

HOUSE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chair of Committee

\_\_\_\_\_  
May 2, 2023  
Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

SB23-213 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 7, after line 1 insert:

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

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

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

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

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

24           (E) Older adults represent the fastest growing segment of  
25 Colorado's population and have diverse housing needs that are not being  
26 adequately met in the current housing market, including the need for more  
27 accessible and affordable housing units built with universal design and

1 located within age-friendly communities. The housing and land use  
2 policies of the state must be informed by the findings and  
3 recommendations of the strategic action plan on aging, developed  
4 pursuant to section 24-32-3406, prior to the repeal of that section, and the  
5 lifelong Colorado initiative created in section 26-11-302, including the  
6 eight realms of livable and age-friendly communities.

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

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

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

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

25 (J) Displacement from low-income neighborhoods has occurred  
26 in Colorado under current land use regulations as housing rents and prices  
27 have increased faster than wages, which has fundamentally changed the  
28 demographics of some areas. These pressures have led to both direct  
29 displacement of individual households from homes they can no longer  
30 afford and indirect displacement as the result of changes in the  
31 neighborhood population as low-income residents move out and the  
32 vacated units are no longer affordable to similar households. As the state  
33 and local governments seek to increase housing options and affordability,  
34 it is essential to take steps to mitigate further displacement and enable  
35 residents to stay in their neighborhoods if they wish.

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

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

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

1 unequal communities, reduced mobility and long commutes, reduced  
2 options for older adults to age in their community of choice, loss of open  
3 space and agricultural land, high water usage, and increased greenhouse  
4 gas and air pollution;

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

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

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

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

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

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

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

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

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

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

- 1 (a) Create a more consistent ability statewide to develop a variety  
2 of housing types, limit the ability of local governments to reduce density  
3 or render infeasible housing development projects that can address the  
4 state's housing shortage for all parts of the income spectrum, and support  
5 more fiscally and environmentally sustainable development patterns;
- 6 (b) Improve regional collaboration and outcomes by reducing the  
7 ability of individual local governments' land use restrictions to negatively  
8 influence regional concerns such as housing affordability, open space,  
9 traffic, and air pollution; and
- 10 (c) Increase housing supply, allow more compact development,  
11 encourage more affordable housing, encourage more environmentally and  
12 fiscally sustainable development patterns, encourage housing patterns that  
13 conserve water resources, and encourage housing units that are located in  
14 close proximity to public transit, places of employment, and everyday  
15 needs.
- 16 (3) In finding and declaring that land use policies that affect  
17 housing supply are matters of mixed statewide and local concern, the  
18 general assembly finds and declares that there is a need for uniformity in  
19 policies that affect housing supply because:
- 20 (a) The state has an interest in planning for future growth. The  
21 state demographer estimates that between 2023 and 2030 the state will  
22 add an average of thirty-five thousand households per year, and that  
23 between 2030 and 2040 the state will add an additional twenty-nine  
24 thousand six hundred households per year. According to the state  
25 demographer, households headed by a household age sixty-five and above  
26 are expected to increase by 197,000 from 2020 to 2030, meaning over  
27 half of the growth in households across the state is expected to be  
28 households over sixty-five.
- 29 (b) Housing supply impacts housing affordability. Housing prices  
30 are typically higher when housing supply is restricted by local land use  
31 regulations in the metropolitan region, according to studies such as the  
32 National Bureau of Economic Research's working papers "Regulation and  
33 Housing Supply", "The Impact of Zoning on Housing Affordability", and  
34 "The Impact of Local Residential Land Use Restrictions on Land Values  
35 Across and Within Single Family Housing Markets".
- 36 (c) Increasing housing supply moderates price increases and  
37 improves housing affordability across all incomes, according to studies  
38 such as "The Economic Implications of Housing Supply" in the Journal  
39 of Economic Perspectives and "Supply Skepticism: Housing Supply and  
40 Affordability" in Housing Policy Debate;
- 41 (d) Academic research such as "The Impact of Building  
42 Restrictions on Housing Affordability" in the Federal Reserve Bank of  
43 New York Economic Policy Review has identified zoning and other land

- 1 use controls as a primary driver of rising housing costs in the most  
2 expensive housing markets;
- 3 (e) Local land use regulations influence what types of housing are  
4 built throughout the state and can restrict more affordable housing  
5 options;
- 6 (f) Between 2000 and 2019, over seventy percent of homes built  
7 in Colorado were single-unit detached dwellings, while less than three  
8 percent of homes were duplexes to quadplexes, and less than twenty-five  
9 percent of homes were homes in multifamily buildings with five or more  
10 units, according to the American Community Survey;
- 11 (g) Middle housing and multifamily housing types are more  
12 affordable than detached dwellings, in part because land costs are shared  
13 between more households;
- 14 (h) In 2019, Colorado duplexes and larger multifamily housing  
15 units cost between fourteen to forty-three percent less to own, and  
16 between nine to twenty-six percent less to rent, than single-unit detached  
17 dwellings depending on the type of housing, according to the American  
18 Community Survey;
- 19 (i) Proposed market-rate and affordable housing projects are  
20 routinely delayed or denied due to discretionary and subjective political  
21 processes and land use regulations that limit denser development either  
22 directly or indirectly;
- 23 (j) According to a 2022 article titled "Does Discretion Delay  
24 Development?", in the American Planning Association Journal,  
25 residential projects using by-right approval processes are approved  
26 twenty-eight percent faster than those using discretionary approval  
27 processes, and faster approval times reduce developer costs and therefore  
28 housing costs;
- 29 (k) Compact housing types such as duplexes, townhomes, and  
30 multifamily homes also use significantly less energy for heating, cooling,  
31 and electricity than detached dwellings, which saves residents money and  
32 results in lower emissions;
- 33 (l) In Colorado, household energy savings range from forty  
34 percent less for townhomes to seventy percent less for larger multifamily  
35 homes compared to single-unit detached dwellings, according to  
36 residential housing stock data from the National Renewable Energy  
37 Laboratory;
- 38 (m) The state has an interest in ensuring economic mobility by  
39 increasing affordable housing opportunities throughout the state:
- 40 (I) Researchers have demonstrated that restrictive local land use  
41 regulations help explain segregation income within metropolitan areas,  
42 which leads to disparate incomes and access to opportunities;
- 43 (II) In Colorado, households with the lowest incomes experienced

1 the highest rates of housing cost burden, according to the American  
2 Community Survey;

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

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

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

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

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

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

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

1 (X) Within regions, national surveys have found that a lack of  
2 affordable housing within a reasonable commuting distance impacts  
3 businesses' ability to attract and retain workers, according to a literature  
4 review conducted by the Center for Housing Policy; and  
5 (n) The state has an interest in advancing efficient water use, and  
6 local government decisions that encourage dispersed, low density  
7 development negatively affect the state's water supply:  
8 (I) Efficient water use is essential for creating vibrant  
9 communities that balance water supply and demand needs to create a  
10 sustainable urban landscape, according to the vision laid out in the  
11 Colorado water plan;  
12 (II) Compact infill development reduces water demand and  
13 infrastructure costs through shorter pipes that reduce losses, less  
14 landscaped space per unit, and better use of existing infrastructure; and  
15 (III) Compared to a single-unit detached dwelling, accessory  
16 dwelling units use twenty-two percent less water, small multifamily  
17 homes sixty-three percent less, and larger multifamily homes eighty-six  
18 percent less, based on data from Denver and Aurora water users analyzed  
19 for the Colorado water and growth dialogue Final Report in 2018.  
20 (4) (a) The general assembly finds and declares that there is an  
21 extraterritorial impact when local governments enact local ordinances that  
22 have impacts that cross jurisdictional lines because:  
23 (I) Local restrictions on housing push people further from their  
24 work and increase driving commute times;  
25 (II) Communities with the most restrictive local land use  
26 regulations often enable job growth while limiting the ability of housing  
27 growth to keep pace, which affects the pace of housing development in  
28 neighboring jurisdictions. This results in regional imbalances between  
29 jobs and housing that researchers have found have a significant impact on  
30 vehicle miles traveled and commute times, according to studies such as  
31 "Which Reduces Vehicle Travel More: Jobs-Housing Balance or  
32 Retail-Housing Mixing?", published in the Journal of the American  
33 Planning Association.  
34 (III) In the ten rural resort municipalities with the highest jobs to  
35 housing ratios in the state, over ninety percent of workers commute from  
36 other jurisdictions, according to housing data from the 2020 federal  
37 decennial Census and jobs and commuting data from the Longitudinal  
38 Employer-Household Dynamics Origin-Destination Employment Dataset  
39 from the Census;  
40 (IV) The ten rural resort municipalities with the highest jobs to  
41 housing ratios in the state added eighteen percent fewer housing units per  
42 capita and their commute times for workers were seventeen percent  
43 longer on average than jurisdictions in rural resort counties as a whole,

1 according to data from the 2020 federal decennial Census, American  
2 Community Survey, and the Longitudinal Employer-Household Dynamics  
3 Origin-Destination Employment Dataset from the Census;

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

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

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

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

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

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

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

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

39 (III) According to the greenhouse gas pollution reduction  
40 roadmap, published by the Colorado energy office and dated January 14,  
41 2021, the transportation sector is the single largest source of greenhouse  
42 gas pollution in Colorado;

43 (IV) Nearly sixty percent of the greenhouse gas emissions from



1 the transportation sector come from light-duty vehicles, the majority of  
2 cars and trucks that Coloradans drive every day;

3 (V) As part of the greenhouse gas pollution reduction roadmap,  
4 a strategic action plan to achieve legislatively adopted targets of reducing  
5 greenhouse gas pollution economy-wide by fifty percent below 2005  
6 levels by 2030 and ninety percent by 2050, the state committed to  
7 reducing emissions from the transportation sector by forty-one percent by  
8 2030 from a 2005 baseline;

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

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

21 (VIII) Local government land use decisions that require a  
22 minimum amount of parking spaces increase the cost of new residential  
23 projects, which increases housing costs. According to the Regional  
24 Transportation District study "Residential Parking in Station Areas: A  
25 Study of Metro Denver", structured parking spaces in the Denver  
26 metropolitan areas cost twenty-five thousand dollars each to build in  
27 2020, and use space which would otherwise be used for revenue  
28 generating residential units, decreasing the profitability of residential  
29 development. As a result, parking requirements may discourage  
30 developers from building new residential projects, or, if they do move  
31 forward with projects, force them to recoup the costs of building  
32 excessive parking by increasing housing prices.

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

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

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

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

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

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

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

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

16 Renumber succeeding sections accordingly.

17 Page 9, after line 21 insert:

18 "(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE  
19 DEVELOPMENT AND USE OF LAND IS A MATTER OF MIXED STATEWIDE AND  
20 LOCAL CONCERN."

21 Page 10, strike lines 8 through 11 and substitute:

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

25 Page 10, strike lines 14 through 17.

26 Renumber succeeding subsections accordingly.

27 Page 11, strike lines 19 through 27.

28 Page 12, strike lines 1 through 19 and substitute:

29 "(9) "DISPLACEMENT" MEANS THE INVOLUNTARY RELOCATION OF  
30 LOW-INCOME RESIDENTS DUE TO:

31 (a) INCREASED RENTS OR NEW DEVELOPMENT RESULTING IN A  
32 HIGHER AREA MEDIAN INCOME THAN THE CURRENT NEIGHBORHOOD;

33 (b) DISCRIMINATORY POLICIES OR ACTIONS, SUCH AS BANNING

1 TENANTS WITH HOUSING VOUCHERS, ELIMINATING UNITS LARGE ENOUGH  
2 FOR HOUSEHOLDS WITH CHILDREN, OR LAND USE OR ZONING THAT FOSTERS  
3 A CHANGE IN THE AVERAGE AREA MEDIAN INCOME OF AN AREA;  
4 (c) WIDESPREAD DECREASE IN SOCIAL AND CULTURAL  
5 COMMUNITY-SERVING BUSINESSES AND ENTITIES;  
6 (d) DETERIORATION OF PHYSICAL CONDITIONS THAT RENDER  
7 RESIDENCES UNINHABITABLE; OR  
8 (e) INCREASED REAL ESTATE PRICES, RENTS, PROPERTY TAXES,  
9 NEW DEVELOPMENT INCLUDING AMENITIES, AND OTHER ECONOMIC  
10 FACTORS."

11 Page 13, strike lines 9 through 14 and substitute:

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

15 (15) "HISTORIC PROPERTY" MEANS A PROPERTY LISTED ON THE  
16 NATIONAL REGISTER OF HISTORIC PLACES, LISTED ON THE COLORADO  
17 STATE REGISTER OF HISTORIC PROPERTIES, OR LISTED AS A CONTRIBUTING  
18 STRUCTURE OR HISTORIC LANDMARK BY A CERTIFIED LOCAL  
19 GOVERNMENT, AS DEFINED IN SECTION 39-22-514.5 (2)(b).

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

23 Renumber succeeding subsections accordingly.

24 Page 15, after line 9 insert:

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

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

32 Renumber succeeding subsections accordingly.

33 Page 17, after line 6 insert:

34 "(36) "STANDARD EXEMPT PARCEL" MEANS A PARCEL THAT:  
35 (a) LIES ENTIRELY OUTSIDE OF AN AREA THAT IS DESIGNATED AS

1 AN URBANIZED AREA BY THE MOST RECENT FEDERAL DECENNIAL CENSUS;  
2 (b) IS NOT SERVED BY A DOMESTIC WATER AND SEWAGE  
3 TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);  
4 (c) IS IN AN AGRICULTURAL, FORESTRY, NATURAL RESOURCE  
5 PRESERVATION, OR OPEN SPACE ZONING DISTRICT;  
6 (d) IS A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC  
7 DISTRICT; OR  
8 (e) IS IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN,  
9 AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY."

10 Renumber succeeding subsections accordingly.

11 Page 19, after line 1 insert:

12 "(46) "USE BY RIGHT" MEANS A LAND USE, THE DEVELOPMENT OF  
13 WHICH PROCEEDS UNDER OBJECTIVE STANDARDS SET FORTH IN ZONING OR  
14 OTHER LOCAL LAWS, AND THAT DOES NOT HAVE A DISCRETIONARY  
15 APPROVAL PROCESS."

16 Page 19, line 10, strike "FOURTEEN" and substitute "FIFTEEN".

17 Page 19, line 15, strike "OF" and substitute "OR".

18 Page 19, after line 21 insert:

19 "(VI) THE DIRECTOR OF THE OFFICE OF ECONOMIC DEVELOPMENT,  
20 OR THE DIRECTOR'S DESIGNEE;"

21 Renumber succeeding subparagraphs accordingly.

22 Page 20, line 5, strike "A TIER ONE" and substitute "TIER TWO".

23 Page 21, line 5, strike "(3)(a)(I), (3)(a)(II),".

24 Page 21, strike lines 6 through 9 and substitute "(3)(a)(VII), (3)(a)(IX),  
25 (3)(a)(XI), (3)(a)(XIII), AND (3)(a)(XV) OF THIS SECTION IS TWO YEARS  
26 AND THE TERM OF EACH MEMBER INITIALLY APPOINTED PURSUANT TO  
27 SUBSECTIONS (3)(a)(VIII), (3)(a)(X), (3)(a)(XII), AND (3)(a)(XIV) IS".

28 Page 22, line 4, after "SUBCOMMITTEE," insert "THE TWO MEMBERS OF  
29 THE TASK FORCE CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS  
30 ESTABLISHED IN SECTION 29-33-118 (1) APPOINTED PURSUANT TO SECTION  
31 29-33-118 (2)(b)(II) AND (2)(b)(IV),".

1 Page 22, strike lines 5 through 7 and substitute "TEN OTHER MEMBERS AS  
2 FOLLOWS:

3 (I) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM  
4 A COUNTY CONTAINING A RURAL RESORT JOB CENTER, APPOINTED BY THE  
5 GOVERNOR;

6 (II) TWO MEMBERS WHO ARE STAFF-LEVEL REPRESENTATIVES  
7 FROM TWO DIFFERENT RURAL RESORT JOB CENTERS, APPOINTED BY THE  
8 PRESIDENT OF THE SENATE;

9 (III) ONE MEMBER WHO HAS A BACKGROUND IN AFFORDABLE  
10 HOUSING ADVOCACY WITH EXPERIENCE IN A RURAL RESORT JOB CENTER,  
11 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

12 (IV) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM  
13 A HOUSING AUTHORITY SERVING A RURAL RESORT JOB CENTER, APPOINTED  
14 BY THE GOVERNOR;

15 (V) ONE MEMBER WHO HAS A BACKGROUND IN NOT-FOR-PROFIT OR  
16 FOR-PROFIT HOUSING DEVELOPMENT IN RURAL RESORT JOB CENTERS,  
17 APPOINTED BY THE GOVERNOR;

18 (VI) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVES FROM  
19 UTILITY SERVICE PROVIDERS THAT PROVIDE SERVICES TO RURAL RESORT  
20 JOB CENTERS, INCLUDING BUT NOT LIMITED TO WATER, WASTEWATER, AND  
21 ELECTRIC UTILITIES, APPOINTED BY THE MINORITY LEADER OF THE SENATE;

22 (VII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM  
23 UTILITY SERVICE PROVIDERS THAT PROVIDE SERVICES TO RURAL RESORT  
24 JOB CENTERS, INCLUDING BUT NOT LIMITED TO WATER, WASTEWATER, AND  
25 ELECTRIC UTILITIES, APPOINTED BY THE MINORITY LEADER OF THE HOUSE  
26 OF REPRESENTATIVES;

27 (VIII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE  
28 FROM A TRANSIT AGENCY THAT PROVIDES SERVICES TO A RURAL RESORT  
29 JOB CENTER OR THAT WORKS AS A TRANSPORTATION PLANNER IN A RURAL  
30 RESORT JOB CENTER, APPOINTED BY THE GOVERNOR; AND

31 (IX) ONE MEMBER WHO IS A RECREATION INDUSTRY EMPLOYER,  
32 HOSPITALITY INDUSTRY EMPLOYER, OR OTHER EMPLOYER WHO EMPLOYS  
33 AT LEAST SEVENTY-FIVE EMPLOYEES WHO WORK IN RURAL RESORT JOB  
34 CENTERS, APPOINTED BY THE GOVERNOR."

35 Page 22, strike lines 14 through 16 and substitute "AREA JOB CENTER  
36 MUNICIPALITIES, ALLOW AT LEAST A SIXTY-DAY PUBLIC COMMENT PERIOD,  
37 AND HOLD A PUBLIC HEARING ON THE RECOMMENDATIONS DURING THE  
38 COMMENT PERIOD."

39 Page 22, strike lines 21 through 25 and substitute "PURSUANT TO  
40 SUBSECTIONS (3)(a)(VII), (3)(a)(VIII), (3)(a)(IX), AND (3)(a)(X) OF THIS  
41 SECTION, WHO SHALL SERVE AS THE CHAIR OF THE SUBCOMMITTEE, THE

1 TWO MEMBERS OF THE TASK FORCE CONCERNING AFFORDABLE HOUSING  
2 AND HOMELESSNESS ESTABLISHED IN SECTION 29-33-118 (1) APPOINTED  
3 PURSUANT TO SECTION 29-33-118 (2)(b)(I) AND (2)(b)(III), AND TEN  
4 OTHER MEMBERS AS FOLLOWS:

5 (I) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM  
6 A COUNTY CONTAINING AN URBAN MUNICIPALITY, APPOINTED BY THE  
7 GOVERNOR;

8 (II) TWO MEMBERS WHO ARE STAFF-LEVEL REPRESENTATIVES  
9 FROM TWO DIFFERENT TIER ONE URBAN MUNICIPALITIES, APPOINTED BY  
10 THE PRESIDENT OF THE SENATE;

11 (III) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM  
12 A TIER TWO URBAN MUNICIPALITY, APPOINTED BY THE SPEAKER OF THE  
13 HOUSE OF REPRESENTATIVES;

14 (IV) ONE MEMBER WHO HAS A BACKGROUND IN AFFORDABLE  
15 HOUSING ADVOCACY SERVING AN AREA WITHIN A URBAN MUNICIPALITY  
16 METROPOLITAN PLANNING ORGANIZATION REGION, APPOINTED BY THE  
17 GOVERNOR;

18 (V) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM  
19 A HOUSING AUTHORITY SERVING AN AREA WITHIN A METROPOLITAN  
20 PLANNING ORGANIZATION REGION, APPOINTED BY THE GOVERNOR;

21 (VI) ONE MEMBER WHO HAS A BACKGROUND IN NOT-FOR-PROFIT  
22 OR FOR-PROFIT HOUSING DEVELOPMENT WITHIN A METROPOLITAN  
23 PLANNING ORGANIZATION REGION, APPOINTED BY THE GOVERNOR;

24 (VII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM  
25 UTILITY SERVICE PROVIDERS THAT PROVIDE SERVICES WITHIN A  
26 METROPOLITAN PLANNING ORGANIZATION REGION, INCLUDING BUT NOT  
27 LIMITED TO WATER, WASTEWATER, AND ELECTRIC UTILITIES APPOINTED BY  
28 THE MINORITY LEADER OF THE HOUSE;

29 (VIII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE  
30 FROM UTILITY SERVICE PROVIDERS THAT PROVIDE SERVICES WITHIN A  
31 METROPOLITAN PLANNING ORGANIZATION REGION, INCLUDING BUT NOT  
32 LIMITED TO WATER, WASTEWATER, AND ELECTRIC UTILITIES, APPOINTED  
33 BY THE MINORITY LEADER OF THE SENATE; AND

34 (IX) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM  
35 A TRANSIT AGENCY THAT PROVIDES SERVICES WITHIN A TIER ONE OR TIER  
36 TWO MUNICIPALITY OR IS A TRANSPORTATION PLANNER WITH A  
37 METROPOLITAN PLANNING ORGANIZATION, APPOINTED BY THE  
38 GOVERNOR."

39 Page 23, strike lines 4 through 6 and substitute "RECOMMENDATION TO  
40 ALL URBAN MUNICIPALITIES, ALLOW AT LEAST A SIXTY-DAY PUBLIC  
41 COMMENT PERIOD, AND HOLD A PUBLIC HEARING ON THE  
42 RECOMMENDATIONS DURING THE COMMENT PERIOD."

- 1 Page 24, line 27, after "OFFICE;" insert "AND".
- 2 Page 25, strike line 1.
- 3 Renumber succeeding subparagraph accordingly.
- 4 Page 26, line 16, strike "AND" and substitute "OR".
- 5 Page 26, line 19, strike "STOCK;" and substitute "STOCK."
- 6 Page 26, line 21, strike "MAY" and substitute "MUST".
- 7 Page 26, line 23, strike "**Housing**" and substitute "**Urban municipality**
- 8 **housing**".
- 9 Page 27, strike lines 5 and 6.
- 10 Renumber succeeding subsections accordingly.
- 11 Page 28, strike lines 14 through 16 and substitute "IDENTIFICATION OF
- 12 HOUSING RESOURCES AND CHANGES TO LOCAL LAWS;"
- 13 Page 28, strike line 19 and substitute:  
14 "(e) A DESCRIPTION OF AND AN IMPLEMENTATION PLAN FOR AT  
15 LEAST ONE STRATEGY THAT THE".
- 16 Page 29, strike lines 1 through 4 and substitute:  
17 "(f) IN THE CASE OF AN URBAN MUNICIPALITY WITH A  
18 TRANSIT-ORIENTED AREA, AT LEAST TWO STRATEGIES FROM THE LIST OF  
19 AFFORDABLE DEVELOPMENT STRATEGIES IN SECTION 29-33-106 (1) AND  
20 AT LEAST ONE STRATEGY FROM THE LIST OF LONG-TERM AFFORDABILITY  
21 STRATEGIES IN SECTION 29-33-106 (2); AND".
- 22 Reletter succeeding paragraph accordingly.
- 23 Page 29, line10 strike "AREAS; AND".
- 24 Page 29, strike lines 11 through 15 and substitute "AREAS."
- 25 Page 29, line 17, after "PLAN" insert "OR INFORMATION FROM THAT
- 26 ANALYSIS".

- 1 Page 29, line 27, strike "PLAN TO ADDRESS LOCAL HOUSING NEEDS." and  
2 substitute "PLAN."
- 3 Page 30, line 1, strike "COUNCIL OF GOVERNMENT," and substitute  
4 "METROPOLITAN PLANNING ORGANIZATION,".
- 5 Page 30, line 3, strike "SHALL" and substitute "MAY".
- 6 Page 30, line 4, strike "COUNCILS OF GOVERNMENT," and substitute  
7 "METROPOLITAN PLANNING ORGANIZATION,".
- 8 Page 30, line 8, strike "PARTICIPATIONIN THE" and substitute "REGIONAL".
- 9 Page 30, line 10, after "THE" insert "REGIONAL".
- 10 Page 30, line 12, strike "STRATEGIES" and substitute "HOUSING  
11 PRODUCTION STRATEGIES AND COMMITMENTS".
- 12 Page 30, line 17, strike "COUNCILS OF GOVERNMENT," and substitute "A  
13 METROPOLITAN PLANNING ORGANIZATION,".
- 14 Page 30, line 22, strike "COUNCILS OF GOVERNMENT," and substitute  
15 "METROPOLITAN PLANNING ORGANIZATIONS,".
- 16 Page 30, strike lines 26 and 27.
- 17 Page 31, strike lines 1 through 11.
- 18 Page 31, line 12, after "(7)" insert "**Strategic growth and housing mix**  
19 **analysis.**".
- 20 Page 31, line 21, strike "CENSUS-DEFINED" and substitute "CENSUS".
- 21 Page 32, line 1, after "TO" insert "RECENT AND".
- 22 Page 32, strike lines 2 through 5 and substitute "EXISTING GROWTH  
23 PATTERNS. METROPOLITAN PLANNING".
- 24 Page 33, strike lines 12 through 17 and substitute:
- 25 (b) THE CREATION OF A PROGRAM TO PRIORITIZE DEVELOPMENT  
26 PERMITS AND SUBSIDIZE OR OTHERWISE REDUCE IMPACT FEES OR OTHER  
27 SIMILAR DEVELOPMENT CHARGES FOR REGULATED AFFORDABLE HOUSING



- 1 DEVELOPMENT WHERE APPLICABLE;".
- 2 Page 33, line 21, after "HEIGHT" insert "BEYOND WHAT IS REQUIRED BY  
3 THIS ARTICLE 33".
- 4 Page 33, line 24, after "AREAS" insert "BEYOND WHAT IS REQUIRED BY  
5 THIS ARTICLE 33, SUCH AS ADDITIONAL ZONE DISTRICTS, HIGHER ALLOWED  
6 DENSITIES, OR OTHER APPROACHES THAT ARE".
- 7 Page 34, strike lines 5 through 8.
- 8 Reletter succeeding paragraphs accordingly.
- 9 Page 34, lines 9 and 10, strike "MIDDLE HOUSING, KEY CORRIDOR," and  
10 substitute "KEY CORRIDOR".
- 11 Page 34, line 10, strike "DENSITIES" and substitute "ZONING DISTRICTS".
- 12 Page 34, line 13, after "THE" insert "REGULATED AFFORDABLE HOUSING".
- 13 Page 34, strike lines 15 through 18 and substitute "OF UTILITIES, COST  
14 EXEMPTIONS, AND DISCOUNTS;".
- 15 Page 36, strike lines 15 through 19 and substitute "KNOWN HOUSING  
16 NEEDS."
- 17 Page 37, strike lines 2 through 27.
- 18 Strike pages 38 through 45.
- 19 Page 46, strike lines 1 and 2 and substitute:
- 20 **"29-33-107. Displacement risk assessment and mitigation**  
21 **strategies. (1) Displacement risk assessment and mitigation**  
22 **strategies guidelines. (a) NO LATER THAN DECEMBER 31, 2024, THE**  
23 **EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL**  
24 **DEVELOP GUIDANCE FOR MUNICIPALITIES TO CONDUCT A DISPLACEMENT**  
25 **RISK ASSESSMENT AND IMPLEMENT DISPLACEMENT MITIGATION**  
26 **STRATEGIES AND SHALL PROVIDE GUIDANCE REGARDING THE NUMBER OF**  
27 **STRATEGIES THAT MUST BE SELECTED, BASED ON THE RESULTS OF THE**  
28 **DISPLACEMENT RISK ASSESSMENT, TO SUPPORT URBAN MUNICIPALITIES**  
29 **AND RURAL RESORT JOB CENTER MUNICIPALITIES IN PREVENTING**  
30 **DISPLACEMENT AS PART OF THE REQUIRED HOUSING NEEDS PLAN**

1 PURSUANT TO SECTION 29-33-105.

2 (b) THE DISPLACEMENT RISK ASSESSMENT, DISPLACEMENT  
3 MITIGATION STRATEGIES, AND NUMBER OF DISPLACEMENT MITIGATION  
4 STRATEGIES MUST PROVIDE ADEQUATE GUIDANCE AND TOOLS FOR  
5 MUNICIPALITIES TO PREVENT DISPLACEMENT OF LOW-INCOME  
6 HOUSEHOLDS FROM AREAS AT HIGH RISK FOR DISPLACEMENT. IN  
7 DEVELOPING THIS GUIDANCE, THE EXECUTIVE DIRECTOR OF THE  
8 DEPARTMENT OF LOCAL AFFAIRS SHALL CONSULT WITH THE  
9 MULTI-AGENCY ADVISORY COMMITTEE AND PROVIDE A METHOD TO  
10 RECEIVE INPUT FROM THE LEGISLATIVE OVERSIGHT COMMITTEE CREATED  
11 IN 29-32-117. THE GUIDANCE MUST INCLUDE HOW RURAL RESORT JOB  
12 CENTERS SHOULD INCORPORATE REGIONAL WORKFORCE AND COMMUTING  
13 PATTERN CONSIDERATIONS IN THEIR DISPLACEMENT RISK ASSESSMENT  
14 AND IMPLEMENTATION OF DISPLACEMENT MITIGATION MEASURES.

15 (2) **Displacement risk assessment.** (a) A DISPLACEMENT RISK  
16 ASSESSMENT MUST CONSIDER:

17 (I) GEOGRAPHY AS DETERMINED WITH FEEDBACK GATHERED FROM  
18 THE RESIDENTS OF THE COMMUNITY IN ADDITION TO DATA ANALYZED AT  
19 THE CENSUS TRACT LEVEL OR SIMILAR GEOGRAPHIC SCALE FOR WHICH  
20 THERE IS DATA AVAILABLE;

21 (II) INFORMATION FROM NEIGHBORHOOD-LEVEL EARLY WARNING  
22 AND RESPONSE SYSTEMS THAT CAN HELP MUNICIPALITIES AND  
23 COMMUNITY ADVOCATES ANTICIPATE FUTURE DISPLACEMENT DUE TO  
24 RISING HOUSING COSTS;

25 (III) BASELINE CENSUS DATA AND OTHER DATA POINTS THAT ARE  
26 UPDATED ON A FREQUENT BASIS;

27 (IV) QUALITATIVE AND QUANTITATIVE INDICATORS OF:

28 (A) NEIGHBORHOOD CHANGE INCLUDING DEMOGRAPHIC AND  
29 ECONOMIC CHANGE RELATED TO RESIDENTS AND BUSINESSES IN THE  
30 NEIGHBORHOOD; AND

31 (B) GENTRIFICATION, WHICH REFERS TO INCREASED ECONOMIC  
32 ACTIVITY OR VALUE IN A NEIGHBORHOOD, OFTEN DRIVEN BY PUBLIC AND  
33 PRIVATE INVESTMENT IN INFRASTRUCTURE AND AMENITIES, THAT LEADS  
34 TO AN INCREASE IN THE NEIGHBORHOOD AREA MEDIAN INCOME AND  
35 PROPERTY VALUES THAT IS OFTEN ACCOMPANIED BY A DISPLACEMENT OF  
36 LOW-INCOME RESIDENTS AND COMMUNITY SERVICING BUSINESSES AND  
37 INSTITUTIONS; AND

38 (V) DISPLACEMENT, AS DEFINED IN SECTION 29-33-102 (9).  
39 DISPLACEMENT IS DISTINCT FROM RESIDENTIAL MOBILITY, WHICH  
40 INCLUDES VOLUNTARY HOUSEHOLD MOVEMENT.

41 (b) THE GUIDANCE FOR A DISPLACEMENT RISK ASSESSMENT MAY  
42 INCLUDE THE FOLLOWING QUANTITATIVE FACTORS THAT CAN BE USED TO  
43 IDENTIFY RISKS FOR DISPLACEMENT AT THE CENSUS TRACT OR OTHER

- 1 SIMILAR GEOGRAPHIC SCALE FOR WHICH DATA IS AVAILABLE:
- 2 (I) THE PERCENTAGE OF HOUSEHOLDS THAT ARE EXTREMELY
- 3 LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME, AS DEFINED BY THE
- 4 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;
- 5 (II) THE PERCENTAGE OF RESIDENTS WHO ARE RENTERS;
- 6 (III) THE PERCENTAGE OF COST-BURDENED HOUSEHOLDS DEFINED
- 7 AS SPENDING MORE THAN THIRTY PERCENT OF THE RESIDENT'S INCOME ON
- 8 HOUSING NEEDS;
- 9 (IV) THE NUMBER OF ADULTS WHO ARE TWENTY-FIVE YEARS OF
- 10 AGE OR OLDER AND HAVE NOT EARNED AT LEAST A HIGH SCHOOL
- 11 DIPLOMA;
- 12 (V) THE PERCENTAGE OF HOUSEHOLDS IN WHICH THE PRIMARY
- 13 LANGUAGE THAT IS SPOKEN IS A LANGUAGE OTHER THAN ENGLISH;
- 14 (VI) THE PERCENTAGE OF RESIDENTS WHO WERE BORN OUTSIDE OF
- 15 THE UNITED STATES ACCORDING TO PUBLICLY AVAILABLE STATE AND
- 16 FEDERAL INFORMATION;
- 17 (VII) THE EMPLOYMENT RATE;
- 18 (VIII) THE PERCENTAGE OF WORKERS WHO LIVE WITHIN A
- 19 TEN-MILE RADIUS OF AN URBAN MUNICIPALITY OR A TWENTY-MILE RADIUS
- 20 OF A RURAL RESORT JOB CENTER;
- 21 (IX) THE PERCENTAGE OF HOUSEHOLDS THAT DO NOT HAVE
- 22 INTERNET ACCESS;
- 23 (X) THE PERCENTAGE OF HOUSING STOCK BUILT PRIOR TO 1970;
- 24 (XI) INSTITUTIONAL INVESTOR REAL ESTATE ACTIVITY IN THE
- 25 FOR-SALE MARKET WHERE THIS INFORMATION IS READILY AVAILABLE;
- 26 (XII) CHANGE IN LAND PRICES, RENTAL PRICES, PROPERTY VALUES,
- 27 AND OTHER REAL ESTATE AND HOUSING INDICATORS;
- 28 (XIII) THE NUMBER OF RENTERS WHO WERE LEGALLY EVICTED FOR
- 29 NONPAYMENT OF RENT IN THE PRIOR CALENDAR YEAR FOR ALL AREAS
- 30 WHERE THIS INFORMATION IS READILY AVAILABLE;
- 31 (XIV) THE NUMBER OF COLORADO-OWNED AND
- 32 COLORADO-OPERATED SMALL BUSINESSES WITH TEN EMPLOYEES OR
- 33 FEWER WHERE THIS INFORMATION IS READILY AVAILABLE; AND
- 34 (XV) THE CHANGE IN THE NUMBER OF COLORADO-OWNED AND
- 35 COLORADO-OPERATED SMALL BUSINESSES WITH TEN EMPLOYEES OR
- 36 FEWER OVER FIVE YEARS WHERE THIS INFORMATION IS READILY
- 37 AVAILABLE.
- 38 (c) IN DEVELOPING A DISPLACEMENT RISK ASSESSMENT, URBAN
- 39 MUNICIPALITIES AND RURAL RESORT JOB CENTER MUNICIPALITIES MUST
- 40 ALSO CONDUCT INCLUSIVE COMMUNITY ENGAGEMENT WITH RESIDENTS OF
- 41 AREAS IDENTIFIED AS BEING AT ELEVATED RISK FOR DISPLACEMENT TO
- 42 ADDRESS ADDITIONAL QUALITATIVE INDICATORS OF DISPLACEMENT.
- 43 (3) **Displacement mitigation strategies.** (a) THE GOALS OF

1 DISPLACEMENT MITIGATION STRATEGIES ARE TO ENSURE THAT:  
2 (I) VULNERABLE HOMEOWNERS AND RENTERS IN NEIGHBORHOODS  
3 EXPERIENCING GENTRIFICATION ARE NOT DISPLACED FROM THEIR CURRENT  
4 HOMES AND NEIGHBORHOODS;  
5 (II) THE EXISTING AFFORDABLE HOUSING STOCK, BOTH SUBSIDIZED  
6 AND UNSUBSIDIZED, IN GENTRIFYING NEIGHBORHOODS IS PRESERVED SO  
7 THAT DWELLING UNITS ARE IN GOOD CONDITION WHILE REMAINING  
8 AFFORDABLE TO LOW TO MODERATE -INCOME RESIDENTS;  
9 (III) CITY PLANNING AND LAND USE DECISIONS INCORPORATE  
10 INCLUSIVE AND EQUITABLE DISPLACEMENT MITIGATION STRATEGIES, AND  
11 LOW-INCOME PERSONS AND COMMUNITIES OF COLOR ARE EMPOWERED TO  
12 PARTICIPATE EARLY AND MEANINGFULLY IN LAND USE DECISIONS THAT  
13 SHAPE THEIR HOMES, NEIGHBORHOODS, AND COMMUNITIES;  
14 (IV) NEW AFFORDABLE HOUSING OPTIONS ARE CREATED TO SERVE  
15 CURRENT AND FUTURE VULNERABLE HOUSEHOLDS IN NEIGHBORHOODS  
16 EXPERIENCING GENTRIFICATION;  
17 (V) VULNERABLE RESIDENTS ARE ABLE TO REMAIN OR RETURN  
18 TO THEIR COMMUNITIES BY ACCESSING THE NEW AFFORDABLE HOUSING  
19 OPPORTUNITIES IN THEIR NEIGHBORHOODS; AND  
20 (VI) AN EQUAL OR GREATER AMOUNT OF AFFORDABLE HOUSING  
21 IS PROVIDED IN AREAS IDENTIFIED AS AT-RISK OF DISPLACEMENT BASED ON  
22 THE DISPLACEMENT RISK ASSESSMENT.  
23 (b) EACH OF THE DISPLACEMENT MITIGATION STRATEGIES MUST BE  
24 ABLE TO BE INCORPORATED BY URBAN MUNICIPALITIES AND RURAL  
25 RESORT JOB CENTER MUNICIPALITIES INTO THE MUNICIPALITY'S HOUSING  
26 NEEDS PLAN AS REQUIRED BY SECTION 29-33-105. THIS MENU OF  
27 DISPLACEMENT MITIGATION STRATEGIES MUST INCLUDE:  
28 (I) GUIDANCE AND RECOMMENDATIONS FOR HOW A LOCAL  
29 GOVERNMENT SHALL INCORPORATE THE DISPLACEMENT RISK ASSESSMENT  
30 REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION INTO A HOUSING  
31 NEEDS PLAN;  
32 (II) LONG-TERM DISPLACEMENT MITIGATION MEASURES FROM  
33 WHICH MUNICIPALITIES MUST CHOOSE TO ADDRESS AREAS IDENTIFIED IN  
34 THE DISPLACEMENT RISK ASSESSMENT REQUIRED BY SUBSECTION (2) OF  
35 THIS SECTION, WHICH MAY INCLUDE:  
36 (A) DEVELOPING A PROGRAM TO OFFER TECHNICAL ASSISTANCE  
37 AND FINANCIAL SUPPORT FOR COMMUNITY ORGANIZATIONS TO DEVELOP  
38 INDEPENDENT COMMUNITY LAND TRUSTS;  
39 (B) LOCAL GOVERNMENT PLANNING FOR ACQUISITION AND  
40 REHABILITATING OF NATURALLY OCCURRING AFFORDABLE RENTALS,  
41 EITHER TO ENTER INTO A LAND TRUST OR TO INCLUDE AFFORDABILITY  
42 DEED RESTRICTIONS;  
43 (C) IMPLEMENTING LOCAL RIGHT OF FIRST REFUSAL FOR EXPIRING

1 REGULATED AFFORDABLE HOUSING UNITS, PRIORITIZE LOCAL FUNDS  
2 TOWARD AFFORDABLE UNIT PRESERVATION, OR IMPLEMENTING OR  
3 CONTINUING DEED RESTRICTED AFFORDABLE HOUSING UNITS.

4 (D) REQUIRING MULTIFAMILY DEVELOPERS WHO BUILD NEW  
5 LARGE MULTIFAMILY DEVELOPMENTS IN AREAS AT RISK OF  
6 DISPLACEMENT, AS IDENTIFIED BY THE DISPLACEMENT RISK ASSESSMENT,  
7 TO CREATE A COMMUNITY BENEFITS AGREEMENT WITH AFFECTED  
8 POPULATIONS IN CLOSE PROXIMITY TO THE DEVELOPMENT; AND

9 (E) PROVIDING A PRIORITIZATION POLICY FOR CURRENT  
10 RESIDENTS IN NEW REGULATED AFFORDABLE HOUSING DEVELOPMENTS  
11 FOR THE FIRST FEW MONTHS OF WHEN UNITS ARE LEASED AFTER  
12 CONSTRUCTION;

13 (III) SHORT-TERM DISPLACEMENT MITIGATION MEASURES FROM  
14 WHICH LOCAL GOVERNMENTS SHALL CHOOSE, WHICH MAY INCLUDE:

15 (A) THE CREATION OF A LOCALLY FUNDED AND ADMINISTERED  
16 RENTAL AND MORTGAGE ASSISTANCE PROGRAM;

17 (B) THE CREATION OF AN EVICTION AND FORECLOSURE NO-COST  
18 LEGAL REPRESENTATION PROGRAM;

19 (C) THE ESTABLISHMENT OF A HOUSING COUNSELING AND  
20 NAVIGATION PROGRAM; AND

21 (D) THE CREATION OF A PROPERTY TAX AND DOWN PAYMENT  
22 ASSISTANCE PROGRAM; AND

23 (E) ANY OTHER STRATEGIES PROPOSED BY A LOCAL GOVERNMENT  
24 OR THE MULTI-AGENCY ADVISORY COMMITTEE THAT ARE APPROVED BY  
25 THE DEPARTMENT OF LOCAL AFFAIRS AND THAT SUPPORT THE GOALS OF  
26 THIS SECTION.

27 (c) MUNICIPALITIES SHALL ADOPT A MINIMUM NUMBER OF  
28 SHORT-TERM AND LONG-TERM DISPLACEMENT MITIGATION STRATEGIES AS  
29 DETERMINED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL  
30 AFFAIRS. MUNICIPALITIES MAY NOT COUNT THE SAME STRATEGY  
31 TOWARDS SATISFYING BOTH THE MINIMUM NUMBER OF REQUIRED  
32 STRATEGIES PURSUANT TO THE MENU OF AFFORDABILITY STRATEGIES  
33 REQUIRED BY SECTION 29-33-106 AND THIS SUBSECTION (3).

34 (4) **Assessment and strategies.** NO LATER THAN DECEMBER 31,  
35 2025, AND EVERY SIX YEARS THEREAFTER, IN ACCORDANCE WITH THE  
36 GUIDANCE FOR CREATING A DISPLACEMENT RISK ASSESSMENT AND THE  
37 SELECTION OF DISPLACEMENT MITIGATION STRATEGIES, EVERY URBAN  
38 MUNICIPALITY AND RURAL RESORT JOB CENTER MUNICIPALITY SHALL  
39 DEVELOP, ADOPT, AND SUBMIT A DISPLACEMENT RISK ASSESSMENT AND A  
40 DESCRIPTION OF THE EVIDENCE-BASED DISPLACEMENT MITIGATION  
41 STRATEGIES IT SELECTED TO THE DEPARTMENT OF LOCAL AFFAIRS AS PART  
42 OF A HOUSING NEEDS PLAN REQUIRED UNDER SECTION 29-33-105. THE  
43 STRATEGIES THAT A MUNICIPALITY SELECTS MUST BE EVIDENCE-BASED

1 AND INFORMED BY ITS DISPLACEMENT RISK ASSESSMENT AND THE MEDIAN  
2 INCOME OF AREAS IDENTIFIED AS AT RISK OF DISPLACEMENT. AN URBAN  
3 MUNICIPALITY AND RURAL RESORT JOB CENTER MUNICIPALITY SHALL  
4 PROVIDE SUPPORTING INFORMATION AND A NARRATIVE TO DEMONSTRATE  
5 HOW THE STRATEGIES WILL MITIGATE DISPLACEMENT AS IDENTIFIED IN THE  
6 DISPLACEMENT RISK ASSESSMENT. THE DEPARTMENT OF LOCAL AFFAIRS  
7 SHALL POST THE SUBMITTED PLANS PUBLICLY ON ITS WEBSITE.

8 (5) **Public comment.** BEFORE ADOPTING AND SUBMITTING A FINAL  
9 DISPLACEMENT RISK ASSESSMENT AND MAKING A FINAL SELECTION OF  
10 DISPLACEMENT MITIGATION STRATEGIES, AN URBAN MUNICIPALITY AND  
11 A RURAL RESORT JOB CENTER MUNICIPALITY SHALL PUBLISH THE MOST  
12 RECENT DRAFT OF ITS DISPLACEMENT RISK ASSESSMENT AND THE  
13 DISPLACEMENT MITIGATION STRATEGIES IT SELECTED AND ENGAGE IN A  
14 PUBLIC COMMENT PROCESS PURSUANT TO 29-33-105 (3)(b) AND 29-33-111  
15 (5)(b)(II).

16 (6) **Prior displacement efforts.** BY JANUARY 1, 2025, URBAN  
17 MUNICIPALITIES AND RURAL RESORT JOB CENTER MUNICIPALITIES MAY  
18 SUBMIT EVIDENCE-BASED MITIGATION STRATEGIES LINKED TO  
19 DISPLACEMENT RISK ASSESSMENTS AND THE IMPACT OF THE MEASURES  
20 THAT THE MUNICIPALITY ADOPTED PRIOR TO THE EFFECTIVE DATE OF THIS  
21 SECTION TO THE DEPARTMENT OF LOCAL AFFAIRS. THE DEPARTMENT MAY  
22 DETERMINE WHETHER THOSE STRATEGIES QUALIFY AS A DISPLACEMENT  
23 MITIGATION LONG-TERM OR SHORT-TERM MEASURE TO SATISFY THE  
24 NUMBER OF MEASURES THAT MUST BE ADOPTED PURSUANT TO  
25 SUBSECTION (1)(a) OF THIS SECTION.

26 (7) **Technical assistance.** THE DEPARTMENT OF LOCAL AFFAIRS  
27 SHALL PROVIDE TECHNICAL ASSISTANCE AND FUNDING TO SUPPORT TIER  
28 ONE AND TIER TWO URBAN MUNICIPALITIES AND RURAL RESORT JOB  
29 CENTER MUNICIPALITIES IN CONDUCTING A DISPLACEMENT ASSESSMENT  
30 AND IN IDENTIFYING DISPLACEMENT MITIGATION STRATEGIES TO ADDRESS  
31 THE RISK OF DISPLACEMENT IN THE AREAS AT THE HIGHEST RISK OF  
32 DISPLACEMENT."

33 Page 47, line 11, after "TO" insert "SUPPORT".

34 Page 47, strike lines 13 through 16 and substitute:

35 "(VIII) THAT PROVIDE OPPORTUNITIES TO IMPLEMENT WATER  
36 CONSERVATION AND OTHER STATE WATER PLAN GOALS;

37 (b) ALLOWS FOR AREAS BEYOND AN EXISTING CENSUS URBANIZED  
38 AREA TO BE CONSIDERED A STRATEGIC GROWTH AREA, IF THE AREA IS  
39 EXPERIENCING GROWTH AND MEETS THE CRITERIA IN SUBSECTIONS  
40 (2)(a)(V), (2)(a)(VI), (2)(a)(VII), AND (2)(a)(VIII) OF THIS SECTION;".

1 Reletter succeeding paragraphs accordingly.

2 Page 47, line 23, strike "AREAS;" and substitute "AREAS AND IDENTIFY  
3 METHODS TO ALIGN THE STATE AGENCY FUNDING PROGRAMS WITH  
4 STRATEGIC GROWTH OBJECTIVES;".

5 Page 47, line 26, strike "CONSIDERS" and substitute "IDENTIFIES".

6 Page 47, line 27, strike "DOCUMENTS. INCLUDING PERFORMANCE".

7 Page 48, strike line 1 and substitute "DOCUMENTS;

8 (h) IDENTIFIES METRICS AND STANDARDS TO DEFINE AND SUPPORT  
9 WALKABLE MIXED-USE DEVELOPMENT, SAFE ACCESS TO TRANSIT, AND  
10 COMPLETE STREETS;".

11 Reletter succeeding paragraph accordingly.

12 Page 48, strike line 5 and substitute "(1)(a) OF THIS SECTION; AND

13 (j) IDENTIFIES REDUCED PARKING MINIMUMS IN STRATEGIC  
14 GROWTH AREAS.".

15 Page 48, strike lines 6 through 27.

16 Page 49, strike lines 1 through 6 and substitute:

17 "(3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL  
18 AFFAIRS MAY IDENTIFY AND DEFINE ADDITIONAL STRATEGIC GROWTH  
19 OBJECTIVES BEYOND THOSE IDENTIFIED IN SUBSECTION (2) OF THIS  
20 SECTION.

21 (4) FOR THE PURPOSES OF THIS SECTION, THE HOUSING AND LAND  
22 USE GOALS OF THIS SENATE BILL 23-213 INCLUDE:

23 (a) PLANNING FOR FUTURE GROWTH;

24 (b) INCREASING HOUSING AFFORDABILITY AND ACCESSIBILITY;

25 (c) INCREASING ECONOMIC MOBILITY;

26 (d) STRENGTHENING ECONOMIC DEVELOPMENT AND JOB GROWTH  
27 PATTERNS;

28 (e) BALANCING REGIONAL JOBS AND HOUSING;

29 (f) ALIGNING WATER SUPPLY AND HOUSING PLANNING;

30 (g) WATER CONSERVATION

31 (h) REDUCING AIR POLLUTION AND GREENHOUSE GAS EMISSIONS

32 AND

33 (i) PRESERVING OPEN SPACE AND AGRICULTURAL LAND.".

- 1 Page 51, lines 1 and 2, strike "AND THE MULTI-AGENCY GROUP" and  
2 substitute "THE MULTI-AGENCY GROUP, AND EXPERTS IN RELATED FIELDS".
- 3 Page 51, line 4, strike "ACHIEVE BOTH:" and substitute "ACHIEVE:"
- 4 Page 51, line 6, strike "AND".
- 5 Page 51, line 10, strike "CONSERVATION." and substitute "CONSERVATION  
6 AND MITIGATING HAZARDS; AND  
7 (c) IDENTIFICATION OF BEST PRACTICES, TOOLS AND RESOURCES  
8 RELATED TO SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION.".
- 9 Page 53, strike lines 11 through 17 and substitute:
- 10 "(d) THE CREATION OF A PROGRAM TO PRIORITIZE DEVELOPMENT  
11 PERMITS AND SUBSIDIZE OR OTHERWISE REDUCE IMPACT FEES OR OTHER  
12 SIMILAR DEVELOPMENT CHARGES FOR REGULATED AFFORDABLE HOUSING  
13 DEVELOPMENT WHERE APPLICABLE;".
- 14 Page 53, line 18, after "FOR" insert "REGULATED".
- 15 Page 53, strike lines 21 through 23 and substitute "INCREASED FLOOR  
16 AREA RATIO, DENSITY, OR HEIGHT TO INCREASE THE CONSTRUCTION OF  
17 REGULATED AFFORDABLE HOUSING UNITS;".
- 18 Page 53, line 24, after "ENABLING" insert "REGULATED".
- 19 Page 53, strike lines 25 through 27 and substitute "HOUSING TYPES AND  
20 AREAS CONSISTENT WITH THE GOALS OF INCREASING".
- 21 Page 54, line 3, after "OF" insert "REGULATED".
- 22 Page 54, line 6, after "OF" insert "REGULATED".
- 23 Page 54, strike line 7.
- 24 Reletter succeeding paragraphs accordingly.
- 25 Page 54, strike lines 10 through 12.
- 26 Reletter succeeding paragraphs accordingly.
- 27 Page 54, line 14, after "INCREASE" insert "REGULATED".



1 Page 54, strike lines 23 through 27.

2 Page 55, strike lines 1 through 5 and substitute:

3 "(m) ESTABLISHING A POLICY TO ALIGN INFRASTRUCTURE  
4 STRATEGIES WITH THE REGULATED AFFORDABLE HOUSING NEEDS  
5 IDENTIFIED IN THE RELEVANT LOCAL HOUSING NEEDS ASSESSMENT.  
6 POLICIES MAY INCLUDE THE PRIORITIZATION OF UTILITIES, COST  
7 EXEMPTIONS, AND DISCOUNTS."

8 Reletter succeeding paragraphs accordingly.

9 Page 56, strike lines 21 through 27.

10 Page 57, strike lines 1 through 3 and substitute:

11 "(4) (a) A".

12 Page 57, line 8, after "SECTION." add "IN DETERMINING WHICH  
13 STRATEGIES TO ADOPT, A RURAL RESORT JOB CENTER MUNICIPALITY SHALL  
14 CONSIDER PREVIOUS PLANS ADDRESSING HOUSING NEEDS, THE LOCAL AND  
15 REGIONAL HOUSING NEEDS ASSESSMENTS, AND OTHER AVAILABLE DATA  
16 TO INFORM THE SELECTION OF STRATEGIES TO ADDRESS KNOWN HOUSING  
17 NEEDS."

18 Reletter succeeding paragraph accordingly.

19 Page 58, line 4, after "LOCAL" insert "AND REGIONAL".

20 Page 60, strike lines 19 through 27.

21 Page 61, strike lines 1 through 4 and substitute:

22 "AND THE DIVISION OF WATER RESOURCES SHALL SUBMIT A JOINT  
23 REPORT TO THE GENERAL ASSEMBLY UTILIZING DATA AND ANALYSES FROM  
24 THE MOST RECENT COLORADO WATER PLAN AND BASIN IMPLEMENTATION  
25 PLANS THAT CONSIDERS THE FOLLOWING:

26 (a) THE AVAILABILITY AND SUFFICIENCY OF WATER SUPPLIES PER  
27 BASIN TO PROVIDE FOR ANTICIPATED POPULATION GROWTH;

28 (b) A FRAMEWORK TO GUIDE INVESTMENTS IN WATER  
29 CONSERVATION FOR PUBLIC WATER PROVIDERS; AND

30 (c) A RANGE OF POLICY OPTIONS TO MAXIMIZE EFFICIENCY OF  
31 EXISTING WATER SUPPLY AND MINIMIZE THE IMPACT OF POPULATION

- 1 GROWTH ON OTHER SECTORS OR REGIONS.  
2 (2) THE DIRECTOR SHALL CONSULT WATER PROVIDERS IN THE  
3 PREPARATION OF THE REPORT."
- 4 Page 61, line 27, strike "ADVISORY".
- 5 Page 63, strike lines 4 through 8.
- 6 Renumber succeeding paragraphs accordingly.
- 7 Page 63, line 11, strike "TYPE AND INCOME LEVEL;" and substitute  
8 "TYPE;".
- 9 Page 63, line 13, strike "ON".
- 10 Page 63, strike line 14 and substitute "FOR WHICH A CERTIFICATE OF  
11 OCCUPANCY HAS BEEN ISSUED, A FINAL INSPECTION HAS BEEN COMPLETED,  
12 OR OTHER VERIFICATION EXISTS THAT THE PROJECT IS COMPLETE AND  
13 SUITABLE FOR OCCUPANCY;".
- 14 Page 63, line 21, after "PERMITS" insert "ISSUED".
- 15 Page 63, line 22, strike "COMMUNITIES;" and substitute "COMMUNITIES, IF  
16 APPLICABLE;".
- 17 Page 63, line 27, strike "ENTERED INTO" and substitute "IN PLACE".
- 18 Page 64, line 3, strike "UPON" and substitute "AFTER".
- 19 Page 64, line 13, strike "DEVELOPMENT" and substitute  
20 "IMPLEMENTATION".
- 21 Page 64, line 16, strike "ALONG" and substitute "IN COORDINATION".
- 22 Page 68, line 21, strike "24-1-117 (11)(a)(I)" and substitute "24-1-136  
23 (11)(a)(I)".
- 24 Page 69, line 8, strike "29-33-116" and substitute "29-33-117".
- 25 Page 71, line 5, strike "HOUSING;" and substitute "HOUSING OR IS A  
26 REPRESENTATIVE OF AN ASSOCIATION OF MARKET RATE HOUSING  
27 DEVELOPERS;".

1 Page 75, line 3, strike "AND".

2 Page 75, line 7, after "ASSESSMENTS," insert "REPORTS,".

3 Page 75, line 10, strike "MEASURES;" and substitute "MEASURES; AND  
4 (IX) A SUMMARY OF ALL EXEMPTION REQUESTS TO AND  
5 RESPONSES FROM THE DEPARTMENT OF LOCAL AFFAIRS FROM ANY  
6 REQUIREMENTS OF THIS ARTICLE 33."

7 Page 75, line 18, strike "COMMITTEES" and substitute "COMMITTEE AND  
8 SUBCOMMITTEES".

9 Page 78, after line 2 insert:

10 "PART 2  
11 ACCESSORY DWELLING UNITS  
12 **29-33-201. Legislative declaration.** (1) (a) THE GENERAL  
13 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:  
14 (I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT  
15 ACCESSORY DWELLING UNIT DEVELOPMENT;  
16 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;  
17 (III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING  
18 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A  
19 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL  
20 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND  
21 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING  
22 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE  
23 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY  
24 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE  
25 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL  
26 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC  
27 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC  
28 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND  
29 AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.  
30 (IV) MORE PERMISSIVE LOCAL GOVERNMENT ACCESSORY  
31 DWELLING UNIT REGULATIONS CAN HELP INCREASE HOUSING SUPPLY AND  
32 STABILIZE HOUSING COSTS;  
33 (V) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE  
34 COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED  
35 NEIGHBORHOODS WITH MINIMAL IMPACTS TO THE INFRASTRUCTURE AND  
36 ALSO SUPPLY NEW HOUSING WITHOUT ADDED NEW DISPERSED  
37 LOW-DENSITY HOUSING;  
38 (VI) RELATIVE TO DISPERSED LOW-DENSITY DEVELOPMENT,

1 COMPACT INFILL DEVELOPMENT, INCLUDING ACCESSORY DWELLING UNIT  
2 DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS,  
3 INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION  
4 COSTS;

5 (VII) ACCESSORY DWELLING UNITS PROVIDE FINANCIAL BENEFITS  
6 TO HOMEOWNERS;

7 (VIII) ACCESSORY DWELLING UNITS GENERATE RENTAL INCOME TO  
8 HELP HOMEOWNERS COVER MORTGAGE PAYMENTS OR OTHER COSTS,  
9 WHICH CAN BE IMPORTANT FOR OLDER HOMEOWNERS ON FIXED INCOMES;

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

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

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

20 **29-33-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "ELIGIBLE PARCEL" MEANS A PARCEL, EXCLUDING A STANDARD  
23 EXEMPT PARCEL, ON WHICH A SINGLE-UNIT DETACHED DWELLING IS  
24 ALLOWED AS A USE BY RIGHT.

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

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

30 (4) "SUBJECT JURISDICTION" MEANS AN URBAN MUNICIPALITY.

31 **29-33-203. Applicability - exemptions.** (1) THE REQUIREMENTS  
32 OF THIS PART 2 APPLY ONLY IN A SUBJECT JURISDICTION.

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

36 **29-33-204. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,  
37 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL  
38 PROMULGATE AN ACCESSORY DWELLING UNIT MODEL CODE.

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

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

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

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

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

8 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, RACIAL EQUITY  
9 AND HOMELESSNESS PREVENTION, AFFORDABLE HOUSING, FAIR HOUSING,  
10 PLANNING, ZONING, AND RELATED FIELDS.

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

12 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT AS AN  
13 ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF  
14 THE MUNICIPALITY WHERE THE MUNICIPALITY ALLOWS SINGLE-UNIT  
15 DETACHED DWELLINGS AS A USE BY RIGHT; AND

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

18 (4) THE MODEL CODE MUST INCLUDE A REQUIREMENT THAT  
19 SUBJECT JURISDICTIONS MAY NOT REQUIRE NEW OFF-STREET VEHICLE  
20 PARKING IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING OF AN  
21 ACCESSORY DWELLING UNIT.

22 **29-33-205. Minimum standards.** (1) NOTWITHSTANDING ANY  
23 LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT  
24 ADOPT THE MODEL CODE SHALL:

25 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT AS AN  
26 ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF  
27 THE MUNICIPALITY WHERE THE MUNICIPALITY ALLOWS SINGLE-UNIT  
28 DETACHED DWELLINGS AS A USE BY RIGHT;

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

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

37 (d) ALLOW ACCESSORY DWELLING UNIT SIZES BETWEEN FIVE  
38 HUNDRED AND EIGHT HUNDRED SQUARE FEET. SUBJECT JURISDICTIONS  
39 MAY ADDITIONALLY PERMIT SMALLER OR LARGER ACCESSORY DWELLING  
40 UNITS AT THEIR DISCRETION.

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

- 1 (a) APPLY STANDARDS CONCERNING ARCHITECTURAL STYLE,  
2 BUILDING MATERIALS, OR LANDSCAPING THAT ARE MORE RESTRICTIVE  
3 THAN THE STANDARDS THAT THE SUBJECT JURISDICTION APPLIES TO A  
4 SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT;
- 5 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT MAKE THE  
6 PERMITTING, APPROVAL OF, SITING, OR CONSTRUCTION OF AN ACCESSORY  
7 DWELLING UNIT PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT;
- 8 (c) IMPOSE A REQUIREMENT ON AN ACCESSORY DWELLING UNIT  
9 THAT IS CONTINGENT UPON THE PRIMARY RESIDENCE ON THE SAME LOT  
10 BEING OWNER-OCCUPIED;
- 11 (d) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE TO  
12 AN ACCESSORY DWELLING UNIT IN A MANNER THAT INTERFERES WITH THE  
13 INTENT OF THIS PART 2;
- 14 (e) REQUIRE NEW OFF-STREET VEHICLE PARKING IN CONNECTION  
15 WITH THE CONSTRUCTION OR THE PERMITTING OF AN ACCESSORY  
16 DWELLING UNIT; OR
- 17 (f) REQUIRE SIDE OR REAR SETBACKS FOR AN ACCESSORY  
18 DWELLING UNIT GREATER THAN THE MINIMUM SIDE SETBACK REQUIRED  
19 FOR A SINGLE-UNIT DETACHED DWELLING OR THE SETBACK REQUIRED FOR  
20 OTHER ACCESSORY BUILDINGS IN THE SAME ZONING DISTRICT, UNLESS  
21 SUCH A SETBACK IS NECESSARY TO COMPLY WITH PUBLIC HEALTH OR  
22 SAFETY STANDARDS.
- 23 (3) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES  
24 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL  
25 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.
- 26 **29-33-206. Adoption of model codes - satisfaction of minimum**  
27 **standards - reporting.** (1) NO LATER THAN JUNE 30, 2025, A SUBJECT  
28 JURISDICTION SHALL EITHER:
- 29 (a) ADOPT LOCAL LAWS CONCERNING ACCESSORY DWELLING UNITS  
30 THAT SATISFY THE MINIMUM STANDARDS ESTABLISHED IN SECTION  
31 29-33-205; OR
- 32 (b) ADOPT THE MODEL CODE.
- 33 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE  
34 REQUIREMENT OF SUBSECTION (1) OF THIS SECTION BEFORE DECEMBER 31,  
35 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR ALL  
36 ELIGIBLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT DENY OR  
37 CONDITION APPROVAL OF AN APPLICATION FOR AN ACCESSORY DWELLING  
38 UNIT ON ANY ELIGIBLE PARCEL ON ANY BASIS THAT IS INCONSISTENT WITH  
39 THE MODEL CODE, AS SPECIFIED IN SECTION 29-33-303, IN THE SUBJECT  
40 JURISDICTION AND REMAINS IN EFFECT UNTIL THE DEPARTMENT OF LOCAL  
41 AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS ADOPTED  
42 LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.
- 43 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE

1 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION  
2 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT  
3 JURISDICTION'S ACCESSORY DWELLING UNIT DECISIONS SHALL BE  
4 CONSISTENT WITH THE MODEL CODE AND THE SUBJECT JURISDICTION  
5 SHALL:

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

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

11 (4) A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL LAWS IN  
12 EFFECT THAT MEET THE MINIMUM STANDARDS ESTABLISHED IN SECTION  
13 29-33-205 NEED NOT UPDATE THEIR LOCAL LAWS, AND MAY SUBMIT  
14 EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS DEMONSTRATING SUCH  
15 COMPLIANCE.

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

20 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,  
21 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN  
22 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE  
23 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION  
24 EXPECTS SUCH SERVICES TO BECOME DEFICIENT IN THE NEXT FIVE YEARS.  
25 AS USED IN THIS SUBSECTION (5)(b), "DEFICIENT" MEANS, IN REFERENCE  
26 TO THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER  
27 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,  
28 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF  
29 APPLICABLE, ISSUES CONCERNING:

30 (I) WATER SUPPLY;

31 (II) WASTEWATER TREATMENT CAPACITY;

32 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION  
33 CAPACITY; OR

34 (IV) STORMWATER MANAGEMENT CAPACITY.

35 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE  
36 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (5)(b) OF THIS  
37 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO  
38 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER  
39 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER  
40 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE  
41 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN INCLUDED  
42 IN THE NOTICE.

43 (d) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR

1 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION  
2 (5).

3 (6) (a) NO LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION  
4 SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN A FORM AND  
5 MANNER DETERMINED BY THE DEPARTMENT OF LOCAL AFFAIRS, A REPORT  
6 DEMONSTRATING EVIDENCE OF COMPLIANCE WITH EITHER THE MODEL  
7 CODE OR MINIMUM STANDARDS.

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

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

20 **29-33-207. Subject jurisdiction restrictions.** (1) NOTHING IN  
21 THIS PART 2 PREVENTS A LOCAL GOVERNMENT FROM:

22 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE  
23 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
24 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED  
25 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

26 (b) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE  
27 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES, IN  
28 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5, OR THE  
29 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF  
30 PART 2 OF ARTICLE 20 OF TITLE 29;

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

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

36 (e) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC  
37 DISTRICT TO A PARCEL ON WHICH AN ACCESSORY DWELLING UNIT IS  
38 ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO  
39 DEMOLITION; OR

40 (f) APPLYING AND ENFORCING LOCALLY ADOPTED BUILDING AND  
41 FIRE CODES.

42 **PART 3**  
43 **CORRIDORS AND CENTERS REQUIREMENTS**



1           **29-22-301. Legislative declaration.** (1) (a) THE GENERAL  
2 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

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

6           (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

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

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

28           (V) THE TERNER CENTER FOR HOUSING INNOVATION AT THE  
29 UNIVERSITY OF CALIFORNIA BERKELEY FOUND IN ITS REPORT  
30 "RESIDENTIAL REDEVELOPMENT OF COMMERCIAL ZONED LAND IN  
31 CALIFORNIA" THAT THERE IS A SIGNIFICANT POTENTIAL FOR RESIDENTIAL  
32 DEVELOPMENT IN COMMERCIAL ZONED AREAS, THAT MANY  
33 COMMERCIAL ZONE DISTRICTS DO NOT ALLOW RESIDENTIAL  
34 DEVELOPMENT, AND THAT ALLOWING USE BY RIGHT RESIDENTIAL  
35 DEVELOPMENT IN COMMERCIAL ZONE DISTRICTS CAN ENCOURAGE  
36 ADDITIONAL HOUSING SUPPLY;

37           (VI) ACCORDING TO THE NATIONAL ASSOCIATION OF REALTORS  
38 IN ITS REPORT "ANALYSIS AND CASE STUDIES ON OFFICE-TO-HOUSING  
39 CONVERSIONS", OVER FIVE MILLION SEVEN HUNDRED THOUSAND SQUARE  
40 FEET OF OFFICE SPACE BECAME UNOCCUPIED IN THE DENVER  
41 METROPOLITAN REAL ESTATE MARKET BETWEEN 2020 AND 2021, THE  
42 DENVER MARKET COULD POTENTIALLY ADD OVER TWO THOUSAND NEW  
43 RESIDENTIAL UNITS FROM OFFICE TO RESIDENTIAL CONVERSIONS IF IT

1 CONVERTED TWENTY PERCENT OF CURRENTLY VACANT OFFICE SPACE, AND  
2 ONE OF THE MAJOR BARRIERS TO CONVERSIONS IS RESTRICTIVE LOCAL  
3 LAND USE REGULATIONS THAT REQUIRE DISCRETIONARY APPROVALS;

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

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

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

43 (X) MULTIFAMILY HOUSING USES SIGNIFICANTLY LESS ENERGY FOR

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

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

12 **29-33-302. Applicability - transit-oriented areas model code -**  
13 **transit-oriented areas minimum standards - adoption of model code**  
14 **or minimum standards - definitions. (1) Definitions.** AS USED IN THIS  
15 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 16 (a) "ELIGIBLE PARCEL" MEANS A PARCEL THAT IS NOT:  
17 (I) A STANDARD EXEMPT PARCEL;  
18 (II) PART OF A PARCEL THAT INCLUDES LAND THAT IS A PARK AND  
19 OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2);  
20 (III) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;

21 OR

- 22 (IV) ON A SITE THAT IS:  
23 (A) CURRENTLY USED FOR AN INDUSTRIAL USE;  
24 (B) CURRENTLY ALLOWS INDUSTRIAL USES;  
25 (C) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST  
26 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN;  
27 (D) OWNED BY, USED AS, OR OPERATED BY AN AIRPORT; OR  
28 (E) CURRENTLY USED AS A MOBILE HOME PARK, AS DEFINED IN  
29 SECTION 38-12-201.5 (6).

30 (b) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS FOR  
31 TRANSIT-ORIENTED AREAS ESTABLISHED IN SUBSECTION (4) OF THIS  
32 SECTION.

33 (c) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY  
34 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET  
35 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF  
36 THE AREA MEDIAN INCOME.

37 (d) "MODEL CODE" MEANS THE TRANSIT-ORIENTED AREAS MODEL  
38 CODE PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT  
39 TO SUBSECTION (3) OF THIS SECTION.

40 (e) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN  
41 MUNICIPALITY OR COUNTY THAT CONTAINS A TRANSIT-ORIENTED AREA.

42 (2) **Applicability.** (a) THE REQUIREMENTS OF THIS SECTION ONLY  
43 APPLY TO AN ELIGIBLE PARCEL IN A TRANSIT-ORIENTED AREA IN A SUBJECT

1 JURISDICTION.

2 (b) IF A TRANSIT-ORIENTED AREA IS LOCATED WITHIN MULTIPLE  
3 JURISDICTIONS, A SUBJECT JURISDICTION NEED ONLY MEET THE  
4 REQUIREMENTS OF THIS SECTION IN THE PARTS OF A TRANSIT-ORIENTED  
5 AREA LOCATED WITHIN THE SUBJECT JURISDICTION.

6 (c) WHERE THE REQUIREMENTS OF THIS SECTION APPLY TO  
7 PARCELS OR LOTS TO WHICH PART 2 OF THIS ARTICLE 33 OR SECTION  
8 29-33-303 ALSO APPLY, THE REQUIREMENTS OF THIS SECTION SHALL  
9 SUPERSEDE ANY CONFLICTING REQUIREMENTS OF PART 2 OF THIS ARTICLE  
10 33 OR SECTION 29-33-303.

11 (3) **Model code.** (a) (I) NO LATER THAN JUNE 30, 2024, THE  
12 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL  
13 PROMULGATE A TRANSIT-ORIENTED AREA MODEL CODE.

14 (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE  
15 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
16 OF LOCAL AFFAIRS ON THE TRANSIT-ORIENTED AREA MODEL CODE  
17 PURSUANT TO SECTION 29-33-305.

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

19 (I) A REQUIREMENT THAT SUBJECT JURISDICTIONS MAY NOT  
20 REQUIRE NEW OFF-STREET PARKING WITHIN TRANSIT-ORIENTED AREAS FOR  
21 ANY USES IN CONJUNCTION WITH A MIXED-INCOME MULTIFAMILY HOUSING  
22 DEVELOPMENT;

23 (II) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW  
24 MIXED-USE DEVELOPMENT WITH COMMERCIAL USES ON THE FIRST FLOOR  
25 IN CONJUNCTION WITH MIXED-INCOME MULTIFAMILY HOUSING WITH A NET  
26 DENSITY OF UP TO AT LEAST SIXTY UNITS PER ACRE; AND

27 (III) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW  
28 MIXED-INCOME MULTIFAMILY HOUSING OF UP TO AT LEAST SIXTY UNITS  
29 PER ACRE NET DENSITY AS A USE BY RIGHT ON ELIGIBLE PARCELS IN  
30 TRANSIT-ORIENTED AREAS.

31 (c) NOTHING IN THIS MODEL CODE SHALL PREVENT A SUBJECT  
32 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN  
33 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,  
34 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS THE SUBJECT  
35 JURISDICTION HAS ADOPTED A LOCAL INCLUSIONARY ZONING ORDINANCE  
36 THAT APPLIES IN TRANSIT-ORIENTED AREAS.

37 (d) REGULATED AFFORDABLE HOUSING UNITS IN MIXED-INCOME  
38 MULTIFAMILY HOUSING DEVELOPMENTS MUST BE SIMILAR IN SIZE TO THE  
39 OTHER UNITS IN THE DEVELOPMENT.

40 (4) **Minimum standards.** (a) (I) NOTWITHSTANDING ANY LOCAL  
41 LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT  
42 THE MODEL CODE SHALL CREATE OR UPDATE A ZONING DISTRICT WITHIN  
43 EACH TRANSIT-ORIENTED IN WHICH MULTIFAMILY HOUSING IS ALLOWED

1 AS A USE BY RIGHT AND A MINIMUM AVERAGE NET DENSITY OF UP TO AT  
2 LEAST FORTY UNITS OF MULTIFAMILY HOUSING PER ACRE IS ALLOWED.  
3 SUBJECT JURISDICTIONS MAY ESTABLISH SUBDISTRICTS WITHIN THESE  
4 ZONING DISTRICTS THAT ALLOW A DIFFERENT NET DENSITY OF  
5 MULTIFAMILY HOUSING DEVELOPMENT SO LONG AS EACH DISTRICT OR  
6 SUBDISTRICT ALLOWS AN AVERAGE NET DENSITY OF MULTIFAMILY  
7 HOUSING OF UP TO AT LEAST FORTY UNITS PER ACRE. THE MINIMUM AREA  
8 OF THE ZONING DISTRICT OR SUBDISTRICT MUST IN TOTAL BE GREATER  
9 THAN OR EQUAL TO FIFTY PERCENT OF THE AREA OF ELIGIBLE PARCELS IN  
10 EACH TRANSIT-ORIENTED AREA IN A SUBJECT JURISDICTION. A SUBJECT  
11 JURISDICTION MAY CHOOSE TO INCLUDE PARCELS THAT WOULD OTHERWISE  
12 NOT QUALIFY AS ELIGIBLE PARCELS WHEN CALCULATING THE AREA OF  
13 ELIGIBLE PARCELS IN EACH TRANSIT-ORIENTED AREA IN A SUBJECT  
14 JURISDICTION. A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL LAWS  
15 IN EFFECT THAT ESTABLISH A ZONING DISTRICT OR DISTRICTS THAT MEET  
16 THE MINIMUM STANDARDS NEED NOT UPDATE THEIR LOCAL LAWS AND  
17 MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS  
18 DEMONSTRATING SUCH COMPLIANCE.

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

26 (A) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; AND

27 (B) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING  
28 AREAS FOR TRANSIT-COMPATIBLE USE IN ADJACENT AREAS, OR UTILIZES  
29 ALTERNATE MEASUREMENT METHODS FOR DETERMINING THE EXTENT OF  
30 A TRANSIT-ORIENTED AREA SUCH AS WALKING DISTANCE FROM TRANSIT  
31 STATIONS. ESTABLISHED PLANNING AREAS MUST INCLUDE PLANS TO  
32 ADDRESS ANY DEFICIENCIES IN PEDESTRIAN AND BICYCLE ACCESS; AND,  
33 IN DETERMINING THE LOCATION OF ZONING DISTRICTS FOR  
34 TRANSIT-ORIENTED AREAS, A SUBJECT JURISDICTION SHALL CONSIDER THE  
35 DISPLACEMENT RISK ASSESSMENT COMPLETED PURSUANT TO SECTION  
36 29-33-107.

37 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A  
38 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL  
39 NOT REQUIRE NEW OFF-STREET VEHICLE PARKING WITHIN  
40 TRANSIT-ORIENTED AREAS FOR ANY USE IN CONJUNCTION WITH A  
41 MULTIFAMILY HOUSING DEVELOPMENT PERMIT.

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

1 ONLY ADOPT AND ENFORCE LOCAL LAWS CONCERNING MULTIFAMILY  
2 HOUSING IN TRANSIT-ORIENTED AREAS THAT USE OBJECTIVE STANDARDS  
3 AND OBJECTIVE PROCEDURES.

4 (d) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES  
5 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL  
6 CODE ESTABLISHED PURSUANT TO THIS SECTION, UTILIZING A PUBLIC  
7 HEARING AND COMMENT PROCESS.

8 (5) **Adoption of model code or minimum standards.** (a) (I) No  
9 LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION SHALL:

10 (A) ADOPT LOCAL LAWS CONCERNING TRANSIT-ORIENTED AREAS  
11 THAT SATISFY THE MINIMUM STANDARDS: OR

12 (B) ADOPT THE MODEL CODE.

13 (b) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE  
14 REQUIREMENTS OF SUBSECTION (5)(a)(I) OF THIS SECTION BEFORE  
15 DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY  
16 FOR ALL ELIGIBLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT  
17 DENY OR CONDITION APPROVAL OF AN APPLICATION FOR A MIXED-INCOME  
18 MULTIFAMILY HOUSING PROJECT ON AN ELIGIBLE PARCEL ON A BASIS THAT  
19 IS INCONSISTENT WITH THE MODEL CODE, AS SPECIFIED IN SUBSECTION (3)  
20 OF THIS SECTION, UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES  
21 THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH  
22 THE MINIMUM STANDARDS.

23 (c) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE  
24 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION  
25 PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION, THE DECISIONS OF THE  
26 SUBJECT JURISDICTION SHALL BE CONSISTENT WITH THE MODEL CODE AND  
27 THE SUBJECT JURISDICTION SHALL:

28 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A  
29 MIXED-INCOME MULTIFAMILY HOUSING PROJECT SATISFIES THE MODEL  
30 CODE AND, IF THE SUBJECT JURISDICTION DETERMINES THAT THE PROJECT  
31 SATISFIES THE MODEL CODE, THE SUBJECT JURISDICTION SHALL APPROVE  
32 THE PROJECT; AND

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

35 (6) **Subject jurisdiction restrictions.** NOTHING IN THIS PART 3,  
36 THE MODEL CODE, OR THE MINIMUM STANDARDS PREVENTS A LOCAL  
37 GOVERNMENT FROM:

38 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE  
39 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
40 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED  
41 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

42 (b) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE  
43 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES, IN

1 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5, OR THE  
2 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF  
3 PART 2 OF ARTICLE 20 OF TITLE 29;

4 (c) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN  
5 TRANSIT-ORIENTED AREAS IN ACCORDANCE WITH THE REQUIREMENTS OF  
6 SECTION 29-20-104 (1)(e.5) AND (1)(e.7) AND SUBJECT TO PART 2 OF  
7 ARTICLE 20 OF TITLE 29;

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

10 (e) PERMITTING MIXED-USE DEVELOPMENT IN A  
11 TRANSIT-ORIENTED AREA;

12 (f) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A  
13 TRANSIT-ORIENTED AREA; OR

14 (g) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC  
15 DISTRICT TO A PARCEL IN A TRANSIT-ORIENTED AREA ON WHICH HOUSING  
16 IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO  
17 DEMOLITION.

18 **29-33-303. Applicability - key corridors model code - key**  
19 **corridors minimum standards - adoption of model code or minimum**  
20 **standards - definitions. (1) Definitions.** AS USED IN THIS SECTION,  
21 UNLESS THE CONTEXT OTHERWISE REQUIRES:

22 (a) "ELIGIBLE PARCEL" MEANS A PARCEL, EXCLUDING PARCELS  
23 DESCRIBED IN SECTION 29-33-303 (2)(b) ON WHICH COMMERCIAL,  
24 INSTITUTIONAL, RESIDENTIAL, OR MIXED USES ARE PERMITTED USES BY  
25 RIGHT.

26 (b) "KEY CORRIDORS" MEANS THE AREAS DESCRIBED IN SECTION  
27 29-33-303 (2)(a).

28 (c) "MINIMUM STANDARDS" MEANS THE KEY CORRIDOR MINIMUM  
29 STANDARDS ESTABLISHED IN SUBSECTION (5) OF THIS SECTION.

30 (d) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY  
31 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET  
32 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF  
33 THE AREA MEDIAN INCOME.

34 (e) "MODEL CODE" MEANS THE KEY CORRIDORS MODEL CODE  
35 PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO  
36 SUBSECTION (4) OF THIS SECTION.

37 (f) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN  
38 MUNICIPALITY.

39 (2) **Applicability.** (a) ELIGIBLE PARCELS IN THE FOLLOWING AREAS  
40 SHALL BE INCLUDED WITHIN KEY CORRIDOR AREAS:

41 (I) AREAS WITHIN ONE-HALF MILE OF A BUS STOP ON A LIMITED  
42 ACCESS HIGHWAY SERVED BY AN EXISTING OR PLANNED COMMUTER BUS  
43 RAPID TRANSIT SERVICE; AND

1 (II) AREAS WITHIN ONE-QUARTER MILE OF A:  
2 (A) BUS STOP NOT ON A LIMITED ACCESS HIGHWAY SERVED BY AN  
3 EXISTING OR PLANNED COMMUTER BUS RAPID TRANSIT SERVICE;  
4 (B) ROADWAY SERVED BY AN EXISTING OR PLANNED URBAN BUS  
5 RAPID TRANSIT SERVICE;  
6 (C) ROADWAY SERVED BY A BUS ROUTE THAT IS SCHEDULED TO  
7 RUN EVERY FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY  
8 SERVICE HOURS, AND THAT IS AT LEAST ONE MILE LONG; AND  
9 (D) BUS STOP SERVED BY A BUS ROUTE THAT IS SCHEDULED TO  
10 RUN EVERY FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY  
11 SERVICE HOURS, IS AT LEAST ONE MILE LONG, AND THAT RUNS ON A  
12 LIMITED ACCESS HIGHWAY.  
13 (b) KEY CORRIDORS SHALL BE DESIGNATED BASED ON:  
14 (I) EXISTING TRANSIT SERVICE LEVELS AS OF JANUARY 1, 2023;  
15 (II) AN URBAN BUS RAPID TRANSIT SERVICE OR COMMUTER BUS  
16 RAPID TRANSIT SERVICE THAT IS IDENTIFIED WITHIN A METROPOLITAN  
17 PLANNING ORGANIZATION'S LONG RANGE TRANSPORTATION PLAN  
18 ADOPTED PRIOR TO JANUARY 1, 2023, AND PLANNED FOR COMPLETION ON  
19 OR BEFORE DECEMBER 31, 2030; EXCEPT THAT, THE MULTI-AGENCY  
20 ADVISORY COMMITTEE MAY DETERMINE THAT A SPECIFIC SEGMENT OF  
21 SUCH A SERVICE ROUTE SHOULD NOT BE DESIGNATED AS A KEY CORRIDOR  
22 BASED ON STRATEGIC GROWTH OBJECTIVES AND MAY REMOVE SUCH  
23 SEGMENT OF A SERVICE ROUTE FROM KEY CORRIDOR DESIGNATION ON OR  
24 BEFORE JANUARY 1, 2024; AND  
25 (III) TRANSIT SERVICE LEVELS PLANNED AND APPROVED BY THE  
26 BOARD OF A TRANSIT AGENCY AS OF JANUARY 1, 2023, FOR  
27 IMPLEMENTATION BEFORE JANUARY 1, 2028.  
28 (3) (a) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR  
29 THE MODEL CODE IS OTHERWISE IN EFFECT, THE MODEL CODE SHALL APPLY  
30 TO ALL ELIGIBLE PARCELS.  
31 (b) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL  
32 LAWS ADOPTED PURSUANT TO THIS SECTION ONLY APPLY TO PARCELS  
33 THAT ARE NOT:  
34 (I) A STANDARD EXEMPT PARCEL;  
35 (II) THE PORTION OF A PARCEL THAT INCLUDES LAND THAT IS A  
36 PARK AND OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2);  
37 (III) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;  
38 OR  
39 (IV) ON A SITE THAT IS:  
40 (A) CURRENTLY USED FOR AN INDUSTRIAL USE;  
41 (B) CURRENTLY ALLOWS INDUSTRIAL USES;  
42 (C) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST  
43 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN;



1 (D) OWNED BY, USED BY, OR OPERATED BY AN AIRPORT; OR  
2 (E) CURRENTLY USED AS A MOBILE HOME PARK, AS DEFINED IN  
3 SECTION 38-12-201.5 (6).

4 (4) **Model code.** (a) (I) NO LATER THAN JUNE 30, 2024, THE  
5 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL  
6 PROMULGATE A KEY CORRIDOR MODEL CODE.

7 (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE  
8 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT  
9 OF LOCAL AFFAIRS ON THE MODEL CODE PURSUANT TO SECTION 29-33-305.

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

11 (I) A REQUIREMENT THAT A SUBJECT JURISDICTION ALLOW  
12 MIXED-INCOME MULTIFAMILY HOUSING AS A USE BY RIGHT IN KEY  
13 CORRIDORS WITH DENSITIES UP TO AT LEAST:

14 (A) FORTY DWELLING UNITS PER ACRE NET DENSITY ON ELIGIBLE  
15 PARCELS IN KEY CORRIDORS DUE TO THEIR PROXIMITY TO COMMUTER BUS  
16 RAPID TRANSIT SERVICE OR URBAN BUS RAPID TRANSIT SERVICE; AND

17 (B) THIRTY DWELLING UNITS PER ACRE NET DENSITY FOR ALL  
18 OTHER ELIGIBLE PARCELS.

19 (II) A REQUIREMENT THAT SUBJECT JURISDICTIONS ALLOW  
20 MIXED-USE DEVELOPMENT WITH COMMERCIAL USES ON THE FIRST FLOOR  
21 IN CONJUNCTION WITH MIXED-INCOME MULTIFAMILY HOUSING.

22 (c) NOTHING IN THIS MODEL CODE SHALL PREVENT A SUBJECT  
23 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN  
24 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,  
25 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS THE SUBJECT  
26 JURISDICTION HAS ADOPTED A LOCAL INCLUSIONARY ZONING ORDINANCE  
27 THAT APPLIES IN KEY CORRIDOR AREAS.

28 (d) REGULATED AFFORDABLE HOUSING UNITS WITHIN  
29 MIXED-INCOME MULTIFAMILY HOUSING DEVELOPMENTS MUST BE SIMILAR  
30 IN SIZE TO THE OTHER UNITS IN THE DEVELOPMENT.

31 (e) THE MODEL CODE MUST NOT ALLOW MINIMUM OFF-STREET  
32 VEHICLE PARKING REQUIREMENTS IN CONNECTION WITH THE  
33 CONSTRUCTION OR PERMITTING OF MIXED-INCOME MULTIFAMILY HOUSING  
34 IN KEY CORRIDORS THAT ARE GREATER THAN ONE-HALF OF A VEHICLE  
35 PARKING SPACE PER DWELLING UNIT, WHICH MAY BE ROUNDED UP IN THE  
36 CASE OF AN ODD NUMBER OF DWELLING UNITS.

37 (5) **Minimum standards.** (a) NOTWITHSTANDING ANY LOCAL LAW  
38 TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT THE  
39 MODEL CODE SHALL CREATE OR UPDATE A ZONING DISTRICT OR DISTRICTS  
40 WITHIN KEY CORRIDORS IN WHICH MULTIFAMILY HOUSING IS ALLOWED AS  
41 A USE BY RIGHT. A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL  
42 LAWS IN EFFECT THAT ESTABLISH A ZONING DISTRICT OR DISTRICTS THAT  
43 MEET THE MINIMUM STANDARDS NEED NOT UPDATE LOCAL LAWS, AND

1 MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS  
2 DEMONSTRATING SUCH COMPLIANCE.

3 (b) (I) THE MINIMUM AREA OF THE ZONING DISTRICT OR DISTRICTS  
4 REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION AND ALLOWED BY  
5 SUBSECTION (5)(d) OF THIS SECTION MUST IN TOTAL BE GREATER THAN OR  
6 EQUAL TO THE GREATER OF:

7 (A) TWENTY-FIVE PERCENT OF THE AREA OF ELIGIBLE PARCELS IN  
8 KEY CORRIDORS IN THE SUBJECT JURISDICTION; OR

9 (B) TEN PERCENT OF THE TOTAL AREA OF ELIGIBLE PARCELS IN THE  
10 SUBJECT JURISDICTION.

11 (II) A SUBJECT JURISDICTION MAY CHOOSE TO INCLUDE PARCELS  
12 THAT ARE NOT ELIGIBLE PARCELS IN THE CALCULATION OF THE AREA OF  
13 ELIGIBLE PARCELS IN KEY CORRIDORS IN THE SUBJECT JURISDICTION.

14 (c) WITHIN THE ZONING DISTRICT OR DISTRICTS REQUIRED BY  
15 SUBSECTION (5)(a) OF THIS SECTION, A SUBJECT JURISDICTION SHALL  
16 ALLOW MULTIFAMILY HOUSING AS A USE BY RIGHT AT AN AVERAGE NET  
17 DENSITY OF UP TO AT LEAST TWENTY-FIVE DWELLING UNITS PER ACRE.

18 (d) A SUBJECT JURISDICTION MAY ESTABLISH MULTIPLE ZONING  
19 DISTRICTS THAT ALLOW DIFFERENT NET DENSITIES OF MULTIFAMILY  
20 HOUSING IF THE AVERAGE NET DENSITY REQUIREMENT IN SUBSECTION  
21 (5)(c) OF THIS SECTION IS MET ACROSS THE ZONING DISTRICT OR DISTRICTS  
22 REQUIRED BY SUBSECTION (5)(a) OF THIS SECTION. SUBJECT JURISDICTIONS  
23 ARE ENCOURAGED TO LOCATE DISTRICTS IN CENTERS OR ALONG  
24 CORRIDORS THAT ARE PLANNED FOR MIXED-USE, WALKABLE AREAS.

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

32 (I) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; AND

33 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING  
34 AREAS FOR TRANSIT-COMPATIBLE DEVELOPMENT, OR MIXED-USE,  
35 WALKABLE CENTERS, IN OTHER STRATEGIC GROWTH AREAS, OR UTILIZES  
36 ALTERNATE MEASUREMENT METHODS FOR DETERMINING THE EXTENT OF  
37 A KEY CORRIDOR SUCH AS WALKING DISTRICT FROM TRANSIT STATIONS.  
38 FOR THE PURPOSES OF THIS SUBSECTION (5)(e)(II):

39 (A) ESTABLISHED PLANNING AREAS MUST INCLUDE PLANS TO  
40 ADDRESS ANY DEFICIENCIES IN PEDESTRIAN AND BICYCLE ACCESS; AND

41 (B) IN DETERMINING THE LOCATION OF ZONING DISTRICTS FOR KEY  
42 CORRIDORS, A SUBJECT JURISDICTION SHALL CONSIDER THE DISPLACEMENT  
43 RISK ASSESSMENT COMPLETED PURSUANT TO SECTION 29-33-107.

1 (f) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A  
2 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL  
3 NOT, IN THE ZONING DISTRICTS ESTABLISHED PURSUANT TO SUBSECTION  
4 (5)(a) OF THIS SECTION, APPLY MINIMUM OFF-STREET VEHICLE PARKING  
5 REQUIREMENTS IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING  
6 OF MULTIFAMILY HOUSING IN KEY CORRIDORS THAT ARE GREATER THAN  
7 ONE-HALF OF A PARKING SPACE PER DWELLING UNIT, WHICH MAY BE  
8 ROUNDED UP IN THE CASE OF AN ODD NUMBER OF DWELLING UNITS.

9 (g) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A  
10 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL  
11 ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING MULTIFAMILY  
12 HOUSING IN KEY CORRIDORS THAT USE OBJECTIVE STANDARDS AND  
13 OBJECTIVE PROCEDURES.

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

17 **(6) Adoption of a model code and minimum standards.** (a) No  
18 LATER THAN JUNE 30, 2025, A SUBJECT JURISDICTION SHALL:

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

21 (II) ADOPT THE MODEL CODE.

22 (b) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE  
23 REQUIREMENTS OF SUBSECTION (6)(a) OF THIS SECTION BEFORE  
24 DECEMBER 31, 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY  
25 FOR ALL ELIGIBLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT  
26 DENY OR CONDITION APPROVAL OF AN APPLICATION FOR A MIXED-INCOME  
27 MULTIFAMILY HOUSING PROJECT ON AN ELIGIBLE PARCEL ON A BASIS THAT  
28 IS INCONSISTENT WITH THE MODEL CODE, AS SPECIFIED IN SUBSECTION (4)  
29 OF THIS SECTION, UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES  
30 THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH  
31 THE MINIMUM STANDARDS.

32 (c) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE  
33 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION  
34 PURSUANT TO SUBSECTION (6)(b) OF THIS SECTION, THE DECISIONS OF THE  
35 SUBJECT JURISDICTION SHALL BE CONSISTENT WITH THE MODEL CODE AND  
36 THE SUBJECT JURISDICTION SHALL:

37 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A  
38 MIXED-INCOME MULTIFAMILY HOUSING PROJECT SATISFIES THE MODEL  
39 CODE AND, IF THE SUBJECT JURISDICTION DETERMINES THAT THE PROJECT  
40 SATISFIES THE MODEL CODE, THE SUBJECT JURISDICTION SHALL APPROVE  
41 THE PROJECT; AND

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

1           (7) **Subject jurisdiction restrictions.** (a) NOTHING IN THIS PART  
2 3, THE MODEL CODE, OR THE MINIMUM STANDARDS PREVENTS A SUBJECT  
3 JURISDICTION FROM:

4           (I) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE  
5 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.  
6 12101 ET SEQ., AS AMENDED, OR OTHERWISE PROVIDING PARKING SIGNED  
7 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

8           (II) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE  
9 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES, IN  
10 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5, OR THE  
11 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF  
12 PART 2 OF ARTICLE 20 OF TITLE 29;

13           (III) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE IN  
14 KEY CORRIDORS IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION  
15 29-20-104 (1)(e.5) AND (1)(e.7) AND SUBJECT TO PART 2 OF ARTICLE 20  
16 OF TITLE 29;

17           (IV) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF  
18 HOUSING IN KEY CORRIDORS;

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

20           (VI) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A KEY  
21 CORRIDOR; OR

22           (VII) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC  
23 DISTRICT TO A PARCEL IN A KEY CORRIDOR ON WHICH HOUSING IS  
24 ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO  
25 DEMOLITION.

26           **29-33-304. Public comment and hearing process.** (1) IN  
27 DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE  
28 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE  
29 MULTI-AGENCY ADVISORY COMMITTEE CREATED IN SECTION 29-33-103  
30 (1), RURAL RESORT AREA SUBCOMMITTEE CREATED IN SECTION 29-33-103  
31 (8), AND THE URBAN AREA SUBCOMMITTEE CREATED IN SECTION  
32 29-33-103 (9), SHALL CONDUCT A PUBLIC COMMENT AND HEARING  
33 PROCESS CONCERNING THE CREATION OF:

34           (a) A MODEL CODE FOR TRANSIT-ORIENTED AREAS PURSUANT TO  
35 SECTION 29-33-302 (3)(a)(I); AND

36           (b) A KEY CORRIDOR MODEL CODE PURSUANT TO SECTION  
37 29-33-303 (4)(a).

38           (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE  
39 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON EACH  
40 MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:

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

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

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

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

8 **29-33-305. Exemption or extension.** (1) NO LATER THAN JUNE  
9 30, 2024, A SUBJECT JURISDICTION MAY NOTIFY THE DEPARTMENT OF  
10 LOCAL AFFAIRS THAT AN EXEMPTION OR AN EXTENSION IS NECESSARY  
11 FROM THE REQUIREMENTS OF SECTION 29-33-302 (5) OR 29-33-303 (6).

12 (2) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,  
13 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN  
14 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE  
15 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION  
16 EXPECTS SUCH SERVICES TO BECOME DEFICIENT IN THE NEXT FIVE YEARS.  
17 AS USED IN THIS SUBSECTION (2), "DEFICIENT" MEANS, IN REFERENCE TO  
18 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER  
19 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,  
20 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF  
21 APPLICABLE, ISSUES CONCERNING:

22 (a) WATER SUPPLY;

23 (b) WASTEWATER TREATMENT CAPACITY;

24 (c) WATER DISTRIBUTION AND WASTEWATER COLLECTION  
25 CAPACITY; OR

26 (d) STORMWATER MANAGEMENT CAPACITY.

27 (3) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE  
28 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (2) OF THIS  
29 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO  
30 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER  
31 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER  
32 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE  
33 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN INCLUDED  
34 IN THE NOTICE.

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

37 (5) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO  
38 SUBJECT JURISDICTIONS WITH BOTH A POPULATION OF LESS THAN  
39 TWENTY-FIVE THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME  
40 OF LESS THAN FIFTY-FIVE THOUSAND DOLLARS, IF THE SUBJECT  
41 JURISDICTION SENDS A LETTER TO THE DEPARTMENT OF LOCAL AFFAIRS, IN  
42 A FORM AND MANNER DETERMINED BY THE DEPARTMENT, INDICATING  
43 THAT THE SUBJECT JURISDICTION DOES NOT INTEND TO COMPLY WITH THIS

1 SECTION.

2 (6) (a) A SUBJECT JURISDICTION MAY PROPOSE ALTERNATIVE  
3 DATES IN LIEU OF THE DEADLINES IN THIS PART 3 TO THE DEPARTMENT OF  
4 LOCAL AFFAIRS FOR APPROVAL IF THE PROPOSAL DEMONSTRATES A PLAN  
5 FOR AND PROGRESS TOWARDS ACHIEVING COMPLIANCE WITH THIS PART 3.  
6 A SUBMITTED PROPOSAL FOR ALTERNATIVE DATES MUST INCLUDE:

7 (I) A DESCRIPTION OF WORK ALREADY UNDERWAY, IF ANY, TO  
8 COMPLY WITH THE MINIMUM STANDARDS SET FORTH IN THIS PART 3; AND

9 (II) PROPOSED ALTERNATIVE DATES FOR COMPLIANCE WITH THE  
10 MINIMUM STANDARDS SET FORTH IN THIS PART 3.

11 (b) THE DEPARTMENT OF LOCAL AFFAIRS MAY ISSUE GUIDANCE AS  
12 NECESSARY TO IMPLEMENT THIS SUBSECTION (6).

13 **29-33-306. Report.** (1) (a) NO LATER THAN JUNE 30, 2025, A  
14 SUBJECT JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL  
15 AFFAIRS, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT,  
16 REPORTS DEMONSTRATING EVIDENCE OF COMPLIANCE WITH EITHER THE  
17 MODEL CODES REQUIRED BY SECTIONS 29-33-302 (3) AND 29-33-303 (4)  
18 OR THE MINIMUM STANDARDS SET FORTH IN SECTIONS 29-33-302 (4) AND  
19 29-33-303 (5).

20 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN  
21 SUBSECTION (1) (a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS  
22 SHALL REVIEW AND APPROVED THE SUBMITTED REPORT OR REJECT THE  
23 REPORT AND PROVIDE FEEDBACK TO A SUBJECT JURISDICTION. THE  
24 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A SUBJECT JURISDICTION AN  
25 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT  
26 LOCAL LAWS AND RESUBMIT A REPORT.

27 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT  
28 JURISDICTION'S REPORT, THE RELEVANT MODEL CODE GOES INTO EFFECT  
29 IMMEDIATELY IN THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF  
30 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS  
31 ADOPTED LAWS THAT COMPLY WITH THE RELEVANT MINIMUM STANDARDS.

32 (2) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROVIDE TECHNICAL  
33 ASSISTANCE OR FUNDING TO METROPOLITAN PLANNING ORGANIZATIONS  
34 AND SUBJECT JURISDICTIONS TO ADOPT MINIMUM STANDARDS FOR  
35 TRANSIT-ORIENTED AREAS AND KEY CORRIDORS THAT SUPPORT REGIONAL  
36 PLANNING GOALS."

37 Page 78, line 7, strike "HOME" and substitute "HOMES".

38 Page 79, after line 2 insert:

39 "SECTION 6. In Colorado Revised Statutes, 24-48.5-101, add  
40 (8) as follows:

1           **24-48.5-101. Colorado office of economic development -**  
2 **creation - duties - report - consideration of strategic growth**  
3 **objectives required.** (8) (a) TO THE EXTENT PRACTICABLE, THE OFFICE  
4 OF ECONOMIC DEVELOPMENT MUST PRIORITIZE GRANTS AND INCENTIVES  
5 THAT ALIGN WITH STRATEGIC GROWTH OBJECTIVES AND STRATEGIC  
6 GROWTH AREAS.

7           (b) The office of economic development must coordinate with the  
8 economic development commission created pursuant to 24-46-102 and  
9 the multi-agency advisory committee created pursuant to 29-33-103 to  
10 establish strategic growth objectives that align statewide housing,  
11 transportation, and economic development goals. the economic  
12 development commission must provide initial strategic growth objectives  
13 in their annual report to the general assembly by November 1, 2024, and  
14 in subsequent annual reports provide an update on investments that align  
15 with the established strategic growth objectives and strategic growth  
16 areas.

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

19           **24-67-105. Standards and conditions for planned unit**  
20 **development - definitions.** (5.5) (a) AS USED IN THIS SUBSECTION (5.5),  
21 UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

24           (2) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN  
25 SECTION 29-33-303 (1) (b).

26           (3) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET  
27 FORTH IN SECTION 29-33-102 (41).

28           (b) A PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE  
29 ADOPTED PURSUANT TO THIS ARTICLE 67, IF THE PLANNED UNIT  
30 DEVELOPMENT HAS A RESIDENTIAL USE, MUST NOT RESTRICT THE  
31 PERMITTING OF ACCESSORY DWELLING UNITS, HOUSING IN  
32 TRANSIT-ORIENTED AREAS, OR HOUSING IN KEY CORRIDORS IN THE  
33 JURISDICTIONS AND AREAS TO WHICH ARTICLE 33 OF TITLE 29 APPLIES IN  
34 ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF TITLE 29.

35           (c) ANY PROVISION OF A PLANNED UNIT DEVELOPMENT APPROVED  
36 PRIOR TO THE ADOPTION OF SUBSECTION (5.5)(a) OF THIS SECTION, AND  
37 WHICH FAILS TO CONFORM TO THE REQUIREMENTS OF THAT SUBSECTION  
38 (5.5)(a), SHALL BE DEEMED SUPERSEDED BY THE ADOPTION OF A LOCAL  
39 LAW OR IMPLEMENTATION OF A MODEL CODE PURSUANT TO ARTICLE 33 OF  
40 TITLE 29. NOTWITHSTANDING THIS SUBSECTION (5.5)(b), A LOCAL  
41 GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY SUCH  
42 PLANNED UNIT DEVELOPMENT."

1 Renumber succeeding sections accordingly.

2 Page 79, strike line 6 and substitute "**definitions.** (1) THE GENERAL  
3 ASSEMBLY FINDS AND DECLARES THAT OCCUPANCY LIMITS AND THE  
4 INCREASED AVAILABILITY OF HOUSING IS A MATTER OF MIXED STATEWIDE  
5 AND LOCAL CONCERN.

6 (2) BEGINNING JANUARY 1, 2024, NOTWITHSTANDING ANY OTHER  
7 PROVISION TO THE".

8 Renumber succeeding paragraphs accordingly.

9 Page 79, line 9, after the period add "HOWEVER, IF A MUNICIPALITY HAS  
10 AN INSTITUTION OF HIGHER EDUCATION WITHIN ITS BOUNDARIES, AND THE  
11 NUMBER OF PEOPLE ENROLLED IN THAT INSTITUTION OF HIGHER  
12 EDUCATION DURING THE ACADEMIC YEAR IS EQUAL TO OR GREATER THAN  
13 TWENTY-FIVE PERCENT OF THE MUNICIPALITY'S RESIDENTIAL POPULATION,  
14 THAT MUNICIPALITY MAY ENACT OR ENFORCE RESIDENTIAL OCCUPANCY  
15 LIMITS ON MORE THAN FIVE UNRELATED PEOPLE LIVING IN ONE  
16 DWELLING.".

17 Page 79, line 22, after "(9)," strike "and".

18 Page 79, line 23, after "(10)" insert ", and (11)".

19 Page 80, line 10, strike "2024" and substitute "2025".

20 Page 81, line 18, after "GOALS" insert "AND ACTIONS".

21 Page 85, strike lines 12 through 17.

22 Page 85, strike line 18 and substitute:

23 "(9) NOT LESS THAN SIXTY DAYS PRIOR TO ADOPTING OR".

24 Page 86, after line 2 insert:

25 "(10) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR  
26 AMENDING THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE  
27 MASTER PLAN TO THE DIVISION OF LOCAL GOVERNMENT IN THE  
28 DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT  
29 SHALL REVIEW THE MASTER PLAN TO ENSURE THE MASTER PLAN COMPLIES  
30 WITH THE REQUIREMENTS OF THIS SECTION. THE DIVISION OF LOCAL  
31 GOVERNMENT SHALL PUBLISH AND MAINTAIN A DATABASE OF ADOPTED



1 AND AMENDED MASTER PLANS THAT HAVE BEEN SUBMITTED IN  
2 ACCORDANCE WITH THIS SECTION; AND

3 (11) A COUNTY SUBJECT TO THIS SECTION SHALL REVIEW AND, IF  
4 NEEDED, REVISE ITS MASTER PLAN TO ENSURE THE MASTER PLAN COMPLIES  
5 WITH THE REQUIREMENTS OF THIS SECTION AT LEAST EVERY TEN YEARS.  
6 A COUNTY MAY UTILIZE EXISTING PLANNING INFORMATION AND ANALYSIS  
7 TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION (11) IF THE  
8 INFORMATION OR ANALYSIS IS NOT MORE THAN FIVE YEARS OLD."

9 Page 86, line 18, after "(5)(a)(V)," strike "and".

10 Page 86, strike line 19 and substitute "(5)(b)(I.5), and (5)(c) as follows".

11 Page 88, after line 7 insert:

12 "(c) FOR PURPOSES OF SUBSECTION (5)(b) OF THIS SECTION, THE  
13 GENERAL ASSEMBLY FINDS AND DECLARES THAT CREATING ADDITIONAL  
14 HOUSING BY ALLOWING MANUFACTURED HOMES AND MODULAR HOMES IS  
15 A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

16 **SECTION 12.** In Colorado Revised Statutes, 31-23-301, **add** (6)  
17 as follows:

18 **31-23-301. Grant of power.** (6) NEITHER A TIER ONE URBAN  
19 MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (33) OR A TIER TWO  
20 URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (34) SHALL  
21 IMPOSE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL  
22 UNITS IN THE APPROVAL OF RESIDENTIAL DWELLING UNIT CONSTRUCTION  
23 PERMITS UNLESS DOING SO IS NECESSARY FOR HEALTH AND SAFETY IN THE  
24 URBAN MUNICIPALITY."

25 Renumber succeeding sections accordingly.

26 Page 89, line 6, strike "2024" and substitute "2025".

27 Page 90, line 16, after "GOALS" insert "AND ACTIONS".

28 Page 94, strike lines 24 through 27.

29 Page 95, strike lines 1 through 3 and substitute:

30 "(9) NOT LESS THAN SIXTY DAYS PRIOR TO ADOPTING OR".

31 Page 95, after line 13 insert:

32 "(10) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR

1 AMENDING THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE  
2 MASTER PLAN TO THE DIVISION OF LOCAL GOVERNMENT IN THE  
3 DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT  
4 SHALL REVIEW THE MASTER PLAN TO ENSURE IT COMPLIES WITH THE  
5 REQUIREMENTS OF THIS SECTION. THE DIVISION OF LOCAL GOVERNMENT  
6 SHALL PUBLISH AND MAINTAIN A DATABASE OF ADOPTED AND AMENDED  
7 MASTER PLANS THAT HAVE BEEN SUBMITTED IN ACCORDANCE WITH THIS  
8 SECTION."

9 Page 95, after line 20 insert:

10 "SECTION 14. In Colorado Revised Statutes, 38-33.3-106.5, add  
11 (3) and (4) as follows:

12 **38-33.3-106.5. Prohibition contrary to public policy - patriotic,**  
13 **political, or religious express - public rights-of-way - fire prevention**  
14 **- renewable energy generation devices - affordable housing - drought**  
15 **prevention measure - child care - definitions. (3)**

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

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

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

29 (II) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN  
30 SECTION 29-33-303 (1) (b).

31 (III) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET  
32 FORTH IN SECTION 29-33-102 (41).

33 (c) SUBSECTION (3)(a) OF THIS SECTION SHALL NOT APPLY TO  
34 REASONABLE RESTRICTIONS ON ACCESSORY DWELLING UNITS. AS USED IN  
35 THIS SUBSECTION (3)(c), "REASONABLE RESTRICTION" MEANS A  
36 RESTRICTION THAT DOES NOT UNREASONABLY INCREASE THE COST TO  
37 CONSTRUCT, EFFECTIVELY PROHIBIT THE CONSTRUCTION OF, OR  
38 EXTINGUISH THE ABILITY TO OTHERWISE CONSTRUCT, AN ACCESSORY  
39 DWELLING UNIT CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

40 (4) (a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,  
41 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE

1 CONTRARY, AN ASSOCIATION SHALL NOT ENACT OR ENFORCE RESIDENTIAL  
2 OCCUPANCY LIMITS THAT DIFFER BASED ON THE RELATIONSHIPS OF THE  
3 OCCUPANTS OF A DWELLING.

4 (b) NOTHING IN THIS SECTION PREVENTS AN ASSOCIATION FROM  
5 ESTABLISHING RESIDENTIAL OCCUPANCY LIMITS FOR DWELLING UNITS FOR  
6 SHORT-TERM RENTALS, AS DEFINED IN SECTION 29-33-102 (35).

7 (c) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT  
8 OTHERWISE REQUIRES, "DWELLING" MEANS ANY IMPROVED REAL  
9 PROPERTY OR PORTION THEREOF THAT IS USED OR INTENDED TO BE USED  
10 AS A RESIDENCE."

11 Renumber succeeding sections accordingly.

12 Page 97, after line 22 insert:

13 "SECTION 19. In Colorado Revised Statutes, 43-2-147, **amend**  
14 (4) as follows:

15 **43-2-147. Access to public highways - definitions.** (4) (a) The  
16 commission shall adopt a state highway access code, by rule and  
17 regulation, for the implementation of this section, on or after March 16,  
18 1980. The access code shall address the design and location of driveways  
19 and other points of access to public highways. The access code shall be  
20 consistent with the authority granted in this section and shall be based  
21 upon consideration of existing and projected traffic volumes, the  
22 functional classification of public highways, adopted local transportation  
23 plans and needs, drainage requirements, the character of lands adjoining  
24 the highway, adopted local land use plans and zoning, the type and  
25 volume of traffic to use the driveway, other operational aspects of the  
26 driveway, the availability of vehicular access from local streets and roads  
27 rather than a state highway, and reasonable access by city streets and  
28 county roads. THE ACCESS CODE MUST ENSURE THAT ACCESS CONTROL  
29 STANDARDS ARE OPTIMIZED TO SUPPORT DENSE HOUSING, WALKABLE AND  
30 MULTI-MODAL MIXED-USE CENTERS, AND STRATEGIC GROWTH AREAS,  
31 WHILE CONTINUING TO ENSURE THAT BASIC SAFETY STANDARDS ARE MET.

32 (b) ON OR BEFORE JULY 1, 2024, THE COMMISSION SHALL ADOPT  
33 INTO THE STATE HIGHWAY ACCESS CODE AN INTERCHANGE APPROVAL  
34 PROCESS THAT CONDITIONS APPROVAL FOR CERTAIN INTERCHANGES ON  
35 ADOPTION OF TRANSPORTATION DEMAND MANAGEMENT STRATEGIES THAT  
36 REDUCE THE AVERAGE DAILY TRAFFIC AT THE ON-RAMPS TO THE  
37 INTERCHANGES BY A MINIMUM OF THREE PERCENT RELATIVE TO THE  
38 BASELINE AVERAGE DAILY TRAFFIC. THE TRANSPORTATION DEMAND  
39 MANAGEMENT STRATEGIES SHALL BE CONSISTENT WITH STRATEGIC  
40 GROWTH OBJECTIVES. THIS SUBSECTION (4)(b) SHALL APPLY, AT A

1 MINIMUM, TO INTERCHANGES THAT ARE:  
2 (I) NEW INTERCHANGES OR INTERCHANGES MODIFIED WITH  
3 IMPROVEMENTS THAT EXPAND TRAFFIC CAPACITY; AND  
4 (II) WITHIN METROPOLITAN PLANNING ORGANIZATION  
5 BOUNDARIES."

6 Renumber succeeding sections accordingly.

7 Page 1, strike lines 102 through 109 and substitute "THEREWITH,  
8 MAKING AN".

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