

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

PREAMENDED

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

LLS NO. 24-0454.03 Pierce Lively x2059

HOUSE BILL 24-1152

HOUSE SPONSORSHIP

Amabile and Weinberg,

SENATE SPONSORSHIP

Mullica and Exum,

House Committees

Transportation, Housing & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING INCREASING THE NUMBER OF ACCESSORY DWELLING**
102 **UNITS, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

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>.)

Section 1 of the bill creates a series of requirements related to accessory dwelling units. The bill establishes unique requirements for subject jurisdictions and for qualifying as an accessory dwelling unit supportive jurisdiction (supportive jurisdiction).

As established in the bill, a subject jurisdiction is either:

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.

- A municipality that has a population of 1,000 or more and that is within the area of a metropolitan planning organization; or
- The portion of a county that is both within a census designated place with a population of ten thousand or more, as reported in the most recent decennial census, and within the area of a metropolitan planning organization.

The bill requires a subject jurisdiction to allow, subject to an administrative approval process, one accessory dwelling unit as an accessory use to a single-unit detached dwelling in any part of the subject jurisdiction where the subject jurisdiction allows single-unit detached dwellings. The bill also prohibits subject jurisdictions from enacting or enforcing certain local laws that would restrict the construction or conversion of an accessory dwelling unit.

In order to qualify as a supportive jurisdiction, a jurisdiction must submit a report to the division of local government in the department of local affairs (the division) demonstrating that the jurisdiction:

- Has complied with the accessory dwelling unit requirements the bill imposes on subject jurisdictions; and
- Has implemented one or more strategies to encourage and facilitate the construction or conversion of accessory dwelling units.

Section 1 also creates the accessory dwelling unit fee reduction and encouragement grant program within the division. The purpose of this grant program is for the division to provide grants to supportive jurisdictions for offsetting costs incurred in connection with developing pre-approved accessory dwelling unit plans, providing technical assistance to persons converting or constructing accessory dwelling units, or waiving or reducing accessory dwelling unit associated fees and other required costs.

Section 2 grants the Colorado economic development commission the power to expend \$8 million to contract with the Colorado housing and finance authority to operate and establish the following programs to benefit the residents of supportive jurisdictions:

- An accessory dwelling unit loss reserve program that offers affordable loans for the construction or conversion of accessory dwelling units;
- A program that allows for the buying down of interest rates on loans made in connection with the construction or conversion of accessory dwelling units;
- A program that offers down payment assistance in connection with accessory dwelling units; and
- A program through which the Colorado housing and finance authority offers direct loans in connection with the construction or conversion of accessory dwelling units.

Section 3 prohibits a planned unit development resolution or ordinance for a planned unit development from restricting the permitting of an accessory dwelling unit more than the local law that applies to accessory dwelling units outside of the planned unit development.

Section 4 states that any prohibition on accessory dwelling units or the implementation of restrictive design or dimension standards by a unit owners' association in a supportive jurisdiction is void as a matter of public policy.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 35 to title
3 29 as follows:

4 **ARTICLE 35**

5 **State Land Use Criteria For Strategic Growth**

6 **PART 1**

7 **ACCESSORY DWELLING UNITS**

8 **29-35-101. Legislative declaration.** (1) (a) THE GENERAL
9 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

10 (I) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE
11 COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED
12 NEIGHBORHOODS WITH MINIMAL IMPACTS TO INFRASTRUCTURE AND TO
13 SUPPLY NEW HOUSING OPPORTUNITIES WITHOUT ADDED DISPERSED
14 LOW-DENSITY HOUSING;

15 (II) ACCESSORY DWELLING UNITS GENERATE RENTAL INCOME TO
16 HELP HOMEOWNERS COVER MORTGAGE PAYMENTS OR OTHER COSTS,
17 WHICH CAN BE IMPORTANT FOR A VARIETY OF RESIDENTS, SUCH AS OLDER
18 HOMEOWNERS ON FIXED INCOMES AND LOW- AND MODERATE-INCOME
19 HOMEOWNERS;

20 (III) ACCESSORY DWELLING UNITS PROVIDE FAMILIES WITH
21 OPTIONS FOR INTERGENERATIONAL LIVING ARRANGEMENTS THAT ENABLE

1 CHILD OR ELDER CARE AND AGING IN PLACE, AND A 2021 SURVEY BY THE
2 AARP FOUND THAT APPROXIMATELY SEVENTY-FIVE PERCENT OF PEOPLE
3 FIFTY YEARS OF AGE OR OLDER WANT TO STAY IN THEIR HOMES OR
4 COMMUNITIES FOR AS LONG AS THEY CAN. ACCORDING TO A 2018 STUDY
5 BY THE CENTER FOR AMERICAN PROGRESS, FIFTY-ONE PERCENT OF
6 COLORADANS LIVE IN A CHILD CARE DESERT-A COMMUNITY WHERE THERE
7 ARE NO CHILD CARE PROVIDERS OR SO FEW OPTIONS THAT THERE ARE
8 MORE THAN THREE TIMES AS MANY CHILDREN AS THERE ARE LICENSED
9 CHILD CARE SLOTS. THESE CHILD CARE DESERTS ARE SITUATED WITHIN
10 RURAL, SUBURBAN, AND URBAN COMMUNITIES AND ARE A MAJOR REASON
11 FOR WORKING PARENTS TO LEAVE THE WORKFORCE.

12 (IV) ACCESSORY DWELLING UNITS ARE OFTEN OCCUPIED AT LOW
13 TO NO RENT BY FAMILY MEMBERS, AND IF THEY ARE RENTED PRIVATELY,
14 THEIR RENTS ARE RELATIVELY AFFORDABLE BECAUSE OF THEIR SMALL
15 SIZE;

16 (V) AS COLORADO'S POPULATION AGES AND TYPICAL HOUSEHOLD
17 SIZE CONTINUES TO DECREASE, ACCESSORY DWELLING UNITS OFFER MORE
18 COMPACT HOUSING OPTIONS THAT ALIGN WITH THE STATE'S CHANGING
19 DEMOGRAPHICS, AND COLORADANS OVER SIXTY-FIVE YEARS OF AGE ARE
20 THE FASTEST-GROWING AGE COHORT IN COLORADO ACCORDING TO THE
21 STATE DEMOGRAPHY OFFICE;

22 (VI) ACCESSORY DWELLING UNITS ENABLE SENIORS TO DOWNSIZE,
23 MOVE INTO ACCESSIBLE UNITS, OR LIVE WITH FAMILY OR A CAREGIVER
24 WHILE REMAINING IN THEIR COMMUNITIES. A 2018 AARP SURVEY FOUND
25 THAT SIXTY-SEVEN PERCENT OF ADULTS WOULD CONSIDER LIVING IN AN
26 ACCESSORY DWELLING UNIT TO BE CLOSE TO SOMEONE BUT STILL HAVE A
27 SEPARATE SPACE. MOST SENIORS DO NOT LIVE IN HOMES THAT ARE

1 ACCESSIBLE, EVEN THOUGH DISABILITY IS PREVALENT AMONG THE SENIOR
2 POPULATION AND INCREASES WITH AGE. LESS THAN FOUR PERCENT OF
3 EXISTING HOUSING UNITS IN THE UNITED STATES ARE ESTIMATED TO BE
4 LIVABLE FOR PEOPLE WITH MODERATE MOBILITY DIFFICULTIES,
5 ACCORDING TO "HOUSING FOR AN AGING POPULATION" IN THE JOURNAL
6 HOUSING POLICY DEBATE.

7 (VII) RELATIVE TO DISPERSED, LOW-DENSITY DEVELOPMENT,
8 COMPACT INFILL DEVELOPMENT, INCLUDING ACCESSORY DWELLING UNIT
9 DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS,
10 INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION
11 COSTS;

12 (VIII) ACCESSORY DWELLING UNITS USE SIGNIFICANTLY LESS
13 ENERGY FOR HEATING AND COOLING THAN SINGLE-UNIT DETACHED
14 DWELLINGS BECAUSE OF THEIR SMALLER SIZE, WHICH REDUCES
15 HOUSEHOLD ENERGY COSTS AND GREENHOUSE GAS EMISSIONS.
16 ACCESSORY DWELLING UNITS CAN REDUCE LIFETIME CARBON DIOXIDE
17 EMISSIONS BY FORTY PERCENT COMPARED TO MEDIUM-SIZED
18 SINGLE-FAMILY HOMES, ACCORDING TO A REPORT FROM THE OREGON
19 DEPARTMENT OF ENVIRONMENTAL QUALITY. REDUCING EMISSIONS FROM
20 THE HOUSING SECTOR IS CRITICAL FOR MEETING THE STATE'S GREENHOUSE
21 GAS EMISSIONS TARGETS ESTABLISHED IN SECTION 25-7-102. ACCORDING
22 TO "THE CARBON FOOTPRINT OF HOUSEHOLD ENERGY USE IN THE UNITED
23 STATES" IN THE PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES,
24 REDUCING FLOOR SPACE PER CAPITA IS A CRITICAL STRATEGY TO
25 REACHING MID-CENTURY CLIMATE GOALS.

26 (IX) COMPACT INFILL DEVELOPMENT REDUCES WATER DEMAND
27 AND INFRASTRUCTURE COSTS BY USING LESS PIPING, WHICH REDUCES

1 WATER LOSS; INCLUDES LESS LANDSCAPED SPACE PER UNIT; AND MAKES
2 BETTER USE OF EXISTING INFRASTRUCTURE.

3 (X) ACCESSORY DWELLING UNITS REDUCE GOVERNMENT CAPITAL
4 AND MAINTENANCE COSTS FOR INFRASTRUCTURE SINCE ACCESSORY
5 DWELLING UNITS ARE BUILT IN EXISTING NEIGHBORHOODS AND HAVE A
6 RELATIVELY SMALL IMPACT ON EXISTING INFRASTRUCTURE. NATIONAL
7 STUDIES SUCH AS "RELATIONSHIPS BETWEEN DENSITY AND PER CAPITA
8 MUNICIPAL SPENDING IN THE UNITED STATES", PUBLISHED IN URBAN
9 SCIENCE, HAVE FOUND THAT LOWER DENSITY COMMUNITIES HAVE HIGHER
10 GOVERNMENT CAPITAL AND MAINTENANCE COSTS FOR WATER, SEWER,
11 AND TRANSPORTATION INFRASTRUCTURE AND LOWER PROPERTY AND
12 SALES TAX REVENUE. THESE INCREASED COSTS ARE OFTEN BORNE BY
13 BOTH STATE AND LOCAL GOVERNMENTS.

14 (XI) A NUMBER OF LOCAL LAND USE LAWS PROHIBIT HOMEOWNERS
15 FROM BUILDING AN ACCESSORY DWELLING UNIT, OR APPLY REGULATIONS
16 TO ACCESSORY DWELLING UNITS THAT SIGNIFICANTLY LIMIT THEIR
17 CONSTRUCTION;

18 (XII) A NUMBER OF MUNICIPALITIES HAVE REMOVED BARRIERS TO
19 ACCESSORY DWELLING UNIT CONSTRUCTION SUCH AS PARKING
20 REQUIREMENTS, OWNER OCCUPANCY REQUIREMENTS, AND RESTRICTIVE
21 SIZE AND DESIGN LIMITATIONS, WHICH HAS RESULTED IN ACCESSORY
22 DWELLING UNIT PERMITS INCREASING TO TEN TO TWENTY PERCENT OF
23 TOTAL NEW HOUSING PERMITS AND AN OVERALL INCREASE IN THE TOTAL
24 HOUSING SUPPLY. SINCE CALIFORNIA IMPLEMENTED VARIOUS REFORMS TO
25 ENCOURAGE ACCESSORY DWELLING UNIT CONSTRUCTION, INCLUDING
26 REQUIRING CITIES TO ALLOW ACCESSORY DWELLING UNITS AS A USE BY
27 RIGHT, PREVENTING THE IMPOSITION OF PARKING REQUIREMENTS, AND

1 PREVENTING OWNER OCCUPANCY REQUIREMENTS, ACCESSORY DWELLING
2 UNIT CONSTRUCTION HAS INCREASED SIGNIFICANTLY IN CALIFORNIA.
3 FOLLOWING REFORMS TO CALIFORNIA'S ACCESSORY DWELLING UNIT LAW
4 IN 2016, ACCESSORY DWELLING UNIT DEVELOPMENT HAS INCREASED
5 RAPIDLY FROM AROUND ONE THOUSAND ACCESSORY DWELLING UNITS
6 PERMITTED IN 2016 TO OVER TWENTY-FOUR THOUSAND IN 2022, OR ABOUT
7 TWENTY PERCENT OF NEW HOUSING PERMITS STATEWIDE, ACCORDING TO
8 DATA FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY
9 DEVELOPMENT AND ANALYSIS BY THE BIPARTISAN POLICY CENTER.

10 (XIII) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY, AND
11 HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING SUPPLY IS
12 RESTRICTED BY LOCAL LAND USE REGULATIONS IN A METROPOLITAN
13 REGION, ACCORDING TO THE NATIONAL BUREAU OF ECONOMIC RESEARCH
14 IN WORKING PAPERS SUCH AS "REGULATION AND HOUSING SUPPLY", "THE
15 IMPACT OF ZONING ON HOUSING AFFORDABILITY", AND "THE IMPACT OF
16 LOCAL RESIDENTIAL LAND USE RESTRICTIONS ON LAND VALUES ACROSS
17 AND WITHIN SINGLE FAMILY HOUSING MARKETS";

18 (XIV) INCREASING HOUSING SUPPLY MODERATES PRICE INCREASES
19 AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL INCOMES,
20 ACCORDING TO STUDIES SUCH AS "THE ECONOMIC IMPLICATIONS OF
21 HOUSING SUPPLY" IN THE JOURNAL OF ECONOMIC PERSPECTIVES AND
22 "SUPPLY SKEPTICISM: HOUSING SUPPLY AND AFFORDABILITY" IN THE
23 JOURNAL HOUSING POLICY DEBATE;

24 (XV) ACADEMIC RESEARCH SUCH AS "THE IMPACT OF BUILDING
25 RESTRICTIONS ON HOUSING AFFORDABILITY" IN THE FEDERAL RESERVE
26 BANK OF NEW YORK ECONOMIC POLICY REVIEW HAS IDENTIFIED ZONING
27 AND OTHER LAND USE CONTROLS AS A PRIMARY DRIVER OF RISING

1 HOUSING COSTS IN THE MOST EXPENSIVE HOUSING MARKETS;

2 (XVI) ACCESSORY DWELLING UNITS OFFER AFFORDABLE AND
3 ATTAINABLE OPTIONS TO LIVE IN HIGH-OPPORTUNITY NEIGHBORHOODS,
4 WHICH CAN HELP IMPROVE EQUITY OUTCOMES REGIONALLY AND
5 STATEWIDE. AN ANALYSIS OF ACCESSORY DWELLING UNIT PERMITTING IN
6 CALIFORNIA FOUND THAT ACCESSORY DWELLING UNITS ARE TYPICALLY
7 PERMITTED ON PARCELS WITH RELATIVELY GOOD ACCESS TO JOBS
8 COMPARED TO SURROUNDING AREAS, ACCORDING TO "WHERE WILL
9 ACCESSORY DWELLING UNITS SPROUT UP WHEN A STATE LETS THEM
10 GROW? EVIDENCE FROM CALIFORNIA" IN CITYSCAPE: A JOURNAL OF
11 POLICY DEVELOPMENT AND RESEARCH.

12 (XVII) LOCAL GOVERNMENT REGULATION OF ACCESSORY
13 DWELLING UNITS VARIES SIGNIFICANTLY WITHIN REGIONS AND STATEWIDE
14 IN COLORADO IN TERMS OF WHERE THEY ARE ALLOWED, THE DIMENSIONAL
15 AND DESIGN RESTRICTIONS APPLIED, AND OTHER REQUIREMENTS. THIS
16 INCONSISTENCY INHIBITS THE DEVELOPMENT OF A ROBUST MARKET OF
17 ACCESSORY DWELLING UNIT DEVELOPERS, MODULAR ACCESSORY
18 DWELLING UNIT DESIGNS, AND ASSOCIATED COST REDUCTIONS. COLORADO
19 IS SIMILAR TO MOST STATES IN THIS REGARD, AND, ACCORDING TO
20 "ZONING BY A THOUSAND CUTS" IN THE PEPPERDINE LAW REVIEW,
21 WHICH ANALYZED ACCESSORY DWELLING UNIT REGULATIONS ACROSS
22 CONNECTICUT, "THE HIGH DEGREE OF REGULATORY VARIATION THWARTS
23 THE DEVELOPMENT OF PROTOTYPE DESIGNS OR PREFABRICATED
24 [ACCESSORY DWELLING UNITS] THAT COULD SATISFY DIFFERENT RULES
25 ACROSS JURISDICTIONS".

26 (XVIII) MORE PERMISSIVE REGULATION BY LOCAL GOVERNMENTS
27 OF ACCESSORY DWELLING UNITS PROVIDES A REASONABLE CHANCE FOR

1 HOMEOWNERS TO CONSTRUCT OR CONVERT AN ACCESSORY DWELLING
2 UNIT AND THEREBY INCREASE HOUSING SUPPLY, STABILIZE HOUSING
3 COSTS, AND CONTRIBUTE TO AFFORDABLE AND EQUITABLE HOME
4 OWNERSHIP TO ADEQUATELY MEET THE HOUSING NEEDS OF A GROWING
5 COLORADO POPULATION.

6 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
7 INCREASING THE HOUSING SUPPLY THROUGH THE CONSTRUCTION OR
8 CONVERSION OF ACCESSORY DWELLING UNITS IS A MATTER OF MIXED
9 STATEWIDE AND LOCAL CONCERN.

10 **29-35-102. Definitions.** AS USED IN THIS PART 1, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

12 (1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES
13 THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC.
14 3601 ET SEQ., AS AMENDED, AND INCORPORATES UNIVERSAL DESIGN.

15 (2) "ACCESSORY DWELLING UNIT" MEANS AN INTERNAL,
16 ATTACHED, OR DETACHED DWELLING UNIT THAT:

17 (a) PROVIDES COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE
18 OR MORE INDIVIDUALS;

19 (b) IS LOCATED ON THE SAME LOT AS A PROPOSED OR EXISTING
20 PRIMARY RESIDENCE; AND

21 (c) INCLUDES FACILITIES FOR LIVING, SLEEPING, EATING, COOKING,
22 AND SANITATION.

23 (3) "ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION"
24 MEANS A LOCAL GOVERNMENT THAT THE DEPARTMENT HAS CERTIFIED
25 PURSUANT TO SECTION 29-35-104 AS AN ACCESSORY DWELLING UNIT
26 SUPPORTIVE JURISDICTION.

27 (4) "ACCESSORY USE" MEANS A STRUCTURE OR THE USE OF A

1 STRUCTURE ON THE SAME LOT WITH, AND OF A NATURE CUSTOMARILY
2 INCIDENTAL AND SUBORDINATE TO, THE PRINCIPAL STRUCTURE OR USE OF
3 THE STRUCTURE.

4 (5) (a) "ADMINISTRATIVE APPROVAL PROCESS" MEANS A
5 PROCESS IN WHICH:

6 (I) A DEVELOPMENT PROPOSAL FOR A SPECIFIED PROJECT IS
7 APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY LOCAL
8 GOVERNMENT ADMINISTRATIVE STAFF BASED SOLELY ON ITS COMPLIANCE
9 WITH OBJECTIVE STANDARDS SET FORTH IN LOCAL LAWS; AND

10 (II) DOES NOT REQUIRE, AND CANNOT BE ELEVATED TO REQUIRE,
11 A PUBLIC HEARING, A RECOMMENDATION, OR A DECISION BY AN ELECTED
12 OR APPOINTED PUBLIC BODY OR A HEARING OFFICER.

13 (b) NOTWITHSTANDING SUBSECTION (5)(a) OF THIS SECTION, AN
14 ADMINISTRATIVE APPROVAL PROCESS MAY REQUIRE AN APPOINTED
15 HISTORIC PRESERVATION COMMISSION TO MAKE A DECISION, OR TO MAKE
16 A RECOMMENDATION TO LOCAL GOVERNMENT ADMINISTRATIVE STAFF,
17 REGARDING A DEVELOPMENT APPLICATION INVOLVING A PROPERTY THAT
18 THE LOCAL GOVERNMENT HAS DESIGNATED AS A HISTORIC PROPERTY,
19 PROVIDED THAT:

20 (I) THE STATE HISTORIC PRESERVATION OFFICE WITHIN HISTORY
21 COLORADO HAS DESIGNATED THE LOCAL GOVERNMENT AS A CERTIFIED
22 LOCAL GOVERNMENT; AND

23 (II) THE APPOINTED HISTORIC PRESERVATION COMMISSION'S
24 DECISION OR RECOMMENDATION IS BASED ON STANDARDS EITHER SET
25 FORTH IN LOCAL LAW OR ESTABLISHED BY THE SECRETARY OF THE
26 INTERIOR OF THE UNITED STATES.

27 (6) "COUNTY" MEANS A COUNTY, INCLUDING A HOME RULE

1 COUNTY BUT EXCLUDING A CITY AND COUNTY.

2 (7) "DEPARTMENT" MEANS THE DEPARTMENT OF LOCAL AFFAIRS.

3 (8) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE
4 INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS,
5 INCLUDING PERMANENT FACILITIES FOR COOKING, EATING, LIVING,
6 SANITATION, AND SLEEPING.

7 (9) "EXEMPT PARCEL" MEANS A PARCEL THAT IS:

8 (a) NOT SERVED BY A DOMESTIC WATER AND SEWAGE TREATMENT
9 SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);

10 (b) A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC
11 DISTRICT; OR

12 (c) IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN, AS
13 IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

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

17 (11) "HISTORIC PROPERTY" MEANS A PROPERTY LISTED:

18 (a) ON THE NATIONAL REGISTER OF HISTORIC PLACES;

19 (b) ON THE COLORADO STATE REGISTER OF HISTORIC PROPERTIES;

20 OR

21 (c) AS A CONTRIBUTING STRUCTURE OR HISTORIC LANDMARK BY
22 A CERTIFIED LOCAL GOVERNMENT, AS DEFINED IN SECTION 39-22-514.5
23 (2)(b).

24 (12) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR
25 TRIBAL NATION WITH JURISDICTION IN COLORADO.

26 (13) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY,
27 REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT

1 GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING LAND USE
2 CODES, ZONING CODES, AND SUBDIVISION CODES.

3 (14) "LOW- AND MODERATE-INCOME HOUSEHOLD" MEANS A
4 HOUSEHOLD THAT IS CONSIDERED LOW-, MODERATE-, OR MEDIUM-INCOME,
5 AS DETERMINED BY THE FEDERAL DEPARTMENT OF HOUSING AND URBAN
6 DEVELOPMENT.

7 (15) "METROPOLITAN PLANNING ORGANIZATION" MEANS A
8 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT
9 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

10 (16) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY
11 OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

12 (17) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

13 (a) IS A DEFINED BENCHMARK OR CRITERION THAT ALLOWS FOR
14 DETERMINATIONS OF COMPLIANCE TO BE CONSISTENTLY DECIDED
15 REGARDLESS OF THE DECISION MAKER; AND

16 (b) DOES NOT REQUIRE A SUBJECTIVE DETERMINATION
17 CONCERNING A DEVELOPMENT PROPOSAL, INCLUDING BUT NOT LIMITED TO
18 WHETHER THE APPLICATION FOR THE DEVELOPMENT PROPOSAL IS:

19 (I) CONSISTENT WITH MASTER PLANS, OR OTHER DEVELOPMENT
20 PLANS;

21 (II) COMPATIBLE WITH THE LAND USE OR DEVELOPMENT OF THE
22 AREA SURROUNDING THE AREA DESCRIBED IN THE APPLICATION; OR

23 (III) CONSISTENT WITH PUBLIC WELFARE, COMMUNITY
24 CHARACTER, OR NEIGHBORHOOD CHARACTER.

25 (18) "RESTRICTIVE DESIGN OR DIMENSION STANDARD" MEANS A
26 STANDARD IN A LOCAL LAW THAT:

27 (a) REQUIRES AN ARCHITECTURAL STYLE, BUILDING MATERIAL, OR

1 LANDSCAPING THAT IS MORE RESTRICTIVE FOR AN ACCESSORY DWELLING
2 UNIT THAN FOR A SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING
3 DISTRICT;

4 (b) DOES NOT ALLOW FOR ACCESSORY DWELLING UNIT SIZES
5 BETWEEN FIVE HUNDRED AND EIGHT HUNDRED SQUARE FEET;

6 (c) REQUIRES SIDE OR REAR SETBACKS FOR AN ACCESSORY
7 DWELLING UNIT GREATER THAN THE SETBACKS REQUIRED FOR AN
8 ACCESSORY BUILDING IN THE SAME ZONING DISTRICT, OR IF IT IS NOT
9 CLEARLY ESTABLISHED IN THE SAME ZONING DISTRICT, IN THE CASE OF AN
10 ACCESSORY DWELLING UNIT WITH A SINGLE STORY, REQUIRES SIDE OR
11 REAR SETBACKS GREATER THAN FIVE FEET;

12 (d) IS A MORE RESTRICTIVE MINIMUM LOT SIZE STANDARD FOR AN
13 ACCESSORY DWELLING UNIT THAN FOR A SINGLE-UNIT DETACHED
14 DWELLING IN THE SAME ZONING DISTRICT; OR

15 (e) APPLIES MORE RESTRICTIVE AESTHETIC DESIGN OR
16 DIMENSIONAL STANDARDS TO ACCESSORY DWELLING UNITS THAT ARE
17 FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION
18 24-32-3302 (10), THAN OTHER ACCESSORY DWELLING UNITS.

19 (19)(a) "SHORT-TERM RENTAL" MEANS THE RENTAL OF A LODGING
20 UNIT FOR LESS THAN THIRTY DAYS. AS USED IN THIS SUBSECTION (19),
21 "LODGING UNIT" MEANS ANY PROPERTY OR PORTION OF A PROPERTY THAT
22 IS AVAILABLE FOR LODGING; EXCEPT THAT THE TERM EXCLUDES A HOTEL
23 OR MOTEL UNIT.

24 (b) NOTWITHSTANDING SUBSECTION (19)(a) OF THIS SECTION, A
25 LOCAL GOVERNMENT MAY APPLY ITS OWN DEFINITION OF "SHORT-TERM
26 RENTAL" FOR PURPOSES OF THIS PART 1.

27 (20) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED

1 BUILDING WITH A SINGLE DWELLING UNIT ON A SINGLE LOT.

2 (21) "SUBJECT JURISDICTION" MEANS EITHER:

3 (a) A MUNICIPALITY THAT BOTH HAS A POPULATION OF ONE
4 THOUSAND OR MORE, AS REPORTED BY THE STATE DEMOGRAPHY OFFICE,
5 AND IS WITHIN A METROPOLITAN PLANNING ORGANIZATION; OR

6 (b) THE PORTION OF A COUNTY THAT IS BOTH WITHIN A CENSUS
7 DESIGNATED PLACE WITH A POPULATION OF TEN THOUSAND OR MORE, AS
8 REPORTED IN THE MOST RECENT DECENNIAL CENSUS, AND WITHIN A
9 METROPOLITAN PLANNING ORGANIZATION.

10 (22) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED
11 AND CONSTRUCTED TO BE SAFE AND ACCESSIBLE FOR ANY INDIVIDUAL
12 REGARDLESS OF AGE OR ABILITIES.

13 (23) "VISITABLE UNIT" MEANS A DWELLING UNIT THAT A PERSON
14 WITH A DISABILITY CAN ENTER, MOVE AROUND THE PRIMARY ENTRANCE
15 FLOOR OF, AND USE THE BATHROOM IN.

16 **29-35-103. Accessory dwelling unit requirements for a subject**
17 **jurisdiction.** (1) A SUBJECT JURISDICTION SHALL ALLOW, SUBJECT TO AN
18 ADMINISTRATIVE APPROVAL PROCESS, ONE ACCESSORY DWELLING UNIT AS
19 AN ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART
20 OF THE SUBJECT JURISDICTION WHERE THE JURISDICTION ALLOWS
21 SINGLE-UNIT DETACHED DWELLINGS.

22 (2) A SUBJECT JURISDICTION SHALL NOT:

23 (a) REQUIRE NEW PARKING IN CONNECTION WITH THE
24 CONSTRUCTION OR CONVERSION OF AN ACCESSORY DWELLING UNIT;

25 (b) REQUIRE AN ACCESSORY DWELLING UNIT, OR ANY OTHER
26 DWELLING ON THE SAME LOT AS AN ACCESSORY DWELLING UNIT, TO BE
27 OWNER-OCCUPIED; OR

1 (c) APPLY A RESTRICTIVE DESIGN OR DIMENSION STANDARD TO AN
2 ACCESSORY DWELLING UNIT.

3 (3) NOTHING IN THIS SECTION PREVENTS A SUBJECT JURISDICTION
4 OR OTHER LOCAL GOVERNMENT FROM:

5 (a) ALLOWING THE CONSTRUCTION OR CONVERSION OF AN
6 ACCESSORY DWELLING UNIT THAT IS SMALLER THAN FIVE HUNDRED
7 SQUARE FEET OR GREATER THAN EIGHT HUNDRED SQUARE FEET, OR
8 RESTRICTING THE SIZE OF AN ACCESSORY DWELLING UNIT SO THAT IT IS NO
9 LARGER THAN THE SIZE OF THE PRINCIPAL DWELLING UNIT ON THE SAME
10 LOT AS THE ACCESSORY DWELLING UNIT;

11 (b) ALLOWING THE CONSTRUCTION OR CONVERSION OF MULTIPLE
12 ACCESSORY DWELLING UNITS ON THE SAME LOT;

13 (c) APPLYING A DESIGN OR DIMENSION STANDARD TO AN
14 ACCESSORY DWELLING UNIT THAT IS NOT A RESTRICTIVE DESIGN OR
15 DIMENSION STANDARD;

16 (d) ADOPTING OR ENFORCING A GENERALLY APPLICABLE
17 REQUIREMENT FOR:

18 (I) THE PAYMENT OF AN IMPACT FEE OR OTHER SIMILAR
19 DEVELOPMENT CHARGE, PURSUANT TO SECTION 29-20-104.5; OR

20 (II) THE MITIGATION OF IMPACTS IN CONFORMANCE WITH THE
21 REQUIREMENTS OF PART 2 OF ARTICLE 20 OF THIS TITLE 29;

22 (e) ENACTING OR APPLYING A LOCAL LAW CONCERNING THE
23 SHORT-TERM RENTAL OF AN ACCESSORY DWELLING UNIT OR ANY OTHER
24 DWELLING ON THE SAME LOT AS AN ACCESSORY DWELLING UNIT;

25 (f) APPLYING THE DESIGN STANDARDS AND PROCEDURES OF A
26 HISTORIC DISTRICT TO A LOT ON WHICH AN ACCESSORY DWELLING UNIT IS
27 ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING A STANDARD OR

1 PROCEDURE RELATED TO DEMOLITION;

2 (g) APPLYING AND ENFORCING A LOCALLY ADOPTED LIFE SAFETY
3 CODE, INCLUDING BUT NOT LIMITED TO, A BUILDING, FIRE, UTILITY, OR
4 STORMWATER CODE;

5 (h) ALLOWING THE CONSTRUCTION OF, OR ISSUING A PERMIT FOR
6 THE CONSTRUCTION OF, A SINGLE-UNIT DETACHED DWELLING IN AN AREA
7 ZONED FOR SINGLE-UNIT DETACHED DWELLINGS; OR

8 (i) ENCOURAGING THE CONSTRUCTION OF ACCESSORY DWELLING
9 UNITS THAT ARE, THROUGH THE APPLICATION OF LOCAL LAWS OR
10 PROGRAMS INCLUDING THROUGH DEED RESTRICTIONS, MADE AFFORDABLE
11 TO HOUSEHOLDS UNDER CERTAIN INCOME LIMITS OR USED PRIMARILY TO
12 HOUSE THE LOCAL WORKFORCE.

13 (4) THIS SECTION ONLY APPLIES TO A PARCEL IN A SUBJECT
14 JURISDICTION THAT IS NOT AN EXEMPT PARCEL.

15 **29-35-104. Accessory dwelling unit supportive jurisdiction**
16 **report - certification of a jurisdiction as an accessory dwelling unit**
17 **supportive jurisdiction.** (1) (a) IN ORDER TO BE CERTIFIED AS AN
18 ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION BY THE
19 DEPARTMENT, A LOCAL GOVERNMENT MUST SUBMIT TO THE DEPARTMENT,
20 IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT, A REPORT
21 DEMONSTRATING EVIDENCE OF THE LOCAL GOVERNMENT:

22 (I) COMPLYING WITH SECTION 29-35-103; AND

23 (II) IMPLEMENTING ONE OR MORE OF THE FOLLOWING STRATEGIES:

24 (A) WAIVING OR REDUCING ACCESSORY DWELLING UNIT-RELATED
25 FEES THAT ARE INCURRED BY LOW- AND MODERATE-INCOME HOUSEHOLDS;

26 (B) ENACTING LOCAL LAWS OR PROGRAMS THAT INCENTIVIZE THE
27 AFFORDABILITY OF CERTAIN ACCESSORY DWELLING UNITS INCLUDING

1 ACCESSORY DWELLING UNITS USED PRIMARILY TO HOUSE THE LOCAL
2 WORKFORCE;

3 (C) PRE-APPROVING PLANS FOR THE CONSTRUCTION OF ACCESSORY
4 DWELLING UNITS;

5 (D) IMPLEMENTING A PROGRAM TO PROVIDE EDUCATION AND
6 TECHNICAL ASSISTANCE TO HOMEOWNERS TO CONSTRUCT OR CONVERT AN
7 ACCESSORY DWELLING UNIT;

8 (E) IMPLEMENTING A PROGRAM TO REGULATE THE USE OF
9 ACCESSORY DWELLING UNITS FOR SHORT-TERM RENTALS;

10 (F) ENACTING LOCAL LAWS THAT INCENTIVIZE THE CONSTRUCTION
11 AND CONVERSION OF ACCESSIBLE AND VISITABLE ACCESSORY DWELLING
12 UNITS;

13 (G) ASSISTING PROPERTY OWNERS WITH ENSURING THAT
14 PRE-EXISTING ACCESSORY DWELLING UNITS COMPLY WITH LOCAL LAWS;

15 (H) ENABLING A PATHWAY FOR THE SEPARATE SALE OF AN
16 ACCESSORY DWELLING UNIT;

17 (I) ENACTING LOCAL LAWS THAT ENCOURAGE THE CONSTRUCTION
18 OF ACCESSORY DWELLING UNITS THAT ARE FACTORY-BUILT RESIDENTIAL
19 STRUCTURES, AS DEFINED IN SECTION 24-32-3302 (10); OR

20 (J) ANY OTHER STRATEGY THAT IS APPROVED BY THE DEPARTMENT
21 AND THAT ENCOURAGES THE CONSTRUCTION, CONVERSION, OR USE OF
22 ACCESSORY DWELLING UNITS.

23 (b) (I) ON OR BEFORE JUNE 30, 2025, DECEMBER 31, 2029, AND
24 DECEMBER 31 OF EVERY THIRD YEAR THEREAFTER, A SUBJECT
25 JURISDICTION SHALL SUBMIT THE REPORT DESCRIBED IN SUBSECTION (1)(a)
26 OF THIS SECTION.

27 (II) NOTWITHSTANDING SUBSECTION (1)(b)(I) OF THIS SECTION,

1 THE DEPARTMENT MAY ALLOW A SUBJECT JURISDICTION TO SUBMIT THE
2 REPORT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION NO MORE THAN
3 SIX MONTHS AFTER THE DEADLINES DESCRIBED IN SUBSECTION (1)(b)(I) OF
4 THIS SECTION IF THE SUBJECT JURISDICTION DEMONSTRATES, IN A FORM
5 AND MANNER DETERMINED BY THE DEPARTMENT, THAT THE SUBJECT
6 JURISDICTION HAS:

7 (A) INITIATED A PROCESS TO UPDATE ITS LOCAL LAWS AS
8 NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE REPORT
9 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION;

10 (B) A PLAN AND TIMELINE TO UPDATE ITS LOCAL LAWS AS
11 NECESSARY TO COMPLY WITH THE REQUIREMENTS OF THE REPORT
12 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION; AND

13 (C) PROVIDED AN EXPLANATION FOR NOT BEING ABLE TO MEET
14 THE DEADLINES DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION.

15 (c) IF A LOCAL GOVERNMENT THAT IS NOT A SUBJECT JURISDICTION
16 SUBMITS A REPORT PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION,
17 THAT LOCAL GOVERNMENT SHALL, AS PART OF THE REPORT, SUBMIT
18 EVIDENCE OF COMPLYING WITH THE REQUIREMENTS FOR A SUBJECT
19 JURISDICTION DESCRIBED IN SECTION 29-35-103.

20 (2) (a) WITHIN NINETY DAYS OF RECEIVING A LOCAL
21 GOVERNMENT'S REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF
22 THIS SECTION, THE DEPARTMENT SHALL REVIEW THE REPORT, EITHER
23 APPROVE OR REJECT THE REPORT, AND PROVIDE FEEDBACK TO THE LOCAL
24 GOVERNMENT ON THE REPORT.

25 (b) IF THE DEPARTMENT APPROVES A LOCAL GOVERNMENT'S
26 REPORT SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION,
27 THE DEPARTMENT SHALL ISSUE TO THAT LOCAL GOVERNMENT A

1 CERTIFICATE INDICATING THAT THE LOCAL GOVERNMENT QUALIFIES AS AN
2 ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION UNTIL THREE
3 YEARS FROM WHEN THE LOCAL GOVERNMENT SUBMITTED THE REPORT.

4 (c) IF THE DEPARTMENT REJECTS A LOCAL GOVERNMENT'S REPORT
5 SUBMITTED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE
6 DEPARTMENT MAY GRANT THE LOCAL GOVERNMENT AN ADDITIONAL ONE
7 HUNDRED TWENTY DAYS TO CORRECT ANY DEFICIENCIES IDENTIFIED IN
8 THE REPORT AND RESUBMIT AN AMENDED REPORT. WITHIN NINETY DAYS
9 OF RECEIVING AN AMENDED REPORT, THE DEPARTMENT SHALL REVIEW THE
10 AMENDED REPORT, EITHER APPROVE OR REJECT THE AMENDED REPORT,
11 AND PROVIDE FEEDBACK ON THE AMENDED REPORT.

12 (3) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT
13 OF TRANSPORTATION, THE COLORADO ENERGY OFFICE, AND THE
14 COLORADO OFFICE OF ECONOMIC DEVELOPMENT, MAY DEVELOP POLICIES
15 AND PROCEDURES AS NECESSARY TO IMPLEMENT THIS SECTION.

16 **29-35-105. Accessory dwelling unit fee reduction and**
17 **encouragement grant program - created - application - criteria -**
18 **awards - fund - reporting requirements - rules - definitions - repeal.**

19 (1) THE ACCESSORY DWELLING UNIT FEE REDUCTION AND
20 ENCOURAGEMENT GRANT PROGRAM IS CREATED IN THE DEPARTMENT TO
21 PROVIDE GRANTS TO ACCESSORY DWELLING UNIT SUPPORTIVE
22 JURISDICTIONS FOR ACTIVITIES THAT PROMOTE THE CONSTRUCTION OF
23 ACCESSORY DWELLING UNITS, INCLUDING BUT NOT LIMITED TO,
24 OFFSETTING COSTS INCURRED IN CONNECTION WITH DEVELOPING
25 PRE-APPROVED ACCESSORY DWELLING UNIT PLANS, PROVIDING TECHNICAL
26 ASSISTANCE TO PERSONS CONVERTING OR CONSTRUCTING ACCESSORY
27 DWELLING UNITS, OR WAIVING OR REDUCING ACCESSORY DWELLING UNIT

1 ASSOCIATED FEES AND OTHER REQUIRED COSTS.

2 (2) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
3 THE GRANT PROGRAM TO OFFSET BOTH ELIGIBLE COSTS AND THE COST OF
4 WAIVING OR REDUCING REASONABLE AND NECESSARY ACCESSORY
5 DWELLING UNIT FEES AND OTHER REQUIRED COSTS FOR:

6 (a) LOW- AND MODERATE-INCOME HOUSEHOLDS;

7 (b) AFFORDABLE ACCESSORY DWELLING UNITS;

8 (c) ACCESSIBLE OR VISITABLE ACCESSORY DWELLING UNITS;

9 (d) ACCESSORY DWELLING UNITS USED AS LONG-TERM RENTALS
10 FOR MEMBERS OF THE LOCAL WORKFORCE; OR

11 (e) ACCESSORY DWELLING UNITS USED TO SUPPORT OTHER
12 DEMONSTRATED HOUSING NEEDS IN THE COMMUNITY.

13 (3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
14 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, PROVIDE TECHNICAL
15 ASSISTANCE, DEVELOP A TOOLKIT TO SUPPORT LOCAL GOVERNMENTS IN
16 ENCOURAGING ACCESSORY DWELLING UNIT CONSTRUCTION, RECEIVE
17 GRANT APPLICATIONS AND AWARD GRANTS AS PROVIDED IN THIS SECTION.

18 (4) TO RECEIVE A GRANT, AN ACCESSORY DWELLING UNIT
19 SUPPORTIVE JURISDICTION MUST SUBMIT AN APPLICATION TO THE
20 DEPARTMENT IN ACCORDANCE WITH THE POLICIES AND PROCEDURES
21 DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (9) OF THIS
22 SECTION. AT A MINIMUM, THE APPLICATION MUST INCLUDE THE
23 FOLLOWING:

24 (a) A COPY OF THE CERTIFICATE ISSUED BY THE DEPARTMENT
25 PURSUANT TO SECTION 29-35-104 CERTIFYING THAT THE LOCAL
26 GOVERNMENT IS AN ACCESSORY DWELLING UNIT SUPPORTIVE
27 JURISDICTION;

1 (b) THE NUMBER OF ACCESSORY DWELLING UNITS THAT THE LOCAL
2 GOVERNMENT HAS PERMITTED AND WHEN THE LOCAL GOVERNMENT
3 PERMITTED THOSE ACCESSORY DWELLING UNITS;

4 (c) THE TYPE AND COSTS OF FEES AND OTHER ELIGIBLE COSTS THAT
5 THE LOCAL GOVERNMENT IS PROPOSING TO USE A GRANT AWARD TO PAY
6 FOR;

7 (d) THE NUMBER OF ACCESSORY DWELLING UNITS THAT THE LOCAL
8 GOVERNMENT EXPECTS TO SUPPORT WITH A GRANT AWARD AND THE
9 PERIOD FOR WHICH THE LOCAL GOVERNMENT INTENDS TO SUPPORT THOSE
10 ACCESSORY DWELLING UNITS; AND

11 (e) INFORMATION ABOUT THE TYPES OF HOUSEHOLDS AND
12 ACCESSORY DWELLING UNITS THAT THE LOCAL GOVERNMENT INTENDS TO
13 SUPPORT WITH A GRANT AWARD, SUCH AS WHETHER THE LOCAL
14 GOVERNMENT INTENDS TO SUPPORT LOW- AND MODERATE-INCOME
15 HOUSEHOLDS, AFFORDABLE ACCESSORY DWELLING UNITS, ACCESSIBLE OR
16 VISITABLE ACCESSORY DWELLING UNITS, ACCESSORY DWELLING UNITS FOR
17 HOUSING THE LOCAL WORKFORCE, OR ACCESSORY DWELLING UNITS
18 SUPPORTING OTHER DEMONSTRATED HOUSING NEEDS IN THE COMMUNITY.

19 (5) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED
20 PURSUANT TO SUBSECTION (4) OF THIS SECTION. IN AWARDING GRANTS,
21 THE DEPARTMENT SHALL GIVE PRIORITY TO LOCAL GOVERNMENTS THAT:

22 (a) IMPOSE ACCESSORY DWELLING UNIT FEES AND COSTS THAT ARE
23 REASONABLE AND NECESSARY; ■■■

24 (b) HAVE DEMONSTRATED A SIGNIFICANT COMMITMENT TO
25 FURTHER CONSTRUCTION AND CONVERSION OF ACCESSORY DWELLING
26 UNITS THROUGH THE ADOPTION OF STRATEGIES DESCRIBED IN SECTION
27 29-35-104 (1)(a)(II); AND

1 (c) PROVIDE OFFSETS FOR, OR WAIVE A GREATER NUMBER OF
2 ACCESSORY DWELLING UNIT FEES FOR:

3 (I) LOW- AND MODERATE-INCOME HOUSEHOLDS; OR

4 (II) ACCESSORY DWELLING UNITS THAT ARE RENTED TO LOW- AND
5 MODERATE-INCOME HOUSEHOLDS.

6 (6) IN AWARDING A GRANT, THE DEPARTMENT SHALL AWARD A
7 LOCAL GOVERNMENT AN AMOUNT EQUAL TO NO MORE THAN FIFTEEN
8 THOUSAND DOLLARS PER ACCESSORY DWELLING UNIT PERMITTED BY THE
9 LOCAL GOVERNMENT, TO BE REIMBURSED BASED ON THE NUMBER OF
10 PERMITTED ACCESSORY DWELLING UNITS.

11 (7) (a) THE ACCESSORY DWELLING UNIT FEE REDUCTION AND
12 ENCOURAGEMENT GRANT PROGRAM FUND IS CREATED IN THE STATE
13 TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL
14 ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND AND GIFTS,
15 GRANTS, OR DONATIONS CREDITED TO THE FUND. THE STATE TREASURER
16 SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT
17 AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

18 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
19 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND FOR
20 THE PURPOSE OF IMPLEMENTING AND ADMINISTERING THE GRANT
21 PROGRAM.

22 (c) ON OR BEFORE JUNE 30, 2024, THE STATE TREASURER SHALL
23 TRANSFER FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

24 (8) IN ACCORDANCE WITH THE POLICIES AND PROCEDURES
25 DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (9) OF THIS
26 SECTION, EACH LOCAL GOVERNMENT THAT RECEIVES A GRANT THROUGH
27 THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT

1 A MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

2 (a) THE NUMBER OF ACCESSORY DWELLING UNITS WITH
3 ACCESSORY DWELLING UNIT FEES OR COSTS THAT LOCAL GOVERNMENTS
4 REDUCED OR WAIVED IN THE PAST YEAR IN CONNECTION WITH THE GRANT
5 PROGRAM;

6 (b) THE TOTAL AMOUNT OF ELIGIBLE COSTS THAT LOCAL
7 GOVERNMENTS INCURRED AND WERE REIMBURSED FOR THROUGH THE
8 GRANT PROGRAM IN THE PAST YEAR IN CONNECTION WITH THE GRANT
9 PROGRAM;

10 (c) THE NUMBER OF THE ACCESSORY DWELLING UNITS DESCRIBED
11 IN SUBSECTION (8)(a) OF THIS SECTION THAT WERE BUILT IN THE PAST
12 YEAR THAT WERE BUILT BY LOW- AND MODERATE-INCOME HOUSEHOLDS,
13 THAT ARE AFFORDABLE ACCESSORY DWELLING UNITS, THAT ARE
14 VISITABLE OR ACCESSIBLE ACCESSORY DWELLING UNITS, AND THAT ARE
15 ACCESSORY DWELLING UNITS USED AS LONG-TERM RENTALS FOR MEMBERS
16 OF THE LOCAL WORKFORCE;

17 (d) THE NUMBER OF ACCESSORY DWELLING UNITS THAT ARE
18 FACTORY-BUILT RESIDENTIAL STRUCTURES, AS DEFINED IN SECTION
19 24-32-3302 (10); AND

20 (e) THE NUMBER OF ACCESSORY DWELLING UNIT PERMITS
21 AWARDED, DENIED, OR IN PROGRESS IN THE LOCAL GOVERNMENT'S
22 JURISDICTION.

23 (9) THE DEPARTMENT SHALL IMPLEMENT THE GRANT PROGRAM IN
24 ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL DEVELOP, IN
25 CONSULTATION WITH THE DEPARTMENT OF TRANSPORTATION, THE
26 COLORADO ENERGY OFFICE, AND THE COLORADO OFFICE OF ECONOMIC
27 DEVELOPMENT, POLICIES AND PROCEDURES BOTH AS REQUIRED IN THIS

1 SECTION AND AS MAY BE NECESSARY TO IMPLEMENT THE GRANT
2 PROGRAM.

3 (10) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (a) "ACCESSORY DWELLING UNIT FEE" MEANS A REASONABLE AND
6 NECESSARY FEE COLLECTED OR REQUIRED BY A LOCAL GOVERNMENT IN
7 CONNECTION WITH THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY
8 DWELLING UNIT. SUCH A FEE MAY INCLUDE IMPACT FEES.

9 (b) (I) "ELIGIBLE COSTS" MEANS COSTS INCURRED BY A LOCAL
10 GOVERNMENT AND DETERMINED BY THE DEPARTMENT TO BE INCURRED IN
11 CONNECTION WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING
12 UNIT PLANS, PROVIDING TECHNICAL ASSISTANCE TO PERSONS CONVERTING
13 OR CONSTRUCTING ACCESSORY DWELLING UNITS, OR OTHER REASONABLE
14 AND NECESSARY FEES LEVIED BY OR COSTS BORNE BY THE LOCAL
15 GOVERNMENT FOR THE CONSTRUCTION OR CONVERSION OF AN ACCESSORY
16 DWELLING UNIT.

17 (II) NOTWITHSTANDING SUBSECTION (10)(b)(I) OF THIS SECTION,
18 IN ORDER FOR COSTS INCURRED BY A LOCAL GOVERNMENT IN CONNECTION
19 WITH DEVELOPING PRE-APPROVED ACCESSORY DWELLING UNIT PLANS TO
20 QUALIFY AS ELIGIBLE COSTS, AT LEAST ONE SUCH PRE-APPROVED
21 ACCESSORY DWELLING UNIT PLAN MUST BE FOR AN ACCESSIBLE OR
22 VISITABLE ACCESSORY DWELLING UNIT.

23 (c) "FUND" MEANS THE ACCESSORY DWELLING UNIT FEE
24 REDUCTION AND ENCOURAGEMENT GRANT PROGRAM FUND CREATED IN
25 SUBSECTION (7) OF THIS SECTION.

26 (d) "GRANT PROGRAM" MEANS THE ACCESSORY DWELLING UNIT
27 FEE REDUCTION AND ENCOURAGEMENT GRANT PROGRAM CREATED IN THIS

1 SECTION.

2 (11) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2030.

3 **SECTION 2.** In Colorado Revised Statutes, 24-32-3305, **add**

4 (3.3) as follows:

5 **24-32-3305. Rules - advisory committee - enforcement.**

6 (3.3) THE DEPARTMENT SHALL CREATE FOR FACTORY-BUILT STRUCTURES,
7 INCLUDING THOSE THAT WOULD BE CONSIDERED ACCESSORY DWELLING
8 UNITS, MODEL PUBLIC SAFETY CODE REQUIREMENTS RELATED TO
9 GEOGRAPHIC OR CLIMATIC CONDITIONS, SUCH AS WEIGHT RESTRICTIONS
10 FOR ROOF SNOW LOADS, WIND SHEAR FACTORS, OR WILDFIRE RISK, FOR
11 LOCAL GOVERNMENTS TO CONSIDER AND ADOPT PURSUANT TO SECTION
12 24-32-3318 (2)(a).

13 **SECTION 3.** In Colorado Revised Statutes, 24-46-104, **add**

14 (1)(q) as follows:

15 **24-46-104. Powers and duties of commission - repeal.** (1) The
16 commission has the following powers and duties:

17 (q) (I) TO EXPEND EIGHT MILLION DOLLARS TO CONTRACT WITH
18 THE COLORADO HOUSING AND FINANCE AUTHORITY, CREATED IN PART 7
19 OF ARTICLE 4 OF TITLE 29, FOR THE CREATION AND OPERATION OF ONE OR
20 MORE OF THE FOLLOWING PROGRAMS, PRIORITIZING THOSE PROGRAMS
21 THAT BENEFIT LOW- AND MODERATE-INCOME BORROWERS AND TENANTS
22 IN LOCAL GOVERNMENTS THAT HAVE BEEN CERTIFIED AS ACCESSORY
23 DWELLING UNIT SUPPORTIVE JURISDICTIONS BY THE DEPARTMENT OF
24 LOCAL AFFAIRS:

25 (A) AN ACCESSORY DWELLING UNIT CREDIT ENHANCEMENT
26 PROGRAM THAT SUPPORTS LENDERS OFFERING AFFORDABLE LOANS TO
27 ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS FOR THE

1 CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS;

2 (B) A PROGRAM THAT ALLOWS FOR THE BUYING DOWN OF
3 INTEREST RATES ON LOANS MADE TO ELIGIBLE LOW- AND
4 MODERATE-INCOME BORROWERS IN CONNECTION WITH THE
5 CONSTRUCTION OR CONVERSION OF ACCESSORY DWELLING UNITS;

6 (C) A PROGRAM THAT OFFERS DOWN PAYMENT ASSISTANCE IN
7 CONNECTION WITH ACCESSORY DWELLING UNITS, PRINCIPAL REDUCTION
8 ON LOANS TO ELIGIBLE LOW- AND MODERATE-INCOME BORROWERS MADE
9 IN CONNECTION WITH ACCESSORY DWELLING UNITS, OR BOTH; OR

10 (D) A PROGRAM IN WHICH THE COLORADO HOUSING AND FINANCE
11 AUTHORITY OFFERS LOANS, REVOLVING LINES OF CREDIT, OR GRANTS TO
12 ELIGIBLE NON-PROFITS, PUBLIC HOUSING AUTHORITIES, AND COMMUNITY
13 DEVELOPMENT FINANCIAL INSTITUTIONS TO MADE DIRECT LOANS OR
14 GRANTS TO SUPPORT THE CONSTRUCTION OR CONVERSION OF ACCESSORY
15 DWELLING UNITS FOR LOW- AND MODERATE-INCOME BORROWERS OR
16 TENANTS.

17 (II) ANY CONTRACT MADE BY THE COMMISSION WITH THE
18 COLORADO HOUSING AND FINANCE AUTHORITY PURSUANT TO THIS
19 SUBSECTION (1)(q) MAY INCLUDE NORMAL AND CUSTOMARY FEES AND
20 EXPENSES FOR ADMINISTRATING THE PROGRAMS DESCRIBED IN THIS
21 SUBSECTION (1)(q).

22 **SECTION 4.** In Colorado Revised Statutes, 24-67-105, **add** (5.5)
23 as follows:

24 **24-67-105. Standards and conditions for planned unit**
25 **development - definitions.** (5.5) (a) IN A SUBJECT JURISDICTION, ANY
26 PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE THAT IS
27 ADOPTED OR APPROVED ON OR AFTER THE EFFECTIVE DATE OF THIS

1 SUBSECTION (5.5), AND THAT ALLOWS THE CONSTRUCTION OF ONE OR
2 MORE SINGLE-UNIT DETACHED DWELLINGS, MUST NOT RESTRICT THE
3 CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO
4 ANY SINGLE-UNIT DETACHED DWELLING MORE THAN THE LOCAL LAW THAT
5 APPLIES TO ACCESSORY DWELLING UNIT DEVELOPMENT OUTSIDE OF A
6 PLANNED UNIT DEVELOPMENT OR IN ANY WAY THAT IS PROHIBITED BY
7 SECTION 29-35-103.

8 (b) IN A SUBJECT JURISDICTION, ANY PLANNED UNIT DEVELOPMENT
9 RESOLUTION OR ORDINANCE THAT WAS ADOPTED OR APPROVED BEFORE
10 THE EFFECTIVE DATE OF THIS SUBSECTION (5.5), THAT ALLOWS THE
11 CONSTRUCTION OF ONE OR MORE SINGLE-UNIT DETACHED DWELLINGS,
12 AND THAT RESTRICTS THE CONSTRUCTION OF AN ACCESSORY DWELLING
13 UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED DWELLING
14 MORE THAN THE LOCAL LAW THAT APPLIES TO ACCESSORY DWELLING UNIT
15 DEVELOPMENT OUTSIDE OF A PLANNED UNIT DEVELOPMENT:

16 (I) SHALL NOT BE INTERPRETED OR ENFORCED TO RESTRICT THE
17 CREATION OF AN ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO
18 ANY SINGLE-UNIT DETACHED DWELLING UNIT IN ANY WAY THAT IS
19 PROHIBITED BY SECTION 29-35-103; AND

20 (II) MAY BE SUPERSEDED BY THE ADOPTION OF A LOCAL LAW
21 PURSUANT TO SECTION 29-35-103.

22 (c) NOTWITHSTANDING SUBSECTION (5.5)(b) OF THIS SECTION, A
23 LOCAL GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY
24 SUCH PLANNED UNIT DEVELOPMENT.

25 (d) AS USED IN THIS SUBSECTION (5.5), UNLESS THE CONTEXT
26 OTHERWISE REQUIRES:

27 (I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET

1 FORTH IN SECTION 29-35-102 (2).

2 (II) "LOCAL LAW" HAS THE SAME MEANING AS SET FORTH IN
3 SECTION 29-35-102 (13).

4 (III) "SUBJECT JURISDICTION" HAS THE SAME MEANING AS SET
5 FORTH IN SECTION 29-35-102 (21).

6 **SECTION 5.** In Colorado Revised Statutes, 38-33.3-106.5, **add**
7 (3) as follows:

8 **38-33.3-106.5. Prohibitions contrary to public policy -**
9 **patriotic, political, or religious expression - public rights-of-way - fire**
10 **prevention - renewable energy generation devices - affordable**
11 **housing - drought prevention measures - child care - definitions.**

12 (3) (a) IN A SUBJECT JURISDICTION OR AN ACCESSORY DWELLING UNIT
13 SUPPORTIVE JURISDICTION, NO PROVISION OF A DECLARATION, BYLAW, OR
14 RULE OF AN ASSOCIATION THAT IS ADOPTED ON OR AFTER THE EFFECTIVE
15 DATE OF THIS SUBSECTION (3) MAY RESTRICT THE CREATION OF AN
16 ACCESSORY DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT
17 DETACHED DWELLING IN ANY WAY THAT IS PROHIBITED BY SECTION
18 29-35-103, AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE
19 THAT INCLUDES SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC
20 POLICY.

21 (b) IN A SUBJECT JURISDICTION OR AN ACCESSORY DWELLING UNIT
22 SUPPORTIVE JURISDICTION, NO PROVISION OF A DECLARATION, BYLAW, OR
23 RULE OF AN ASSOCIATION THAT IS ADOPTED BEFORE THE EFFECTIVE DATE
24 OF THIS SUBSECTION (3) MAY RESTRICT THE CREATION OF AN ACCESSORY
25 DWELLING UNIT AS AN ACCESSORY USE TO ANY SINGLE-UNIT DETACHED
26 DWELLING IN ANY WAY THAT IS PROHIBITED BY SECTION 29-35-103, AND
27 ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES

1 SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

2 (c) AS USED IN THIS SUBSECTION (3), UNLESS THE CONTEXT
3 OTHERWISE REQUIRES:

4 (I) "ACCESSORY DWELLING UNIT" HAS THE SAME MEANING AS SET
5 FORTH IN SECTION 29-35-102 (2).

6 (II) "ACCESSORY DWELLING UNIT SUPPORTIVE JURISDICTION" HAS
7 THE SAME MEANING AS SET FORTH IN SECTION 29-35-102 (3).

8 (III) "SUBJECT JURISDICTION" HAS THE SAME MEANING AS SET
9 FORTH IN SECTION 29-35-102 (21).

10 **SECTION 6. Appropriation.** (1) For the 2024-25 state fiscal
11 year, \$537,246 is appropriated to the department of local affairs. This
12 appropriation is from the accessory dwelling unit fee reduction and
13 encouragement grant program fund created in section 29-35-105 (7)(a),
14 C.R.S. To implement this act, the department may use this appropriation
15 as follows:

16 (a) \$467,246 for use by division of local government for accessory
17 dwelling unit fee reduction and encouragement grant program related to
18 local government services, which amount is based on an assumption that
19 the division will require an additional 4.9 FTE; and

20 (b) \$70,000 for the purchase of information technology services.

21 (2) For the 2024-25 state fiscal year, \$70,000 is appropriated to
22 the office of the governor for use by the office of information technology.
23 This appropriation is from reappropriated funds received from the
24 department of local affairs under subsection (1)(b) of this section. To
25 implement this act, the office may use this appropriation to provide
26 information technology services for the department of local affairs.

27 (3) For the 2024-25 state fiscal year, \$8,000,000 is appropriated

1 to the office of the governor. This appropriation is from the general fund.
2 To implement this act, the office may use this appropriation to contract
3 with the Colorado housing and finance authority to implement section
4 24-46-104 (1)(q), C.R.S., related to economic development programs.

5 **SECTION 7. Safety clause.** The general assembly finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety or for appropriations for
8 the support and maintenance of the departments of the state and state
9 institutions.