

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0543.02 Alison Killen x4350

**HOUSE BILL 23-1115**

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**HOUSE SPONSORSHIP**

**Mabrey and Velasco**, Bacon, Boesenecker, deGruy Kennedy, Duran, English, Epps, Garcia, Gonzales-Gutierrez, Jodeh, Kipp, Lindsay, Martinez, Ortiz, Parenti, Sharbini, Sirota, Story, Vigil, Willford, Woodrow

**SENATE SPONSORSHIP**

**Rodriguez**,

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**House Committees**

Transportation, Housing & Local Government

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE REPEAL OF STATUTORY PROVISIONS PROHIBITING**  
102              **LOCAL GOVERNMENTS FROM ENACTING RENT CONTROL ON**  
103              **PRIVATE RESIDENTIAL PROPERTY OR A PRIVATE RESIDENTIAL**  
104              **HOUSING UNIT.**

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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 repeals statutory provisions prohibiting counties and municipalities from enacting any ordinance or resolution that would control rent on private residential property or a private residential housing

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

unit. The bill also makes a conforming amendment.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** part 3 of  
3 article 12 of title 38.

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

6 **29-20-104. Powers of local governments - definition.**

7 (1) Except as expressly provided in section 29-20-104.5, the power and  
8 authority granted by this section does not limit any power or authority  
9 presently exercised or previously granted. Each local government within  
10 its respective jurisdiction has the authority to plan for and regulate the use  
11 of land by:

12 (e.5) Regulating development or redevelopment in order to  
13 promote the construction of new affordable housing units. ~~The provisions~~  
14 ~~of section 38-12-301 shall not apply to any land use regulation adopted~~  
15 ~~pursuant to this section that restricts rents on newly constructed or~~  
16 ~~redeveloped housing units as long as the regulation provides a choice of~~  
17 ~~options to the property owner or land developer and creates one or more~~  
18 ~~alternatives to the construction of new affordable housing units on the~~  
19 ~~building site. Nothing in this subsection (1)(e.5) is construed to authorize~~  
20 ~~a local government to adopt or enforce any ordinance or regulation that~~  
21 ~~would have the effect of controlling rent on any existing private~~  
22 ~~residential housing unit in violation of section 38-12-301.~~

23 **SECTION 3.** In Colorado Revised Statutes, **add** 29-20-110 as  
24 follows:

25 **29-20-110. Local government control of rents. (1) AN**

1 ORDINANCE OR RESOLUTION ADOPTED BY A LOCAL GOVERNMENT THAT  
2 CONTROLS RENT ON EITHER PRIVATE RESIDENTIAL PROPERTY OR A PRIVATE  
3 RESIDENTIAL HOUSING UNIT MUST CONFORM TO THE FOLLOWING:

4 (a) SUCH AN ORDINANCE OR RESOLUTION MUST BE UNIFORMLY  
5 APPLIED AMONG ALL RENTERS THAT ARE SIMILARLY SITUATED;

6 (b) SUCH AN ORDINANCE OR RESOLUTION MUST BE UNIFORMLY  
7 APPLIED AMONG ALL PRIVATE RESIDENTIAL PROPERTIES AND PRIVATE  
8 RESIDENTIAL HOUSING UNITS THAT ARE SIMILARLY SITUATED; EXCEPT  
9 THAT:

10 (I) NO SUCH ORDINANCE OR RESOLUTION MAY BE APPLIED TO ANY  
11 PRIVATE RESIDENTIAL PROPERTY OR PRIVATE RESIDENTIAL HOUSING UNIT  
12 BUILT OR FOR WHICH A CERTIFICATE OF OCCUPANCY WAS ISSUED ON OR  
13 AFTER JANUARY 1, 2008, OR ON OR AFTER JANUARY 1 OF ANY YEAR  
14 THEREAFTER WHICH YEAR IS FIFTEEN YEARS PRECEDING THE ADOPTION OF  
15 THE ORDINANCE OR RESOLUTION; AND

16 (II) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS SECTION,  
17 SUCH ORDINANCE OR RESOLUTION MAY BE APPLIED TO A MOBILE HOME, AS  
18 DEFINED IN SECTION 38-12-201.5 (5), OR A MOBILE HOME PARK, AS  
19 DEFINED IN SECTION 38-12-201.5 (6), REGARDLESS OF THE DATE SUCH  
20 MOBILE HOME OR MOBILE HOME PARK WAS BUILT OR THE DATE A  
21 CERTIFICATE OF OCCUPANCY WAS ISSUED FOR SUCH MOBILE HOME OR  
22 MOBILE HOME PARK; AND

23 (c) SUCH AN ORDINANCE OR RESOLUTION THAT LIMITS THE  
24 AMOUNT OF AN ANNUAL RENT INCREASE MUST NOT IMPOSE A LIMIT LESS  
25 THAN THE PERCENTAGE INCREASE IN THE CONSUMER PRICE INDEX PLUS  
26 THREE PERCENTAGE POINTS PLUS THE PERCENTAGE INCREASE IN  
27 VALUATION FOR ASSESSMENT ATTRIBUTABLE TO ANY IMPROVEMENT MADE

1 TO THE PRIVATE RESIDENTIAL PROPERTY OR PRIVATE RESIDENTIAL  
2 HOUSING UNIT THAT YEAR.

3 (2) NOTWITHSTANDING SUBSECTION (1)(a) OR (1)(b) OF THIS  
4 SECTION, A LOCAL GOVERNMENT MAY HAVE OR ADOPT AN ORDINANCE OR  
5 RESOLUTION THAT IS EXPRESSLY INTENDED AND DESIGNED TO INCREASE  
6 THE SUPPLY OF AFFORDABLE HOUSING WITHIN THE LOCAL GOVERNMENT'S  
7 JURISDICTIONAL BOUNDARIES.

8 **SECTION 4. Act subject to petition - effective date.** This act  
9 takes effect at 12:01 a.m. on the day following the expiration of the  
10 ninety-day period after final adjournment of the general assembly; except  
11 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
12 of the state constitution against this act or an item, section, or part of this  
13 act within such period, then the act, item, section, or part will not take  
14 effect unless approved by the people at the general election to be held in  
15 November 2024 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor.