area requested for rezoning has changed or is changing to such a degree that it is in the public interest to encourage development or redevelopment of a specific area.
- The bill’s articulated goal is to increase the availability of affordable housing, but the bill lacks any clear path toward ensuring that additional housing units will be (or remain) affordable.
- The bill includes significant and burdensome reporting requirements for local governments and is another example of an “unfunded mandate” from the State. For many communities in Colorado, the financial burden of complying with these reporting requirements will be significant. This money is better spent on improving roads, parks, other community infrastructure, or studying how best the Town can work in cooperation with other communities in Northern Colorado to address affordable housing and then implementing these strategies in a manner that will ensure success.
- The bill’s preemptions of local land use authority include the concept of a “use by right,” meaning that Town officials will be prohibited from exercising traditional decision-making authority on land use and zoning matters.
- The bill largely exempts Counties from the regulations. Incorporated areas (Cities and Towns) are subject to the bill’s requirements, but unincorporated areas are not.
- The bill includes broad and careless language that will likely result in significant unintended consequences and expose the Town to significant risk. Each of the bill’s zoning preemptions includes language that would prohibit municipalities from amending, developing, or even interpreting a local law “in a manner that would interfere with the intent” [of the bill].



- The bill includes language to streamline the process for the erection of “manufactured” housing. Specifically, the bill removes language from existing state law that ensures local authority to apply consistent zoning, development, aesthetic, and historical standards to both site-built homes and manufactured housing.
- The bill shifts the burden and responsibility of traditional local decisions to a state agency (DOLA), thus removing local accountability to voters.
- The bill allows the character of neighborhoods to be significantly compromised by forcing incompatible land-uses directly adjacent to single-family homes.

The Town of Mead’s elected officials, staff and residents have worked hard and will continue to work hard to be a place where all residents are proud to call Mead home. The Town’s vision statement is:

“A First-Choice Quality of Life Community set at the base of the Rockies, the Town of Mead is founded on its small-town community character, diverse economy, friendly neighborhoods, strong connectivity, dynamic parks, recreation and open space, expansive natural and agrarian setting and **thoughtful community planning**, facilities and services.”

At its root, the proposed bill aims to strip away the ability of the Town to continue to plan in a thoughtful and deliberate manner. Cities and towns across Colorado work hard to manage their own growth and zoning in a responsible fashion. If SB 23-213 ultimately passes, I believe that we will see residential developers move to erect middle housing (duplexes, tri-plexes, six-plexes, etc.) in places where residents have never had reason to suspect these types of buildings would exist.

Given that the bill exempts certain developments from having to comply with parking (or other important infrastructure concurrency requirements) our streets will become more congested and other infrastructure compromised. Ultimately, developers will make more money and residents across the state may end up living next to something that they never thought would. All without any assurance of long-term affordability of housing units. Residents will be angry. Property values will drop. Homeowners' equity will dry up.



The entire bill reflects the sponsors' belief that they (and the State) know far more about what's best for the quality of life in the Town of Mead than our own citizens do. Shifting important local land-use decisions away from the Town's elected and appointed officials to a State bureaucratic entity that has no day-to-day interaction with the families that live here and the businesses that do business here is not a good plan.

I am urging you to vote "no" on 23-213 and respectfully request that the Governor's office and proponents of the bill work in partnership with municipal leaders and affordable housing advocates across the state to find a better solution.

Sincerely,

Colleen G. Whitlow

Colleen Whitlow
Mayor, Town of Mead

cc: Board of Trustees
Sen. Sonya Jaquez Lewis (sonya.jaquez.lewis.senate@coleg.gov)
Sen. Tony Exum (tony.exum.senate@coleg.gov)
Sen. Julie Gonzales (julie.gonzales.senate@coleg.gov)
Sen. Byron Pelton (byron.pelton.senate@coleg.gov)
Sen. Rod Pelton (rod.pelton.senate@coleg.gov)
Sen. Janice Rich (janicerichsd7@gmail.com)
Sen. Dylan Roberts (dylan.roberts.senate@coleg.gov)
Sen. Barbara Kirkmeyer (Senate District 23) (Barbara.kirkmeyer.senate@coleg.gov)
Rep. Ryan Armagost (House District 64) (ryan.armagost.house@coleg.gov)
Town Manager
Town Attorney

Rocky PIRO, PhD, FAICP
333 South Monroe Street, Unit 207
Denver, Colorado 80209
cell/text 206.552.4583
docroc93@gmail.com

3 April 2023

To: Members of the Senate Local Government and Housing Committee

Subject: draft Senate Bill 23-213 | Affordable Housing

Dear Senators:

I am writing to encourage your support for the draft Affordable Housing bill (Senate Bill 23-213).

My Background

I am the recently retired Executive Director of the Colorado Center for Sustainable Urbanism (CCSU) – and am a professional planner, research professor, and author on planning issues. My family members are Colorado natives and my career has focused on smart land use, sustainable planning, and growth management – both in Colorado and Washington state.. As a consultant to Washington’s legislative transportation committee, I assisted firsthand with work on that state’s first growth management act. As Program Manager for Growth Management in the central Puget Sound region, I managed the implementation of revised state provisions for regional and local planning initially addressing land use, mobility, housing, urban growth, facilities and services, and economic opportunity. I facilitated work to expand these provisions further to address health, design, and climate. I also served as Planning Manager for the City of Denver prior to my directorship at CCSU. My research has focused on state planning statutes for comprehensive planning, sustainability and resiliency, and health and equity.

Request

The draft Affordable Housing bill – SR-23-213 – will provide the state, planning regions, and local governments with the tools they need to address the housing crisis now facing communities across Colorado. By acting to pass this legislation, you will be taking a major step to ensure that there is fair, decent, and affordable housing for all Coloradoans, regardless of income, demographic grouping, or specific housing needs. With knowledge of state statutes across the US, I can assure you that SB-23-0890 is urgently needed to ensure that Colorado’s communities grow in a manner that is most sustainable, more resilient, and more equitable. The land use provisions in the bill go a long way to advance practices to better integrated development patterns with housing needs, supported by a more efficient multimodal system that should prioritize ensuring mobility and accessibility for all. Please support this important legislation.

Recommendations to Improve the Draft Legislation

While the legislative intent is well stated and the bill advances the most needed tool to help the state and local governments address serious housing deficiencies, there are several recommendations I would ask you to consider incorporating into the draft bill.

Add Growth Target Setting

As currently written, the draft bill provides clear direction for conducting “housing needs assessments.” However, while the draft language mentions future housing needs, it is rather open-ended regarding how regions and local jurisdictions are to conduct forecasts for future need. By adding *growth target setting*, into the legislation the state, regions, and localities would have a common framework for forecasting future housing needs for the same horizon year, using common forecasts and comparable processes.

Add the following language: Section 29-33-103, page 30, line 17

“The Department of Local Affairs shall assign a 20-year growth forecast for population and employment for each county.” Each county and its municipalities shall use the forecast to develop growth planning targets for each jurisdiction. The Department regularly produces such targets every 10 years, in the year following the decennial census. The 20-year growth targets, along with existing conditions, are used in conducting the 5-year housing needs assessment.”

Use the terminology “Retention and Replacement” instead of “Displacement”

As currently written, the draft language seems to embrace and even prioritize that people and neighborhoods will be displaced. This can easily be corrected by substituting the negative word “displacement” with more positive language of “retention and replacement.” Also, the language should emphasize the *replacement* of existing affordable housing as a priority when such units are removed. The replacement units should be in the vicinity of those removed in order to maintain a sense of community.

Retitle Section 29-33-106, page 37, line 3

“Menu [and Best Practices] for Retention and Replacement Measures in Urban Municipalities.”
(see also definition on page 24, line 18)

Substitute the following language: Section 29-33-106, page 37, line 3

“The state, regions, and local jurisdictions shall develop policies, programs, and/or plans to prioritize the retention and rehabilitation of existing housing, prioritizing the retention of existing affordable housing and below market housing. If existing affordable housing is removed, it shall be replaced with an equal number or more affordable units in the immediate vicinity within the urban community.”

Greenfield analysis – better: Buildable Lands Analysis

This section needs to be revised to prioritize the analysis of existing urbanized lands for infill development and new investment. As currently written, the draft language seems to support sprawl and leap-frog development as practices for accommodating growth and housing on the urban edge or beyond. It would be more accurate to use what is referred to in planning practice as “buildable lands analysis.” Buildable lands analysis includes an evaluation of vacant, partially vacant, and underutilized existing urbanized lands. An analysis of the need for additional land beyond the existing urban edge (i.e., greenfield analysis) can be a factor in certain local situations, but it should not be the sole analysis for addressing housing needs. Buildable lands analysis is more comprehensive and a common practice among many jurisdictions across the US.

Retitle Section 29-33-104, page 34, line 19
“Buildable Lands Analysis”

Revise language in the section as follows:

“The Department of Local Affairs shall provide guidance for all urban municipalities and rural resort communities to conduct an analysis of existing urban lands which can accommodate infill and redevelopment. These lands include all vacant, partially-vacant, and under-utilized parcels that are (a) designated for commercial, industrial, or residential use; (b) not intended for public use, such as civic spaces and public places including parklands, education facilities, etc.; and (c) not constrained by regulations, including zoning, development, airport overlays, and environmental regulations that prevent development from occurring. Where locally appropriate, the analysis can include greenfield land if specifically needed to accommodate growth targets and housing needs.”

Public Participation

There is little in the current draft language addressing public participation. For 21st century land use and housing planning, authentic public participation and genuine community engagement should be incorporated throughout state, regional, and local processes. It is important to bring community members, especially members of all affected groups (including those who do not typically participate) to the table throughout the procedures presented in this bill, from developing menus of best practices, assessing housing needs, identifying areas for infill and new development, implementing planning and zoning, and monitoring for accountability.

Add new sections on *Public Participation*

add to legislative declaration, page 8, line 196

add new language to Section 29-33-104; Section 30-28-106; Section 31-23-206

Address *Public Participation* as follows:

“The state, region, and local governments ensure that the processes presented in this bill actively involve all segments of the community in analyzing issues, assessing needs, generating visions, developing plans and zoning, and monitoring outcomes.”

“The Department of Local Affairs, each region, and each local jurisdiction shall establish a public engagement strategy to ensure genuine and authentic community engagement for carrying out actions identified in this Act.”

Impact Assessment(s) on Equity, Health, and Climate

While there mention of climate, environmental justice, and health in developing the bill – and in some of the overview language in the beginning of the bill – there is actually very little attention is given to these concerns in the draft sections of the bill. For example, the term “climate” appears twice in the draft, “environment” appears 8 times, including twice in “environmental justice,” “equity” appears once, “health” appears twice, and “sustainable” appears 5 times.

It is recommended that impact assessment be included for each of these concerns, using current practices for conducting such assessments. See, for example, there are policy guides for each of these – climate, equity, and health – developed by the American Planning Association. In addition, the Colorado Healthy Places Collaborative – which included nearly 2 dozen statewide organizations and groups – developed a model *Health Assessment Lens* (2019) which can be applied to provisions of the draft bill.

Add new sections on Impact Assessments for Equity, Health, and Climate
add to Sections 29-33-103 and to 29-33-104; Section 30-28-106, and Section 31-23-206

Address *Impact Assessments* as follows:

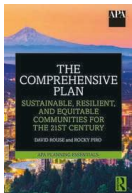
“In developing plans and zoning (including amendments and updates) under the provisions of this Act, the state, regions, and local governments shall include the assessment of impacts and benefits for each of the following: equity impacts and benefits, health impacts and benefits, and climate impacts and benefits.”

Thank you for your consideration, and again I encourage your support for SB-23-213. I am happy to be available for any questions, clarifications, or follow-up information – call 206.552.4583 (cell/text) or e-mail docroc93@gmail.com.

Best,



Rocky PIRO, PhD, FAICP



Rouse and Piro (2022). *The Comprehensive Plan: Sustainable, Resilient and Equitable Communities for the 21st Century*. Routledge Press.

<https://www.routledge.com/The-Comprehensive-Plan-Sustainable-Resilient-and-Equitable-Communities/Rouse-Piro/p/book/9780367897550>



I urge you to vote NO on SB 23-213
Karine Welton to: committees.lcs.ga 04/05/2023
10:43 AM

Dear Senator Smallwood,

My name is Karina Welton and I am a long time resident of Colorado, currently residing in Castle Rock. I am writing to you to express my intense opposition to SB 23-213. I do not support this bill for many reasons, but primarily because it would take away our local governmental rights and voices when it comes to land usage and zoning. The people of our state deserve a voice in how their communities are developed. As a concerned constituent, I urge you to vote NO on SB 23-213.

Respectfully,

Karina Welton

Karina Welton
EXP Realty



Your local Realtor
kw.sell.buy4u@gmail.com
720-280-6933

******WARNING: I will NEVER send you wiring instructions.
Do NOT submit Wire Instructions VIA EMAIL, PHONE
or FAX. Only submit Wire Instructions IN PERSON at
Closing.******



SB23-213Kevin Smith to: committees.lcs.ga 04/08/2023 09:56 PM

Dear,

Legislators,

SB23-213, This bill has no place being discussed. You were elected to represent your your district and that district alone. You can put up 6 story multi family buildings with no parking in your own district, your community and in your own neighborhood but you have no right to have a say in my on the matter anywhere else. This a over reach the like if by D.C. or California.

Buildings of these nature only serves the interests of the developers who will not be living there. This will drive up crime, and drive down the quality of life.

You should have been concerned about this before you allow all the armpit immigration and unchecked growth in a habit that cannot sub stain such numbers. You should have and be consider policies that prompt and incentivize distribution of growth and development throughout the state instead building on top of one another.

This higher density will lead to higher, crime, and lower qualities of life and district real estate values, water shortages etc., etc. Human feed lots! Yes that makes sense.

This is a bad idea!!!!

Those of us who live in these outlying communities made the decision to do so to get away from urbanization.

It was you policies and decisions that have created this problem. It is high time you start developing solutions that incentivize businesses to locate across the states and attract people, thus distribute the population over the entire state creating a healthier state economy.

Yes, you probably think that we the people are crazy, stupid and don't know a damn thing and that only you, a C/D student know better. Well your wrong.

Everyone of you legislators needs to realize ...

This is COLORADO

NOT CALARADO!!!!

Stop doing the same stupid stuff that has made California an unaffordable ship hole! STOP IT!!!

STATE POLICYMAKERS' ROLE IN PROTECTING THE RIGHT TO BUILD HOUSING IN COLORADO

Emily Hamilton

Senior Research Fellow, Urbanity Project, Mercatus Center at George Mason University

Colorado Senate Local Government & Housing Committee

April 6, 2023

Thank you, Chair Jaquez Lewis, Vice Chair Exum, and members of the committee. I am Emily Hamilton, a senior research fellow at the Mercatus Center at George Mason University, where I am codirector of the Urbanity Project. I study housing policy and housing affordability across the country and how reforms to housing policy like those proposed in Senate Bill 213 have affected housing market outcomes elsewhere.

1. I will first cover the increasing affordability problems that are affecting Colorado residents.
2. I will then explain how reforms like legalizing missing middle housing, accessory dwelling units, and transit-oriented development have reduced housing scarcity in other parts of the country.

DETERIORATING HOUSING AFFORDABILITY IN COLORADO

Across Colorado, house prices have increased by nearly 80 percent since 2000 (after adjusting for inflation).¹ In Grand Junction, where I'm from, the median house now costs more than five times as much as the median household income, putting homeownership out of reach for many.² The housing affordability problem is the result of population growth confronting local zoning rules that limit housing construction and raise the price of the housing that gets built.³

For many decades, Colorado state policy has largely delegated the authority to regulate land use to localities. But the state has a duty to step in when local zoning rules are contributing to a statewide affordability problems for its residents.

¹ Zillow, Housing Data (database), "ZHVI All Homes (SFR, Condo/Co-op) Time Series, Smoothed, Seasonally Adjusted (\$)," accessed March 29, 2023, <https://www.zillow.com/research/data/>.

² Zillow, Housing Data (database); and U.S. Census Bureau, QuickFacts (database), "Grand Junction city, Colorado, Median Household Income (in 2021 dollars), 2017-2021," accessed March 29, 2023, <https://www.census.gov/quickfacts/fact/table/grandjunctioncitycolorado/INC110221>.

³ Emily Hamilton, "Land Use Regulation and Housing Affordability," in *Regulation and Economic Opportunity: Blueprints for Reform*, ed. Adam Hoffer and Todd Nesbit (Logan, UT: The Center for Growth and Opportunity at Utah State University, 2020).

A BLUEPRINT FOR LEGALIZING HOUSING CONSTRUCTION

Senate Bill 213 draws on important lessons learned from states and localities across the country in their growing effort to improve housing abundance. In particular, the bill would implement three proven strategies for building more, less expensive housing:

1. *Starter homes.* By legalizing missing middle housing construction, the bill would make it possible for homebuilders to provide smaller homes that economize on expensive land by allowing multiple households to share a single lot through a duplex or multiplex with more units. Additionally, the bill would allow large lots to be split into smaller lots, creating opportunities for more homeownership with starter homes that are increasingly absent from Colorado's housing market.

In Oregon, Habitat for Humanity sponsored a successful bill that facilitates lot splits across much of the state in order to provide more workforce housing. At the local level in Houston, Texas, policymakers have passed two major reforms reducing minimum lot size requirements. Following these reforms, Houston builders have supplied nearly 80,000 small-lot houses.⁴ Houston's openness to small-lot construction is one reason it has a median house price below the national median even though its population and economy have been growing faster than the country as a whole for decades.⁵

2. *Accessory dwelling units.* Eight states have adopted rules allowing homeowners to build these secondary rental units on their properties. The bill draws on the lessons these states have to offer, identifying policies that make building accessory dwelling units an attractive option.⁶

Accessory dwelling units have the benefit of being one of the most affordable types of housing that can be built for renters. Because these units are built on land that already has a single-family home, their land cost is zero. Survey data shows that in Los Angeles, where homeowners are adding these units in large numbers, they tend to rent for hundreds of dollars less per month than apartments in the same neighborhood.⁷

3. *Transit-oriented development.* Based on the nexus between transit infrastructure and housing, this bill would legalize dense housing in places served by rail transit.

We can see one example of successful transit-oriented development in the Washington, DC, region. In recent decades, the district and surrounding localities have allowed more multifamily housing to be built near rail stations than have their peer regions. Partially as a result, the DC region has the lowest median house price among the country's high-income coastal metropolitan areas. After adjusting for inflation, rents in DC have fallen since 2015.⁸

⁴ Harris County Appraisal District, Property Data (database), "Years 2005–2019," accessed March 29, 2023, <https://hcad.org/pdata/pdata-property-downloads.html>.

⁵ Zillow, Housing Data (database), "ZHVI All Homes (SFR, Condo/Co-op) Time Series, Smoothed, Seasonally Adjusted (\$)."

⁶ Emily Hamilton and Abigail Houseal, "A Taxonomy of State Accessory Dwelling Unit Laws" (Mercatus Policy Brief, Mercatus Center at George Mason University, Arlington, VA, March 2023).

⁷ Karen Chapple, Dori Ganetsos, and Emmanuel Lopez, *Implementing the Backyard Revolution: Perspectives of California's ADU Owners* (Berkeley, CA: UC Berkeley Center for Community Innovation, April 2021); and Zillow, Housing Data (database), "ZORI (Smoothed): All Homes Plus Multifamily Time Series (\$)."

⁸ Zillow, Housing Data (database), "ZORI All Homes Plus Multifamily Time Series, Smoothed, Seasonally Adjusted (\$)."

In addition to affordability, allowing many people to live and work in walkable neighborhoods near transit serves other important objectives. Where I live in Arlington, VA, right outside DC, population is growing but traffic on major thoroughfares is declining in large part because new residential growth is being accommodated through transit-oriented development.⁹

For Colorado, allowing more, less expensive housing to be built is a crucial component of continuing to provide housing opportunities for its residents and newcomers and to attract business investment. When local restrictions prevent property owners from building housing and contribute to statewide housing affordability problems, state policymakers should step in to carefully assess the problem and set limits on these local obstructions.

⁹ Arlington County Virginia, “22202 Transportation and Planning Data,” accessed March 29, 2023, <https://www.arlingtonva.us/Government/Projects/22202-Data>.

Dear Senate Local Government and Housing Committee,

I am writing to you to oppose SB23-213, which is a hugely overreaching power grab at the state level that most communities oppose.

I understand that under this bill Colorado communities would be barred from limiting construction of duplexes, triplexes and add-on housing units in order to address the state's housing crisis by increasing residential density anywhere and everywhere.

While I am sympathetic to housing needs and the increasing costs of housing (having now owned four homes in Colorado since 2012), a one-size-fits-all solution to address this is not what Coloradans, nor I, are in favor of.

This overly broad land-use bill would also block limits on how many unrelated people can live in a home and prevent Colorado's largest cities from restricting what kind of housing can be built near transit stops.

I have studied urban planning in school and have a Master's in Urban Planning, though I work in the tech industry these days, so I understand the importance of good planning, and density has its place, but frankly, not everyone who wants to live in Colorado should move here, as there are limits to our resources, including water, as the century-old Colorado River Compact is being renegotiated after having severely over-promised and under-delivered water resources along the Colorado River Basin.

Letting each community decide what type of development it wants is the most democratic approach to planning and addressing housing.

I hope this Committee strongly considers the voices of Coloradans like me (and I've had family here since 1877) before trying to usurp the power of local government to push the Governor's agenda to allow any time of home construction anywhere and everywhere across our majestic state.

Sincerely,

Alexander Clayton

Fort Collins, CO

1506 Buttonwood Drive
Fort Collins, CO 80525-1918
m.l.johnson1506@gmail.com
970.482.4979

March 27, 2023

Governor Jared Polis
State Capital Building, Room 136
200 East Colfax Avenue
Denver, CO 80203

RE: Senate Bill 23-213 (AKA “Build Everything Everywhere Right Now”)

Dear Jared,

Having served as the chair or as a member of over 100 master’s degree theses and doctoral dissertations, reading Senate Bill 23-213 is painful and would it never actually pass for a quality undergraduate paper. That such a poorly substantiated omnibus bill could become a Colorado Law is even more distressing!

Aside from being “solution in search of its problem,” the Bill’s 20 pages of supposed justification for its 80 pages of proposed legislative prescriptions are both problematic regarding *validating sources* and *inferences drawn from the citations*. Regarding **validation** for the proposition; there are more than two dozen partially cited research reports supposedly supporting SB 23-213, but without standard citations that would allow independent interpretation verification. Regarding **inferences** drawn from research reports; on page 19, Senator Moreno states, “Local government land use decisions according to the UCLA Institute of Transportation Studies article titled ‘What Do Residential Lotteries show Us About Transportation Choices,’ *higher amounts of free parking provided in residential developments cause* higher rates of vehicle ownership, higher rates of vehicle miles traveled, and less transit use.” Inherent problems include:

1. Multiple grammatical errors.
2. My fifteen minutes of internet search did not reveal the research article cited, as simply copying a title does not provide access to the source material. Authors should have used standard citation style (that every undergraduate student learns) that would enable independent interpretation verification – i.e., [Chen, P., & Vazsonyi, A. T. \(2011\). Future orientation, impulsivity, and problem behaviors: A longitudinal moderation model, *Developmental Psychology*, 42\(1\) 1633-1645.](#)
3. What is the relevance of a study focused on “Residential Lotteries” to Hugo, Sterling, Fort Collins, or Durango? Having built two houses and having lived in Colorado for more than three decades, I have never heard of the “Residential Lottery” process.
4. Drawing a *causation inference* from a simple correlation is high school level mistake, as availing free residential parking does not **cause** increased vehicle ownership, increased mileage driven or decreased (mass) transit use!!!
5. Validity of the last 85 pages of SB 23-213 requirements rests on credibility of the first 20 pages and those first 20 pages are rife with *inadequate references* and suspect *inferences*. That \$15,000,000.00 is to be appropriated on the basis of such flimsy research scholarship is embarrassing and \$15,000,000.00 spent on governing processes will have built no extra affordable residences.

One would expect that the Colorado legislators would be informed of public policy development principles. For example, from Dr. Phillip Boyle's analysis of public policy development across the spectrum, from local to federal government agencies, revealed that such policies fall into one or more of four categories: **Liberty** – I, me, my; **Economics** – enterprise, tax rates, etc.; **Community** – strengthening or depleting social factors; and **Equity** – fairness for individuals and groups. Boyle also found that when public policies favor one or two categories, at the expense of the others, such policies are not sustainable – to be changed by referendum or revolution. For example, the G.W. Bush Administration tax cuts for the wealthy and the Donald Trump tax cuts primarily benefitting the wealthy are **economics**-based public policies. By analysis, SB 23-213 pretends to promote **equity** (affordable housing availability) but obviously favors **economic** interests, to the neglect of other public policy categories – **community** and **liberty**.

There are internal Legislative conflicts. The Colorado Common Interest Ownership Act (CCIOA) was established in 1992 to form a clear, comprehensive, and uniform framework for the creation and operation of common interest communities. Homeowners' associations (HOAs) *are given the authority to manage the commonly owned property and regulate the use and maintenance of individually owned units within the community.* The **Colorado Revised Statutes, 38-33.3-102 Legislative declaration** specifies that: "(1) The general assembly hereby finds, determines, and declares as follows: (a) That it is in the best interests of the state and its citizens to establish a clear, comprehensive, and uniform framework for the creation and operation of common interest communities; and (b) That the continuation of the **economic prosperity of Colorado is dependent upon the strengthening of homeowner associations in common interest communities**" To be clear, requirements of SB 23-213 would end the "continuation of Colorado's economic prosperity" by **neutering** common interest communities' management of individually owned units (residences).

As you may know, there are several government instruments available to achieve public policy ends, such as a) **funding capacity building**, b) **providing incentives**, and c) **issuing mandates**. The Morrill Act, that Abraham Lincoln signed, built education capacity and its direct effects fostered equity and community building – the A&M universities. Conversely, the No Child Left Behind Act, signed by G.W. Bush, mandated more school process surveillance (paperwork reporting) without additional funding. The Morrill Act's success for supporting liberty, prosperity, community, and equity is legend but the NCLB Act actually increased the dropout rate without increasing academic achievement. Unfortunately, SB 23-213 is a poorly validated, expensive omnibus, disruptive mandate. Though its "SECTION 21. Safety clause states that, "The general assembly hereby finds, determines, and declares that this act is **necessary of the immediate preservation of the public peace, health, or safety**" there is nothing in the Act that could achieve public peace, health, or safety. Though claimed otherwise, stopping SB 23-213 would not pitch the State into lawless chaos, or disease plague.

Thus, I request that you withdraw support for and oppose this a grievous government policy over-reach, and, if there is an **identifiable need** for statewide affordable housing, employ **capacity**

building or (\$15,000.000 would build lots of housing) **innovative grants**, or **incentives** legislation
- rather than such draconian mandates as in SB 23-213.

Sincerely,

M. L. Johnson, Ed.D., Ph.D. *Fellow*

Bighorn Center for Public Policy

CC: Senator Moreno and Representatives Jodel and Woodrow, and other interested parties

**Testimony of Alex Horowitz
Director, Housing Policy Initiative
The Pew Charitable Trusts**

**Senate Committee on Local Government & Housing
April 6, 2023**

Thank you Chair Jaquez Lewis, Vice Chair Exum, and members of the Committee for the opportunity to testify today. My name is Alex Horowitz, and I am a director on the Housing Policy Initiative at The Pew Charitable Trusts. Pew is a non-partisan, non-profit organization that conducts research in the public interest and contributes new evidence to inform public policy debates. My testimony today complements a slide deck I have submitted for the record which summarizes available evidence and relevant findings.

Data shows there is a housing [shortage in Colorado](#). Over the past decade, the state's housing stock increased just 12.6% [while](#) the population grew 14.8%. When housing fails to keep up with [job growth](#) or [population](#) growth, [rents increase](#). Colorado rental vacancies [fell 10%](#) from 2017 to 2023, and for-sale inventory fell between [8% and 35%](#) in the state's three largest regions from January 2019 to January 2023.

When states and localities consider zoning reform, questions often arise about whether allowing more and lower-cost housing will in fact improve affordability. To answer this question empirically, Pew used [Apartment List data](#) to calculate rent growth in Colorado jurisdictions and compare it to jurisdictions elsewhere that have implemented effective zoning reforms to allow more housing.

During the past six years, rents have risen [31% in Colorado overall](#), and growth has been faster in some areas: 53% in Castle Rock, 47% in Colorado Springs, 42% in Loveland, 37% in Fort Collins; and 36% in Aurora. Over the same period, communities that reformed their zoning saw rents rise much more slowly or not at all. By permitting missing-middle housing and accessory dwelling units; allowing apartments on commercial corridors or near transit; and reducing parking requirements, places like [New Rochelle](#), New York, saw rents grow just 5%. In [Portland](#), Oregon, rents grew 2%; in [Tysons](#), Virginia, rents grew just 1%; and in [Minneapolis](#), Minnesota, rents grew 0%. Even though they all [added households](#), their zoning updates enabled enough housing to absorb that growth. These results show the likely impact of updating zoning, via the sorts of changes envisioned in this bill, would be Colorado renters saving thousands of dollars each year.

Because housing costs are the [strongest](#) driver of homelessness levels, allowing enough housing can keep rents in check and help stem homelessness simultaneously. Jurisdictions that have [kept](#) their housing costs low have also kept their [homelessness](#) levels low. For example, Pittsburgh's [homelessness](#) levels are three times lower than Denver's, and Houston's are four times lower. Research [shows](#) rent growth [strongly](#) predicts growth in homelessness levels. While modernizing zoning would be likely to sharply slow rent growth, Pew's research shows it would likely cut homelessness too.

Thank you again for this opportunity to testify. I am happy to answer any questions.

Good afternoon, Mr. Chairman and committee members. My name is Dan Jablan, and I am here representing Pikes Peak Area Council of Governments.

The Pike Peak Area Council of Governments, as the federally designated Metropolitan Planning Organization (MPO) for the Pikes Peak Urbanized Area, would like to formally state our opposition to SB23-213.

As the MPO we have concerns that the transportation related provisions of the bill contained on page 104 that amends Section 18.

“ANY REGIONAL TRANSPORTATION PLAN THAT IS CREATED OR UPDATED MUST ADDRESS AND ENSURE CONSISTENCY WITH STATE STRATEGIC GROWTH OBJECTIVES AS DETERMINED IN SECTION 29-33-107.”

Without knowing what these objectives are, we are concerned that the ability to withhold a region’s federal transportation funding to force compliance on objective that are unknown. Given that these strategic growth objectives may closely align with the GHG rules that an MPO must already comply with, we feel this this section may be unnecessary or the prelude to a reduction of local control on regional planning activities.

Thank you for your time today.



Re: Changing testimony type to remote for SB23-213Ryan Bonick to: LCS Committees
04/06/2023 01:57 PM

Thank you for the understanding. Here is my written testimony:

My name is Ryan Bonick, and I'm a renter living in Boulder, Colorado.

Over the last five years, I've watched my rent climb year over year, higher and higher, due to a Boulder residential growth cap created in the 1970s that does not allow enough housing to be built to meet housing demand.

While I am thankfully financially stable enough to afford these increases, many of my friends that I have made here are not. I have had to watch many of them make sacrifices like living with 4 other roommates, a housing arrangement that is illegal in Boulder. Others move out of Boulder for more affordable housing in surrounding towns like Louisville, Longmont, and Superior, and commute to Boulder daily. And still others (and this bucket is always sadly growing) decide that they simply can't afford to live here, and move away to other states entirely.

These people, my friends, are not trust fund kids, or tech entrepreneurs. They're service workers, a group we claimed to value as "essential" during the COVID pandemic. Essential, and yet we're fine with housing costs grinding them down and spitting them out until they leave, because they didn't happen to move here when costs were cheaper, before the cloying anti-growth policies of Boulder squeezed the housing supply to skyrocketing new prices.

We're losing an entire generation of essential staff, of young people, and it's especially frustrating to see that the people who are able to be most outspoken on housing issues, whether in support or opposition to changes in housing, are people with more stable housing already: rich, either retired or in a flexible job position where they can take an entire day off mid-week to come testify. We're not hearing from my friends, because they're too busy working, trying to make ends meet.

Boulder isn't unique in this housing problem, either. It may be the vanguard, a sign of what's to come, but most other municipalities share similar growth constraints like low density zoning. City governments have not successfully coped with the influx of new residents, and so it falls on the state to help ease the pressure.

This land use bill would give Boulder and other cities room to breathe, to actually grow to accommodate all the workers who support it and keep it healthy. The denser housing this would create would enable a stronger public transit network, providing people with alternatives to cars in an era of overt climate change impacts like wildfires. Please help Boulder help Boulder, by passing this land use reform bill.

Thank you,
Ryan Bonick

On Thu, Apr 6, 2023 at 11:42 AM LCS Committees <committees.lcs.ga@coleg.gov> wrote:

Hi Ryan -

I apologize for this, but sign up for remote testimony closes when the bill hearing starts. If you are unable to stay, you can send me written testimony and I'm happy to share that with the committee and include it with the committee record.

Thank you,
Elizabeth Burger
Legislative Council Staff

From: "Ryan Bonick" <ryan.bonick@gmail.com>
To: committees.lcs.ga@coleg.gov
Date: 04/06/2023 11:26 AM
Subject: Changing testimony type to remote for SB23-213

Hi,

I had previously registered to testify on SB23-213 (Land Use Bill) in person, but with the delays on public hearing will not be able to attend in person. Is it possible to switch my testimony to being remote?

Thank you,
Ryan Bonick

The Colorado General Assembly has moved to a new email domain. Please replace @state.co.us with @coleg.gov in your address book.

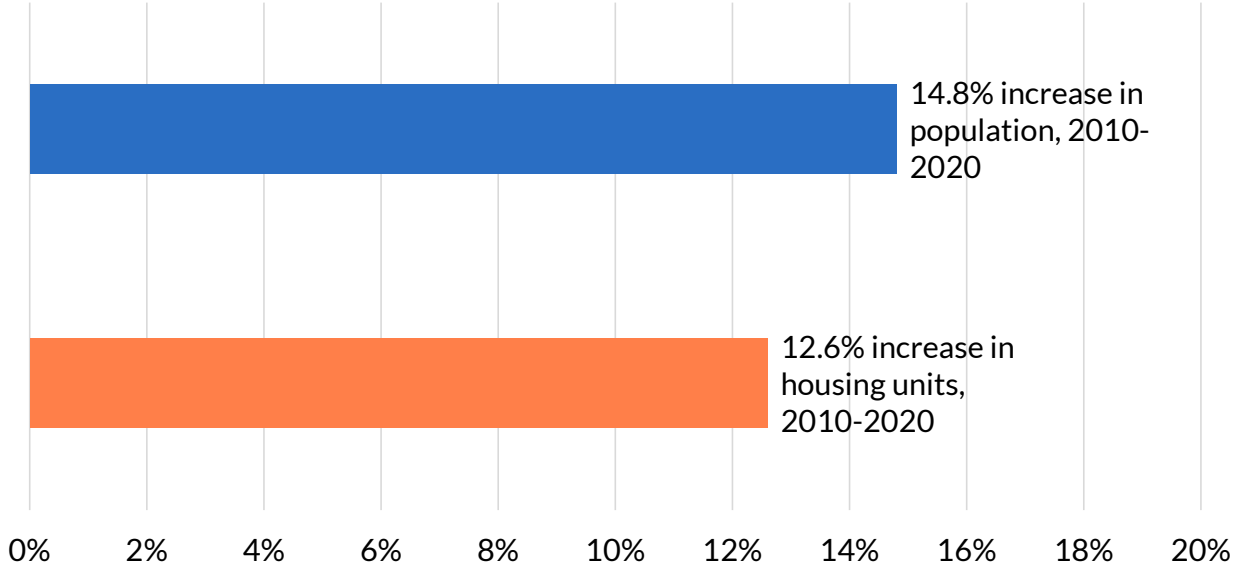
Impacts of Colorado's Housing Shortage:

Causes, Consequences, Consensus, and Lessons Learned

April 2023

Pew

Colorado Home Construction Lags Population Growth



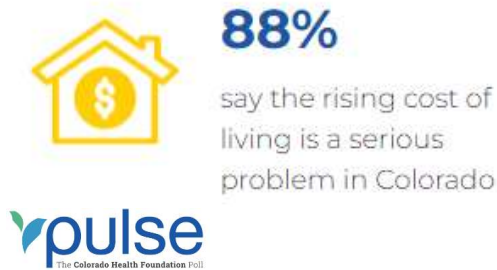
Source: U.S. Census Bureau.

Although Colorado’s population is growing, the state’s average household size reached an all-time low of 2.46 in 2021.

More people living in smaller households leads to a greater demand for new homes.

64% of U.S. households have 1 or 2 people; just 9% have 5 or more.

Coloradans Feel Consequences of Housing Shortage



EDUCATION

Erica Breunlin 3:25 AM MST on Dec 20, 2022

This Dillon teacher lives in a van — not for the “van life,” but because it’s her only affordable option

The Colorado Sun

Home prices may be falling in Denver, but costs are still shutting out many buyers

Sarah Mulholland

Feb. 04, 2023, 5:00 a.m.

Denverite

An ‘insane’ housing market is hitting military families hard when they have to move

American Homefront Project | By Eric Schmid
Published November 19, 2022 at 2:00 PM EST

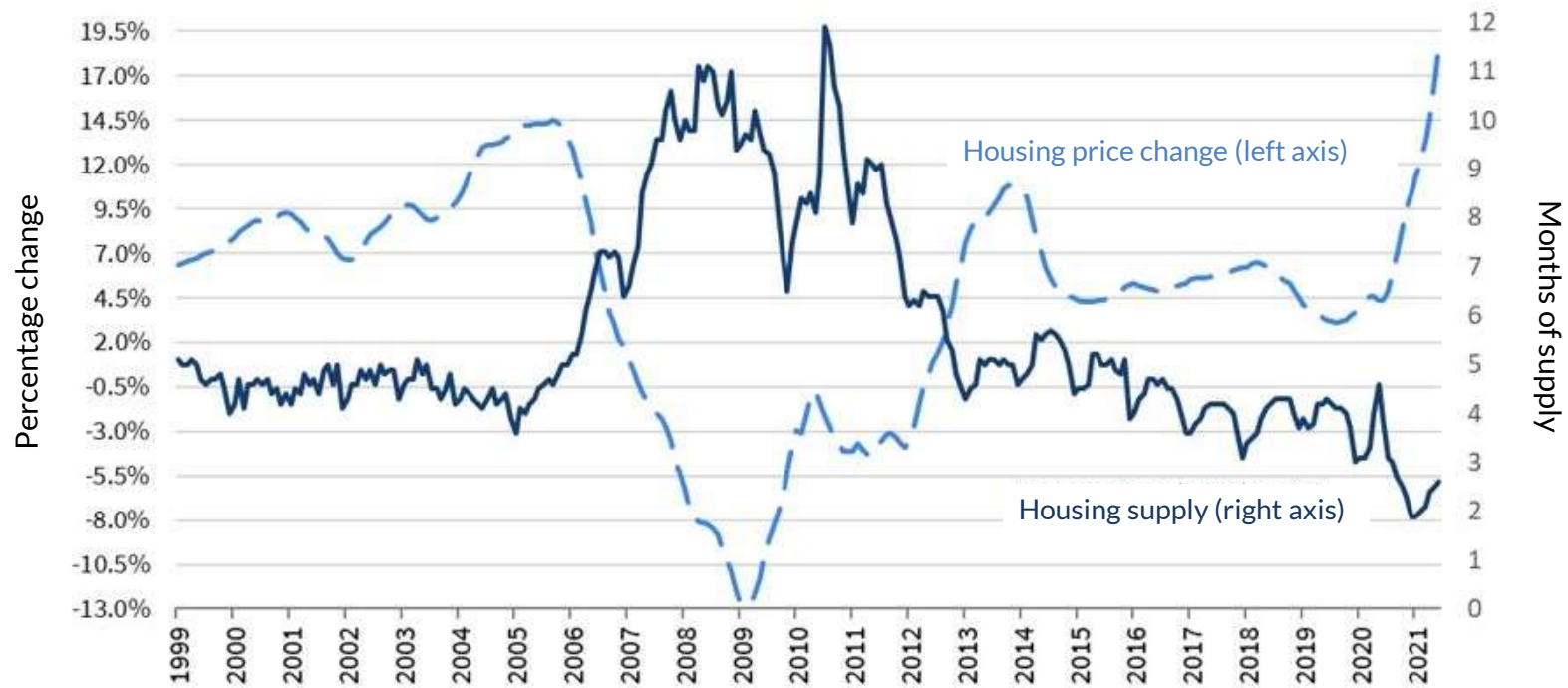
wustf
Public Media

In Vail, housing shortage threatens America’s ski wonderland

By EDDIE PELLIS November 14, 2022

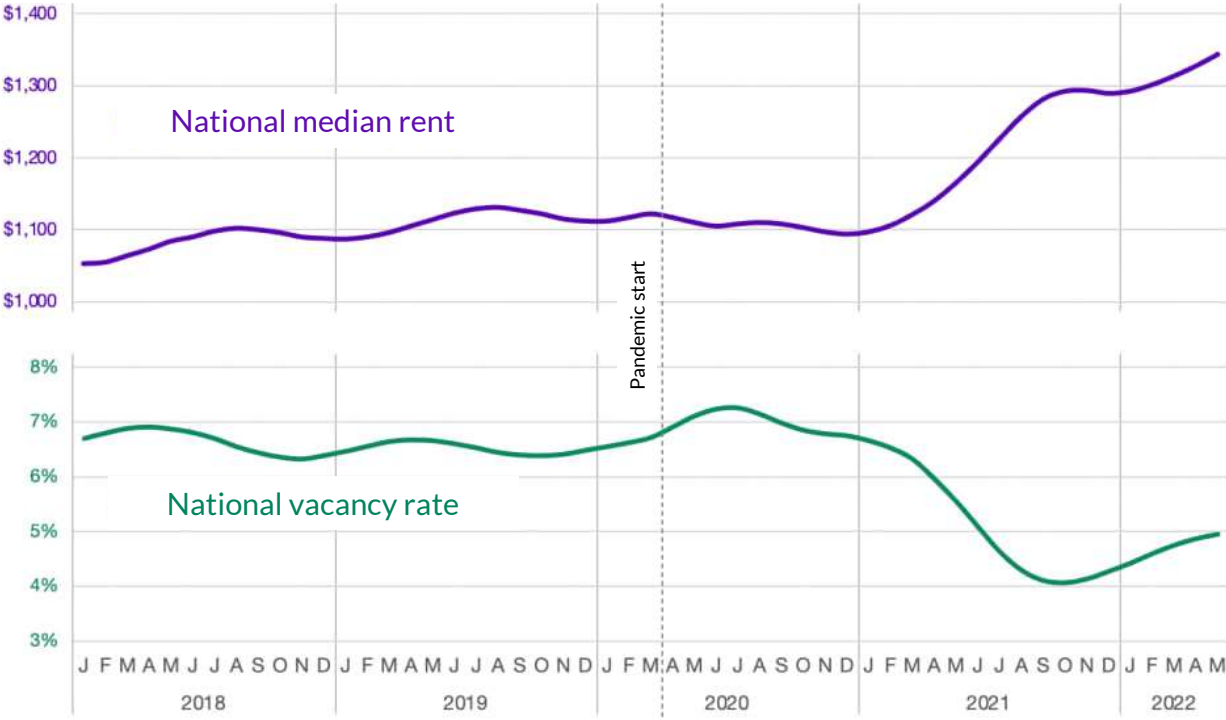
AP

Home Prices Spike With Fewer Homes on Market



Source: White House Council of Economic Advisors' analysis of Federal Reserve economic data and National Association of Realtors monthly supply data.

Rents Rise When Housing Availability Tightens



Source: Apartment List rent estimate and vacancy index data.

Real Estate Investment Prospectus

“We have selected markets that we believe will experience strong population, household formation, and employment growth, and exhibit constrained levels of new home construction. As a result, we believe our markets have and will continue to outperform the broader U.S. housing and rental market in rent growth and home price appreciation. ... We could also be adversely affected by overbuilding or high vacancy rates of homes in our markets, which could result in an excess supply of homes and reduce occupancy and rental rates. Continuing development of apartment buildings and condominium units in many of our markets will increase the supply of housing and exacerbate competition for residents.”

Source: Invitation Homes Inc. Prospectus, filed with U.S. Securities and Exchange Commission in 2017.

Low Vacancies Fuel Bidding Wars, Rental Scams

Bidding wars and price hikes: Are New York renting realities coming to Denver?

by **Amanda Horvath, Alexis Kikoen** • Published on August 29, 2022



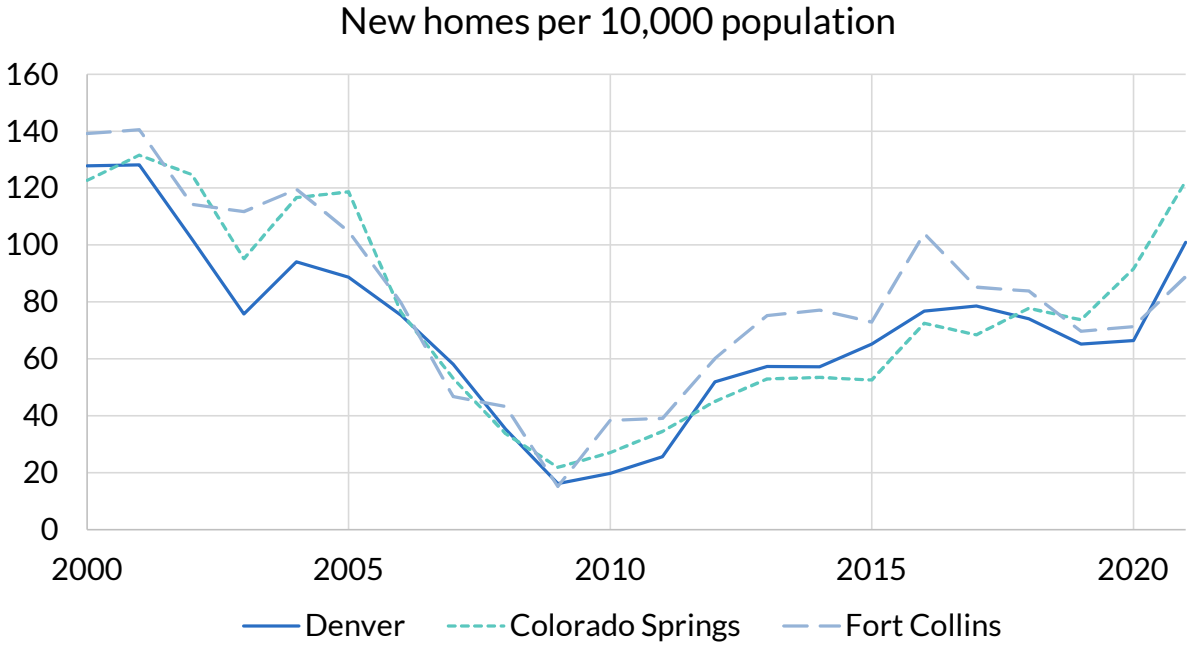
Rental scams are trickier than ever in Colorado's housing crunch



By Loretia Wimbley • Aug. 15, 2022, 4:00 am

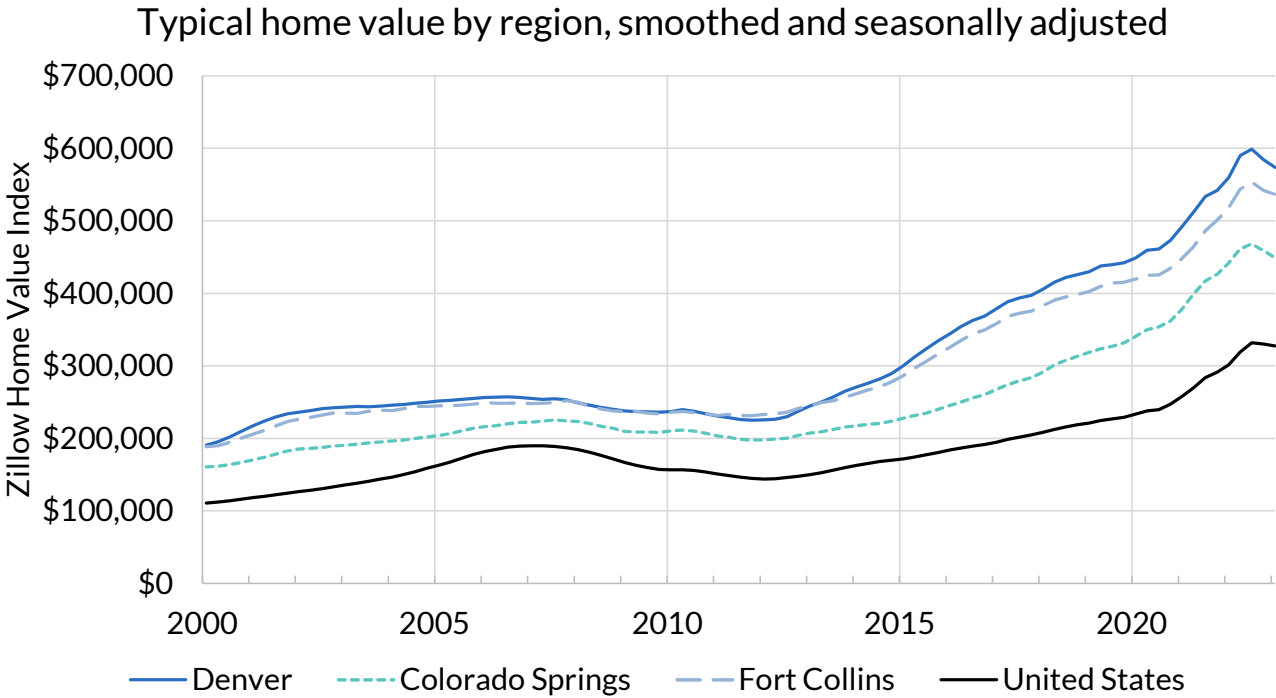
 **CPR News**

Colorado Home Construction Digging Out of Shortfall



Sources: Pew’s analysis of U.S. Department of Housing and Urban Development building permits data and Federal Reserve resident population data.

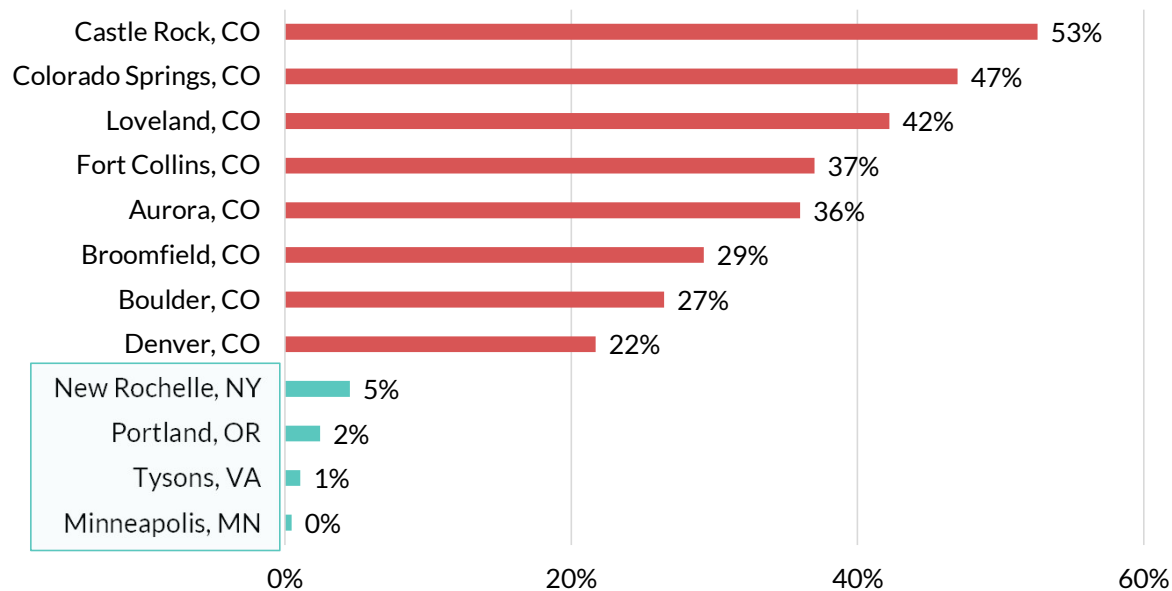
Colorado Home Price Growth Stems From Long Construction Shortfall



Source: Zillow.

Places With Updated Zoning Have Seen Slow Rent Growth

Percentage difference in median rent estimate, Jan. 2017-Jan. 2023



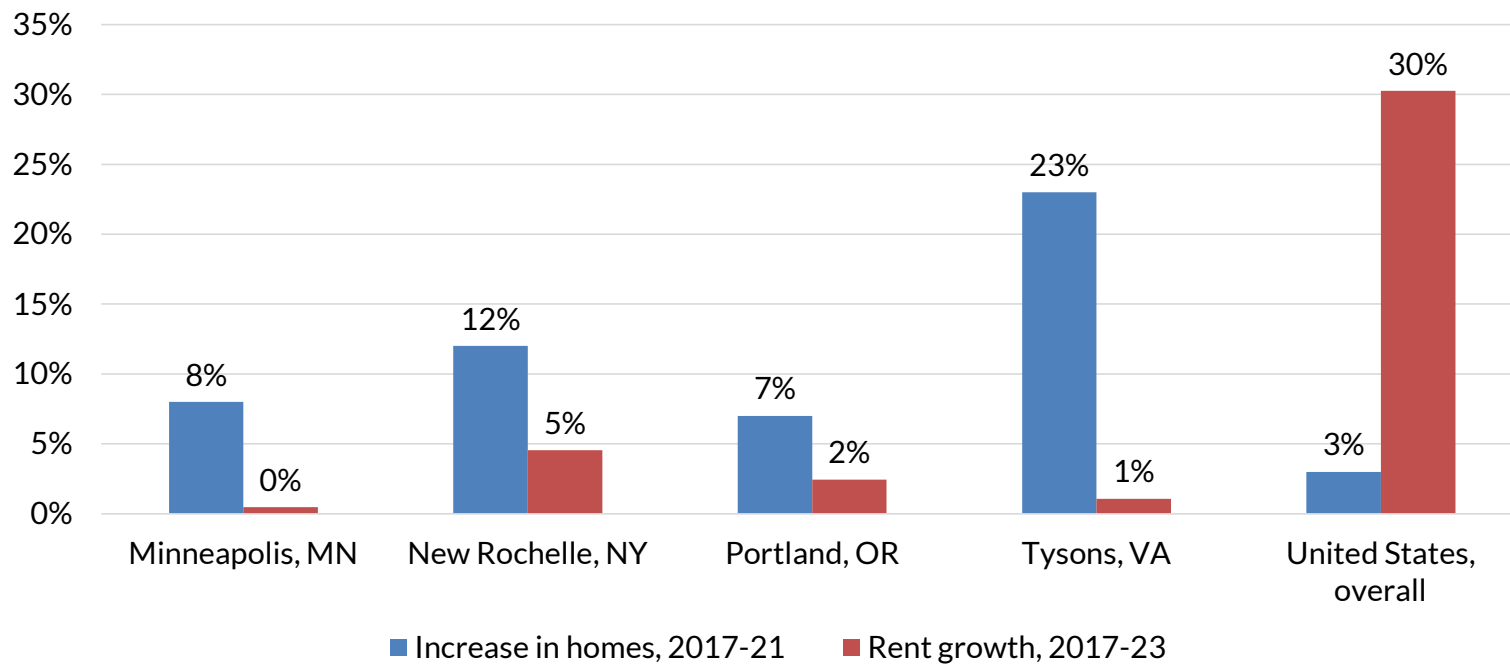
Minneapolis, New Rochelle, Portland, and Tysons updated their zoning to legalize a variety of housing types, ranging from apartments to accessory dwelling units to “missing middle” housing (duplexes, triplexes, and fourplexes).

In addition, they took steps that helped lower building costs, such as making it easier to get construction permits and reducing parking requirements.

Home construction in those four cities has increased and rent growth is low.

Source: Pew’s analysis of Apartment List rent estimate data.

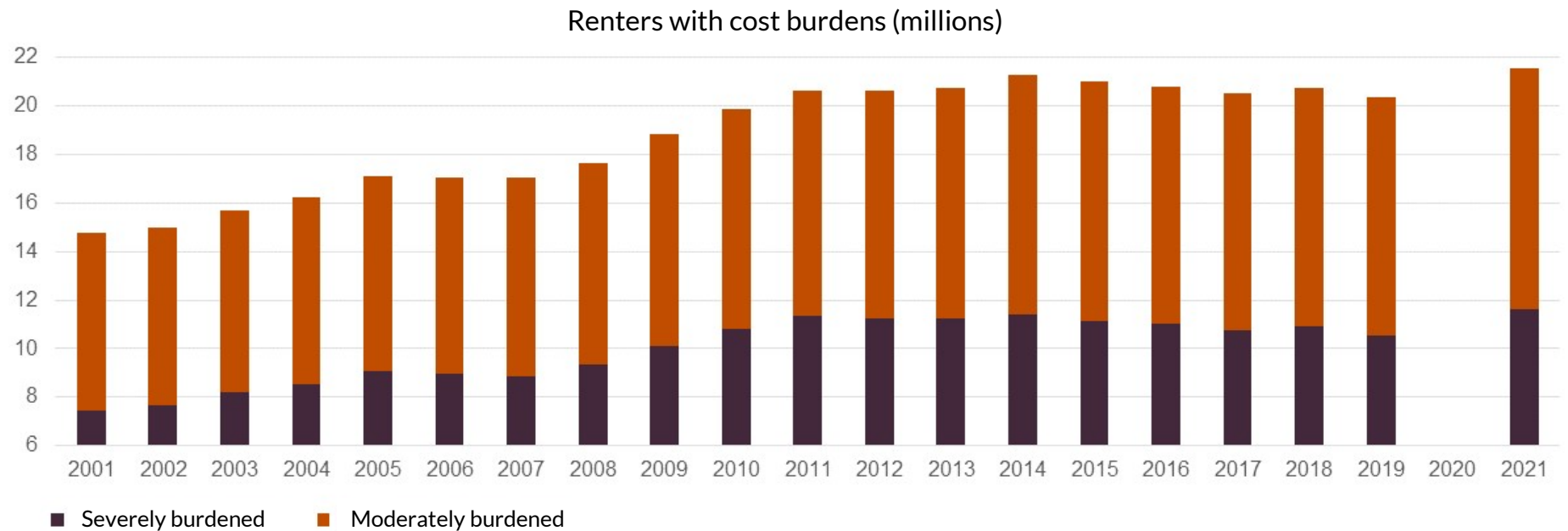
Rent Growth Low Where Housing Has Been Added



The four local jurisdictions also added proportionally more households than the U.S. overall from 2017-21, demonstrating rent growth stayed low despite high demand for homes.

Source: Pew's analysis of Apartment List rent estimate data (Jan. 2017-Jan. 2023) and U.S. Census data on housing units (2017-2021).

National Rent Burden at All-Time High



Notes: Cost-burdened (severely cost-burdened) households pay more than 30% (more than 50%) of their income on housing. Households with zero or negative income are assumed to have burdens, while households paying no cash rent are assumed to be without burdens. Data from 2020 is omitted due to data collection issues experienced during the COVID-19 pandemic, precluding comparisons with other years of data.

Source: Joint Center for Housing Studies of Harvard University's analysis of U.S. Census Bureau data.

Housing Costs Are Primary Driver of Homelessness Rate



Source: K. Moclair, "Being Poor Alone Does Not Make People Homeless. Being Poor Where Housing Is Unaffordable Makes People Homeless," *Brown Political Review* (December 28, 2021).

Large Cities That Allow Ample Housing Construction Have Kept Rents Affordable

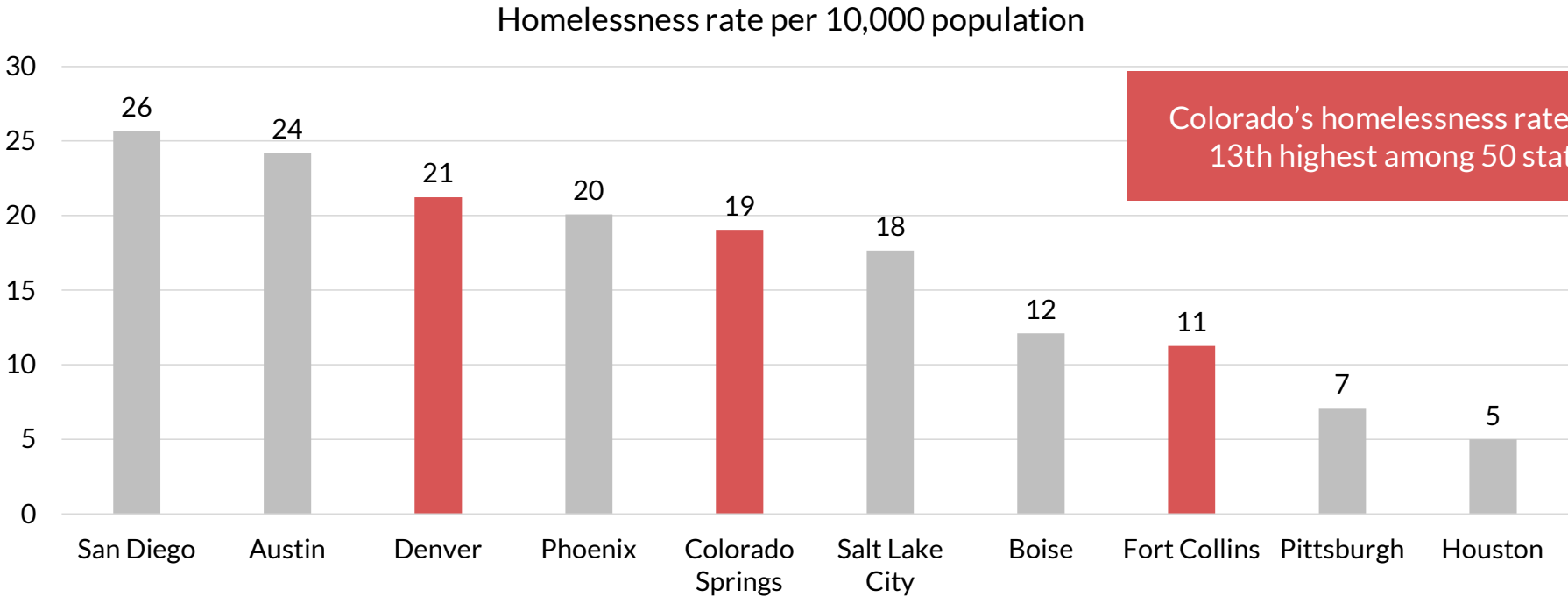


Houston, TX



Tokyo

Allowing Enough Housing Reduces Homelessness



Colorado's homelessness rate ranks 13th highest among 50 states.

Sources: Pew's analysis of U.S. Department of Housing and Urban Development Point-in-Time Count data from 2022 and U.S. Census Bureau population data from 2021.

Research Consensus: Exclusionary Land-Use Regulations Decrease Housing Affordability, Reduce Growth

In jurisdictions that heavily restrict their housing supply, there are ...

- Apartment bans.
- Single-unit-per-lot limits.
- Strict parking and floor-area requirements.
- Large minimum-lot sizes.
- Long, conditional permitting processes.



Fewer homes are built.



Housing costs are higher.



Economic growth is slower.

Sources: Gyourko et. al (2019); Glaeser and Gyourko (2018); Hsieh and Moretti (2019); Zabel and Dalton (2011); Gabbe and Pierce (2016).

Lessons Learned

Apartments Produce the Most Housing Quickly: Allowing apartment buildings near transit stops and commercial corridors increases housing production and slows nearby rent growth.

Gentle Density/Missing Middle Solutions Take Time: Uptake on lot splits and construction of duplexes, triplexes, and fourplexes is slow but incrementally adds to the housing stock over time.

Success Depends on Streamlining and Strong Compliance Mechanisms: Laws without streamlining of approvals or strong mechanisms to ensure compliance have usually not achieved their goals. Laws creating by-right (not discretionary) approvals and those with a strong compliance mechanism have been more successful.

Natural Affordability Is Essential: Most low and moderate-income households live in market-rate (unsubsidized) housing. The foremost determinant of housing affordability is whether there is enough housing for all or if there is too much competition for each home, which empowers landlords and raises rents. Places that have allowed enough housing to meet demand have contained housing costs; those that haven't have seen costs rise rapidly. In all markets, the poorest households still need assistance.

Planning Efforts in Several States Combined Sufficient Targets With Strong Compliance Mechanisms

Assess state housing needs and allocate local production targets.

Robust but fair goals ensure that all areas contribute their share toward meeting needs and expanding opportunity.

- California has updated its housing allocation calculations to set higher goals and ensure that all areas participate fairly.

Review and approve compliant local plans and track progress.

Requiring local plans to identify sufficient zones where new development is both feasible and likely gives builders enough options to meet needs.

- New Hampshire and California require jurisdictions to be realistic about zoning for new homes.
- Utah offers a menu of local policy options for jurisdictions to encourage home building.

Reject noncompliant plans and unlock other options to meet needs.

Needs can still be met in noncompliant areas if states provide temporary solutions until local plans comply.

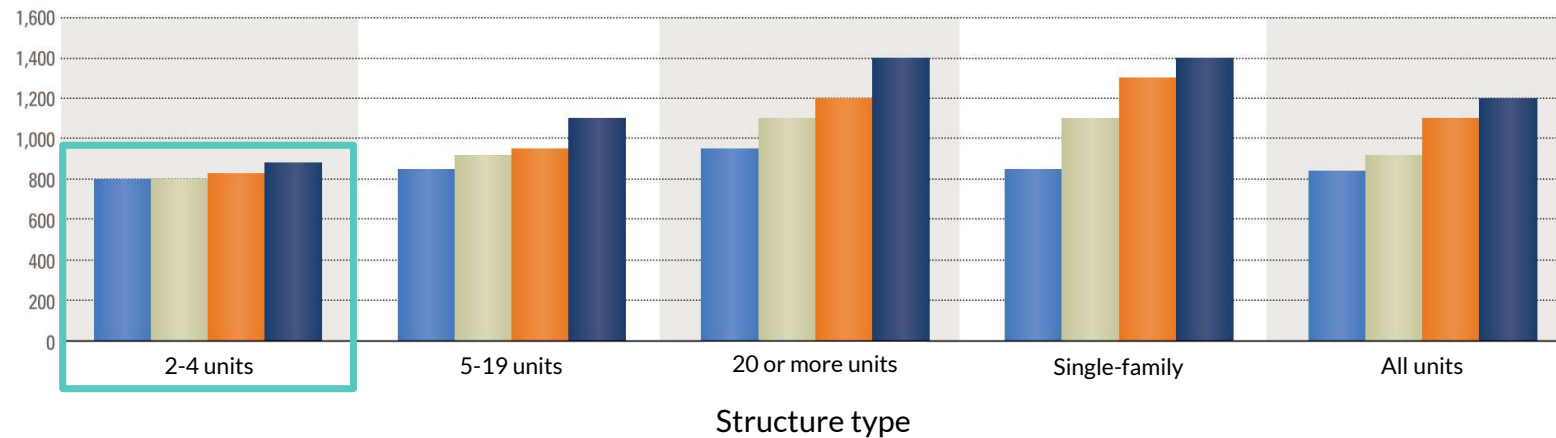
- Massachusetts and California require permits to be issued and allow new mixed-income development in noncompliant areas.
- Utah penalizes noncompliance by reducing transportation funding.

Missing Middle Housing Is Naturally More Affordable, but Home Production Is Slow and Requires Other Changes to Work

Minneapolis legalized duplexes and triplexes in 2018, but these homes only made up about 1% of new homes permitted from 2020-22.

California legalized duplexes and, via lot splits, fourplexes beginning in 2022, but very few of these homes were approved in 2022 under the new law.

Median contract rent (dollars)



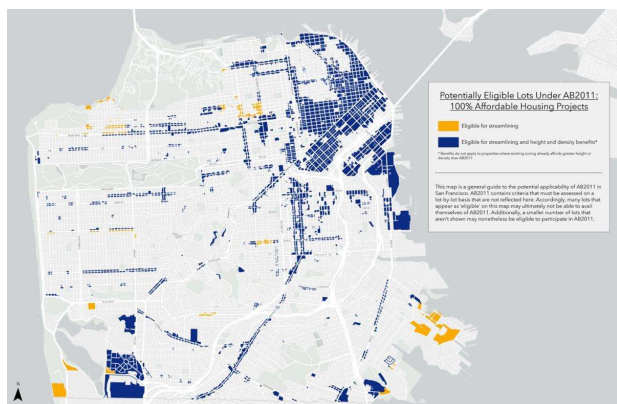
Year built: Before 1990 (blue), 1990-1999 (green), 2000-2009 (orange), 2010-2018 (dark blue)

Notes: Rental units may be occupied, vacant for rent, or rented but unoccupied. Contract rent excludes utilities paid separately.

Source: Joint Center for Housing Studies of Harvard University's analysis of U.S. Census Bureau data.

Sources: J. Fox, "What Happened When Minneapolis Ended Single-Family Zoning" *Bloomberg Opinion* (August 20, 2022); Turner Center for Housing Innovation, 2023.

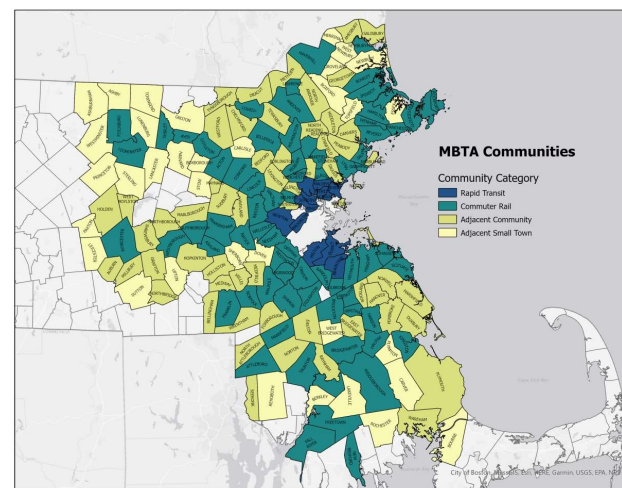
Allowing More Housing Near Transit and Commerce Can Yield More Homes Quickly



Source: San Francisco Planning Department.

California legalized affordable and mixed-income housing, including mid-rise apartments, on commercial lots. Researchers found that up to 14% of new housing was in commercial zones before the 2022 law, but zoning barriers limited more building. Early estimates indicate that this law could produce far more housing than missing middle bills.

Source: Turner Center for Housing Innovation, 2021.



Source: Massachusetts Executive Office of Housing and Economic Development.

Massachusetts has set minimum zoning capacities for multifamily housing since 2022, based on a community's proximity to rapid transit and commuter rail stations.

ADUs Are Naturally Affordable and Have Required Comprehensive, Permissive Laws to Reach Scale

Location on already developed lots, smaller sizes, and fewer amenities mean affordable dwelling units (ADUs) often rent for less than other newly built homes.



With preapproved designs and vendors, ADU permitting takes ...

- 1 day in Los Angeles.
- 1 hour in San Jose.

Without subsidies, about 1 in 3 ADUs ...

- Are affordable to those making $\leq 80\%$ area median income (AMI) in 5 high-cost California counties.
- House residents making $\leq 70\%$ AMI in Vancouver, British Columbia.

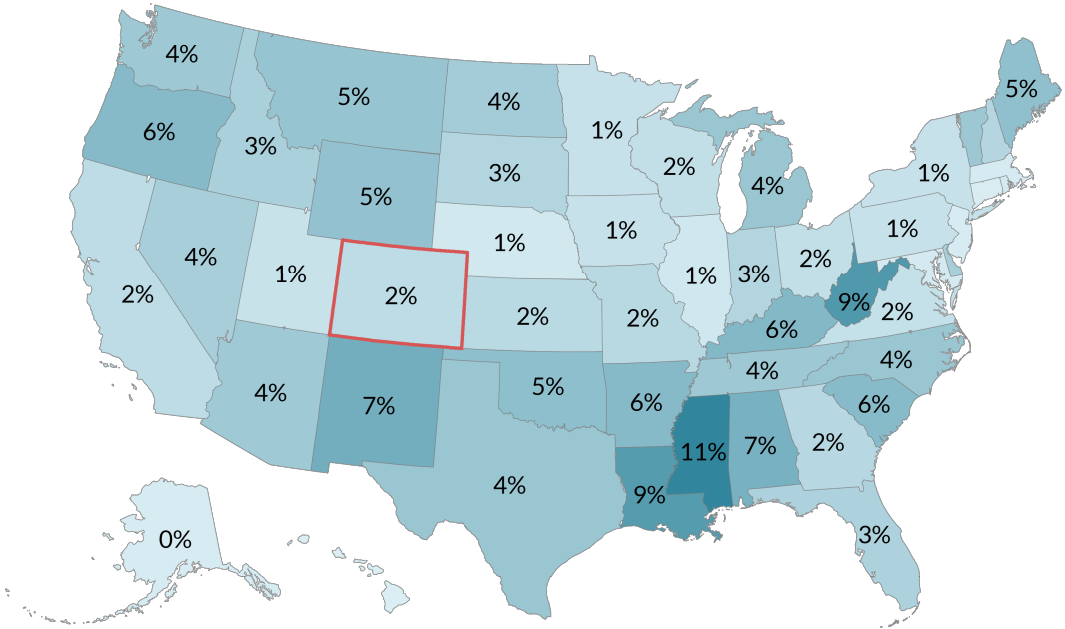
Sources: UC Berkeley Center for Community Innovation, 2021; AARP, 2021.

Manufactured Homes Can Be an Affordable Housing Option

- Cost half as much per square foot as site-built homes, on average, to buy, excluding land.
- Built off-site in a factory setting, compared with housing built on-site.
- Adhere to a national building code set by the U.S. Department of Housing and Urban Development and updated periodically since 1976.
- Economically viable for builders and buyers as starter homes.

Manufactured Home Purchases Make Up Small Share in Colorado

Percentage of home purchase loans financing a manufactured home, 2019



Nationally, in 2019, 2% of home purchase loans were for manufactured homes.

Powered by Bing
© GeoNames, Microsoft, TomTom

Source: Consumer Financial Protection Bureau.

Unique Ownership and Financing Considerations

Real property

- Home and land are titled together.
- **Mortgage loan:** Home and land both serve as the collateral.
- 68% of Colorado's manufactured home loans were mortgages in 2019.

Personal property

- Home is titled separately from land.
- Land may be rented or owned independently of the home.
- **Personal property loan:** Only the home serves as the collateral.
- 32% of Colorado's manufactured home loans were personal property loans in 2019.

Source: Consumer Financial Protection Bureau

Majorities Support Housing Options

Washington residents, 2022

- 78% want more housing options for people in their community.
- 58% support missing middle housing in single-family zones if all zone standards are met.

United States residents, 2019

- 59% favor building more houses, condos, and apartments in their community.

New York state likely voters, 2023

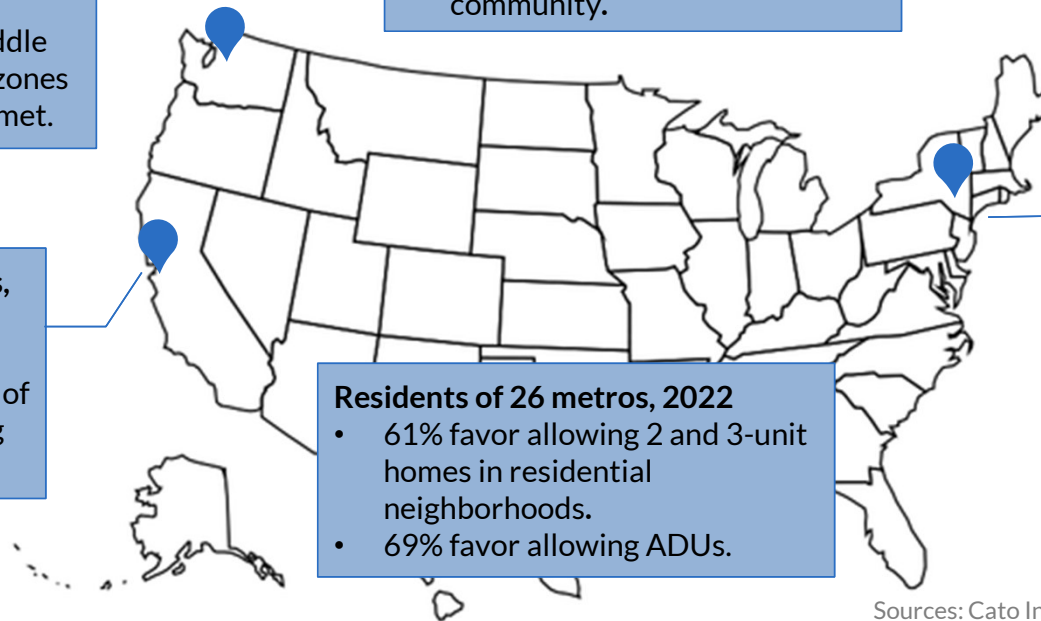
- 67% support transit-oriented development of housing near commuter rail stops.

Bay Area registered voters, 2022

- 52% favor building new housing to address lack of homes and high housing costs.

Residents of 26 metros, 2022

- 61% favor allowing 2 and 3-unit homes in residential neighborhoods.
- 69% favor allowing ADUs.



Sources: Cato Institute; Washington State Department of Commerce; Bay Area News Group; Data for Progress; Zillow.



[SB23-213 Land Use](#)

Senate Local Government and Housing Committee

Bill Sponsors: Sen Dominick Moreno, Rep Iman Jodeh, Rep Steven Woodrow

Comments by Susan Nedell, Mountain West Advocate for E2 - Environmental Entrepreneurs
April 6, 2023

My name is Susan Nedell. I am the Mountain West Advocate for E2 - Environmental Entrepreneurs. E2 is a national, nonpartisan group of business leaders who advocate for policies that are good for the economy and good for the environment. I am writing on behalf of E2 Colorado members and supporters in support of this bill.

Colorado needs state level action to create more diverse, affordable housing close to jobs, schools, grocery stores, parks, transit stations, etc. If we take bold steps in this direction and prioritize equity and affordability for people at all income levels, we can help lower housing costs, tackle climate change, and pave the way for equitable, thriving communities. This is also good for business, as we know finding affordable housing near a place of work is frequently nearly impossible. This bill could create more opportunities to live in the communities where people work.

We also request strengthening a few pieces of this bill, including adding resources for DOLA to make sure this policy can be implemented, add strong affordability and anti-gentrification language, and add more details to encourage infill versus building on undeveloped land.

E2's [2022 Clean Jobs Colorado factsheet](#) shows there are more than 61,000 full-time clean jobs in Colorado, thanks to thoughtful state climate policy leadership. Colorado's clean energy economy has proven to be a core part of the state's economy— It has been resilient and robust during the recovery from the pandemic.

This bill will support the transition to cleaner, healthier built environment, while providing good paying jobs in the clean economy. It will help to lower pollution and Greenhouse Gas emissions in Colorado.

On a personal note, as a Marshall Fire victim, I am eager to have my city of Louisville embrace this bill and build back more sustainably, both on land where houses and buildings were destroyed and also in the perfect transit corridor location along McCaslin and Hwy 36. We all need to do our part to transform suburbia into walkable, affordable communities.

I encourage all members of this committee to vote in favor of this forward-looking policy.

Steve Pomerance, Boulder CO; April 4,2023

stevepomerance@yahoo.com

Coloradoans do not want more growth:

What Colorado voters want should be a starting point for any housing legislation, and a critical factor in deciding what to do. Below is a link to a 2022 survey. It was done by Rasmussen Reports, a well-respected entity.

To summarize the survey results —

90% of Colorado voters want Colorado’s population to grow more slowly, stay about the same size, or become smaller.

Think about that for a moment.

Then ask yourself -- *Why promote a bill that would radically increase Colorado’s population, if that’s not what people want?*

Here is a link to the survey and a copy of a few of its most relevant paragraphs. The rest is also well worth reading.

Colorado Voters Worry State Becoming Too Crowded
rasmussenreports.com

POLITICS

Colorado Voters Worry State Becoming Too Crowded

Tuesday, August 02, 2022

“Rapid population growth has transformed Colorado, and most voters in the state say the change is for the worse.”

“A new telephone and online survey by Rasmussen Reports and NumbersUSA Education & Research Foundation finds that only seven percent (7%) of Colorado Likely Voters want the state’s population, which has doubled since 1980, to continue growing rapidly. **Thirty-one percent (31%) want Colorado’s population to grow more slowly, 27% want the population to stay about the same and 32% would like Colorado’s population to become smaller.**”

“Sixty-three percent (63%) of Colorado voters want state and local governments to restrict development to make it more difficult for people to move to Colorado from other states. And a majority (53%) want the federal government to reduce annual immigration from other countries to slow down Colorado's population growth.....”

“Sixty-one percent (61%) of Colorado voters believe the state has already developed too much. Only eight percent (8%) think Colorado has developed too little, while 31% say it has developed about as much as it should. **Majorities of every political category – 64% of Republicans, 57% of Democrats and 62% of voters not affiliated with either major party – believe Colorado has developed too much.**”
(end of quotes from report)

If we are going to be forced to accept more growth, ADUs alone could easily handle any reasonable growth rate, and do so within existing setbacks and height limits.

There is no need to allow multi-unit structures on single family lots.

And there is certainly no need to completely upset current zoning, by allowing building envelopes that are 125% bigger than current, or reducing setbacks to 5 feet maximum:

To put some numbers to what SB23-213 would do to Colorado’s population of around 5.8 million, here is the data and the calculations:

Colorado’s population has grown from 4,490,406 in 2002 to 5,839,926 in 2022, for an increase of 1,349,406, or 30.35%. That’s a compounded rate of growth of 1.32% per year over the last 20 years.

Colorado had around 1.80 million housing units in 2020. About 1.12 million are “1 unit, detached”, i.e. single family houses.

(This is from the [infoplease.com](https://www.infoplease.com/colorado-housing-statistics) Colorado Housing Statistics. Link below.)

SB23-213 defines most cities in Colorado as “Tier 1.”, Most of the people in Colorado live in the Tier 1 cities, and most of these SF units, probably around 1 million, are in those cities.

Under SB23-213, ADU’s and/or multiplexes up to 6 units could be built on each of those 1,000,000 lots in Tier 1 cities alone.

Assuming 2 new persons per additional ADU, the calculations are simple:

- **Even adding only 1 new ADU per SF unit in only Tier 1 cities would add 2 million people. That would increase Colorado's current 5.8 million population by 34%, a bit over a third.**

This gives a sense of the massive scale of such a change. It is huge!

To put it the context of growth rates, Colorado's natural growth rate (annual births over deaths) for the 2017-21 period (so mostly pre-Covid) averaged 20,732 per year, or around 0.36% population growth per year. $20,732/2 = 10,366$ ADUs.

- **So, to handle Colorado's current births-over-deaths growth rate, all that is needed is slightly more than 1 new ADU per 100 existing SF houses each year in the Tier 1 cities.**

If the past 20 years Colorado average growth rate of 1.32% per year were used as a guide, that would require housing for $0.0132 \times 5,839,926 = 77,087$ new people per year. Just using the full 1 million SF units in the Tier 1 cities, and allowing 2 persons per new unit, that many new people would require $77,087/2 = 38,543$ ADUs. So:

- **To handle Colorado's 20-year average growth rate would require less than 4 ADUs per 100 SF units per year, and only in Tier 1 cities.**

The conclusion is obvious: ***We clearly don't need ADU's and multiplexes on every lot, all at once, right now, which is what SB23-213 would authorize. In fact, we don't need multiplexes at all.***

The amount of growth being allowed by SB23-213 is WAY, WAY more than is needed for rational planning even if Coloradoans wanted it, which the Rasmussen survey data shows that they clearly do NOT.

**Urban Municipalities
Tier 1**

| | |
|--|---|
| Denver region: Arvada, Aurora, Boulder, Brighton, Broomfield, Castle Pines, Castle Rock, Centennial, Cherry Hills Village, Columbine Valley, Commerce City, Denver, Edgewater, Englewood, Erie, Federal Heights, Glendale, Golden, Greenwood Village, Lafayette, Lakewood, Littleton, Lochbuie, Lone Tree, Longmont, Louisville, Northglenn, Parker, Sheridan, | Superior, Thornton, Westminster, Wheat Ridge North Front Range: Greeley, Fort Collins, Loveland, Windsor Pikes Peak: Colorado Springs, Fountain Grand Valley: Grand Junction Pueblo Area: Pueblo |
|--|---|

<https://www.cpr.org/2023/03/22/gov-polis-housing-proposal-duplexes-townhomes-adus/>

The need to “catch up”:

As to the “catch-up”, the numbers being put forward are rather squishy projections, at best. (All they are is projections from the past into the future.)

Even assuming that there is a legitimate and significant need, there is a lot of housing currently being built currently in large projects completely unrelated to ADUs or redevelopment of SF lots.

And if demand were reduced by ending the subsidies to new job growth (both from the likes of OEDIT and from finally charging new job growth for its impacts, especially on the housing market), “catching up” would be not a serious issue.

SB23-213’s inclusion of a “safety clause” is an abuse of power.

The bill’s language includes the “safety clause”, which would have it go into effect immediately upon passage. And it would make illegal an attempt to implement a referendum so that Colorado voters could decide if they want this to become law.

There is nothing about this situation that came up suddenly, and any fixes it proposes could certainly wait until there is a vote on it by the citizens in November.

But with the “safety clause”, even that ability to have a citizens’ vote is taken away. That is absurd and a gratuitous insult for something this important.

(I’ve heard that the only reason this bill is on the table now, and was not tried last year, is because Polis just got elected to his second and final term, so he avoided the clear damage this would have done to his election chances if it had been introduced in 2022.)

SB23-213 is not based on any rational evaluation of whether all this growth would really be a benefit. There needs to be a serious study of the revenues versus the costs of more growth.

A detailed study, like the City of Boulder did 20 years ago (the “Jobs/Pop Study”) would show that **employment growth does not improve the financial situation of a city that already has enough jobs.** In fact, businesses just barely pay their way in terms of services, but their tax revenues do not pay for the added infrastructure and facilities needed to handle the increased demands that growth creates. The bill should include doing such a study for the Metro area, or state-wide, but it does not.

SB23-213 fails to include critical items that would actually help the housing situation. Here is a list of some critical ones:

Get Rid of Unneeded Tax Breaks:

The bill fails to remove the state’s incentives for more and more business growth in the Tier 1 cities, exactly where it claims that there is a “housing crisis.” So, the bill completely neglects the “demand” side. For example, **OEDIT spends the vast majority of its tax breaks trying to incent businesses to come to places (like Boulder County or the Denver Metro area) that are already overbuilt in terms of employment versus housing. This bill ought to forbid OEDIT from giving tax breaks, etc., in such areas.**

OEDIT should be forced to focus its financial clout ONLY in areas that are *losing needed jobs.*

Impose Jobs-Housing Linkage Fees:

One of the problems that can occur with job growth is that there is not enough housing for the workers that are coming to an area to fill those jobs. Many cities in California learned to require payment of **jobs-housing linkage fees -- fees that charge new business development for the cost of subsidizing the housing for workers that could not otherwise live there.** Boulder started down this track; but it has not raised its fees to where they are even close to adequate. **The bill should require adequate jobs-housing linkage fees so that job growth pays for the housing needs that it creates.**

Require Full-Cost Development Impact Fees:

New employment growth imposes heavy demands on transportation infrastructure, requiring expansion of roadways, transit improvements, etc., to avoid gridlock. Someone has to pay for this. **Impact fees are the most equitable solution, since they charge those that are creating the additional demand on infrastructure.**

Impact fees are also used to cover the cost of additional water supplies (*assuming that water is available, which is not always the case*) and facilities, like parks, rec centers, flood control structures, etc. But the bill fails to include even a mention of such fees, much less a requirement that they be implemented.

Charge for Parking and Pay People Not to Drive:

Another way to prevent traffic congestion from increasing and at the same time making commuting more affordable is **to charge for parking and then using the revenues to pay people to car-pool, van-pool, use the bus or train, bike to work, or work remotely.** There are companies set up to administer this, from license plate scanners to credit card charging/crediting. And, for example, DRCOG had (and may still have) a website that allowed commuters going from and to areas that are close geographically to connect. This is a very simple but very effective way to reduce commuting driving in areas where the jobs and/or population may be diffused over relatively large areas. And the more that is charged and credited, the more effect it has.

Implement Inclusionary Housing Policies:

One very useful tool to try to maintain some semblance of a balanced economic distribution among an area's population is **the use of "inclusionary housing" that requires that all new housing development have the appropriate fraction of its units as price- or rent-controlled at a level that avoids gentrification.**

Water and Flood Planning:

The bill's language assumes that a city can somehow obtain enough water for massive amounts of additional development, exactly when our water supplies are drying up. That is just not realistic! Development must be limited to the amount of water that is realistically available, both now and in the future, including possible cuts of Colorado River water to Front Range cities.

The bill completely ignores the effects of adding impervious surface (from the over-development of SF lots) in areas where flooding is already a serious life-safety threat. *This is a real issue for Boulder, but the current city council majority has completely ignored it.* The increase in impervious area through over-development of ADUs or multi-unit structures on SF lots must be taken into account.

Doing the Bill Correctly:

A good bill would require cities and counties to collaborate to come up with their own plans that would:

- **balance jobs and housing,**
- **protect the environment, natural areas, and air quality,**
- **be consistent with available water supplies and flood control needs,**
- **allow traffic to be properly managed without increasing congestion,**
- **not burden their citizens with unnecessary growth that they don't want,**
- **not damage their neighborhoods, parks, or open spaces, and**
- **not force existing residents to pay to solve problems they did not create.**

The process to come up with such a bill should be open and collaborative.

It does NOT work to do something this important in secret, and then dump it on the citizens.

The process MUST include people with varying perspectives. It MUST include people with a lot of experience in such matters. *Doing it in an echo chamber does not work.* And give the citizens a vote on the result!

Dear Committee,

I had planned to testify in person today but unfortunately had to leave to catch the bus before I was called.

Please support the passage of SB23-213. Our state can no longer afford to wait on individual cities to pull their weight when it comes to finding solutions to our housing shortage. They have been slow to adapt and, in some cases, actively oppose change by adopting growth limits.

With SB23-213, our cities can have a brighter future. Our communities are stronger when

- our workers are not forced to commute to serve a community that they are priced out of,
- they're stronger when our children can grow up and put down roots of their own,
- when our young adults can rent housing that still allows them to save for their futures,
- when our seniors can downsize – without losing their support networks they've built over time,
- when all of our residents have robust transportation options that do not perpetuate car dependency
- when we focus on infill rather than sprawl,
- and when we have a variety of housing types and price points to meet the many different needs of Coloradans.

To meet the needs of different economic groups, ages, and life phases, we need various housing solutions. We need co-housing and relaxed occupancy limits that allow pooling finances and alleviating loneliness. We need smaller, more affordable, easier-to-maintain homes such as ADUs, duplexes, quadplexes, and townhomes. We need housing that works for both renters and future homeowners. The combination of approaches in its entirety is what makes this bill so powerful because there is no silver bullet that can solve our state's housing, transportation, and climate goals on its own.

It is incredibly difficult to build community and resiliency when our neighbors are priced out every two years. I am in a fortunate position right now, but my circumstances—and those of any of our neighbors—could change due to an unexpected illness, job loss, or just simply as we age. I want to have the option to age in place eventually, and I hope that other community members can do so as well.

Unfortunately, our cities have failed to lead on their own because their policies are set by residents who are already housing secure. This is not an urgent task for them, because they do not face the same uncertainty. State action is required to move us forward, and I thank you for your work on this bill.

Thank you.

Rebekah Dumouchelle

Dear Committee Members

My name is Ed Schoenheit, I am an engineer, and a County level Land Use and Development Review Engineer and also board member of the largest true HOA in Colorado Springs with over 3000 single family homes built between 1999 and 2006. In this statement I provide critical engineer issues that this bill failed to address. I ask that you read to the end.

I am firmly opposed to SB23-213 Land Use bill by its Anti PUD and anti-HOA position and dismantling and doubling of single-family residential zoning density. This bill is very controlling from a state perspective and essentially nullifies and destroys local County control and master planning. This will lead to unconstrained growth and illegal subdivisions of property county wide thus leading to lost tax revenue. It's a sure way to overburden existing services and infrastructure to include roads, water and power systems and create increased fire risks. Owners in Black Forest are already screaming for the new development and subdivisions to stop before neighborhoods run out of water. As an engineer that does County level land use planning and engineer review for infrastructure on new developments, I know the issues well. We have near grid lock in areas of the Springs already. Everyone in the nation cannot move to Colorado. That's reality. Trying to control that housing market at the State level will result in the pitfalls and quagmires that have drowned California and New York.

El Paso County and the City of Colorado Springs already have a ADU ordinance both of which respect existing PUDs and HOA and the dilemmas and 2nd order negative effects they would be faced with if ADU were to become widespread through small lot suburban neighborhoods. Single family neighborhoods and lots were not meant to be multifamily. There is a limit on how much single-family suburban neighborhoods can handle and owners don't want to be crammed on top of each other.

It's wholly unjust to arbitrarily nullify ADU restrictions in planned development and HOAs that were not designed to accommodate such density.

The mandatory ADU 800 sqft size in the bill is larger than the backyard of the homes while permitting up to a narrow 5ft setback in rear yards. This essentially turns residential neighborhoods into multifamily and near third world living conditions. No engineering and land use planning was done to arrive at 800sqft or 5ft setback in the rear yard. (Normal setbacks are 15-20ft for smaller lots) That essentially dropping a 40ft mobile home in the backyard of a 5000-8000sqft lot. Those lots were not designed for such a structure. This puts residential lots at 80-90% coverage for impervious surface thus overwhelming the designed and installed drainage systems in the residential neighborhoods. End Result = localized lot and neighborhood flooding. I won't delve deep into fire risk for brevity, but super high-density neighbors burn as we clearly saw in the Marshall fire. We are just one windstorm and fatal mistake away. Piling more structures and homes into single family zoning is not the answer.

No accommodation for existing developments (PUD, HOAs etc.) for a grandfather clause was included in the bill as it should. It is unjust to try to solve the housing shortage off the backs of single-family homeowners. There are many bills this session that do just that.

I can understand many tenants of this Land Use bill but in many ways it railroads the County's local governance. The local governments best understand their Cities and Counties and how to increase affordable housing. A one size fits all approach is unsound and unreasonable.

It seems in many bills this session that all of Denver City and Denver County issues are becoming the basis for every new draft bill that are then mandated to the entire state in a draconian manner without due regard for local governance. Denver should not be controlling everything that goes on in the State at every level. That's what this bill does. I am very disappointed in the lack of input this bill had by the stakeholders. This bill needs many amendments before it can be considered. Task Force studies need to happen first before we dismantle zoning laws statewide and then deal with all the fallout.

The following are engineer and zoning/land use issues that were not considered or addressed in this bill:

From the engineer's perspective on ADUs.

Lot coverage is a critical aspect. The bill calls out **800sqft ADU (~40ft mobile home)** and make no small to medium lot allowance for size. ADUs max size must be related to the lot size. A 5500sqft lot can't have a 800sqft ADU in the rear yard. We can't have 80-90% coverage on a lot or will cause flooding and fire risk. We need a lot size to ADU size matrix. Lot width and rear setback is a huge driver and LIMFAC here.

Example these can maintain typical single family urban setback on lots typically 50-65ft wide.

5000-6000sqft lot max 300sqft ADU This is a 12x25 tiny home.

6000-8000sqft lot max 400sqft ADU

8000-10000sqft lot max 600sqft ADU

>10000sqft lot ADU limited to 800sqft unless they are on a 0.5ac lot or larger.

It also calls out a **5ft rear setback** for these super huge min size 800sqft ADU. Typical setbacks are 12-15-20'+ depending on lot size. Setbacks prevent encroachment and maintain single family lot configuration and living conditions.

Setbacks must be maintained. Not all lots can support an ADU. I have lots with a 12ft rear setback and no rear yard for the most part.

The minimum setback needs to be at least 10ft from all property lines. That is the lowest reasonable fire separation with fire resistant siding. Otherwise ADU will be placed in easements and clear space goes out the window. = third world living standards i.e shanty towns. This increases fire risk and raises insurance costs in the community.

ADUs can't be used for short-term rentals. <30 days. Defeats the whole purpose of creating affordable non transient housing. This bill turns single family into multifamily and duplex with no consideration to existing livening condition in which owners invested their life savings. This bill does address occupancy limits and nullifies local city and county codes.

Parking. For ADUs most cities have a requirement for parking space on the lot. That only works when the owner uses their garage for parking and not storage or living space. On lot parking needs to be

mandated with any ADU. Parking is already an issue in many communities where developers were permitted to build narrow roads limiting parking and also lots with narrow front lot lines.

If owners have already officially and legally converted their garage to living space, then ADU size needs to be reduced.

Owners should not be permitted to rent out rooms in the home and then rent out ADUs as well. Single family zones are not motels or APT complexes. This eviscerates zoning controls within single family zones.

HOA must have full control on design, appearance, and height of ADUs. Single story ADUs only would match existing HOA and PUD requirements for sheds and accessory structures. Otherwise the integrity of the community is severely impacted.

All changes to the primary residence that support the accommodation for a PUD would also need to fall under the PUD and HOA review process.

Lot coverage again for other accessory structures i.e., sheds and other buildings. Lots can't be 80-90% covered in buildings. If ADU goes other accessory structures must come down otherwise lots become heavily cluttered with combustibles.

Combined trash service with the primary unit. Otherwise, we end up with double service and an exponential increase in trash trucks damaging the already falling apart residential streets the City can't maintain now. The deterioration of local streets is a high owner's complaint.

Impact on PUD and HOA amenities and services. Right now, one property and home pays one assessment. Now we have double the number of homes and people and double the amount of traffic to common owner amenities.

Stormwater and drainage were not addressed with this bill. Subdivisions and lots were not master planned for this extremely high density.

Single billing for water and power to the property address. ADU owners pay for all necessary upgrades to the block transformers that are going to pull all this new power. No one is thinking about power grid issues which is why attached family suites are better.

Make existing home extension and accessory family suite (building addition) a review option with the HOA. Priority should be to expand and extend an existing home before building a complete and separate structure and ADU on the lot. It's also more cost effective.

Illegal subdivision of properties and loss of tax revenue. This already an issue now.

Please consider these critical issues with this draft bill.

Thank you

V/R

Edward B. Schoenheit

LTC, USA Ret.

Members of the Committee,

My name is Quinn Antus, and I'm the Executive Director of Signal Tech Coalition. We're a network of tech and finance leaders across the state who are passionate about the economic opportunities of our clean energy economy. We're here today in support of SB 213.

Colorado's economy is one of the strongest in the nation. According to US News and World Report, we're a leader in employment, business environment, and growth. And the backbone of our economy is our workforce. Yet, Colorado's economic achievements are only possible if we support and retain our workforce. The most basic of those workforce needs being housing.

This bill will strongly serve Colorado's business community by providing for the needs of its workforce. Having access to housing that is attainable and affordable is absolutely essential for a robust workforce. We have witnessed what has happened in California, where rising housing costs have priced out critical workers across many industries. Workers can't afford to live in the cities where they work, ultimately leading to great disruptions in how those cities operate. We need to prevent this in Colorado, where already we're seeing many workers move outside of our cities in search of lower housing costs. This bill has the power to provide more affordable options to workers, supporting Colorado's economy.

Further, this bill will increase overall worker satisfaction by creating more livable, walkable, affordable, and sustainable cities. This bill will reduce commute times, which have strong correlations with happiness and satisfaction rates. In fact, researchers in England discovered that adding an additional 20 minutes of commuting per day has the same negative effect on job satisfaction as receiving a 19% pay cut.¹ And Open Philanthropy found that, "More permissive policy could contribute to both affordable housing and the continued growth of centers of economic activity, allowing more people to access high-wage jobs."²

Finally, Colorado's businesses support sustainability, and the powerful climate impacts of SB 213 will help Colorado achieve its emissions reductions targets.

We urge you to vote yes in support of this bill.

Thank you for your time.

¹ <https://www.inc.com/business-insider/study-reveals-commute-time-impacts-job-satisfaction.html>

² <https://www.openphilanthropy.org/focus/land-use-reform/>

Madam Chair and members of the Senate Local Government and Housing Committee,

Thank you for the opportunity to provide testimony on SB 23-213. My name is Susan Wood and I am a planner providing testimony on behalf to the American Planning Association, Colorado Chapter, which is made up of 1500 private and public sector urban and rural planners statewide. As an organization, we provide education and are advocates for good planning and good planning practice in service to Colorado's communities and the people who live there.

With the changes we have seen in our State over past several decades, particularly in regard to population growth and a shrinking housing supply, as well as concern for depletion of resources such as water, we agree with the purpose and need of SB23-213 and applaud this effort to address issues and needs both for now and in the future.

While enabling statutes for planning are included in the Colorado Revised Statutes, there currently is not sufficient requirement to plan in conjunction with neighboring jurisdictions, or to practice regional planning. Similarly, the level of planning effort is inconsistent resulting in disconnected, rather than consistent, and more effective, planning efforts. This legislation offers measures to address these shortcomings.

While we agree with the overall approach of SB23-213, our official position is to Amend. The reason for this is the need to refine, explain, and provide in some cases additional detail for some aspects of the plan as they relate to the need for clarity in certain areas; the need to consider the variability of existing conditions and issues across Colorado; and to incorporate input received from those who will implement this legislation, if approved, into practice.

Areas of note include:

Regional planning

Regional planning is woven throughout this proposed legislation and we applaud this focus. We cannot accomplish effective and efficient planning both for today and for our future without taking a regional approach. Not only is it important for our communities to coordinate with their neighbors to achieve good planning, a regional approach is needed statewide to achieve statewide goals that are necessary to provide for the future and maintain our quality of life. There are a couple of areas that require clarity. These include:

- **Incorporating counties into the planning processes** described in the requirements of this bill is needed. As written, it is not clear, in some cases, that function in the same way as urban municipalities, along with the same needs and impacts, it is important to ensure that the counties are not left out. Regional planning means the inclusion of all jurisdictions of our state in this collective process.

This is important for many reasons and I will mention only that the requirements of this bill apply to counties. Since some of our counties have urbanized areas a couple:

- The wildland urban interface, or WUI, is spoken to in various parts of the bill. It is, as we know, a high-risk area for wildfire. Much of this area is found in the suburban and exurban

Susan A. Wood, FAICP
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- areas that lie in unincorporated county lands. Therefore, county lands must be included in this statewide planning approach.
- Urbanized counties have the same needs for affordable housing, missing middle housing, water planning, and more, as municipalities.

Consistency with existing provisions in the Colorado Revised Statutes is needed.

- Master plans are noted in the legislation and the location in the statutes is cited and this is good.
- However, we have tools today for regional planning, some required and some not, such as Intergovernmental Agreements (IGAs) and 3-mile plans. Cross-referencing these will not only strengthen the approach, it will link to current practice.

Again, thank you for the opportunity to provide testimony.

Susan A. Wood, FAICP

Past President and Former Legislative Committee Chair of the Colorado Chapter of the American Planning Association

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The Town of Lyons opposes this bill.

Lyons is a geographically constrained community of about 1.2 square miles and 2,000 people. We have a small sales and property tax base, a \$2M general fund, and only 18 staff. We lack any sort of robust public transit.

At end of this year, we anticipate we will reach 10 percent affordability through the application of ordinances, partnerships with the County and state, and blue-sky innovation.

For example, we approved a PUD in single family zoning and worked with a private entity to save a former nursing home turned small apartments from becoming two multimillion dollar single family homes, which would have displaced 10 families.

After passing our ADU ordinances years ago, we now have so many alley-facing ADUs that we are naming our alleys in order to facilitate public safety and package delivery.

We have received a grant to do a housing needs assessment.

We offer Lake Macintosh water shares—at a fraction of the cost of Colorado Big Thompson shares—for affordable housing.

We can and do waive tap fees, water dedication requirements, and other development-related fees for affordable housing development.

We have reduced the minimum lot size for single family zoning.

If this bill passes, we would lose control of the very guardrails we put in place to increase affordability for our residents.

We would no longer be able to require primary property owners to reside in their properties in order to build an ADU. That will likely turn Lyons into another high-rent resort town.

We would no longer be able to administer ADU design standards, which would be to the detriment of the funky character people love about Lyons...and I will tell you that not once has someone said they won't build an ADU because of our design standards.

As we work toward increasing density in town, we know that our infrastructure as-is will not be sufficient. We have aging stormwater and wastewater systems, crumbling residential streets, an electric system in need of upgrade and

undergrounding. All of our pipes and wires need significant work to support increased density, and we simply do not have the funding to support that.

We are working hard in collaboration with our Fire Protection District to help our residents harden their properties against wildfire. Five foot setbacks on all lots would make us even more of a tinderbox.

Finally, if Lyons were to be one of the only municipalities in Boulder County allowed to have single-family zoning, it would be absolutely disastrous for market rate affordability.

Please do not pass this bill out of committee.

Instead, bring it back to local municipalities to collaborate on one that will achieve this bill's laudable goals, and that will work for everyone.

Thank you for your time.

Thank you for the opportunity to enter a written comment on SB 23-213.

I agree that we are facing a crisis in attainable housing at an affordable price. I also agree with many of the points made in the bill about “middle housing” which needs to increase to move the needle on affordability and creating a “move up” market for home ownership. However, I do not think that a sweeping, top down zoning requirement, with little to no local control, is the appropriate avenue to the solution.

I am an elected City Council representative for the City of Wheat Ridge. We have made steps towards resolving our affordable housing crisis in our community. We have had an affordable housing study completed that has resulted in the adoption of an affordable housing plan, and have identified an ongoing financial resource to fund it. In our study we found that we have a lack of housing in the 80% or higher AMI, but a surplus in the 60% and lower. The issue with the 60% AMI and lower, is that the living conditions are undesirable, old and outdated, and lack amenities. Part of our plan is to work with private owners to update and upgrade the properties to make them more desirable, while also preserving them as affordable. SB 23-213 does not make accommodations for communities that are already doing the work that has been identified as specific to the actual community.

SB 23-213 also does not allow for balance of community character that is existing, a character that can change from block to block. We in Wheat Ridge have identified areas where density is appropriate sizing, such as our commercial corridors. Our commercial corridors are appropriate areas for right sizing multi-family density, and middle housing. As the bill stands now there is no guarantee that middle housing allowed and built in a patch work style in single detached community will actually be affordable. If there were a requirement that any middle housing built in a SF detached lot must be affordable then the outcome would match the desire of the bill. Also, there is only one reference to an actual AMI %, and that is in “Transit Oriented” section. Additionally it only references 80% AMI, there is no plan to address lower than 80% and no definition of AMI, which should not be based at a State level, rather a Local/Regional level. SB 23-213 speaks to extent about “middle housing” being a bridge for affordable home ownership, however it does nothing to extend legal protections to developers to encourage them to regain momentum in building condos. Condos were a starting block for home ownership, creating a move up market and a move down opportunity. With the lack of condos in our housing stock we have completely cut that building block out.

I would also like to point at that while the bill does address Short Term Rentals, in the sense that local governments can choose to regulate, it does not require regulation of STR's. An over saturation of STR's in any community can also negatively affect availability of homes and long term rentals on the market.

An example from my community of Wheat Ridge, in which we found we had a concentration of STR's in one district, and that many of them were owned by corporations such as Expedia. With the knowledge that over saturation of STR's, primarily owned by out of state or corporate interests contribute to the lack of affordable housing, we decided to address it within our STR regulations.

We limited the number of STR's any person or corporation could own, and put a 2% cap on allowed licenses. In my opinion a lack of STR regulations is not compatible with the issues SB 23-213 is trying to solve, and should also be addressed.

I appreciate your time and consideration, Janece Hoppe 720-838-5580

April 6, 2023

Sear Senator Moreno and members of the Senate Local Government and Housing Committee,

I have followed the propose SB 23-213 land use regulation bill introduced by Governor Polis. I strongly encourage the committee to kill this proposed legislation in total. It is much too long and detailed for small amendments and changes and should be killed entirely. My reasons for opposing this bill are:

1. It **preempts local control** of land use planning, regulation, and zoning and conflicts with the regulatory authority of home rule cities, including my city of Fort Collins. Local governments closest to the people should continue to have this authority.
2. It is a **failed supply-side, trickle-down economic approach** to adding truly affordable housing. The deregulation of zoning is intended to encourage the private sector to build more affordable housing. The market hasn't built it and there is no It that shows this approach will result in affordable housing.
3. It will **increase the displacement of lower income renters** as older housing stock is demolished for construction of new, more expensive housing. In my Old Town neighborhood, we have seen about 75 houses demolished over the past 6 years. The houses were predominantly 900-1200 square feet rentals and "starter homes". They were purchased for \$400,000 -\$500,000 and replace by 3500 square foot high end homes. Where did the prior tenants go?
4. It will **devalue property values** in existing neighborhoods. Demolishing an existing house in a single family neighborhood to make way for a 35', 3-story 6 unit apartment building will cause the property values of surrounding single family homes to decline, if they want to keep them as single family homes.
5. It **won't reduce the demands for parking** as claimed. Our community and others in the Tier 1 category have very limited transit. Removing parking requirements will only put more out to park along streets and won't increase ridership. Most of Fort Collins bus routes have 60-minute headways which means if you miss the bus, you have to wait an hour for another. This is why people don't ride it.
6. Finally, the majority of your constituents don't want their single family zoning changed. The Fort Collins City Council adopted a land use code with similar upzoning in November 2022. Within a week, a protest had been filed and withing 19 days in the cold, dark, holiday season of December, residents gathered over 7400 signatures from all over the city to successfully repeal the ordinance. Signatures came from renters, owners, residents of small and large homes, Democrats and Republicans. It was an issue that brought us all together.

Below are the concerns expressed by the group Colorado Communities For Climate Action in their meeting on March 11, 2023. These provide additional reasons to kill this bill.

1. Housing Affordability and Displacement

- a) Affordability – the risk of densification without ensuring permanent affordability.
- b) Discriminatory Housing Practices – the risk that some of these policies could amplify the consequences of past redlining and other discriminatory housing practices.
- c) Displacement – the risk of losing existing building stock in favor of scrapes and higher density replacements, displacing existing residents.

2. Capacity

- a) Electric Utility Capacity – the risks to local communities associated with being forced to approve projects even if the electric grid capacity is inadequate.
- b) Water Supply/Capacity – the risks to local communities associated with being forced to approve projects for which adequate water is unavailable.
- c) Other Infrastructure/Services – the risks to local communities associated with being forced to approve projects even if the community lacks services capacity (e.g., fire, roadways).
- d) Transit Funding – the risk of densification without adequate transit funding investments and/or without regional equity with those investments.
- e) Staff Capacity – the risk that dramatic increases in development demand will exceed local staff capacity.

3. Community Design, Sense of Place, and Quality of Life

- a) Sprawl – the risks that the new policies will inadvertently incentivize more (and more intensive) greenfield development and the loss of open space.
- b) Local Design Goals – the risks that local design goals and values (e.g., park dedication requirements, historic preservation, community character, walkability, bikeability) will be undermined.
- c) Health Risks – air quality risks like those associated with densification near high-volume roadways.
- d) Brownfield Development – the risks of inducing or forcing development on brownfield land without consideration of local brownfield remediation plans.

4. Undercutting Local Sustainability Provisions

- a) Energy Use – the risk of densification without other key elements required for sustainable communities (e.g., energy use/efficiency, advanced building codes).
- b) Development – the risk of undercutting local governments' ability to make development pay its own way through tap fees, development fees, and other mechanisms.

5. Additional Concerns

- a) Ecosystem Health – the risks to local communities' ability to manage stormwater and to protect hydrology, wildlife habitat, and other ecological values and functions.
- b) Preventing More Assertive Action – the risk that state legislation will prevent local governments from acting more assertively and securing voluntary commitments from developers to promote densification, reduce VMT, reduce GHG emissions, and promote sustainability.

Please KILL this bill – it's not right for Colorado.

Gina C. Janett
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I am a teacher, and have been for 12 years. I spent 10 of those years in Denver Public Schools and am currently in Adams 12 5 Star district. I have spent the majority of that time teaching in low income areas but currently work in a middle income area. We are currently suffering from two calamities in education. The first is the teacher shortage due to low pay and poor working conditions. The second is a diminishing population of students. Housing plays a role in both problems.

We have a serious teacher shortage. I own a house. I have made money off of the housing inflation. I was able to do that because of money that my wealthy family gave me. Many of my colleagues are not so lucky. Every year we lose teachers and one of the primary drivers of that attrition is that even those who want to stay cannot afford to live near the schools in which they'd like to work. There is no dense population area in Colorado with housing that teachers can afford with the pay they have, and I personally watch good teachers leave every year for that reason. I currently work with one of the most competent elementary special education teachers I have ever known and she openly says that if she doesn't stay it will be because she will never be able to save money and will never be able to afford a house. Her apartment takes the lion's share of her income.

We also have a student shortage. Yes, families are having fewer kids, but they also can't afford to live in Colorado. Often, anywhere in Colorado. Where once the low income students were being pushed from the city to the suburbs, they are now being pushed from the suburbs to other states. I would argue that this contributes to the low birth rate as well. Why would a person have kids if they can't even afford to house themselves?

We have a choice here in Colorado. We can build as much multi-family housing as we can everywhere we can, or we can see all but the wealthiest among us leave our state. The exodus has already begun and the resulting worker shortage and aging population will only get worse if we do not act. Equally, we can designate that some percentage of that be low income housing to create a society in which the working class can truly afford to live and schools and businesses are diverse, or increasingly see low paying jobs and low wage workers flee the state as we fall further and further behind in our capacity to meet our labor needs. The time to act was yesterday. We can't afford to delay today.



April 6, 2023

Senate Local Government & Housing Committee
Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

Re: Support for SB23-213 - Land Use

Chair Jaquez Lewis, Vice Chair Exum, and Members of the Senate Local Government & Housing Committee:

On behalf of Zillow, I am writing to express our support for [SB23-213](#), which would address Colorado's housing supply and affordability crisis through critical land use changes. We applaud the Governor and sponsors for putting forward this comprehensive solution to increase housing access and affordability and appreciate the opportunity to comment. Zillow is firmly committed to reducing barriers to housing, and we are pleased to support this important legislation to address the housing shortage in Colorado.

Zillow is reimagining real estate to make home a reality for more and more people. Zillow economists are uniquely positioned to study and examine housing market data and economic trends, and we share this [industry-leading research](#) to help inform policymakers as they work to address urgent housing issues facing our communities.

Housing affordability challenges in Colorado have grown in recent years, exacerbated in 2023 by volatile interest rates and low housing inventory. Not only have mortgage rates doubled compared to 2021, but [home values have appreciated](#) by nearly 48% in the past five years. This has made homeownership increasingly unattainable. [Research](#) shows that the Denver metro has a significant shortfall of new home construction relative to population growth, further limiting the supply of housing for homebuyers.

The housing inventory shortage also impacts renters; as homeownership becomes increasingly unaffordable, more and more families turn to the rental market. [Although rent growth appears to be stabilizing](#), Denver renters are still facing average rents 4.6% above the same time last year. Typical rent in the Denver metro area now stands at \$1,960 a month, \$339 more monthly than a renter would have paid just two years ago. Our research has found that rising rents mean the [typical Denver renter must work as many as 55 hours](#) a month just to make rent.

Access to homeownership—and the wealth opportunities it provides—remains especially out of reach for people of color and families in historically marginalized communities. Zillow's research has shed light on these barriers, showing that housing [accounts for nearly 40%](#) of the \$3 trillion wealth gap between Black and white households in the U.S. In Colorado, the [Black homeownership rate](#) is just 42.5%,

compared to 70.7% for white households. Further, in each of the nation's 50 largest metro areas, including Denver, blocks that are at least 90% single-family, detached houses are [more white on average](#) than the metro as a whole, demonstrating the need for a more equitable approach to land use that encourages more housing types in more neighborhoods across communities.

Measures to create more housing are already popular with the public. A [survey of homeowners and renters](#) in the Denver metro area found strong support for modest densification in residential neighborhoods. Both homeowners and renters agreed that adding missing middle housing types would positively impact affordability in their communities and encourage alternative transportation uses.

SB23-213 is an impactful step toward restoring much-needed housing supply at all levels in Colorado. This legislation contains crucial solutions to address housing access and affordability across the housing ecosystem by authorizing missing middle housing types, transit-oriented development, accessory dwelling units, and more.

We thank you for your consideration and urge your support for this proposal.

Sincerely,

A handwritten signature in grey ink that reads "A Boone". The signature is written in a cursive, flowing style.

Anna Boone
Senior Manager, Government Relations and Public Affairs
Zillow Group
Email: annabo@zillowgroup.com



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Good afternoon, Committee Members.

As the President of Action 22, I submit this testimony to you on behalf of the Action 22 Board of Directors regarding SB23-213. Action 22 serves as a public policy chamber of commerce for 22 counties in Southern Colorado.

Although most of our members have expressed adamant opposition to the Land Use Bill, we have maintained an amend position in hopes of addressing some of the concerns they have. Unfortunately, we have not seen any proposed amendments, (we believe they have not been shared) so we cannot support any amendments. Further, we have been disappointed in the lack of “stake-holding”, especially with those impacted the most: local governments. To add to the discouragement, this 105-page SWEEPING bill was introduced with little time to gauge the full short- and long-term impacts which are likely to be felt for years to come.

While we agree for the need to focus on increasing accessible and affordable housing in Colorado is acute, we believe attacking local control is the wrong approach. You will hear over and over specifics as to why this bill requires significant amendments, needs a far more robust stakeholder process and enough time to fully understand and prepare for the ramifications. We would give an additional perspective and hit on two main points as to why this bill, in its current form, could do more harm than good.

Our biggest concern is removing local control over land use, and not just immediately, but the precedent it sets for the future. Each community, each county in Colorado has numerous similarities AND *differences*. Because issues vary and so much is at stake in these decisions, local officials have made painstaking, decades-long investment in local land use solutions. This bill would effectively *remove the power from local governments and give it to developers*.

Instead, fostering productive relationships between investors, developers and local governments is needed. The State should be providing incentive-based tools to help rather than removing authority.

Second, we are ever concerned about the impact on our rural communities. Our fear is the ways in which division or removal of local control will exacerbate the urban-rural divide. When across-the-board measures are taken without appropriate input from the true stakeholders, cutting out smaller communities does not provide unified solutions. Local officials are experts in local issues. It is wrong for the State to assume otherwise.

There is such a thing as doing the right thing the wrong way. We ask you to not move this bill along until a thorough stakeholder process can take place and reasonable consensus can be achieved to address the affordable housing needs of Colorado.

Sincerely,

Sara Blackhurst, Pres. Action22
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