

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 21-0151.01 Bob Lackner x4350

**HOUSE BILL 21-1117**

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**HOUSE SPONSORSHIP**

**Lontine and Gonzales-Gutierrez, Kipp, Weissman**

**SENATE SPONSORSHIP**

**Gonzales and Rodriguez,**

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**House Committees**

Transportation & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE ABILITY OF LOCAL GOVERNMENTS TO PROMOTE THE**  
102                    **DEVELOPMENT OF NEW AFFORDABLE HOUSING UNITS PURSUANT**  
103                    **TO THEIR EXISTING AUTHORITY TO REGULATE LAND USE WITHIN**  
104                    **THEIR TERRITORIAL BOUNDARIES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill clarifies that the existing authority of cities and counties to plan for and regulate the use of land includes the authority to regulate development or redevelopment in order to promote the construction of

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

HOUSE  
Amended 2nd Reading  
March 19, 2021

new affordable housing units. The provisions of the state's rent control statute do not apply to any land use regulation that restricts rents on newly constructed or redeveloped housing units as long as the regulation provides a choice of options to the property owner or land developer and creates one or more alternatives to the construction of new affordable housing units on the building site.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds, determines, and declares that:

4           (a) In 2000, in *Town of Telluride, Colorado v. Lot Thirty-Four*  
5 *Venture LLC*, 3 P.3d 30 (Colo. 2000), the Colorado supreme court held  
6 that a local land use ordinance enacted by the town of Telluride to  
7 promote affordable housing in new developments violated a state statute  
8 that prohibited counties and municipalities from enacting any ordinance  
9 or resolution that would control rent on private residential property or  
10 private residential housing units; except that, in that decision, the supreme  
11 court made clear that, although the Telluride ordinance constitutes rent  
12 control, the general assembly is not prevented from amending the rent  
13 control statute to permit local ordinances such as the ordinance at issue  
14 in that case.

15           (b) Nothing in this act is intended to affect voluntary agreements  
16 to promote affordable housing stock entered into pursuant to section  
17 38-12-301 (2), or any land use regulation adopted prior to the effective  
18 date of this act that meets the requirements of this act.

19           **SECTION 2.** In Colorado Revised Statutes, 29-20-104, **add**  
20 (1)(e.5) as follows:

21           **29-20-104. Powers of local governments - definition.**

22 (1) Except as expressly provided in section 29-20-104.5, the power and

1 authority granted by this section does not limit any power or authority  
2 presently exercised or previously granted. Each local government within  
3 its respective jurisdiction has the authority to plan for and regulate the use  
4 of land by:

5 (E.5) REGULATING DEVELOPMENT OR REDEVELOPMENT IN ORDER  
6 TO PROMOTE THE CONSTRUCTION OF NEW AFFORDABLE HOUSING UNITS.  
7 THE PROVISIONS OF SECTION 38-12-301 SHALL NOT APPLY TO ANY LAND  
8 USE REGULATION ADOPTED PURSUANT TO THIS SECTION THAT RESTRICTS  
9 RENTS ON NEWLY CONSTRUCTED OR REDEVELOPED HOUSING UNITS AS  
10 LONG AS THE REGULATION PROVIDES A CHOICE OF OPTIONS TO THE  
11 PROPERTY OWNER OR LAND DEVELOPER AND CREATES ONE OR MORE  
12 ALTERNATIVES TO THE CONSTRUCTION OF NEW AFFORDABLE HOUSING  
13 UNITS ON THE BUILDING SITE. NOTHING IN THIS SUBSECTION (1)(e.5) IS  
14 CONSTRUED TO AUTHORIZE A LOCAL GOVERNMENT TO ADOPT OR ENFORCE  
15 ANY ORDINANCE OR REGULATION THAT WOULD HAVE THE EFFECT OF  
16 CONTROLLING RENT ON ANY EXISTING PRIVATE RESIDENTIAL HOUSING  
17 UNIT IN VIOLATION OF SECTION 38-12-301.

18 **SECTION 3. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly; except  
21 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
22 of the state constitution against this act or an item, section, or part of this  
23 act within the ninety-day period after final adjournment of the general  
24 assembly, then the act, item, section, or part will not take effect unless  
25 approved by the people at the general election to be held in November  
26 2020 and, in such case, will take effect on the date of the official  
27 declaration of the vote thereon by the governor.