



TOWN OF ELIZABETH

CODE REVIEW WORKSHOP TUESDAY APRIL 11, 2023, AT 6:00 PM

BOARD OF TRUSTEES REGULAR MEETING – **UPDATED 4/7/23** Tuesday, April 11, 2023, at 7:00 PM Town Hall, 151 S. Banner Street

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

UNSCHEDULED PUBLIC COMMENT

AGENDA CHANGES

CONSENT AGENDA

1. Minutes of the Regular Meeting of March 28, 2023, at 7:00 p.m.

NEW BUSINESS

2. Discussion and possible action on appointment of Shawn Sommer to the Planning Commission with a term through December 31, 2026– Zach Higgins
3. Discussion and possible action on Resolution 23R16, a Resolution by the Town of Elizabeth in opposition to the passage of Colorado Senate Bill 21-213 and statewide Land Use and Zoning Preemptions by the Colorado State Legislature – Patrick Davidson
4. Discussion and possible action on Resolution 23R17, a Resolution approving and authorizing the Mayor to execute a Ground Lease for Electric Vehicle Charger at 165 Main Street (Gesin Lot) – Patrick Davidson
5. Discussion on fireworks in Town Limits – Patrick Davidson

MANAGEMENT MONITORING REPORTS

6. Management Monitoring Reports

BOARD OF TRUSTEES REPORTS

STUDENT LIAISON REPORT

7. Student Liaison report – Karli Pronske

MINUTES

[8.](#) Minutes of the Historic Advisory Board Meeting of March 6, 2023

ADJOURNMENT

MEETING PROTOCOL AND STANDARDS OF CONDUCT

Public Participation

Public comment is encouraged and will be listed as an agenda item at every regular Board meeting.

Each individual wishing to be heard during the public comment period will be given up to three (3) minutes to make a comment.

The public comment period will not be used to make political endorsements or for political campaign purposes.

Questions from the Board will be for clarification purposes only. Public comment will not be used as a time for problem solving or reacting to comments made but, rather, for listening to the comments of citizens without taking any formal action.

The Board may direct the Town Administrator to provide information requested by a speaker during the public comment period.

Speakers are not allowed to make belligerent, accusatory, impertinent, slanderous, threatening, abusive, or disparaging comments.

The Mayor may elect to defer public comment on a specific issue that appears on the regular agenda until that specific item is addressed.

The Mayor may call for order when sidebar conversations occur in the audience. Those conversations are distracting from the Board addressing the topics at hand.

Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further participation at that meeting or removed from the Board Chambers pursuant to the Elizabeth Municipal Code and Colorado Revised Statutes.



TOWN OF ELIZABETH

Board of Trustees – Record of Proceedings

March 28, 2023

CALL TO ORDER

The Regular Meeting of the Board of Trustees of the Town of Elizabeth was called to order on Tuesday, March 28, 2023, at 7:00 p.m. by Mayor Nick Snively.

ROLL CALL

Present were Mayor Nick Snively, Mayor Pro Tem Linda Secrist, and Trustees Loren Einspahr, Tammy Payne, Angela Ternus, Barb McGinn, and Joe Belongia. There was a quorum to do business.

Also present were Town Administrator Patrick Davidson, Town Clerk Michelle Oeser, Interim Police Chief Jeff Engel, and Assistant Public Works Director James McErnie. Student Liaison Karli Pronske was not in attendance.

PLEDGE OF ALLEGIANCE

Mayor Snively led the Board in the Pledge of Allegiance.

UNSCHEDULED PUBLIC COMMENT

There was no public comment.

AGENDA CHANGES

No agenda changes from the Administration.

No agenda changes from the Board.

Agenda set.

CONSENT AGENDA

2. Minutes of the Regular Meeting of March 14, 2023, at 7:00 p.m.

Motion by Trustee Einspahr, seconded by Trustee McGinn, to accept the Consent Agenda as presented.

The vote of those Trustees present was 7 in favor and 0 opposed. Motion passed unanimously.

Mayor Snively closed the Regular Meeting and entered the Public Hearing at 7:02 p.m.



PUBLIC HEARING

2. Dads of Elbert County Special Event Liquor License application

Town Clerk Michelle Oeser gave a staff report. Justin Hundley, Will Colby, and Clint Decker introduced themselves, gave an overview of the event, and answered Board questions.

Mayor Snively opened the Public Hearing to public comment. There was no public comment.

Mayor Snively closed the Public Hearing at 7:06 p.m.

NEW BUSINESS

3. Discussion and possible action on the approval of the Special Event Liquor License for Dads of Elbert County

Motion by Mayor Pro Tem Secrist, seconded by Trustee McGinn, to approve the Special Event Liquor License for Dads of Elbert County.

The vote of those Trustees present was 7 in favor and 0 opposed. Motion passed unanimously.

Mayor Snively closed the Regular Meeting and entered the Public Hearing at 7:08 p.m.

PUBLIC HEARING

4. Town of Elizabeth Special Event Liquor License application

Town Clerk Michelle Oeser gave a staff report. Tony Briggs represented the Elizabeth Brewing Company and discussed plans for the event.

Mayor Snively opened the Public Hearing to public comment. There was no public comment.

Mayor Snively closed the Public Hearing at 7:11p.m.

NEW BUSINESS

5. Discussion and possible action on the approval of the Special Event Liquor License for the Town of Elizabeth

Motion by Trustee Belongia, seconded by Trustee Einspahr, to approve the Special Event Liquor License for the Town of Elizabeth.

The vote of those Trustees present was 7 in favor and 0 opposed. Motion passed unanimously.

Mayor Snively moved out of new business and moved into a presentation.



PRESENTATION

6. Angie Bedolla – CORE Electric

NEW BUSINESS

7. Discussion and possible action on Resolution 23R15, a Resolution adopting the Elbert County Hazard Mitigation Plan (2023 Update)

Motion by Trustee Payne, seconded by Trustee Einspahr, to approve Resolution 23R15, a Resolution adopting the Elbert County Hazard Mitigation Plan (2023 Update).

The vote of those Trustees present was 7 in favor and 0 opposed. Motion passed unanimously.

MANAGEMENT MONITORING REPORTS

- Town Administrator Patrick Davidson did not have anything to add to his weekly updates.
- Trustee Ternus discussed the financial report included in the Board packet.
- Mayor Snively asked if there were any more details on the Main Street Board of Directors planned 5K.
- Discussion on the upcoming joint meeting between the Town Board and the Main Street Board of Directors.
- Interim Police Chief Jeff Engel let the Board know that the police departments in service-training this week is on immediate response.
- Interim Chief Engel discussed working closely with the Elbert County Sheriff's Department.
- Interim Chief Engel let the Board know the results of the study conducted on traffic speeds through Town.
- Discussion on options for use of the Town's electronic signs.
- Discussion on officer retention.
- Interim Chief Engel discussed increasing the Community Service Volunteer program through the police department.
- Town Clerk Michelle Oeser requested direction on the movie night event name and the movie to be shown.
- Discussion followed on ideas for the August 25th Elizabeth Birthday Bash.
- Ms. Oeser gave a brief update on how the new passport service is progressing.

BOARD OF TRUSTEE REPORTS

- Trustee McGinn discussed possible road cleanup.



TOWN OF ELIZABETH

- Mayor Snively commented that Mr. Davidson and his staff are doing a great job on communication.
- Mayor Snively told the Board he will be meeting the new Elizabeth School District Superintendent this week.
- Trustee Einspahr let the Board know he is investigating a possible family connection to Elizabeth Hubbard whom the Town is named after.

STUDENT LIAISON REPORT

No report for this meeting.

MINUTES

15. Minutes of the Main Street Board of Directors Meeting of February 13, 2023

16. Minutes of the Planning Commission Meeting of March 7, 2022

EXECUTIVE SESSION

Motion by Mayor Snively, seconded by Trustee Payne, to adjourn the regular meeting at 8:44 p.m. and enter an executive session To determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402 (4)(e), for the possible purchase of lands adjacent to the Town of Elizabeth, and to discuss a potential trade of lands for the benefit of the Town.

The vote of those Trustees present was unanimously in favor. Motion carried.

Motion by Trustee Einspahr seconded by Mayor Pro Tem Ternus, to adjourn the executive session, and return to the regular meeting at 9:29 p.m.

The vote of those Trustees present was unanimously in favor. Motion carried.

ADJOURNMENT

Motion by Trustee Payne, seconded by Trustee Einspahr, to adjourn the meeting at 9:30 p.m. The vote of those Trustees present was unanimously in favor. Motion carried.

Town Clerk Michelle Oeser

Mayor Nick Snively



TOWN OF ELIZABETH

COMMUNITY DEVELOPMENT DEPARTMENT

TO: Honorable Mayor and Board of Trustees
FROM: Zach Higgins, AICP Planner/Project Manager
DATE: April 11, 2023
SUBJECT: Planning Commission Candidate

SUMMARY

The Town has received one application for a voting member Planning Commission opening. Shawn Sommer has applied to fill a vacancy on the Planning Commission as a voting representative. The term for this seat is through December 31, 2026.

Planning Commission Candidate Questions

The questions are based on the following: experience with land use and development, open mindedness (not concerned on just one issues), demonstration of good ethical behavior, detail oriented, commitment to community service, and speaking/ interpersonal skills.

1. Please tell us about yourself.
2. Please explain how your skillset and experience will contribute toward the duties of the Planning Commission.
3. The ideal candidate is open minded when it comes to Planning Commission business and is not solely concerned about one issue. Will you tell us how this does or does not describe you?
4. It is important that members of the Planning Commission demonstrate good ethical behavior. Please tell us how you currently demonstrate good ethical behavior and would apply that to the Planning Commission if appointed.
5. It is important that members of the Planning Commission be detail oriented. Are you detail oriented? If so, please provide an example.
6. The ideal Planning Commission candidate has a commitment to community service. Please tell us about your commitment to community service.
7. The Planning Commission role requires frequent interaction and communication with Staff, developers, and members of the public. That said, good interpersonal and speaking skills are pertinent to the position. Please tell us how you've demonstrated good speaking and interpersonal skills in the past.

ATTACHMENT(S)

Resume/Letter of Interest

3-18-2023


Elizabeth CO, 80107

Dear Zach:

I wanted to submit this letter, along with my resume, for consideration for the open Planning Commissioner position.

I feel my experience in various aspects of the residential construction industry, along with my involvement with the NAHB and local Colorado HBA can be of value to the team.

Sincerely,

Shawn Sommer

SHAWN SOMMER

EXPERIENCE

SPAN.io

July 2022 -

Present National Sales Director

Responsible for building builder portfolio nationally by developing strategy, sales tools, and relationships to drive business in the residential construction industry. The companies liaison to NAHB and local HBAs.

Selected Achievements

- Largest order in SPAN,io history in the residential channel
- IBS Award winner for Best Energy Efficient Product

KB Homes

Jan 2021 –

July 2022 Regional Sales Manager

Accountable for overall department performance including sales growth, increasing market share, territory development and department overheads, managing a team of 14 direct reports.

Selected Achievements

- Exceeded sales goals in multiple quarters to help division and regional operations hit plan
- Increased customer service scores 20%
- Successfully grand opened multiple communities

Kidde Life Safety, a division of United Technology Corp.

March

2012 - Present Vertical Market Manager – National Home Building

National accountability for driving business in the residential construction market sectors with our product offerings from Kidde, Edwards, Badger and Supra in regard to fire and life safety. Responsible for contracts such as Toll Brothers, Lennar, KB Homes, Clayton Homes, etc. Knowledgeable in working with distribution, contractors, and end users in developing programs to increase current sales and capture new business. Currently responsible for \$125 Million book of business in the residential construction vertical and electrical wholesale channel.

Gulf States Regional Sales Manager, Kidde Products

Responsible for sales within 6 channels for Texas, Louisiana, and Mississippi utilizing 2 contract sales teams and individual sales calls and presentations.

Selected Achievements

- 97% of goal in 2012, 105% of goal in 2013, 107% of goal in 2014 as Regional Sales Manager
- Increased sales within territory from \$4.5m to \$7.7m
- Increased current customer business 22%

DESIGN TECH HOMES

April 2011 -

Mar 2012 Division Sales Manager, Houston

Accountable for overall department performance including sales growth, increasing market share, territory development and department overheads, managing a team of 9 direct reports.

Selected Achievements

- Project Lead on new CRM implementation of SalesForce
- Increased sales conversion rates for the division from 4.7% to 7.2%
- Reduced cancellation rates from 27% to 22%
- Division responsible for \$17,000,000 in revenues

RAUSCH COLEMAN HOMES

August 2010 -

March 2011 Director of Sales and Marketing, Houston

Accountable for overall department performance including sales growth, increasing market share, territory development and department overheads. Responsible for P&L for the Kansas City Division along with future strategies for the sales department across multiple Divisions.

Selected Achievements

- #1 Division within Company in Sales for September and October with fewest communities available (4 vs 812)
- Implemented sales compensation program that has been implemented Company wide for 2011
- Implemented sales program to develop 4 month Division backlog
- Multiple sales and training programs implemented in Kansas City that have been adopted by Corporation

PULTE HOMES

Dec 2003 - July 2010

General Sales Manager, Houston

Vice President of Sales and Marketing, Kansas City

Selling Sales Manager, Colorado Springs

Sales Professional, Colorado Springs

Involved in all aspects of the construction process, driving sales and process improvement the division.

Selected Achievements

- Doubled sales and Gross Profit margins as Sales Professional in 2004: Monthly pace of community went from 4 - 8 and margin went from 11% to 23%
- Earned promotion to Selling Sales Manager in 2005 managing a team of 14 sales professionals
- Certified Sales Professional (CSP) designation in 2005
- Selling Sales Manager of the Year 2005 for the Rocky Mountain Region
- Promoted to VP of Sales and Marketing in 2006 managing a team of 2 sales managers, and 12 sales professionals, 1 Marketing Manager and 2 coordinators
- Highest sales per salesperson Nationally out of 44 markets during National Sales Promotion in 2007
- Increased referral business by utilizing business to business strategies
- Highest rated sales team by JD Power in 2008 for Houston by implementing Sales Matrix to drive behaviors

CINTAS INC.

Oct02-July 03

Market Manager of Industrial and Facility Service Sales

ENTERPRISE RENTA-CAR

Sept 97 - Oct 2002

Sales Trainer

Corporate Account Manager

Branch Manager

EDUCATION

SAM HOUSTON STATE UNIVERSITY

Bachelor of Business Administration



TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor, Mayor Pro Tem, and Board of Trustees
FROM: Patrick Davidson, Town Administrator
DATED: April 5, 2023
SUBJECT: Resolution Opposing Statewide Land Use and Zoning Preemption

BACKGROUND

The Colorado State Senate is advancing and advocating for passage of Senate Bill 23-213. This lengthy and complex piece of legislation seeks to override local control in land use and zoning within certain communities in Colorado. The authors and sponsors of the Bill seek to make use of this legislation to advance additional housing within the State of Colorado, however, there are substantial concerns as to whether those goals will be advanced through this legislation, and as to the overall impacts imposed on communities throughout the State of Colorado.

The Colorado Municipal League has reviewed the proposed legislation and has identified numerous issues with the proposed legislation, including the following:

1. The bill ignores long term local planning efforts and creates a patchwork of residential land use laws for those municipalities which the state wants, and not based on local decisions.
2. The bill, by itself, does not require standards of affordability for housing, but rather relies on a market decline in housing costs due to an abundance of housing supplies.
3. Places DOLA in charge of determining housing requirements, and requires municipalities to be subservient to the housing mandates implemented by DOLA.
4. The bill emphasizes housing in transit-oriented areas (light rail, buses, etc.) but without any assistance to build out the state's mass transit system. Additionally, the bill specifically prohibits municipalities from requiring new parking in developments.
5. The bill mandates the development of housing, without taking into consideration affordability, water requirements, level of municipal services, education, municipal budgets, public infrastructure, or quality of life. Rather, the bill requires DOLA to determine housing density, then relies upon the specific municipality to meet DOLA's requirements.

6. Questions arise in regards to the bill's Constitutionality, as the main thrust of the bill is upon those municipalities who have adopted home rule charters.

The bill as specifically written does not necessarily mandate changes to the Town of Elizabeth. As mentioned, the bill is targeted more towards those municipalities operating under home rule charters. The bill imposes a 4 tier level of municipalities based on size, proximity to metro areas, and related factors. The tiers are generally identified as follows with examples of related municipalities:

(1) urban municipalities including Denver, Arvada, Boulder, *Castle Rock, Parker, Centennial*, Ft. Collins, Loveland, Colorado Springs, Grand Junction and Pueblo (emphasis added)¹

(2) urban municipalities second level including Firestone, Fort Lupton, Johnstown, Tinmath, Severance, and Monument

(3) rural resort job centers including Aspen, Breckenridge, Durango, Glenwood Springs, Vail, Telluride and Winter Park

(4) non-urban municipalities including Brush, Craig, Fort Morgan, Gunnison, Sterling, and Wellington

Again, Elizabeth is not named in the legislation. However, it is readily evident that the bill seeks to expand development in those municipalities identified as “urban municipalities” as well as those communities in close proximity that provide both employees to those urban communities, or, in the alternative, those bedroom communities that serve the urban municipalities. Another means to view this is to consider an identified municipality from the list, then look to a “circle of influence” around that municipality.

Furthermore, it is important to note that both Castle Rock and Parker are specifically called out as Tier 1 municipalities, and further identified as being tied to the Denver Region. Consequently, it is logically consistent for the expansion of the “circle of influence” of either Castle Rock or Parker to encompass the Town of Elizabeth. This is particularly true if the overall purpose of the bill is to micromanage development throughout portions of the Front Range.

Lastly, it should be noted that from the perspective of the Town of Elizabeth, water becomes a necessary point of contention. It is unclear from the bill, and the proposed studies to be conducted by DOLA, whether water is a sufficient factor to consider in development. There are specific provisions in the bill that discuss “unreasonable costs or delays to development”. No additional guidance is provided in this regard, but assuredly the costs of water development, tap fees, and the conveyance of water as a condition to development could be argued as

¹ Ironically, the City of Greeley (pop. 108,000 +/-) is not included in any of the tiers, although communities adjacent to Greeley are included in the proposed legislation.

unreasonable. Additionally, while promoting increased housing and density in portions of the State which are reliant on groundwater, the bill also directs (mandates?) DOLA to assist in implementing water conservation and water planning programs.

ANALYSIS

The Board of Trustees should consider whether to act on the proposed Senate Bill. The Town of Elizabeth, through the draft bill, is nominally impacted by the Legislation. However, minor changes to the proposed bill, or the expansion of the bill in future legislative sessions could very well impact the Town of Elizabeth and remove the Town's ability to exercise local control on development within the community.

STAFF RECOMMENDATION

Staff recommends the adoption of a Resolution by the Town of Elizabeth to be in opposition to the proposed Colorado Senate Bill for the reasons more fully set forth therein.

BUDGET CONSIDERATIONS

There are no known budget considerations from this action.

ATTACHMENTS

A Resolution by the Town of Elizabeth in Opposition to the Passage of Colorado Senate Bill 23-213 and Statewide Land Use and Zoning Preemptions by the Colorado State Legislature

RESOLUTION 23R16

A RESOLUTION BY THE TOWN OF ELIZABETH IN OPPOSITION TO THE PASSAGE OF COLORADO SENATE BILL 23-213 AND STATEWIDE LAND USE AND ZONING PREEMPTIONS BY THE COLORADO STATE LEGISLATURE

WHEREAS, for over a century, the State of Colorado has committed to, and otherwise supported the function of land use planning and zoning on a local level to allow for the most appropriate means of regulating land use within the State;

WHEREAS, communities stand in the best position, and have the greatest interest, in ensuring that the specific development of land use plans and zoning meet the needs of the specific community, and otherwise reflect the needs, wishes, and desires of the members of those communities;

WHEREAS, local governments are in the best position to implement the desires of the residents of their communities, and to otherwise plan for any expansion or development of local government services including public safety, schools, recreation services, infrastructure and to ensure adequate water, sewer, and other utilities within a community;

WHEREAS, Senate Bill 23-213 specifically seeks to control, mandate and interject the will of the Legislature and State Regulators above those of the locally elected officials, who have an immediate and vested interest in land use and zoning of the communities in which the local officials were elected to serve;

WHEREAS, Senate Bill 23-213 could undermine decisions previously made by the Elizabeth Planning Commission and the Elizabeth Board of Trustees as to what is and is not necessary for the appropriate development of the Town and the adjacent community;

WHEREAS, Senate Bill 23-213 removes the decision making authority of the voters, removes the right to be heard at public meetings, denies future rights of voters to seek redress of grievances through initiatives or referendums, and otherwise substitutes the Constitutional rights of citizens with will of the Legislature and State Regulators;

WHEREAS, Senate Bill 23-213 substantially and materially interferes with the rights of neighbors and neighborhoods to enter into agreements amongst themselves regarding the implementation and regulation of lands through the use of Homeowner Associations, and removes those Associations' rights to determine community standards for land use;

WHEREAS, the Town of Elizabeth has worked diligently to balance the needs of the community with the desires of residents; has sought to establish just, fair and equitable land use regulations, zoning, Town codes, and a comprehensive land use plan for the future of the Town of Elizabeth;

WHEREAS, the Town of Elizabeth stands in the closest position to the land, the community, and the residents of Elizabeth, and should be solely responsible for establishing land use and zoning requirements that benefit the Town, free from interference from the Colorado Legislature, the Office of the Governor, the Division of Local Affairs, and State Regulators.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

The Town of Elizabeth opposes Senate Bill 23-213 and strongly urges the Colorado State Legislature to vote NO on the preemption of land use and zoning authority for the municipalities within the State of Colorado.

PASSED, APPROVED, and ADOPTED this 11th day of April 2023, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of _____ for and _____ against.

Nick Snively, Mayor

ATTEST:

Michelle M. Oeser, Town Clerk

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

INTRODUCED

LLS NO. 23-0890.01 Pierce Lively x2059

SENATE BILL 23-213

SENATE SPONSORSHIP

Moreno,

HOUSE SPONSORSHIP

Jodeh and Woodrow,

Senate Committees
Local Government & Housing

House Committees

A BILL FOR AN ACT

101 **CONCERNING STATE LAND USE REQUIREMENTS, AND, IN CONNECTION**
102 **THEREWITH, ESTABLISHING A PROCESS TO DIAGNOSE AND**
103 **ADDRESS HOUSING NEEDS ACROSS THE STATE, ADDRESSING**
104 **REQUIREMENTS FOR THE REGULATION OF ACCESSORY**
105 **DWELLING UNITS, MIDDLE HOUSING, TRANSIT-ORIENTED AREAS,**
106 **KEY CORRIDORS, AND MANUFACTURED AND MODULAR HOMES,**
107 **PROHIBITING CERTAIN PLANNED UNIT DEVELOPMENT**
108 **RESOLUTIONS, PROHIBITING A LOCAL GOVERNMENT FROM**
109 **ENFORCING CERTAIN OCCUPANCY LIMITS, MODIFYING THE**
110 **CONTENT REQUIREMENTS FOR COUNTY AND MUNICIPAL MASTER**
111 **PLANS, PROHIBITING CERTAIN MUNICIPALITIES FROM IMPOSING**
112 **MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL**
113 **UNITS, REQUIRING ENTITIES TO SUBMIT A COMPLETED AND**

*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.*

101 VALIDATED WATER LOSS AUDIT REPORT TO THE COLORADO
102 WATER CONSERVATION BOARD, PROHIBITING A UNIT OWNERS'
103 ASSOCIATION FROM PROHIBITING CERTAIN KINDS OF HOUSING,
104 REQUIRING THE TRANSPORTATION COMMISSION AND THE
105 DEPARTMENT OF TRANSPORTATION TO MODIFY THE STATE
106 HIGHWAY ACCESS CODE, CRITERIA FOR CERTAIN GRANT
107 PROGRAMS, AND EXPENDITURES FROM THE MULTIMODAL
108 TRANSPORTATION OPTIONS FUND TO ALIGN WITH STATE
109 STRATEGIC GROWTH OBJECTIVES, AND MAKING AN
110 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>.)

Housing needs planning. The executive director of the department of local affairs (director) shall, no later than December 31, 2024, and every 5 years thereafter, issue methodology for developing statewide, regional, and local housing needs assessments. The statewide housing needs assessment must determine existing statewide housing stock and current and future housing needs. The regional housing needs assessments must allocate the addressing of housing needs identified in the statewide housing needs assessment to regions of the state. Similarly, the local housing needs assessments must allocate the addressing of the housing needs allocated in the regional housing needs assessment to localities in the relevant region.

The director shall, no later than December 31, 2024, issue guidance on creating a housing needs plan for both a rural resort job center municipality and an urban municipality. Following this guidance, no later than December 31, 2026, and every 5 years thereafter, a rural resort job center municipality and an urban municipality shall develop a housing needs plan and submit that plan to the department of local affairs (department). A housing needs plan must include, among other things, descriptions of how the plan was created, how the municipality will address the housing needs it was assigned in the local housing needs assessment, affordability strategies the municipality has selected to address its local housing needs assessment, an assessment of

displacement risk and any strategies selected to address identified risks, and how the locality will comply with other housing requirements in this bill.

The director shall, no later than December 31, 2024, develop and publish a menu of affordability strategies to address housing production, preservation, and affordability. Rural resort job center municipalities and urban municipalities shall identify at least 2 of these strategies that they intend to implement in their housing plan, and urban municipalities with a transit-oriented area must identify at least 3.

The director shall, no later than December 31, 2024, develop and publish a menu of displacement mitigation measures. This menu must, among other things, provide guidance for how to identify areas at the highest risk for displacement and identify displacement mitigation measures that a locality may adopt. An urban municipality must identify which of these measures it intends to implement in its housing plan to address any areas it identifies as at an elevated risk for displacement.

The director shall, no later than March 31, 2024, publish a report that identifies strategic growth objectives that will incentivize growth in transit-oriented areas and infill areas and guide growth at the edges of urban areas. The multi-agency advisory committee shall, no later than March 31, 2024, submit a report to the general assembly concerning the strategic growth objectives.

The bill establishes a multi-agency advisory committee and requires that committee to conduct a public comment and hearing process on and provide recommendations to the director on:

- Methodologies for developing statewide, regional, and local housing needs assessments;
- Guidance for creating housing needs plans;
- Developing a menu of affordability strategies;
- Developing a menu of displacement mitigation measures;
- Identifying strategic growth objectives; and
- Developing reporting guidance and templates.

A county or municipality within a rural resort region shall participate in a regional housing needs planning process. This process must encourage participating counties and municipalities to identify strategies that, either individually or through intergovernmental agreements, address the housing needs assigned to them. A report on this process must be submitted to the department. Further, within 6 months of completing this process, a rural resort job center municipality shall submit a local housing needs plan to the department. Once a year, both rural resort job centers and urban municipalities shall report to the department on certain housing data.

A multi-agency group created in the bill and the division of local government within the department shall provide assistance to localities in complying with the requirements of this bill. This assistance must

include technical assistance and a grant program.

Accessory dwelling units. The director shall promulgate an accessory dwelling unit model code that, among other things, requires accessory dwelling units to be allowed as a use by right in any part of a municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a municipality does not adopt the accessory dwelling unit model code, the municipality shall adhere to accessory dwelling unit minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow accessory dwelling units as a use by right in any part of the municipality where the municipality allows single-unit detached dwellings as a use by right;
- Only adopt or enforce local laws concerning accessory dwelling units that use objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning accessory dwelling units that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or construction of accessory dwelling units infeasible.

Middle housing. The director shall promulgate a middle housing model code that, among other things, requires middle housing to be allowed as a use by right in any part of a rural resort job center municipality or a tier one urban municipality where the municipality allows single-unit detached dwellings as a use by right. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the middle housing model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Allow middle housing as a use by right in certain areas;
- Only adopt or enforce local laws concerning middle housing that use objective standards and procedures;
- Allow properties on which middle housing is allowed to be split by right using objective standards and procedures;
- Not adopt, enact, or enforce local laws concerning middle housing that are more restrictive than local laws concerning single-unit detached dwellings; and
- Not apply standards that make the permitting, siting, or

construction of middle housing infeasible.

Transit-oriented areas. The director shall promulgate a transit-oriented area model code that, among other things, imposes minimum residential density limits for multifamily residential housing and mixed-income multifamily residential housing and allows these developments as a use by right in the transit-oriented areas of tier one urban municipalities. The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a tier one urban municipality does not adopt the transit-oriented model code, the municipality shall adhere to middle housing minimum standards established in the bill and by the department. These minimum standards, among other things, must require a municipality to:

- Create a zoning district within a transit-oriented area in which multifamily housing meets a minimum residential density limit and is allowed as a use by right; and
- Not apply standards that make the permitting, siting, or construction of multifamily housing in transit-oriented areas infeasible.

Key corridors. The director shall promulgate a key corridor model code that applies to key corridors in rural resort job center municipalities and tier one urban municipalities. The model code must, among other things, include requirements for:

- The percentage of units in mixed-income multifamily residential housing that must be reserved for low- and moderate-income households;
- Minimum residential density limits for multifamily residential housing; and
- Mixed-income multifamily residential housing that must be allowed as a use by right in key corridors.

The committee shall provide recommendations to the director for promulgating this model code. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Even if a rural resort job center municipality or a tier one urban municipality does not adopt the key corridor model code, the municipality shall adhere to key corridor minimum standards promulgated by the director and developed by the department. These minimum standards, among other things, must identify a net residential zoning capacity for a municipality and must require a municipality to:

- Allow multifamily residential housing within key corridors that meets the net residential zoning capacity as a use by right;
- Not apply standards that make the permitting, siting, or

construction of multifamily housing in certain areas infeasible; and

- Not adopt, enact, or enforce local laws that make satisfying the required minimum residential density limits infeasible.

The committee shall provide recommendations to the director on promulgating these minimum standards. In developing these recommendations, the committee shall conduct a public comment and hearing process.

Adoption of model codes and minimum standards. A relevant municipality shall adopt either the model code or local laws that satisfy the minimum standards concerning accessory dwelling units, middle housing, transit-oriented areas, and key corridors. Furthermore, a municipality shall submit a report to the department demonstrating that it has done so. If a municipality fails to adopt either the model code or local laws that satisfy the minimum standards by a specified deadline, the relevant model code immediately goes into effect, and municipalities shall then approve any proposed projects that meet the standards in the model code using objective procedures. However, a municipality may apply to the department for a deadline extension for a deficiency in water or wastewater infrastructure or supply.

Additional provisions. The bill also:

- Requires the advisory committee on factory-built structures and tiny homes to produce a report on the opportunities and barriers in state law concerning the building of manufactured homes, mobile homes, and tiny homes;
- Removes the requirements that manufacturers of factory-built structures comply with escrow requirements of down payments and provide a letter of credit, certificate of deposit issued by a licensed financial institution, or surety bond issued by an authorized insurer;
- Prohibits a planned unit development resolution or ordinance for a planned unit with a residential use from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors in a way not allowed by this bill;
- Prohibits a local government from enacting or enforcing residential occupancy limits that differ based on the relationships of the occupants of a dwelling;
- Modifies the content requirements for a county and municipal master plan, requires counties and municipalities to adopt or amend master plans as part of an inclusive process, and requires counties and municipalities to submit master plans to the department;
- Allows a municipality to sell and dispose of real property and public buildings for the purpose of providing property

- to be used as affordable housing, without requiring the sale to be submitted to the voters of the municipality;
- Requires the approval process for manufactured and modular homes to be based on objective standards and administrative review equivalent to the approval process for site-built homes;
 - Prohibits a municipality from imposing more restrictive standards on manufactured and modular homes than the municipality imposes on site-built homes;
 - Prohibits certain municipalities from imposing minimum square footage requirements for residential units in the approval of residential dwelling unit construction permits;
 - Requires certain entities to submit to the Colorado water conservation board (board) a completed and validated water loss audit report pursuant to guidelines that the board shall adopt;
 - Allows the board to make grants from the water efficiency grant program cash fund to provide water loss audit report validation assistance to covered entities;
 - Allows the board and the Colorado water resources and power development authority to consider whether an entity has submitted a required audit report in deciding whether to release financial assistance to the entity for the construction of a water diversion, storage, conveyance, water treatment, or wastewater treatment facility;
 - Prohibits a unit owners' association from restricting accessory dwelling units, middle housing, housing in transit-oriented areas, or housing in key corridors;
 - Requires the department of transportation to ensure that the prioritization criteria for any grant program administered by the department are consistent with state strategic growth objectives, so long as doing so does not violate federal law;
 - Requires any regional transportation plan that is created or updated to address and ensure consistency with state strategic growth objectives;
 - Requires that expenditures for local and state multimodal projects from the multimodal transportation options fund are only to be made for multimodal projects that the department determines are consistent with state strategic growth objectives; and
 - For state fiscal year 2023-24, appropriates \$15,000,000 from the general fund to the housing plans assistance fund and makes the department responsible for the accounting related to the appropriation.

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

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 a current unmet housing need of between sixty-five thousand and ninety
20 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) The ten largest municipalities in the Denver metropolitan area
25 allow single-unit detached dwellings as a use by right on over eighty-five
26 percent of their residential land, compared to allowing as a use by right

1 an estimated twenty-four percent of their residential land for accessory
2 dwelling units, thirty-three percent of their residential land for
3 townhomes, thirty-one percent of their residential land for duplexes up to
4 quadplexes, and thirty-five percent of their residential land for
5 multifamily homes, according to publicly available zoning data;

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

9 (G) These types of common zoning practices make it difficult to
10 build more affordable home types and have historically been used to
11 exclude low-income residents and renters; and

12 (H) To stabilize housing prices and ensure development of
13 housing to meet the state's growing need, the state must increase its
14 housing supply to address the unmet housing need from the past decade,
15 and plan for future household growth.

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

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

20 (A) The consequences of land use policies that limit housing
21 supply and diversity include a lack of housing that is affordable to
22 Coloradans of low and moderate incomes, a lack of housing to support
23 employment growth, an imbalance in jobs and housing, segregated and
24 unequal communities, reduced mobility and long commutes, loss of open
25 space and agricultural land, high water usage, and increased greenhouse
26 gas and air pollution;

27 (B) When a local government's policies reduce and limit the

1 supply of housing, neighboring local governments are also affected by
2 more people seeking affordable housing; and

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

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

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

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

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

21 (II) Therefore, the general assembly finds, determines, and
22 declares that, coupled with historic investments in affordable housing,
23 reforms to local land use regulations can accelerate an increase in housing
24 supply that is affordable at all income levels.

25 (A) National studies, such as the article "Relationships between
26 Density and per Capita Municipal Spending in the United States",
27 published in Urban Science, have found that lower density communities

1 have higher government capital and maintenance costs for water, sewer,
2 and transportation infrastructure, and lower property and sales tax
3 revenues. These increased costs are often borne by both state and local
4 governments.

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

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

11 (a) Create a more consistent ability statewide to develop a variety
12 of housing types, limit the ability of local governments to reduce density
13 or render infeasible housing development projects that can address the
14 state's housing shortage for all parts of the income spectrum, and support
15 more fiscally and environmentally sustainable development patterns;

16 (b) Improve regional collaboration and outcomes by reducing the
17 ability of individual local governments' land use restrictions to negatively
18 influence regional concerns such as housing affordability, open space,
19 traffic, and air pollution; and

20 (c) Increase housing supply, allow more compact development,
21 encourage more affordable housing, encourage more environmentally and
22 fiscally sustainable development patterns, encourage housing patterns that
23 conserve water resources, and encourage housing units that are located in
24 close proximity to public transit, places of employment, and everyday
25 needs.

26 (3) In finding and declaring that land use policies that affect
27 housing supply are matters of mixed statewide and local concern, the

1 general assembly finds and declares that there is a need for uniformity in
2 policies that affect housing supply because:

3 (a) The state has an interest in planning for future growth. The
4 state demographer estimates that between 2023 and 2040 the state will
5 add an average of thirty-five thousand households per year, and that
6 between 2030 and 2040 the state will add an additional twenty-nine
7 thousand six hundred households per year.

8 (b) Housing supply impacts housing affordability. Housing prices
9 are typically higher when housing supply is restricted by local land use
10 regulations in the metropolitan region, according to studies such as the
11 National Bureau of Economic Research's working papers "Regulation and
12 Housing Supply", "The Impact of Zoning on Housing Affordability", and
13 "The Impact of Local Residential Land Use Restrictions on Land Values
14 Across and Within Single Family Housing Markets".

15 (c) Increasing housing supply moderates price increases and
16 improves housing affordability across all incomes, according to studies
17 such as "The Economic Implications of Housing Supply" in the Journal
18 of Economic Perspectives and "Supply Skepticism: Housing Supply and
19 Affordability" in Housing Policy Debate;

20 (d) Academic research such as "The Impact of Building
21 Restrictions on Housing Affordability" in the Federal Reserve Bank of
22 New York Economic Policy Review has identified zoning and other land
23 use controls as a primary driver of rising housing costs in the most
24 expensive housing markets;

25 (e) Local land use regulations influence what types of housing are
26 built throughout the state and can restrict more affordable housing
27 options;

1 (f) Between 2000 and 2019, over seventy percent of homes built
2 in Colorado were single-unit detached dwellings, while less than three
3 percent of homes were duplexes to quadplexes, and less than twenty-five
4 percent of homes were homes in multifamily buildings with five or more
5 units, according to the American Community Survey;

6 (g) Middle housing and multifamily housing types are more
7 affordable than detached dwellings, in part because land costs are shared
8 between more households;

9 (h) In 2019, Colorado duplexes and larger multifamily housing
10 units cost between fourteen to forty-three percent less to own, and
11 between nine to twenty-six percent less to rent, than single-unit detached
12 dwellings depending on the type of housing, according to the American
13 Community Survey;

14 (i) Proposed market-rate and affordable housing projects are
15 routinely delayed or denied due to discretionary and subjective political
16 processes and land use regulations that limit denser development either
17 directly or indirectly;

18 (j) According to a 2022 article titled "Does Discretion Delay
19 Development?", in the American Planning Association Journal,
20 residential projects using by-right approval processes are approved
21 twenty-eight percent faster than those using discretionary approval
22 processes, and faster approval times reduce developer costs and therefore
23 housing costs;

24 (k) Compact housing types such as duplexes, townhomes, and
25 multifamily homes also use significantly less energy for heating, cooling,
26 and electricity than detached dwellings, which saves residents money and
27 results in lower emissions;

1 (l) In Colorado, household energy savings range from forty
2 percent less for townhomes to seventy percent less for larger multifamily
3 homes compared to single-unit detached dwellings, according to
4 residential housing stock data from the National Renewable Energy
5 Laboratory; and

6 (m) The state has an interest in ensuring economic mobility by
7 increasing affordable housing opportunities throughout the state:

8 (I) Researchers have demonstrated that restrictive local land use
9 regulations help explain segregation income within metropolitan areas,
10 which leads to disparate incomes and access to opportunities;

11 (II) In Colorado, households with the lowest incomes experienced
12 the highest rates of housing cost burden, according to the American
13 Community Survey;

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

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

25 (V) Researchers have also found that upward mobility is
26 significantly greater in more compact development areas than in low
27 density areas, primarily due to better job accessibility by multiple

1 transportation modes, according to the study "Does urban sprawl hold
2 down upward mobility?", published in the journal of Landscape and
3 Urban Planning.

4 (VI) Nationwide, cities with the highest housing costs and lowest
5 vacancy rates experience the highest rates of homelessness, according to
6 a report by the Urban Institute, "Unsheltered Homelessness Trends,
7 Characteristics, and Homeless Histories". These indicators explain a
8 greater portion of the variation in regional rates of homelessness than
9 other commonly assumed factors, such as poverty rate, substance use, or
10 mental illness, according to a study in the European Journal of Housing
11 Policy, "The Economics of Homelessness: The Evidence from North
12 America".

13 (VII) Through legislation such as House Bill 21-1266 and Senate
14 Bill 21-272, the state has made significant efforts to identify
15 disproportionately impacted communities and to prioritize benefits to
16 these communities;

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

23 (IX) Researchers in the study "Unaffordable Housing and Local
24 Employment Growth", published by the Federal Reserve Bank of Boston,
25 found that metropolitan areas in the United States and counties with lower
26 housing affordability experience significantly less employment growth;
27 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.

5 (n) The state has an interest in creating a holistic statewide water
6 management system, and local government decisions that encourage
7 dispersed, low density development negatively affects the state's water
8 supply:

9 (I) A holistic statewide water management system is essential for
10 creating vibrant communities that balance water supply and demand
11 needs to create a sustainable urban landscape, according to the vision laid
12 out in the Colorado water plan;

13 (II) Compact infill development reduces water demand and
14 infrastructure costs through shorter pipes that reduce losses, less
15 landscaped space per unit, and better use of existing infrastructure; and

16 (III) Compared to a single-unit detached dwelling, accessory
17 dwelling units use twenty-two percent less water, small multifamily
18 homes sixty-three percent less, and larger multifamily homes eighty-six
19 percent less, based on data from Denver and Aurora water users analyzed
20 for the Colorado water and growth dialogue Final Report in 2018.

21 (4) (a) The general assembly finds and declares that there is an
22 extraterritorial impact when local governments enact local ordinances that
23 have impacts that cross jurisdictional lines because:

24 (I) Local restrictions on housing push people further from their
25 work and increase driving commute times;

26 (II) Communities with the most restrictive local land use
27 regulations often enable job growth while limiting the ability of housing

1 growth to keep pace, which affects the pace of housing development in
2 neighboring jurisdictions. This results in regional imbalances between
3 jobs and housing that researchers have found have a significant impact on
4 vehicle miles traveled and commute times, according to studies such as
5 "Which Reduces Vehicle Travel More: Jobs-Housing Balance or
6 Retail-Housing Mixing?", published in the Journal of the American
7 Planning Association.

8 (III) In the ten rural resort municipalities with the highest jobs to
9 housing ratios in the state, over ninety percent of workers commute from
10 other jurisdictions, according to housing data from the 2020 federal
11 decennial Census and jobs and commuting data from the Longitudinal
12 Employer-Household Dynamics Origin-Destination Employment Dataset
13 from the Census;

14 (IV) The ten rural resort municipalities with the highest jobs to
15 housing ratios in the state added eighteen percent fewer housing units per
16 capita and their commute times for workers were seventeen percent
17 longer on average than jurisdictions in rural resort counties as a whole,
18 according to data from the 2020 federal decennial Census, American
19 Community Survey, and the Longitudinal Employer-Household Dynamics
20 Origin-Destination Employment Dataset from the Census;

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

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

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

4 (VIII) High transportation costs impact low-income households
5 in particular, with households making less than forty-thousand dollars per
6 year in the western United States spending over twenty-four percent of
7 their income on transportation, when spending more than fifteen percent
8 of income on transportation is considered cost burdened, according to
9 data from the Bureau of Labor Statistics Consumer Expenditure Surveys;
10 and

11 (IX) In Colorado, households in more dense areas, census tracts
12 with more than four thousand units per square mile or about fifteen units
13 per acre, drive twenty percent less than the state average, and higher
14 density areas, census tracts with more than ten thousand units per square
15 mile or about forty units per acre, drive forty percent less than the state
16 average, according to data from the 2017 National Household Travel
17 Survey; and

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

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

25 (II) The United States environmental protection agency has
26 classified the Denver Metro/North Front Range area as being in severe
27 non-attainment for ozone and ground level ozone, which has serious

1 impacts on human health, particularly for vulnerable populations;

2 (III) According to the greenhouse gas pollution reduction
3 roadmap, published by the Colorado energy office and dated January 14,
4 2021, the transportation sector is the single largest source of greenhouse
5 gas pollution in Colorado;

6 (IV) Nearly sixty percent of the greenhouse gas emissions from
7 the transportation sector come from light-duty vehicles, the majority of
8 cars and trucks that Coloradans drive every day;

9 (V) As part of the greenhouse gas pollution reduction roadmap,
10 a strategic action plan to achieve legislatively adopted targets of reducing
11 greenhouse gas pollution economy-wide by fifty percent below 2005
12 levels by 2030 and ninety percent by 2050, the state committed to
13 reducing emissions from the transportation sector by forty-one percent by
14 2030 from a 2005 baseline;

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

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

27 (VIII) Local government land use decisions that require a

1 minimum amount of parking spaces increase the cost of new residential
2 projects, which increases housing costs. According to the Regional
3 Transportation District study "Residential Parking in Station Areas: A
4 Study of Metro Denver", structured parking spaces in the Denver
5 metropolitan areas cost twenty-five thousand dollars each to build in
6 2020, and use space which would otherwise be used for revenue
7 generating residential units, decreasing the profitability of residential
8 development. As a result, parking requirements may discourage
9 developers from building new residential projects, or, if they do move
10 forward with projects, force them to recoup the costs of building
11 excessive parking by increasing housing prices.

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

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

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

22 (III) Between 1982 and 2017, Colorado lost over twenty-five
23 percent of its agricultural cropland, according to data from the National
24 Resources Inventory published by the United States department of
25 agriculture, and, over the same time period, the size of urban and built-up
26 areas grew faster than the population by over one hundred percent
27 compared to eighty-three percent;

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

4 (V) Between 2012 and 2017, the number of people living in the
5 wildland-urban interface grew from two million to two million nine
6 hundred thousand, according to the Colorado state forest service.

7 (VI) Therefore, the general assembly finds, determines and
8 declares that local government land use decisions that limit housing and
9 encourage dispersed low-density development impact local and state
10 government fiscal health and the business community.

11 **SECTION 2.** In Colorado Revised Statutes, **add** article 33 to title
12 29 as follows:

13 **ARTICLE 33**

14 **State Land Use Requirements For Affordable Housing**

15 **PART 1**

16 **HOUSING NEEDS PLANNING**

17 **29-33-101. Legislative declaration.** (1) (a) THE GENERAL
18 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

19 (I) COLORADO LACKS A COORDINATED PROCESS TO SET GOALS,
20 DEVELOP SOLUTIONS, AND TRACK PROGRESS TOWARDS MEETING
21 STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS;

22 (II) CONSISTENT INFORMATION ABOUT STATEWIDE, REGIONAL,
23 AND LOCAL HOUSING NEEDS IS ESSENTIAL IN DEVELOPING EQUITABLE AND
24 EFFECTIVE HOUSING POLICIES AND STRATEGIES AND IMPROVING EFFORTS
25 TO INCREASE HOUSING AFFORDABILITY OVER TIME;

26 (III) HOUSING MARKETS EXPAND BEYOND THE BORDERS OF
27 INDIVIDUAL LOCAL GOVERNMENTS, AND INFORMATION IS REQUIRED ON A

1 LOCAL, REGIONAL, AND STATEWIDE SCALE TO MAKE A HOLISTIC PLAN FOR
2 ADDRESSING HOUSING NEEDS;

3 (IV) ALTHOUGH SOME LOCAL GOVERNMENTS WORK TO ASSESS
4 AND ADDRESS HOUSING NEEDS, THESE LOCAL GOVERNMENTS USE
5 DIFFERENT METHODOLOGIES, DO THIS WORK AT DIFFERENT TIMES, AND
6 LACK REGIONAL COORDINATION;

7 (V) LOCAL GOVERNMENTS THAT DO NOT ALLOW HOUSING SUPPLY
8 TO KEEP PACE WITH HOUSEHOLD AND JOB GROWTH IN THEIR JURISDICTIONS
9 EXPORT THEIR HOUSING NEEDS TO NEIGHBORING COMMUNITIES, CAUSING
10 REGIONAL IMBALANCES THAT IMPACT EQUITY, POLLUTION,
11 INFRASTRUCTURE COSTS, AND QUALITY OF LIFE;

12 (VI) REQUIRING LOCAL GOVERNMENTS TO PLAN FOR AND
13 IMPLEMENT STRATEGIES TO MEET AN EQUITABLE AMOUNT OF THEIR
14 REGION'S HOUSING DEMAND WILL HELP MITIGATE THESE IMBALANCES AND
15 THEIR NEGATIVE IMPACTS; AND

16 (VII) THE STATE MANAGES MULTIPLE GRANT-BASED PROGRAMS
17 DESIGNED TO HELP LOCAL GOVERNMENTS ASSESS AND MEET HOUSING
18 NEEDS, AND THESE PROGRAMS WILL BE ABLE TO MORE EFFECTIVELY
19 ADDRESS HOUSING ISSUES WITH MORE COMPREHENSIVE AND CONSISTENT
20 INFORMATION INFORMED BY REGIONAL AND STATEWIDE DATA.

21 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
22 ASSESSING AND PLANNING FOR HOUSING NEEDS THROUGHOUT THE STATE
23 IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN.

24 **29-33-102. Definitions.** AS USED IN THIS ARTICLE 33, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES
27 THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC.

1 3601 ET SEQ., AS AMENDED.

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

4 (a) PROVIDES COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE
5 OR MORE PERSONS;

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

8 (c) INCLUDES PROVISIONS FOR LIVING, SLEEPING, EATING,
9 COOKING, AND SANITATION.

10 (3) "AFFORDABLE HOUSING" MEANS HOUSING FOR WHICH LOW-
11 AND MODERATE-INCOME HOUSEHOLDS DO NOT SPEND MORE THAN THIRTY
12 PERCENT OF THEIR HOUSEHOLD INCOME.

13 (4) "BUS RAPID TRANSIT" MEANS A BUS-BASED TRANSIT SERVICE
14 THAT:

15 (a) DELIVERS FAST AND EFFICIENT SERVICE; AND

16 (b) INCLUDES AT LEAST ONE OF THE FOLLOWING:

17 (I) DEDICATED LANES;

18 (II) BUSWAYS;

19 (III) TRAFFIC SIGNAL PRIORITY;

20 (IV) OFF-BOARD FARE COLLECTION;

21 (V) ELEVATED PLATFORMS; OR

22 (VI) ENHANCED STATIONS.

23 (5) "COMMUTER BUS RAPID TRANSIT SERVICE " MEANS A BUS RAPID
24 TRANSIT SERVICE THAT OPERATES ON A LIMITED-ACCESS HIGHWAY FOR
25 THE MAJORITY OF ITS ROUTE.

26 (6) "COTTAGE CLUSTER" MEANS A GROUPING OF NO FEWER THAN
27 FOUR DETACHED HOUSING UNITS, EACH HOUSING UNIT HAVING A

1 FOOTPRINT OF NO MORE THAN NINE HUNDRED SQUARE FEET, AND THE
2 GROUPING HAVING A COMMON COURTYARD.

3 (7) "DESIGN STANDARD" MEANS A STANDARD THAT RELATES TO
4 THE AESTHETICS OF A PROJECT OR THE QUALITY OF CONSTRUCTION
5 MATERIALS USED IN A PROJECT.

6 (8) "DISCRETIONARY APPROVAL PROCESS" MEANS A DEVELOPMENT
7 APPROVAL PROCESS CONDUCTED PURSUANT TO LOCAL LAW THAT
8 REQUIRES A PUBLIC BODY OR OFFICIAL TO MAKE SUBJECTIVE
9 DETERMINATIONS INCLUDING DETERMINATIONS OF CONSISTENCY WITH
10 LOCAL PLANS, COMPATIBILITY OR HARMONY WITH SURROUNDING LAND
11 USES OR DEVELOPMENT, OR STRATEGIES FOR MITIGATING PROJECT
12 IMPACTS.

13 (9) "DISPLACEMENT" MEANS THE UNWANTED RELOCATION OF
14 RESIDENTS DUE TO INCREASED REAL ESTATE PRICES, RENTS, OR OTHER
15 ECONOMIC FACTORS.

16 (10) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING
17 COMPLETE INDEPENDENT LIVING FACILITIES FOR ONE OR MORE PERSONS,
18 INCLUDING PERMANENT PROVISIONS FOR COOKING, EATING, LIVING,
19 SANITATION, AND SLEEPING.

20 (11) "FIXED-RAIL TRANSIT STATION" MEANS A STATION FOR
21 PASSENGER RAIL TRANSIT THAT USES AND OCCUPIES A SEPARATE
22 RIGHT-OF-WAY OR RAIL LINE, INCLUDING COMMUTER RAIL AND LIGHT
23 RAIL.

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

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

4 (14) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
5 CITY, TOWN, TERRITORIAL CHARTER CITY, OR CITY AND COUNTY.

6 (15) "LOCAL INCLUSIONARY ZONING ORDINANCE" MEANS A LOCAL
7 LAW ENACTED PURSUANT TO SECTION 29-20-104 (1)(e.5) TO EITHER
8 REQUIRE OR INCENTIVIZE THE CONSTRUCTION OF AFFORDABLE OR
9 REGULATED AFFORDABLE HOUSING UNITS WITHIN MIXED-INCOME
10 DEVELOPMENTS. AS USED IN THIS SUBSECTION (15), "MIXED-INCOME
11 DEVELOPMENT" HAS THE SAME MEANING AS SET FORTH IN SECTION
12 24-32-130 (1)(f).

13 (16) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY,
14 REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT
15 GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING LAND USE
16 CODES, ZONING CODES, AND SUBDIVISION CODES.

17 (17) "METROPOLITAN PLANNING ORGANIZATION" MEANS A
18 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT
19 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

20 (18) "MIDDLE HOUSING" MEANS A TYPE OF HOUSING THAT
21 INCLUDES A:

22 (a) BUILDING DESIGNED AS A SINGLE STRUCTURE CONTAINING
23 BETWEEN TWO AND SIX SEPARATE DWELLING UNITS;

24 (b) TOWNHOME; OR

25 (c) COTTAGE CLUSTER.

26 (19) "MINIMUM RESIDENTIAL DENSITY LIMIT" MEANS THE LOWEST
27 DENSITY LIMIT A LOCAL GOVERNMENT MAY IMPOSE FOR NEW RESIDENTIAL

1 OR MIXED-USE DEVELOPMENT. LOCAL GOVERNMENTS MAY ALLOW HIGHER
2 DENSITY DEVELOPMENT THAN THE MINIMUM RESIDENTIAL DENSITY LIMIT.

3 (20) "MIXED-USE DEVELOPMENT" MEANS A DEVELOPMENT
4 PROJECT THAT INTEGRATES MULTIPLE LAND USE TYPES.

5 (21) "MULTI-AGENCY ADVISORY COMMITTEE" MEANS AN
6 ADVISORY GROUP WITHOUT DECISION-MAKING AUTHORITY COMPOSED OF:

7 (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
8 AFFAIRS, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

9 (b) THE EXECUTIVE DIRECTOR OF THE COLORADO ENERGY OFFICE,
10 OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

11 (c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
12 TRANSPORTATION, OR THE EXECUTIVE DIRECTOR'S DESIGNEE; AND

13 (d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL
14 RESOURCES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

15 (22) "MULTI-AGENCY GROUP" MEANS A GROUP COMPOSED OF
16 STAFF FROM:

17 (a) THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF
18 LOCAL AFFAIRS;

19 (b) THE COLORADO ENERGY OFFICE;

20 (c) THE DEPARTMENT OF NATURAL RESOURCES; AND

21 (d) THE DEPARTMENT OF TRANSPORTATION.

22 (23) "MULTIFAMILY RESIDENTIAL HOUSING" MEANS A BUILDING OR
23 GROUP OF BUILDINGS ON THE SAME LOT WITH SEPARATE LIVING UNITS FOR
24 THREE OR MORE HOUSEHOLDS.

25 (24) "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,

1 AND OTHER NONRESIDENTIAL USES.

2 (25) "OBJECTIVE PROCEDURE" MEANS A DEVELOPMENT REVIEW
3 PROCEDURE OR PROCESS THAT DOES NOT INVOLVE A DISCRETIONARY
4 APPROVAL PROCESS.

5 (26) "OBJECTIVE STANDARD" MEANS A STANDARD THAT BOTH:

6 (a) DOES NOT REQUIRE A PUBLIC BODY OR OFFICIAL TO MAKE A
7 PERSONAL OR SUBJECTIVE JUDGMENT; AND

8 (b) IS UNIFORMLY VERIFIABLE OR ASCERTAINABLE BY REFERENCE
9 TO AN EXTERNAL OR UNIFORM BENCHMARK OR CRITERION THAT IS
10 AVAILABLE AND KNOWABLE BY THE DEVELOPMENT APPLICANT OR
11 PROPONENT AND THE PUBLIC BODY OR OFFICIAL PRIOR TO THE
12 DEVELOPMENT APPLICANT OR PROPONENT'S FILING OF A DEVELOPMENT
13 PROPOSAL.

14 (27) "POPULATION" MEANS POPULATION AS OF THE MOST RECENT
15 FEDERAL DECENNIAL CENSUS.

16 (28) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE
17 HOUSING CREATED OR SUPPORTED BY PUBLIC SUBSIDIES, LOCAL
18 INCLUSIONARY ZONING ORDINANCES, OR OTHER REGULATIONS THAT
19 RESTRICT OR LIMIT RESIDENT INCOME LEVELS FOR A SPECIFIED PERIOD.

20 (29) "RURAL RESORT JOB CENTER MUNICIPALITY" MEANS A
21 MUNICIPALITY THAT:

22 (a) IS NOT WITHIN A METROPOLITAN PLANNING ORGANIZATION;

23 (b) HAS A POPULATION OF ONE THOUSAND OR MORE;

24 (c) HAS AT LEAST ONE THOUSAND TWO HUNDRED JOBS ACCORDING
25 TO THE MOST RECENT UNITED STATES CENSUS BUREAU LONGITUDINAL
26 EMPLOYER-HOUSEHOLD DYNAMICS ORIGIN-DESTINATION EMPLOYMENT
27 STATISTICS;

1 (d) HAS A MINIMUM JOBS-TO-POPULATION RATIO OF SIXTY-FOUR
2 HUNDREDTHS; AND

3 (e) HAS A TRANSIT STOP SERVICED BY A TRANSIT AGENCY THAT
4 SERVES AT LEAST TWO MUNICIPALITIES AND WITH SERVICE THAT INCLUDES
5 AN AVERAGE OF AT LEAST TWENTY HEADWAY TRIPS PER DAY, AS OF
6 JANUARY 1, 2023.

7 (30) "SHORT-TERM RENTAL" MEANS A BUILDING OR A PORTION OF
8 A BUILDING DESIGNED FOR USE PREDOMINANTLY AS A PLACE OF
9 RESIDENCE BY A PERSON OR A FAMILY THAT IS PROVIDED TO AN
10 INDIVIDUAL OR BUSINESS FOR FEWER THAN THIRTY CONSECUTIVE DAYS IN
11 EXCHANGE FOR MONETARY PAYMENT.

12 (31) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED
13 BUILDING WITH A SINGLE DWELLING UNIT AND ON A SINGLE LOT.

14 (32) "STANDARD EXEMPT PARCEL" MEANS A PARCEL THAT:

15 (a) LIES ENTIRELY OUTSIDE OF AN AREA THAT IS DESIGNATED AS
16 AN URBANIZED AREA BY THE MOST RECENT FEDERAL DECENNIAL CENSUS;

17 (b) IS NOT SERVED BY A DOMESTIC WATER AND SEWAGE
18 TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);

19 (c) IS IN AN AGRICULTURAL ZONING DISTRICT AS OF JANUARY 1,
20 2023;

21 (d) IS IN AN AREA OF THE WILDLAND-URBAN INTERFACE IDENTIFIED
22 BY THE STATE FOREST SERVICE IN ITS STATEWIDE RISK ASSESSMENT MAP
23 AS HIGH RISK, HIGH-VERY HIGH RISK, AND VERY HIGH RISK FOR WILDFIRES;
24 OR

25 (e) IS IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN,
26 AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

27 (33) "TIER ONE URBAN MUNICIPALITY" MEANS EITHER:

1 (a) A MUNICIPALITY THAT:
2 (I) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT
3 HAS A POPULATION OF ONE MILLION OR MORE;
4 (II) HAS AT LEAST TEN PERCENT OF ITS LAND WITHIN AN AREA
5 THAT IS DESIGNATED AS AN URBANIZED AREA BY THE MOST RECENT
6 FEDERAL DECENNIAL CENSUS WITH A POPULATION GREATER THAN
7 SEVENTY-FIVE THOUSAND; AND
8 (III) HAS A POPULATION OF AT LEAST ONE THOUSAND; OR
9 (b) A MUNICIPALITY THAT IS:
10 (I) WITHIN A METROPOLITAN PLANNING ORGANIZATION THAT HAS
11 A POPULATION OF LESS THAN ONE MILLION; AND
12 (II) HAS A POPULATION OF AT LEAST TWENTY-FIVE THOUSAND.
13 (34) "TIER TWO URBAN MUNICIPALITY" MEANS A MUNICIPALITY
14 THAT DOES NOT SATISFY THE DEFINITION OF A TIER ONE URBAN
15 MUNICIPALITY AND:
16 (a) IS WITHIN A METROPOLITAN PLANNING ORGANIZATION;
17 (b) HAS A POPULATION OF BETWEEN FIVE THOUSAND AND
18 TWENTY-FIVE THOUSAND; AND
19 (c) IS IN A COUNTY WITH A POPULATION OF TWO HUNDRED FIFTY
20 THOUSAND OR MORE.
21 (35) "TOWNHOME" MEANS A DWELLING UNIT CONSTRUCTED IN A
22 ROW OF TWO OR MORE ATTACHED DWELLING UNITS WHERE EACH
23 DWELLING UNIT IS LOCATED ON AN INDIVIDUAL LOT AND SHARES AT LEAST
24 ONE COMMON WALL WITH AN ADJACENT DWELLING UNIT.
25 (36) "TRANSIT-ORIENTED AREA" MEANS AN AREA WHERE ALL
26 PARCELS HAVE AT LEAST TWENTY-FIVE PERCENT OF THEIR AREA WITHIN
27 ONE-HALF MILE OF AN EXISTING FIXED-RAIL TRANSIT STATION. FOR THE

1 PURPOSES OF THIS SUBSECTION (36), A FIXED-RAIL TRANSIT STATION IS A
2 FIXED-RAIL TRANSIT SERVICE BOARDING AND EXITING LOCATION OR
3 STATION FOR THE GENERAL PUBLIC.

4 (37) "URBAN BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID
5 TRANSIT SERVICE THAT OPERATES ON A SURFACE STREET FOR THE
6 MAJORITY OF ITS ROUTE.

7 (38) "URBAN MUNICIPALITY" MEANS BOTH A TIER ONE AND A TIER
8 TWO URBAN MUNICIPALITY.

9 (39) "USE BY RIGHT" MEANS DEVELOPMENT THAT PROCEEDS
10 UNDER OBJECTIVE STANDARDS SET FORTH IN ZONING OR OTHER LOCAL
11 LAWS AND THAT DOES NOT HAVE A DISCRETIONARY APPROVAL PROCESS.

12 **29-33-103. Housing needs assessments - methodology.**

13 (1)(a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
14 SHALL ISSUE A METHODOLOGY FOR DEVELOPING STATEWIDE, REGIONAL,
15 AND LOCAL HOUSING NEEDS ASSESSMENTS.

16 (b) THE MULTI-AGENCY ADVISORY COMMITTEE, IN CONSULTATION
17 WITH THE STATE DEMOGRAPHY OFFICE, SHALL, AS PART OF THE PUBLIC
18 COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION 29-33-108(2),
19 DEVELOP RECOMMENDATIONS TO PROVIDE TO THE EXECUTIVE DIRECTOR
20 OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE METHODOLOGY
21 FOR DEVELOPING STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS
22 ASSESSMENTS.

23 (2) AT A MINIMUM, THE METHODOLOGY FOR DEVELOPING HOUSING
24 NEEDS ASSESSMENTS MUST INCLUDE:

25 (a) FOR THE STATEWIDE HOUSING NEEDS ASSESSMENT, METHODS
26 TO:

27 (I) ESTIMATE EXISTING HOUSING STOCK;

1 (II) CONDUCT A HOUSING SHORTAGE ANALYSIS; AND

2 (III) ESTIMATE THE HOUSING NECESSARY BY HOUSEHOLD SIZE,

3 HOUSEHOLD TYPE, AND INCOME LEVEL TO ACCOMMODATE THE

4 DEMOGRAPHIC AND POPULATION TRENDS FORECAST BY THE STATE

5 DEMOGRAPHER;

6 (b) FOR REGIONAL HOUSING NEEDS ASSESSMENTS, METHODS TO:

7 (I) ALLOCATE REGIONAL SHARES OF THE STATEWIDE HOUSING

8 NEEDS IDENTIFIED IN THE STATEWIDE HOUSING NEEDS ASSESSMENT TO

9 EACH REGION, BASED ON:

10 (A) EXISTING AND PROJECTED HOUSING SHORTAGES AND

11 SURPLUSES FOR DIFFERENT HOUSEHOLD TYPES AND INCOME LEVELS;

12 (B) EXISTING HOUSING DIVERSITY AND STOCK; AND

13 (C) FUTURE POPULATION AND JOB GROWTH PROJECTIONS; AND

14 (II) DESIGNATE REGIONS BASED ON THE BOUNDARIES OF

15 METROPOLITAN PLANNING ORGANIZATIONS, RURAL REGIONS, AND RURAL

16 RESORT REGIONS. THE DESIGNATION OF RURAL REGIONS AND RURAL

17 RESORT REGIONS MUST BE BASED ON REGIONAL COMMUTING PATTERNS

18 AMONG OTHER FACTORS.

19 (c) FOR LOCAL HOUSING NEEDS ASSESSMENTS, METHODS TO

20 ALLOCATE LOCAL SHARES OF THE STATEWIDE HOUSING NEEDS IDENTIFIED

21 IN THE STATEWIDE HOUSING NEEDS ASSESSMENT TO A LOCAL

22 GOVERNMENT, BASED ON:

23 (I) THE CURRENT PROPORTION OF THE LOCALITY'S POPULATION IN

24 DIFFERENT HOUSEHOLD INCOME LEVELS;

25 (II) THE LOCALITY'S CURRENT MEDIAN INCOME;

26 (III) THE LOCALITY'S JOB-HOUSING BALANCE;

27 (IV) THE LOCALITY'S POPULATION AND DEMOGRAPHICS;

- 1 (V) MEASURES OF LOCAL RESOURCES IN THE LOCALITY;
2 (VI) VACANCY RATES IN THE LOCALITY; AND
3 (VII) RATES OF HOMELESSNESS IN THE LOCALITY.

4 (3) (a) NO LATER THAN DECEMBER 31, 2024, AND EVERY FIVE
5 YEARS THEREAFTER, IN ACCORDANCE WITH THE METHODOLOGIES FOR
6 DEVELOPING HOUSING NEEDS ASSESSMENTS, THE EXECUTIVE DIRECTOR OF
7 THE DEPARTMENT OF LOCAL AFFAIRS, WITH INPUT FROM THE
8 MULTI-AGENCY ADVISORY COMMITTEE, SHALL PRODUCE STATEWIDE,
9 REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS WITH TWENTY-YEAR
10 PLANNING FORECASTS.

11 (b) EACH OF THE ASSESSMENTS MUST INCLUDE FOR THE RELEVANT
12 AREA, BASED ON STATE DEMOGRAPHIC DATA DURING THE TWENTY-YEAR
13 PLANNING PERIOD, ESTIMATES OF:

14 (I) HOUSING NEEDS IN THE AREA SORTED BY INCOME LEVELS, UNIT
15 SIZES, AND UNIT TYPES INCLUDING ACCESSIBLE UNITS AND SUPPORTIVE
16 HOUSING;

17 (II) THE NUMBER OF HOUSEHOLDS IN THE AREA;

18 (III) THE NUMBER OF JOBS IN THE AREA;

19 (IV) THE AREA'S POPULATION AND DEMOGRAPHICS; AND

20 (V) THE AREA'S EXISTING HOUSING STOCK;

21 (c) LOCAL GOVERNMENTS THAT ARE REQUIRED TO COMPLETE
22 HOUSING NEEDS PLANS MUST USE THE LOCAL AND REGIONAL HOUSING
23 NEEDS ASSESSMENTS TO INFORM THEIR HOUSING NEEDS PLANS.

24 **29-33-104. Housing needs plans - guidance - definition.**

25 (1) (a) NO LATER THAN DECEMBER 31, 2024, THE EXECUTIVE DIRECTOR
26 OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL ISSUE GUIDANCE FOR
27 CREATING A HOUSING NEEDS PLAN.

1 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
2 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
3 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
4 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
5 CONCERNING GUIDANCE FOR CREATING A HOUSING NEEDS PLAN.

6 (2) THE GUIDANCE FOR CREATING A HOUSING NEEDS PLAN MUST
7 INCLUDE GUIDANCE SPECIFICALLY FOR BOTH RURAL RESORT JOB CENTER
8 MUNICIPALITIES AND URBAN MUNICIPALITIES.

9 (3) (a) NO LATER THAN DECEMBER 31, 2026, AND EVERY FIVE
10 YEARS THEREAFTER, IN ACCORDANCE WITH THE GUIDANCE FOR CREATING
11 A HOUSING NEEDS PLAN, EVERY RURAL RESORT JOB CENTER MUNICIPALITY
12 AND URBAN MUNICIPALITY SHALL DEVELOP, ADOPT, AND SUBMIT TO THE
13 DEPARTMENT OF LOCAL AFFAIRS A HOUSING NEEDS PLAN. THE
14 DEPARTMENT OF LOCAL AFFAIRS SHALL POST THE SUBMITTED PLANS
15 PUBLICLY ON ITS WEBSITE.

16 (b) BEFORE ADOPTING AND SUBMITTING A HOUSING NEEDS PLAN,
17 A RURAL RESORT JOB CENTER MUNICIPALITY OR URBAN MUNICIPALITY
18 SHALL PUBLISH THE MOST RECENT DRAFT OF ITS HOUSING NEEDS PLAN AND
19 PROVIDE NOTICE OF A PUBLIC COMMENT PERIOD FOR THE RECEIPT OF
20 WRITTEN COMMENTS CONCERNING THE PLAN. THE RURAL RESORT JOB
21 CENTER MUNICIPALITY OR URBAN MUNICIPALITY MAY ALSO CHOOSE TO
22 HOLD A PUBLIC HEARING ON THE PLAN.

23 (4) A HOUSING NEEDS PLAN MUST INCLUDE:

24 (a) A NARRATIVE DESCRIPTION OF THE STAKEHOLDER
25 ENGAGEMENT CONDUCTED DURING THE DEVELOPMENT OF THE HOUSING
26 NEEDS PLAN;

27 (b) AN ANALYSIS OF HOW THE RURAL RESORT JOB CENTER

1 MUNICIPALITY OR URBAN MUNICIPALITY WILL PROVIDE A REALISTIC
2 OPPORTUNITY FOR DEVELOPMENT THAT WILL ADDRESS ITS LOCAL HOUSING
3 NEEDS ASSESSMENT, INCLUDING THE DEMONSTRATED HOUSING NEEDS FOR
4 PERSONS OF DIFFERENT INCOME LEVELS, OVER THE NEXT TWENTY YEARS
5 WITH AN EQUITABLE DISTRIBUTION OF HOUSING WITHIN THE JURISDICTION;

6 (c) A HOUSING NEEDS IMPLEMENTATION PLAN, WHICH MUST
7 DESCRIBE HOW THE RURAL RESORT JOB CENTER MUNICIPALITY OR URBAN
8 MUNICIPALITY HAS COMPLIED WITH THE APPLICABLE HOUSING
9 REQUIREMENTS OF THIS ARTICLE 33 FOR ACCESSORY DWELLING UNITS,
10 MIDDLE HOUSING, TRANSIT-ORIENTED AREAS, AND KEY CORRIDORS, AND
11 THE IMPLEMENTATION STATUS OF ANY RELEVANT ADOPTED LOCAL LAWS
12 THAT SATISFY THE MINIMUM STANDARDS ESTABLISHED IN THIS ARTICLE 33
13 OR OF ANY MODEL CODES;

14 (d) A GREENFIELD DEVELOPMENT ANALYSIS, AS DEFINED IN
15 SUBSECTION (6) OF THIS SECTION, WHICH THE RURAL RESORT JOB CENTER
16 MUNICIPALITY OR URBAN MUNICIPALITY SHALL ALSO PROVIDE TO THE
17 DIVISION OF LOCAL GOVERNMENT WITHIN THE DEPARTMENT OF LOCAL
18 AFFAIRS;

19 (e) (I) A DESCRIPTION OF AT LEAST TWO STRATEGIES THAT THE
20 RURAL RESORT JOB CENTER MUNICIPALITY OR URBAN MUNICIPALITY
21 ADOPTS FROM THE MENU OF AFFORDABILITY STRATEGIES DESCRIBED IN
22 SECTION 29-33-105. THESE STRATEGIES MUST BOTH ADDRESS HOUSING
23 NEEDS AND MAKE PROGRESS TOWARD MEETING DEMONSTRATED HOUSING
24 NEEDS ACROSS ALL HOUSEHOLD INCOMES AND TYPES IDENTIFIED IN THE
25 LOCAL HOUSING NEEDS ASSESSMENT; AND

26 (II) AN IMPLEMENTATION PLAN AND THE ANTICIPATED OUTCOMES
27 FOR EACH OF THE STRATEGIES ADOPTED PURSUANT TO THIS SUBSECTION

1 (4)(e);

2 (f) IN THE CASE OF A RURAL RESORT JOB CENTER MUNICIPALITY OR
3 URBAN MUNICIPALITY WITH A TRANSIT-ORIENTED AREA, AT LEAST THREE
4 STRATEGIES ADOPTED PURSUANT TO SUBSECTION (4)(e) OF THIS SECTION;
5 AND

6 (g) IN THE CASE OF AN URBAN MUNICIPALITY, A NARRATIVE
7 ANALYSIS OF ANY AREA AT ELEVATED RISK OF RESIDENTIAL
8 DISPLACEMENT THAT THE URBAN MUNICIPALITY HAS IDENTIFIED AND A
9 DESCRIPTION OF AND IMPLEMENTATION PLAN FOR THE STRATEGIES FROM
10 THE MENU OF DISPLACEMENT MITIGATION MEASURES DESCRIBED IN
11 SECTION 29-33-106, THAT THE URBAN MUNICIPALITY WILL USE TO
12 MITIGATE IDENTIFIED DISPLACEMENT RISKS IN THESE AREAS.

13 (5) WHEN UPDATING ITS MASTER PLAN, A RURAL RESORT JOB
14 CENTER MUNICIPALITY OR URBAN MUNICIPALITY SHALL INCLUDE ITS MOST
15 RECENT HOUSING NEEDS PLAN IN ITS MASTER PLAN.

16 (6) AS USED IN THIS SECTION, A "GREENFIELD DEVELOPMENT
17 ANALYSIS" MEANS AN ANALYSIS IN WHICH A LOCAL GOVERNMENT
18 CLASSIFIES ANY AREA THAT IS LOCATED IN A METROPOLITAN PLANNING
19 ORGANIZATION BUT OUTSIDE OF A CENSUS URBANIZED AREA IDENTIFIED
20 IN A MASTER PLAN OR OUTSIDE OF A PLAN REQUIRED BY SECTION
21 31-12-105 (1)(e) AS A CONSERVATION AREA, EFFICIENT GROWTH AREA, OR
22 GENERAL GROWTH AREA. IN MAKING THIS IDENTIFICATION, A LOCAL
23 GOVERNMENT SHALL RELY ON THE CRITERIA AND DEFINITIONS IN THE
24 STRATEGIC GROWTH OBJECTIVES MOST RECENTLY PUBLISHED BY THE
25 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS. THESE
26 DESIGNATIONS PROVIDE INFORMATION TO STATE AND REGIONAL ENTITIES
27 FOR PLANNING PROCESSES, PROJECT PRIORITIZATION, AND GRANT FUNDING

1 CRITERIA.

2 **29-33-105. Menu of affordability strategies.** (1) (a) NO LATER
3 THAN DECEMBER 31, 2024, THE EXECUTIVE DIRECTOR OF THE
4 DEPARTMENT OF LOCAL AFFAIRS SHALL DEVELOP AND PUBLISH A MENU OF
5 AFFORDABILITY STRATEGIES THAT INCLUDES STRATEGIES TO ADDRESS
6 HOUSING PRODUCTION, PRESERVATION, AND AFFORDABILITY.

7 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
8 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
9 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
10 EXECUTIVE DIRECTOR OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
11 OF A MENU OF AFFORDABILITY STRATEGIES.

12 (2) THE MENU OF AFFORDABILITY STRATEGIES MUST IDENTIFY
13 WHICH STRATEGIES MAY BE MOST EFFECTIVE FOR RURAL RESORT JOB
14 CENTER MUNICIPALITIES AND WHICH STRATEGIES MAY BE MOST EFFECTIVE
15 FOR URBAN MUNICIPALITIES.

16 (3) THE MENU OF AFFORDABILITY STRATEGIES MAY INCLUDE THE
17 FOLLOWING:

18 (a) STRATEGIES PROPOSED BY LOCAL GOVERNMENTS TO THE
19 MULTI-AGENCY ADVISORY COMMITTEE;

20 (b) SUSTAINABLE LAND USE BEST PRACTICES IDENTIFIED IN
21 SECTION 24-32-133 (2); AND

22 (c) POLICY OR REGULATORY TOOLS THAT LOCAL GOVERNMENTS
23 MAY ADOPT AS INCENTIVES TO PROMOTE AFFORDABLE HOUSING
24 DEVELOPMENT AS IDENTIFIED IN SECTION 24-32-130 (3).

25 **29-33-106. Menu of displacement mitigation measures for**
26 **urban municipalities.** (1) (a) NO LATER THAN DECEMBER 31, 2024, THE
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL

1 DEVELOP A MENU OF DISPLACEMENT MITIGATION MEASURES FOR URBAN
2 MUNICIPALITIES.

3 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
4 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
5 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
6 EXECUTIVE DIRECTOR OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
7 OF A MENU OF DISPLACEMENT MITIGATION MEASURES.

8 (2) THE MENU OF DISPLACEMENT MITIGATION MEASURES MUST:

9 (a) PROVIDE GUIDANCE TO IDENTIFY THE HIGHEST RISKS FOR
10 DISPLACEMENT USING OBJECTIVE STANDARDS;

11 (b) PROVIDE GUIDANCE AND RECOMMENDATIONS FOR HOW A
12 LOCAL GOVERNMENT SHALL INCORPORATE ANTI-DISPLACEMENT
13 MEASURES INTO A HOUSING NEEDS PLAN; AND

14 (c) INCLUDE DISPLACEMENT MITIGATION MEASURES LOCAL
15 GOVERNMENTS MAY CHOSE FROM IN DEVELOPING A HOUSING NEEDS PLAN.

16 **29-33-107. Strategic growth objectives - reporting.** (1) (a) No
17 LATER THAN MARCH 31, 2024, THE EXECUTIVE DIRECTOR OF THE
18 DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH A REPORT THAT
19 IDENTIFIES STRATEGIC GROWTH OBJECTIVES.

20 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
21 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
22 29-33-108 (2), DEVELOP RECOMMENDATIONS TO PROVIDE TO THE
23 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
24 CONCERNING STRATEGIC GROWTH OBJECTIVES.

25 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
26 AFFAIRS SHALL IDENTIFY STRATEGIC GROWTH OBJECTIVES, THE
27 IMPLEMENTATION OF WHICH WILL INCENTIVIZE GROWTH THAT MEETS

1 STATE GOALS, INCLUDING REDUCING THE STATE'S GREENHOUSE GAS
2 EMISSIONS, IN AREAS NEAR TRANSIT, INFILL AREAS, AND AT THE EDGES OF
3 URBAN AREAS.

4 (3) THE STRATEGIC GROWTH OBJECTIVES MUST:

5 (a) GUIDE STATE, REGIONAL, AND LOCAL PLANNING AGENCIES IN
6 UPDATING RELEVANT PLANS;

7 (b) INFORM STATE FUNDING DECISIONS, SO THAT THEY BETTER
8 ALIGN WITH THE HOUSING POLICIES SET IN THIS ARTICLE 33;

9 (c) PROVIDE DEFINITIONS OF, AND CRITERIA TO IDENTIFY,
10 CONSERVATION AREAS, EFFICIENT GROWTH AREAS, GENERAL GROWTH
11 AREAS, AND ANY OTHER AREA DESIGNATIONS TO BE DETERMINED; AND

12 (d) RECOMMEND HOW TO STREAMLINE STATE AGENCY PROCESSES
13 THAT IMPACT DEVELOPMENT.

14 (4) NO LATER THAN MARCH 31, 2024, THE MULTI-AGENCY GROUP
15 SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY. THE REPORT MUST
16 ADDRESS HOW TO IMPLEMENT THE STRATEGIC GROWTH OBJECTIVES. THE
17 REPORT MUST ASSESS THE IMPACT OF DEVELOPMENT PATTERNS AND
18 INFRASTRUCTURE SYSTEMS ON THE FISCAL HEALTH OF LOCAL, REGIONAL,
19 AND STATE AGENCIES IN COLORADO, LOCALITIES, AND THE STATE. THE
20 REPORT MAY IDENTIFY LEGISLATION OR RULEMAKING THAT WOULD
21 IMPROVE THE FISCAL HEALTH OF INFRASTRUCTURE SYSTEMS.

22 **29-33-108. Public comment and hearing process.** (1) IN
23 DEVELOPING RECOMMENDATIONS CONCERNING GUIDANCE FOR THE
24 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS, THE
25 MULTI-AGENCY ADVISORY COMMITTEE SHALL CONDUCT A PUBLIC
26 COMMENT AND HEARING PROCESS ABOUT:

27 (a) DEVELOPING METHODOLOGY FOR THE DEVELOPMENT OF

1 STATEWIDE, REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS
2 PURSUANT TO SECTION 29-33-103;

3 (b) CREATING A HOUSING NEEDS PLAN PURSUANT TO SECTION
4 29-33-104;

5 (c) DEVELOPING A MENU OF AFFORDABILITY STRATEGIES THAT
6 INCLUDES STRATEGIES TO ADDRESS HOUSING PRODUCTION,
7 PRESERVATION, AND AFFORDABILITY PURSUANT TO SECTION 29-33-105;

8 (d) DEVELOPING A MENU OF DISPLACEMENT MITIGATION
9 MEASURES FOR URBAN MUNICIPALITIES PURSUANT TO SECTION 29-33-106;

10 (e) PUBLISHING A REPORT THAT IDENTIFIES STRATEGIC GROWTH
11 OBJECTIVES PURSUANT TO SECTION 29-33-107; AND

12 (f) DEVELOPING REPORTING GUIDANCE AND TEMPLATES FOR
13 RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES
14 PURSUANT TO SECTION 29-33-112.

15 (2) TO CONDUCT THE PUBLIC COMMENT AND HEARING PROCESS
16 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE MULTI-AGENCY
17 ADVISORY COMMITTEE SHALL:

18 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC
19 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO
20 COMMENT ON THE SUBJECT OF THE HEARING;

21 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
22 SUBJECT OF THE HEARING;

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

25 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
26 HOUSING, FAIR HOUSING, PLANNING AND ZONING, AND RELATED FIELDS.

27 **29-33-109. Natural and agricultural land priorities report.**

1 (1) NO LATER THAN DECEMBER 31, 2024, THE OFFICE OF CLIMATE
2 PREPAREDNESS CREATED IN SECTION 24-38.8-102 (1) SHALL CONSULT
3 WITH THE DEPARTMENT OF AGRICULTURE, THE DIVISION OF PARKS AND
4 WILDLIFE WITHIN THE DEPARTMENT OF NATURAL RESOURCES, THE
5 OUTDOOR RECREATION INDUSTRY OFFICE IN THE OFFICE OF ECONOMIC
6 DEVELOPMENT, THE COLORADO TOURISM OFFICE, AND THE MULTI-AGENCY
7 GROUP TO DEVELOP A REPORT THAT IDENTIFIES INTERJURISDICTIONAL
8 PRIORITIES THAT METROPOLITAN PLANNING ORGANIZATIONS SHOULD
9 APPLY TO ACHIEVE BOTH:

10 (a) CONNECTIVITY TO OPEN SPACE AND NATURAL LANDS; AND

11 (b) PRESERVATION OF AGRICULTURAL LAND AND OPEN SPACE.

12 (2) THE DEPARTMENT OF LOCAL AFFAIRS SHALL PUBLISH THE
13 REPORT AND MAKE IT AVAILABLE AS A RESOURCE FOR LOCAL
14 GOVERNMENTS FOR USE IN DEVELOPING MASTER PLANS PURSUANT TO
15 SECTIONS 30-28-106 (6.5)(d) AND 31-23-206 (6.5)(d) AS APPLICABLE.

16 **29-33-110. Regional collaboration - rural resort regional**
17 **housing needs plan process.** (1) (a) NO LATER THAN JUNE 30, 2026, A
18 COUNTY OR MUNICIPALITY WITHIN A REGION DEFINED AS A RURAL RESORT
19 REGION IN THE REGIONAL HOUSING NEEDS ASSESSMENT SHALL
20 PARTICIPATE IN A REGIONAL HOUSING NEEDS PLANNING PROCESS.

21 (b) A REGIONAL HOUSING NEEDS PLANNING PROCESS MUST
22 ENCOURAGE PARTICIPATING COUNTIES AND MUNICIPALITIES TO IDENTIFY
23 STRATEGIES THAT ADDRESS THE HOUSING NEEDS ASSIGNED TO THOSE
24 COUNTIES AND MUNICIPALITIES IN LOCAL HOUSING NEEDS ASSESSMENTS
25 THROUGH EITHER:

26 (I) THE ADOPTION OF STRATEGIES BY AN INDIVIDUAL COUNTY OR
27 MUNICIPALITY; OR

1 (II) THE ADOPTION OF STRATEGIES THROUGH
2 INTERGOVERNMENTAL AGREEMENTS.

3 (c) A REGIONAL HOUSING NEEDS PLANNING PROCESS MUST
4 INCLUDE:

5 (I) A MAP IDENTIFYING LOCATIONS WHERE MINIMUM STANDARDS
6 FOR MIDDLE HOUSING, TRANSIT-ORIENTED AREAS, AND KEY CORRIDORS
7 CAN MEET THE HOUSING NEEDS IDENTIFIED IN THE REGIONAL HOUSING
8 NEEDS ASSESSMENT;

9 (II) PRIORITY STRATEGIES FROM THE MENU OF AFFORDABILITY
10 STRATEGIES DEVELOPED IN SECTION 29-33-105 THAT SUPPORT MEETING
11 THE AFFORDABILITY LEVELS IDENTIFIED IN THE REGIONAL HOUSING NEEDS
12 ASSESSMENT; AND

13 (III) LOCATIONS WHERE THE REDUCTION OF PARKING MINIMUMS
14 CAN ALLEVIATE HOUSING AFFORDABILITY NEEDS.

15 (d) (I) AT THE CONCLUSION OF A REGIONAL HOUSING NEEDS
16 PLANNING PROCESS, A REPORT MUST BE SUBMITTED TO THE DEPARTMENT
17 OF LOCAL AFFAIRS THAT DOCUMENTS THE OUTCOMES ACHIEVED BY AND
18 COMMITMENTS MADE BY THE COUNTIES AND MUNICIPALITIES THAT
19 PARTICIPATED IN THE REGIONAL HOUSING NEEDS PROCESS IN MEETING THE
20 REGIONAL HOUSING NEEDS ASSESSMENT BY:

21 (A) AN ENTITY AGREED UPON BY ALL OF THE COUNTIES AND
22 MUNICIPALITIES WHO PARTICIPATE IN THE REGIONAL HOUSING NEEDS
23 PLANNING PROCESS IF THEY CAN AGREE ON SUCH AN ENTITY; OR

24 (B) IF THE COUNTIES AND MUNICIPALITIES CANNOT AGREE UPON
25 AN ENTITY PURSUANT TO SUBSECTION (1)(d)(I)(A) OF THIS SECTION, THE
26 MULTI-AGENCY GROUP.

27 (II) THE DEPARTMENT OF LOCAL AFFAIRS SHALL REVIEW THE

1 REGIONAL HOUSING NEEDS PLANNING PROCESS REPORT AND ASSESS THE
2 APPLICABILITY OF THE STRATEGIES IDENTIFIED IN THE REPORT IN MEETING
3 THE HOUSING NEEDS IDENTIFIED IN THE REGIONAL HOUSING NEEDS
4 ASSESSMENT. AFTER REVIEWING THE REPORT, THE DEPARTMENT OF LOCAL
5 AFFAIRS SHALL APPROVE THE REPORT OR PROVIDE FEEDBACK AS NEEDED.

6 (e) ONLY PARTS OF A RURAL RESORT JOB CENTER MUNICIPALITY
7 THAT ARE IDENTIFIED IN A REGIONAL HOUSING NEEDS ASSESSMENT
8 IDENTIFIED IN THE MAP INCLUDED IN THE HOUSING NEEDS PLANNING
9 PROCESS PURSUANT TO SUBSECTION (1)(c)(I) OF THIS SECTION ARE
10 SUBJECT TO THE MODEL CODES AND MINIMUM STANDARDS FOR MIDDLE
11 HOUSING AND KEY CORRIDORS.

12 (2) WITHIN SIX MONTHS OF CONCLUDING A REGIONAL HOUSING
13 NEEDS PLANNING PROCESS AS DESCRIBED IN SUBSECTION (1) OF THIS
14 SECTION, A RURAL RESORT JOB CENTER MUNICIPALITY SHALL SUBMIT A
15 LOCAL HOUSING NEEDS PLAN TO THE DEPARTMENT OF LOCAL AFFAIRS
16 THAT BOTH COMPLIES WITH SECTION 29-33-104 (4) AND IDENTIFIES THE
17 STRATEGIES THAT THE MUNICIPALITY WILL USE TO MEET ITS LOCAL
18 HOUSING NEEDS ASSESSMENT. THE MUNICIPALITY MAY INCLUDE
19 STRATEGIES THAT IT WILL ADOPT THROUGH INTERGOVERNMENTAL
20 AGREEMENTS IN THE LOCAL HOUSING NEEDS PLAN.

21 **29-33-111. Technical assistance - housing plans assistance**
22 **fund - definition.** (1) THE DIVISION OF LOCAL GOVERNMENT WITHIN THE
23 DEPARTMENT OF LOCAL AFFAIRS SHALL PROVIDE TECHNICAL ASSISTANCE
24 MATERIALS, BRIEFINGS, CONSULTING SERVICES, TEMPLATES, TOOLS,
25 TRAININGS, WEBINARS, OR OTHER GUIDANCE TO AID LOCAL GOVERNMENTS
26 AND METROPOLITAN PLANNING ORGANIZATIONS IN UPDATING LOCAL LAWS
27 AND OTHERWISE COMPLYING WITH THIS ARTICLE 33.

1 (2) TO ASSIST LOCAL GOVERNMENTS IN COMPLYING WITH THIS
2 ARTICLE 33, THE DIVISION OF LOCAL GOVERNMENT WITHIN THE
3 DEPARTMENT OF LOCAL AFFAIRS, WITH THE SUPPORT OF THE
4 MULTI-AGENCY GROUP, SHALL PROVIDE TECHNICAL ASSISTANCE FUNDING
5 THROUGH EITHER A GRANT PROGRAM OR THE PROVISION OF CONSULTANT
6 SERVICES THROUGH SUBJECT JURISDICTIONS OR BOTH A GRANT PROGRAM
7 AND PROVISION OF CONSULTANT SERVICES. THE DIVISION OF LOCAL
8 GOVERNMENT MAY ALSO PROVIDE TECHNICAL ASSISTANCE FUNDING
9 THROUGH A METROPOLITAN PLANNING ORGANIZATION OR OTHER
10 REGIONAL ENTITY.

11 (3) (a) THE HOUSING PLANS ASSISTANCE FUND IS CREATED IN THE
12 STATE TREASURY. THE FUND CONSISTS OF ANY MONEY THAT THE GENERAL
13 ASSEMBLY MAY TRANSFER OR APPROPRIATE TO THE FUND FOR
14 IMPLEMENTATION OF THE GRANT PROGRAM, AND GIFTS, GRANTS, OR
15 DONATIONS CREDITED TO THE FUND. THE STATE TREASURER SHALL CREDIT
16 ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT
17 OF MONEY IN THE HOUSING PLANS ASSISTANCE CASH FUND TO THE FUND.

18 (b) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
19 ASSEMBLY, THE DEPARTMENT OF LOCAL AFFAIRS MAY EXPEND MONEY
20 FROM THE FUND FOR THE PURPOSES OF PROVIDING TECHNICAL ASSISTANCE
21 AND IMPLEMENTING A GRANT PROGRAM PURSUANT TO SUBSECTIONS (1)
22 AND (2) OF THIS SECTION.

23 **29-33-112. Reporting requirements.** (1) (a) NO LATER THAN
24 DECEMBER 31, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
25 LOCAL AFFAIRS SHALL DEVELOP REPORTING GUIDANCE AND TEMPLATES
26 FOR RURAL RESORT JOB CENTER MUNICIPALITIES AND URBAN
27 MUNICIPALITIES.

1 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
2 THE PUBLIC COMMENT AND HEARING PROCESS ESTABLISHED IN SECTION
3 29-33-108 (2), PROVIDE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR
4 OF THE DEPARTMENT OF LOCAL AFFAIRS CONCERNING THE DEVELOPMENT
5 OF REPORTING GUIDANCE AND TEMPLATES FOR RURAL RESORT JOB CENTER
6 MUNICIPALITIES AND URBAN MUNICIPALITIES.

7 (2) AT A MINIMUM, RURAL RESORT JOB CENTER MUNICIPALITIES
8 AND URBAN MUNICIPALITIES SHALL REPORT, NO LATER THAN DECEMBER
9 31, 2026, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF
10 LOCAL AFFAIRS, THE FOLLOWING HOUSING DATA TO THE DEPARTMENT OF
11 LOCAL AFFAIRS ONCE EVERY YEAR:

12 (a) THE NUMBER OF PERMITS THAT THE MUNICIPALITY ISSUED FOR
13 NEW HOUSING UNITS CATEGORIZED BY THE NUMBER OF UNITS IN EACH
14 STRUCTURE TYPE;

15 (b) THE NUMBER OF NEW HOUSING UNITS CATEGORIZED BY THE
16 NUMBER OF UNITS IN EACH STRUCTURE TYPE, IN THE MUNICIPALITY ON
17 WHICH CONSTRUCTION HAS BEGUN;

18 (c) TIMEFRAMES TO COMPLETE RESIDENTIAL PERMIT REVIEWS BY
19 HOUSING TYPE;

20 (d) WORKFORCE ASSIGNED TO DEVELOPMENT REVIEW BY POSITION
21 TYPE;

22 (e) THE IMPLEMENTATION STATUS OF THE STRATEGIES IDENTIFIED
23 IN THE MUNICIPALITY'S HOUSING NEEDS PLAN;

24 (f) ZONING INFORMATION THAT MAY INCLUDE GEOSPATIAL DATA
25 SPECIFYING ZONING DISTRICTS, ALLOWED USES AND DENSITIES, AND
26 OTHER DATA IN A STANDARD FORMAT; AND

27 (g) THE NUMBER OF INTERGOVERNMENTAL AGREEMENTS THAT

1 THE MUNICIPALITY HAS ENTERED INTO TO ADDRESS ITS LOCAL AND
2 REGIONAL HOUSING NEEDS ASSESSMENTS AND A DESCRIPTION OF THESE
3 AGREEMENTS.

4 (3) UPON RECEIVING THE REPORTS FROM THE RURAL RESORT JOB
5 CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES PURSUANT TO
6 SUBSECTION (2) OF THIS SECTION, THE DIVISION OF LOCAL AFFAIRS SHALL
7 PUBLISH AN ANALYSIS ON A PUBLICLY AVAILABLE DASHBOARD THAT
8 INCLUDES ALL OF THE INFORMATION IN THE REPORTS.

9 **29-33-113. Compliance.** NO LATER THAN JUNE 30, 2027, THE
10 DEPARTMENT OF LOCAL AFFAIRS SHALL CONDUCT A COMPLIANCE REVIEW
11 AND APPROVE HOUSING NEEDS PLANS OR PROVIDE FEEDBACK TO RURAL
12 RESORT JOB CENTER MUNICIPALITIES AND URBAN MUNICIPALITIES AS
13 NEEDED.

14 PART 2

15 ACCESSORY DWELLING UNITS

16 **29-33-201. Legislative declaration.** (1) (a) THE GENERAL
17 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

18 (I) LOCAL GOVERNMENT LAND USE DECISIONS FREQUENTLY LIMIT
19 ACCESSORY DWELLING UNIT DEVELOPMENT;

20 (II) THE TEN LARGEST MUNICIPALITIES IN THE DENVER
21 METROPOLITAN AREA ALLOW SINGLE-UNIT DETACHED DWELLINGS AS A
22 USE BY RIGHT ON OVER EIGHTY-FIVE PERCENT OF THEIR RESIDENTIAL
23 LAND, COMPARED TO TWENTY-FOUR PERCENT FOR ACCESSORY DWELLING
24 UNITS, ACCORDING TO PUBLICLY AVAILABLE ZONING DATA;

25 (III) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

26 (IV) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
27 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A

1 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
2 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
3 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
4 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
5 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
6 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
7 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
8 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
9 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
10 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
11 AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.

12 (V) MORE PERMISSIVE LOCAL GOVERNMENT ACCESSORY
13 DWELLING UNIT REGULATIONS CAN HELP INCREASE HOUSING SUPPLY AND
14 STABILIZE HOUSING COSTS;

15 (VI) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE
16 COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED
17 NEIGHBORHOODS WITH MINIMAL IMPACTS TO INFRASTRUCTURE AND ALSO
18 SUPPLY NEW HOUSING WITHOUT ADDING NEW DISPERSED LOW-DENSITY
19 HOUSING;

20 (VII) RELATIVE TO DISPERSED LOW-DENSITY DEVELOPMENT,
21 COMPACT INFILL DEVELOPMENT, INCLUDING ACCESSORY DWELLING UNIT
22 DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS,
23 INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION
24 COSTS;

25 (VIII) ACCESSORY DWELLING UNITS PROVIDE FINANCIAL BENEFITS
26 TO HOMEOWNERS;

27 (IX) ACCESSORY DWELLING UNITS GENERATE RENTAL INCOME TO

1 HELP HOMEOWNERS COVER MORTGAGE PAYMENTS OR OTHER COSTS,
2 WHICH CAN BE IMPORTANT FOR OLDER HOMEOWNERS ON FIXED INCOMES;

3 (X) ACCESSORY DWELLING UNITS CAN PROVIDE FAMILIES WITH
4 OPTIONS FOR INTERGENERATIONAL LIVING ARRANGEMENTS THAT ENABLE
5 CHILD OR ELDER CARE AND AGING IN PLACE; AND

6 (XI) ACCESSORY DWELLING UNITS USE SIGNIFICANTLY LESS
7 ENERGY FOR HEATING AND COOLING THAN SINGLE-UNIT DETACHED
8 DWELLINGS BECAUSE OF THEIR SMALLER SIZE, WHICH REDUCES
9 HOUSEHOLD ENERGY COSTS AND GREENHOUSE GAS EMISSIONS.

10 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
11 INCREASED SUPPLY OF HOUSING THROUGH ACCESSORY DWELLING UNITS
12 IS A MATTER OF MIXED STATE AND LOCAL CONCERN.

13 **29-33-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS
16 ESTABLISHED IN SECTION 29-33-205.

17 (2) "MODEL CODE" MEANS THE MODEL CODE PROMULGATED BY
18 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
19 PURSUANT TO SECTION 29-33-204.

20 (3) "NON-URBAN MUNICIPALITY" MEANS A MUNICIPALITY THAT IS
21 NEITHER A RURAL RESORT JOB CENTER MUNICIPALITY NOR AN URBAN
22 MUNICIPALITY AND THAT HAS A POPULATION OF FIVE THOUSAND OR MORE.

23 (4) "SUBJECT JURISDICTION" MEANS A NON-URBAN MUNICIPALITY,
24 RURAL RESORT JOB CENTER MUNICIPALITY, OR URBAN MUNICIPALITY.

25 **29-33-203. Applicability - exemptions.** (1) THE REQUIREMENTS
26 OF THIS PART 2 APPLY ONLY IN A SUBJECT JURISDICTION.

27 (2) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL

1 LAWS ADOPTED PURSUANT TO THIS PART 2 ONLY APPLY TO PARCELS THAT
2 ARE NOT STANDARD EXEMPT PARCELS.

3 **29-33-204. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
4 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
5 PROMULGATE AN ACCESSORY DWELLING UNIT MODEL CODE.

6 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
7 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
8 OF LOCAL AFFAIRS CONCERNING THE MODEL CODE.

9 (2) IN DEVELOPING RECOMMENDATIONS CONCERNING THE MODEL
10 CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:

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

14 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
15 MODEL CODE;

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

18 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
19 HOUSING, FAIR HOUSING, PLANNING, ZONING, AND RELATED FIELDS.

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

21 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT IN
22 ANY PART OF THE SUBJECT JURISDICTION WHERE THE SUBJECT
23 JURISDICTION ALLOWS SINGLE-UNIT DETACHED DWELLINGS AS A USE BY
24 RIGHT AS OF JANUARY 1, 2023; AND

25 (b) ESTABLISH OBJECTIVE STANDARDS FOR ALL OF THE ELEMENTS
26 ADDRESSED IN THE MINIMUM STANDARDS.

27 (4) THE MODEL CODE MUST NOT INCLUDE A REQUIREMENT FOR

1 NEW OFF-STREET PARKING IN CONNECTION WITH THE CONSTRUCTION OR
2 PERMITTING OF AN ACCESSORY DWELLING UNIT.

3 **29-33-205. Minimum standards.** (1) NOTWITHSTANDING ANY
4 LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT
5 ADOPT THE MODEL CODE SHALL:

6 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT IN
7 ANY PART OF THE SUBJECT JURISDICTION WHERE THE SUBJECT
8 JURISDICTION ALLOWS SINGLE-UNIT DETACHED DWELLINGS AS A USE BY
9 RIGHT AS OF JANUARY 1, 2023;

10 (b) ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING
11 ACCESSORY DWELLING UNIT LAND USE THAT USE OBJECTIVE STANDARDS
12 AND OBJECTIVE PROCEDURES;

13 (c) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING
14 SINGLE-UNIT DETACHED DWELLING TO CREATE AN ACCESSORY DWELLING
15 UNIT SO LONG AS THE ADDITION OR CONVERSION DOES NOT INCREASE
16 NONCONFORMANCE WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS
17 LOCAL LAWS ALLOW FOR SUCH AN INCREASE IN NONCONFORMANCE;

18 (d) IF THE SUBJECT JURISDICTION APPLIES DESIGN STANDARDS TO
19 ACCESSORY DWELLING UNITS, ONLY APPLY THE SAME DESIGN STANDARDS
20 TO AN ACCESSORY DWELLING UNIT THAT THE SUBJECT JURISDICTION
21 APPLIES TO A SINGLE-UNIT DETACHED DWELLING; AND

22 (e) ALLOW ACCESSORY DWELLING UNIT SIZES OF AT LEAST THE
23 GREATER OF EITHER EIGHT HUNDRED SQUARE FEET OR FIFTY PERCENT OF
24 THE SIZE OF THE PRIMARY RESIDENCE ON THE SAME LOT.

25 (2) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
26 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
27 NOT:

1 (a) ADOPT, ENACT, OR ENFORCE LOCAL LAWS CONCERNING
2 ACCESSORY DWELLING UNIT LAND USE THAT ARE MORE RESTRICTIVE THAN
3 LOCAL LAWS CONCERNING SINGLE-UNIT DETACHED DWELLING LAND USE
4 IN THE SAME ZONING DISTRICT OR OTHER TYPE OF DISTRICT THAT
5 REGULATES LAND USE, UNLESS REQUIRED BY THE MINIMUM STANDARDS
6 OR MODEL CODE;

7 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT INDIVIDUALLY
8 OR CUMULATIVELY CREATE UNREASONABLE COSTS OR DELAYS OR THAT
9 MAKE THE PERMITTING, SITING, OR CONSTRUCTION OF AN ACCESSORY
10 DWELLING UNIT ON AN ELIGIBLE PROPERTY INFEASIBLE;

11 (c) IMPOSE A REQUIREMENT ON AN ACCESSORY DWELLING UNIT
12 THAT IS CONTINGENT UPON THE PRIMARY RESIDENCE ON THE SAME LOT
13 BEING OWNER-OCCUPIED;

14 (d) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE TO
15 AN ACCESSORY DWELLING UNIT IN A MANNER THAT INTERFERES WITH THE
16 INTENT OF THIS PART 2;

17 (e) FOR URBAN MUNICIPALITIES ONLY, REQUIRE NEW OFF-STREET
18 PARKING IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING OF AN
19 ACCESSORY DWELLING UNIT; OR

20 (f) REQUIRE SIDE OR REAR SETBACKS GREATER THAN FIVE FEET
21 FOR AN ACCESSORY DWELLING UNIT, UNLESS SUCH A SETBACK IS
22 NECESSARY TO COMPLY WITH PUBLIC HEALTH OR 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 DECEMBER 31, 2024, A

1 SUBJECT JURISDICTION SHALL EITHER:

2 (a) ADOPT LOCAL LAWS CONCERNING ACCESSORY DWELLING UNITS

3 THAT SATISFY THE MINIMUM STANDARDS ESTABLISHED IN SECTION

4 29-33-205; OR

5 (b) ADOPT THE MODEL CODE.

6 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE

7 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BEFORE JUNE 30,

8 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR APPLICABLE

9 PARCELS, AS SPECIFIED IN SECTION 29-33-303, IN THE SUBJECT

10 JURISDICTION UNTIL THE DEPARTMENT OF LOCAL AFFAIRS DETERMINES

11 THAT THE SUBJECT JURISDICTION HAS ADOPTED LAWS THAT COMPLY WITH

12 THE MINIMUM STANDARDS.

13 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE

14 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION

15 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT

16 JURISDICTION SHALL:

17 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER AN

18 ACCESSORY DWELLING PROJECT SATISFIES THE MODEL CODE AND APPROVE

19 SUCH A PROJECT IF IT SATISFIES THE MODEL CODE; AND

20 (b) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT

21 CONTRAVENE THE MODEL CODE.

22 (4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION

23 MAY SUBMIT AN APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS, IN

24 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL

25 AFFAIRS, FOR AN EXTENSION OF THE APPLICABLE REQUIREMENTS ADOPTED

26 PURSUANT TO SUBSECTION (1) OF THIS SECTION.

27 (b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE

1 SUBJECT JURISDICTION THAT:

2 (I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER
3 SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS, OR ARE
4 EXPECTED TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

5 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED A PLAN OF
6 ACTION TO REMEDY THE DEFICIENT WATER, SEWER, OR STORMWATER
7 SERVICES IN THE SPECIFIC AREAS IDENTIFIED IN SUBSECTION (4)(b)(I) OF
8 THIS SECTION ON A SPECIFIC TIMELINE; AND

9 (III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER
10 EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 2.

11 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
12 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
13 (4).

14 (5) (a) NO LATER THAN DECEMBER 31, 2024, A SUBJECT
15 JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
16 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
17 AFFAIRS, A REPORT DEMONSTRATING EVIDENCE OF COMPLIANCE WITH
18 EITHER THE MODEL CODE OR MINIMUM STANDARDS.

19 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
20 SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
21 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
22 REPORT AND PROVIDE FEEDBACK TO A SUBJECT JURISDICTION. THE
23 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
24 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
25 LOCAL LAWS AND RE-SUBMIT THEIR REPORT.

26 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
27 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT

1 IMMEDIATELY FOR THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
2 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
3 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS
4 ADOPTED THE MODEL CODE.

5 **29-33-207. Subject jurisdiction restrictions.** (1) NOTHING IN
6 THIS PART 2 PREVENTS A LOCAL GOVERNMENT FROM:

7 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
8 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
9 12101 ET SEQ., AS AMENDED;

10 (b) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF AN
11 ACCESSORY DWELLING UNIT;

12 (c) ALLOWING THE CONSTRUCTION OF, OR ISSUING PERMITS FOR
13 THE CONSTRUCTION OF, A SINGLE-UNIT DETACHED DWELLING IN AN AREA
14 ZONED FOR SINGLE-UNIT DETACHED DWELLINGS; OR

15 (d) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO
16 ACCESSORY DWELLING UNITS IN THAT HISTORIC DISTRICT.

17 (2) NOTHING IN THIS PART 2 REQUIRES A SUBJECT JURISDICTION TO
18 PERMIT AN ACCESSORY DWELLING UNIT PROJECT AND A MIDDLE HOUSING
19 PROJECT ON THE SAME PARCEL OR LOT.

20 PART 3

21 MIDDLE HOUSING

22 **29-33-301. Legislative declaration.** (1) (a) THE GENERAL
23 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

24 (I) LOCAL GOVERNMENT LAND USE DECISIONS OFTEN LIMIT MIDDLE
25 HOUSING DEVELOPMENT;

26 (II) THE TEN LARGEST MUNICIPALITIES IN THE DENVER
27 METROPOLITAN AREA ALLOW SINGLE-UNIT DETACHED DWELLINGS AS A

1 USE BY RIGHT ON OVER EIGHTY-FIVE PERCENT OF THEIR RESIDENTIAL
2 LAND, COMPARED TO ALLOWING TOWNHOMES, DUPLEXES, TRIPLEXES, AND
3 QUADPLEXES AS A USE BY RIGHT ON LESS THAN THIRTY-FIVE PERCENT OF
4 THEIR RESIDENTIAL LAND, ACCORDING TO PUBLICLY AVAILABLE ZONING
5 DATA;

6 (III) LOCAL LAND USE REGULATIONS INFLUENCE WHAT TYPES OF
7 HOUSING ARE BUILT;

8 (IV) BETWEEN 2000 AND 2019, OVER SEVENTY PERCENT OF HOMES
9 BUILT IN COLORADO WERE SINGLE-UNIT DETACHED DWELLINGS, WHILE
10 LESS THAN THREE PERCENT OF HOMES BUILT IN COLORADO DURING THAT
11 TIME WERE DUPLEXES TO QUADPLEXES, ACCORDING TO THE AMERICAN
12 COMMUNITY SURVEY;

13 (V) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

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

27 (VII) MIDDLE HOUSING IS TYPICALLY MORE AFFORDABLE THAN

1 SINGLE-UNIT DETACHED DWELLINGS, IN PART BECAUSE LAND COSTS ARE
2 SHARED BETWEEN MORE HOUSEHOLDS;

3 (VIII) IN 2019, COLORADO DUPLEXES COST ON AVERAGE
4 FOURTEEN PERCENT LESS TO OWN AND TWENTY-SIX PERCENT LESS TO
5 RENT THAN SINGLE-UNIT DETACHED DWELLINGS, AND TRIPLEXES AND
6 QUADPLEXES COST THIRTY-ONE PERCENT LESS TO OWN AND TWENTY-NINE
7 LESS TO RENT, ACCORDING TO THE AMERICAN COMMUNITY SURVEY;

8 (IX) MIDDLE HOUSING OFFERS A WAY TO PROVIDE COMPACT
9 RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED NEIGHBORHOODS
10 WITH MINIMAL INFRASTRUCTURE IMPACT AND SUPPLY NEW HOUSING
11 WITHOUT ADDING NEW DISPERSED LOW DENSITY HOUSING;

12 (X) RELATIVE TO DISPERSED LOW DENSITY DEVELOPMENT,
13 COMPACT INFILL HOUSING DEVELOPMENT, INCLUDING MIDDLE HOUSING
14 DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS,
15 INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION
16 COSTS;

17 (XI) MIDDLE HOUSING USES SIGNIFICANTLY LESS ENERGY FOR
18 HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED
19 DWELLINGS DUE TO MIDDLE HOUSING HAVING ATTACHED WALLS AND
20 SMALLER UNIT SIZES, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND
21 GREENHOUSE GAS EMISSIONS; AND

22 (XII) IN COLORADO, COMPARED TO SINGLE-UNIT DETACHED
23 DWELLINGS, HOUSEHOLD ENERGY DEMAND IS ON AVERAGE FORTY
24 PERCENT LESS FOR TOWNHOMES, FORTY-FIVE PERCENT LESS FOR
25 DUPLEXES, AND FIFTY-THREE PERCENT LESS FOR TRIPLEXES AND
26 QUADPLEXES, ACCORDING TO THE NATIONAL RENEWABLE ENERGY
27 LABORATORY RESSTOCK ANALYSIS TOOL.

1 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
2 INCREASED SUPPLY OF HOUSING THROUGH MIDDLE HOUSING IS A MATTER
3 OF MIXED STATE AND LOCAL CONCERN.

4 **29-33-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "MINIMUM STANDARDS" MEANS THE MIDDLE HOUSING
7 MINIMUM STANDARDS ESTABLISHED IN SECTION 29-33-305.

8 (2) "MODEL CODE" MEANS THE MIDDLE HOUSING MODEL CODE
9 PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
10 LOCAL AFFAIRS PURSUANT TO SECTION 29-33-304.

11 (3) "SUBJECT JURISDICTION" MEANS A RURAL RESORT JOB CENTER
12 MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY.

13 **29-33-303. Applicability - exemptions.** (1) THE REQUIREMENTS
14 OF THIS PART 3 ONLY APPLY IN A RURAL RESORT JOB CENTER
15 MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY.

16 (2) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
17 LAWS ADOPTED PURSUANT TO THIS PART 3 ONLY APPLY TO PARCELS THAT
18 ARE NOT STANDARD EXEMPT PARCELS.

19 **29-33-304. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
20 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
21 PROMULGATE A MIDDLE HOUSING MODEL CODE.

22 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
23 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
24 OF LOCAL AFFAIRS ON THE MIDDLE HOUSING MODEL CODE.

25 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
26 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE
27 MIDDLE HOUSING MODEL CODE, THE MULTI-AGENCY ADVISORY

1 COMMITTEE SHALL:

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

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

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

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

11 (3) THE MODEL CODE MUST, AT A MINIMUM, ESTABLISH OBJECTIVE
12 STANDARDS FOR ALL THE ELEMENTS IN THE MINIMUM STANDARDS FOR
13 MIDDLE HOUSING TO BE ALLOWED AS A USE BY RIGHT IN ANY PART OF THE
14 SUBJECT JURISDICTION WHERE THE SUBJECT JURISDICTION ALLOWS
15 SINGLE-UNIT DETACHED DWELLINGS AS A USE BY RIGHT AS OF JANUARY
16 1, 2023.

17 (4) THE MODEL CODE MUST NOT INCLUDE A REQUIREMENT FOR
18 NEW OFF-STREET PARKING IN CONNECTION WITH THE CONSTRUCTION OR
19 PERMITTING OF MIDDLE HOUSING.

20 **29-33-305. Minimum standards.** (1) (a) NOTWITHSTANDING
21 ANY LOCAL LAW TO THE CONTRARY, A TIER ONE URBAN MUNICIPALITY
22 THAT DOES NOT ADOPT THE MODEL CODE SHALL ALLOW MIDDLE HOUSING
23 AS A USE BY RIGHT IN ANY PART OF THE MUNICIPALITY'S JURISDICTION
24 WHERE THE MUNICIPALITY ALLOWS SINGLE-UNIT DETACHED DWELLINGS
25 AS A USE BY RIGHT AS OF JANUARY 1, 2023.

26 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
27 RURAL RESORT JOB CENTER THAT DOES NOT ADOPT THE MODEL CODE

1 SHALL ALLOW MIDDLE HOUSING AS A USE BY RIGHT IN ANY PART OF THE
2 RURAL RESORT JOB CENTER'S JURISDICTION THAT THE RURAL RESORT
3 REGION'S HOUSING NEEDS PLANNING PROCESS DESIGNATED FOR MIDDLE
4 HOUSING.

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

7 (I) ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING MIDDLE
8 HOUSING THAT USE OBJECTIVE STANDARDS AND PROCEDURES;

9 (II) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING
10 SINGLE-UNIT DETACHED DWELLING TO CREATE MIDDLE HOUSING SO LONG
11 AS THE ADDITION OR CONVERSION DOES NOT INCREASE NONCONFORMANCE
12 WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS LOCAL LAWS ALLOW
13 FOR SUCH AN INCREASE IN NONCONFORMANCE;

14 (III) ALLOW PROPERTIES ON WHICH MIDDLE HOUSING IS ALLOWED
15 TO BE SUBDIVIDED USING OBJECTIVE STANDARDS AND PROCEDURES; AND

16 (IV) IF THE SUBJECT JURISDICTION APPLIES DESIGN STANDARDS TO
17 MIDDLE HOUSING, APPLY THE SAME DESIGN STANDARDS TO MIDDLE
18 HOUSING THAT THE SUBJECT JURISDICTION APPLIES TO A SINGLE-UNIT
19 DETACHED DWELLING IN THE SAME ZONING DISTRICT.

20 (2) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
21 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
22 NOT:

23 (a) ADOPT, ENACT, OR ENFORCE LOCAL LAWS CONCERNING MIDDLE
24 HOUSING LAND USE THAT ARE MORE RESTRICTIVE THAN LOCAL LAWS
25 CONCERNING SINGLE-UNIT DETACHED DWELLING LAND USE IN THE SAME
26 ZONING DISTRICT OR ANY OTHER TYPE OF DISTRICT THAT REGULATES LAND
27 USE, UNLESS REQUIRED BY THE MINIMUM STANDARDS OR MODEL CODE;

1 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT INDIVIDUALLY
2 OR CUMULATIVELY CREATE UNREASONABLE COSTS OR DELAYS, OR THAT
3 MAKE THE PERMITTING, SITING, OR CONSTRUCTION OF MIDDLE HOUSING ON
4 AN ELIGIBLE PROPERTY INFEASIBLE;

5 (c) APPLY MINIMUM SETBACK, LOT WIDTHS, LOT DEPTH, OR LOT
6 SIZE STANDARDS TO MIDDLE HOUSING THAT ARE MORE RESTRICTIVE THAN
7 THE STANDARDS THAT THE SUBJECT JURISDICTION WOULD APPLY TO
8 SINGLE-UNIT DETACHED DWELLINGS ON THE SAME PROPERTY;

9 (d) APPLY LOWER MAXIMUM HEIGHT STANDARDS TO MIDDLE
10 HOUSING THAN THE SUBJECT JURISDICTION WOULD APPLY TO SINGLE-UNIT
11 DETACHED DWELLINGS ON THE SAME PROPERTY;

12 (e) APPLY LIMITS ON THE SCALE OF MIDDLE HOUSING BUILDINGS
13 THROUGH FLOOR AREA RATIOS, LOT OR BUILDING COVERAGE, OR OTHER
14 SIMILAR STANDARDS THAT INDIVIDUALLY OR COLLECTIVELY WOULD
15 RESTRICT A MIDDLE HOUSING PROJECT TO LESS THAN ONE HUNDRED
16 TWENTY-FIVE PERCENT OF THE BUILDING AREA OF A SINGLE-UNIT
17 DETACHED DWELLING ON THE SAME LOT;

18 (f) IMPOSE A RESTRICTION ON THE FOOTPRINT OR SIZE OF A MIDDLE
19 HOUSING PROJECT IN A HISTORIC DISTRICT OR ON A HISTORIC PROPERTY
20 THAT IS MORE RESTRICTIVE THAN A FOOTPRINT OR SIZE RESTRICTION THAT
21 THE SUBJECT JURISDICTION WOULD IMPOSE ON A SINGLE-UNIT DETACHED
22 DWELLING IN THE SAME HISTORIC DISTRICT OR ON THE SAME HISTORIC
23 PROPERTY;

24 (g) AMEND, DEVELOP, OR INTERPRET A LOCAL LAW APPLICABLE TO
25 MIDDLE HOUSING IN A MANNER THAT INTERFERES WITH THE INTENT OF
26 THIS PART 3; OR

27 (h) REQUIRE NEW OFF-STREET PARKING IN CONNECTION WITH THE

1 CONSTRUCTION OR PERMITTING OF MIDDLE HOUSING.

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

5 **29-33-306. Adoption of model codes - satisfaction of minimum**
6 **standards.** (1) (a) NO LATER THAN DECEMBER 31, 2024, A TIER ONE
7 URBAN MUNICIPALITY SHALL EITHER:

8 (I) ADOPT LOCAL LAWS CONCERNING MIDDLE HOUSING THAT
9 SATISFY THE MINIMUM STANDARDS; OR

10 (II) ADOPT THE MODEL CODE.

11 (b) IF A TIER ONE URBAN MUNICIPALITY DOES NOT SATISFY THE
12 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION BEFORE JUNE 30,
13 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR APPLICABLE
14 PARCELS, AS SPECIFIED IN SECTION 29-33-303, IN THE URBAN
15 MUNICIPALITY AND REMAINS IN EFFECT UNTIL THE DEPARTMENT OF LOCAL
16 AFFAIRS DETERMINES THAT THE URBAN MUNICIPALITY HAS ADOPTED LAWS
17 THAT COMPLY WITH THE MINIMUM STANDARDS.

18 (2) (a) NO LATER THAN DECEMBER 31, 2026, A RURAL RESORT JOB
19 CENTER MUNICIPALITY SHALL EITHER:

20 (I) ADOPT LOCAL LAWS CONCERNING MIDDLE HOUSING THAT
21 SATISFY THE MINIMUM STANDARDS; OR

22 (II) ADOPT THE MODEL CODE.

23 (b) IF A RURAL RESORT JOB CENTER MUNICIPALITY DOES NOT
24 SATISFY THE REQUIREMENTS OF SUBSECTION (2)(a) OF THIS SECTION
25 BEFORE JUNE 30, 2027, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY
26 FOR APPLICABLE PARCELS, AS SPECIFIED IN SECTION 29-33-303, IN THE
27 RURAL RESORT JOB CENTER MUNICIPALITY AND REMAINS IN EFFECT UNTIL

1 THE RURAL RESORT JOB CENTER MUNICIPALITY JURISDICTION HAS
2 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

3 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR THE
4 MODEL CODE IS OTHERWISE IN EFFECT, FOR A SUBJECT JURISDICTION
5 PURSUANT TO EITHER SUBSECTION (1)(b) OR (2)(b) OF THIS SECTION, THE
6 SUBJECT JURISDICTION SHALL:

7 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
8 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
9 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT
10 JURISDICTION SHALL APPROVE THE MIDDLE HOUSING PROJECT; AND

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

13 (4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
14 MAY SUBMIT AN APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
15 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
16 AFFAIRS, FOR AN EXTENSION OF THE RELEVANT REQUIREMENTS IN
17 SUBSECTION (1) OR (2) OF THIS SECTION.

18 (b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE
19 SUBJECT JURISDICTION THAT:

20 (I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER
21 SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS, OR ARE
22 EXPECTED TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

23 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED A PLAN OF
24 ACTION TO REMEDY THE DEFICIENT WATER, SEWER, OR STORMWATER
25 SERVICES IN THE SPECIFIC AREAS IDENTIFIED IN SUBSECTION (4)(b)(I) OF
26 THIS SECTION ON A SPECIFIC TIMELINE; AND

27 (III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER

1 EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 3.

2 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
3 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
4 (4).

5 (5)(a)(I) NO LATER THAN DECEMBER 31, 2024, A TIER ONE URBAN
6 MUNICIPALITY SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
7 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
8 AFFAIRS, A REPORT DEMONSTRATING EVIDENCE OF COMPLIANCE WITH
9 EITHER THE MODEL CODE OR MINIMUM STANDARDS.

10 (II) NO LATER THAN DECEMBER 31, 2026, A RURAL RESORT JOB
11 CENTER MUNICIPALITY SHALL SUBMIT TO THE DEPARTMENT OF LOCAL
12 AFFAIRS, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF
13 LOCAL AFFAIRS, A REPORT DEMONSTRATING EVIDENCE OF COMPLIANCE
14 WITH EITHER THE MODEL CODE OR MINIMUM STANDARDS.

15 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
16 SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
17 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
18 REPORT AND PROVIDE FEEDBACK TO THE SUBJECT JURISDICTION. THE
19 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
20 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
21 LOCAL LAWS AND RESUBMIT THEIR REPORT.

22 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
23 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
24 IMMEDIATELY FOR THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
25 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
26 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS
27 ADOPTED THE MODEL CODE.

1 **29-33-307. Subject jurisdiction restrictions.** (1) NOTHING IN
2 THIS PART 3 PREVENTS A SUBJECT JURISDICTION FROM:

(a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
12101 ET SEQ., AS AMENDED;

(b) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO MIDDLE HOUSING SO LONG AS THE STANDARDS OF THE ORDINANCE DO NOT RENDER THE DEVELOPMENT OF MIDDLE HOUSING FINANCIALLY INFEASIBLE;

10 (c) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
11 MIDDLE HOUSING;

12 (d) ALLOWING SINGLE-UNIT DETACHED DWELLINGS IN AN AREA
13 ZONED FOR SINGLE-UNIT DETACHED DWELLINGS; OR

14 (e) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO MIDDLE
15 HOUSING IN THAT HISTORIC DISTRICT.

(2) NOTHING IN THIS PART 3 REQUIRES A SUBJECT JURISDICTION TO PERMIT AN ACCESSORY DWELLING UNIT PROJECT AND A MIDDLE HOUSING PROJECT ON THE SAME PARCEL OR LOT.

19 PART 4
20 TRANSIT-ORIENTED AREAS

21 **29-33-401. Legislative declaration.** (1) (a) THE GENERAL
22 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

(I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT DENSER
MULTIFAMILY HOUSING DEVELOPMENT NEAR HIGH CAPACITY TRANSIT;

25 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

(III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A

1 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
2 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
3 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
4 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
5 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
6 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
7 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
8 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
9 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
10 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
11 AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE.

12 (IV) MULTIFAMILY HOUSING IS TYPICALLY MORE AFFORDABLE
13 THAN SINGLE-UNIT DETACHED DWELLINGS, AND LIVING NEAR HIGH
14 CAPACITY TRANSIT ENABLES HOUSEHOLDS TO SAVE ON TRANSPORTATION
15 COSTS BY OWNING FEWER VEHICLES;

16 (V) IN 2019, COLORADO MULTIFAMILY UNITS COST BETWEEN
17 FOURTEEN AND FORTY-THREE PERCENT LESS TO OWN, AND BETWEEN NINE
18 PERCENT AND EIGHTEEN PERCENT LESS TO RENT DEPENDING ON THE SIZE
19 OF THE BUILDING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS,
20 ACCORDING TO THE AMERICAN COMMUNITY SURVEY;

21 (VI) MEETING HOUSING DEMAND THROUGH COMPACT INFILL
22 DEVELOPMENT DECREASES THE NEED FOR NEW DISPERSED LOW-DENSITY
23 HOUSING;

24 (VII) RELATIVE TO DISPERSED LOW-DENSITY DEVELOPMENT,
25 COMPACT INFILL HOUSING DEVELOPMENT, INCLUDING MULTIFAMILY
26 HOUSING IN TRANSIT-ORIENTED AREAS DEVELOPMENT, REDUCES WATER
27 USE, GREENHOUSE GAS EMISSIONS, AND HOUSEHOLD ENERGY AND

1 TRANSPORTATION COSTS;

2 (VIII) HOUSING WITH ACCESS TO HIGH CAPACITY TRANSIT ALLOWS
3 RESIDENTS TO TRAVEL TO WORK AND SERVICES WITHOUT DRIVING OR
4 WHILE DRIVING LESS, WHICH REDUCES HOUSEHOLD TRANSPORTATION
5 COSTS, GREENHOUSE GAS EMISSIONS, AND AIR POLLUTION;

6 (IX) ANALYSES OF TRANSIT-ORIENTED DEVELOPMENTS HAVE
7 FOUND THAT RESIDENTS TAKE AN AVERAGE OF FORTY-FOUR PERCENT
8 FEWER VEHICLE TRIPS, ACCORDING TO THE ARTICLE "VEHICLE TRIP
9 REDUCTION IMPACTS OF TRANSIT-ORIENTED HOUSING", IN THE JOURNAL
10 OF PUBLIC TRANSPORTATION;

11 (X) MULTIFAMILY HOUSING USES SIGNIFICANTLY LESS ENERGY
12 FOR HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED
13 DWELLINGS DUE TO THE ATTACHED WALLS AND SMALLER SIZE OF
14 MULTIFAMILY HOUSING, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND
15 GREENHOUSE GAS EMISSIONS; AND

16 (XI) IN COLORADO, HOUSEHOLD ENERGY DEMAND ON AVERAGE
17 IS SEVENTY PERCENT LESS FOR MULTIFAMILY HOUSING COMPARED TO
18 SINGLE-UNIT DETACHED DWELLINGS, ACCORDING TO THE NATIONAL
19 RENEWABLE ENERGY LABORATORY.

20 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT THE
21 INCREASED SUPPLY OF HOUSING IN TRANSIT-ORIENTED AREAS IS A MATTER
22 OF MIXED STATEWIDE AND LOCAL CONCERN.

23 **29-33-402. Definitions.** AS USED IN THIS PART 4, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS FOR
26 TRANSIT-ORIENTED AREAS ESTABLISHED IN SECTION 29-33-405.

27 (2) "MIXED-INCOME MULTIFAMILY HOUSING" MEANS MULTIFAMILY

1 HOUSING IN WHICH AT LEAST TEN PERCENT OF THE HOUSING UNITS ARE SET
2 ASIDE FOR HOUSEHOLDS THAT EARN NO MORE THAN EIGHTY PERCENT OF
3 THE AREA MEDIAN INCOME. FOR PURPOSES OF DEFINING "MIXED-INCOME
4 MULTIFAMILY HOUSING", A SUBJECT JURISDICTION WITH A LOCAL
5 INCLUSIONARY ZONING ORDINANCE THAT APPLIES IN A TRANSIT-ORIENTED
6 AREA MAY APPLY A DIFFERENT AREA MEDIAN INCOME THRESHOLD AND A
7 DIFFERENT REQUIREMENT FOR THE PERCENTAGE OF UNITS THAT MUST BE
8 SET ASIDE FOR HOUSEHOLDS BELOW THAT AREA MEDIAN INCOME.

9 (3) "MODEL CODE" MEANS THE MODEL CODE FOR
10 TRANSIT-ORIENTED AREAS PROMULGATED BY THE DEPARTMENT OF LOCAL
11 AFFAIRS PURSUANT TO SECTION 29-33-404.

12 (4) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN
13 MUNICIPALITY THAT CONTAINS A TRANSIT-ORIENTED AREA.

14 **29-33-403. Applicability in transit-oriented areas -**
15 **exemptions.** (1) THE REQUIREMENTS OF THIS PART 4 ONLY APPLY IN A
16 TRANSIT-ORIENTED AREA WITHIN A TIER ONE URBAN MUNICIPALITY.

17 (2) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
18 LAWS ADOPTED PURSUANT TO THIS PART 4 ONLY APPLY TO PARCELS THAT
19 ARE NOT:

20 (a) A STANDARD EXEMPT PARCEL;

21 (b) PART OF A PARCEL THAT INCLUDES LAND THAT IS A PARK AND
22 OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2); OR

23 (c) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT.

24 **29-33-404. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
25 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
26 PROMULGATE A TRANSIT-ORIENTED AREA MODEL CODE.

27 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE

1 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
2 OF LOCAL AFFAIRS ON THE TRANSIT-ORIENTED AREA MODEL CODE.

3 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
4 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE
5 TRANSIT-ORIENTED AREA MODEL CODE, THE MULTI-AGENCY ADVISORY
6 COMMITTEE SHALL:

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

10 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
11 MODEL CODE;

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

14 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE
15 HOUSING, FAIR HOUSING, PLANNING, ZONING, AND RELATED FIELDS.

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

17 (a) A REQUIREMENT THAT SUBJECT JURISDICTIONS MAY NOT
18 REQUIRE NEW OFF-STREET PARKING WITHIN TRANSIT-ORIENTED AREAS FOR
19 ANY USES IN CONJUNCTION WITH EITHER A MULTIFAMILY RESIDENTIAL
20 DEVELOPMENT OR MIXED-INCOME MULTIFAMILY HOUSING DEVELOPMENT
21 PERMIT;

22 (b) A MINIMUM RESIDENTIAL DENSITY LIMIT FOR MULTIFAMILY
23 RESIDENTIAL HOUSING OF AT LEAST FORTY UNITS PER ACRE NET DENSITY
24 THAT A SUBJECT JURISDICTION SHALL ALLOW AS A USE BY RIGHT IN
25 TRANSIT-ORIENTED AREAS; AND

26 (c) A MINIMUM RESIDENTIAL DENSITY LIMIT FOR MIXED-INCOME
27 MULTIFAMILY HOUSING OF AT LEAST SIXTY UNITS PER ACRE NET DENSITY

1 THAT A SUBJECT JURISDICTION SHALL ALLOW AS A USE BY RIGHT IN
2 TRANSIT-ORIENTED AREAS. AFFORDABLE UNITS WITHIN MIXED-INCOME
3 MULTIFAMILY RESIDENTIAL HOUSING MUST BE OF A SIMILAR SIZE AS THE
4 OTHER UNITS IN THE DEVELOPMENT.

5 (4) NOTHING IN THE MODEL CODE SHALL PREVENT A SUBJECT
6 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN
7 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,
8 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS:

9 (a) THE SUBJECT JURISDICTION HAS ADOPTED AN INCLUSIONARY
10 ZONING ORDINANCE THAT APPLIES WITHIN TRANSIT-ORIENTED AREAS; AND

11 (b) THE INCLUSIONARY ZONING ORDINANCE DOES NOT RENDER THE
12 DEVELOPMENT OF MULTIFAMILY RESIDENTIAL HOUSING IN
13 TRANSIT-ORIENTED AREAS FINANCIALLY INFEASIBLE.

14 **29-33-405. Minimum standards.** (1) (a) NOTWITHSTANDING
15 ANY LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES
16 NOT ADOPT THE MODEL CODE SHALL CREATE A ZONING DISTRICT WITHIN
17 TRANSIT-ORIENTED AREAS IN WHICH MULTIFAMILY HOUSING IS ALLOWED
18 AS A USE BY RIGHT AND A MINIMUM GROSS DENSITY OF FORTY UNITS OF
19 MULTIFAMILY HOUSING PER ACRE IS ALLOWED. SUBJECT JURISDICTIONS
20 MAY ESTABLISH DISTRICTS WITHIN THESE ZONING DISTRICTS THAT ALLOW
21 A DIFFERENT DENSITY OF MULTIFAMILY HOUSING DEVELOPMENT SO LONG
22 AS EACH DISTRICT ALLOWS A GROSS DENSITY OF MULTIFAMILY HOUSING
23 OF AT LEAST FORTY UNITS PER ACRE. THE ZONING DISTRICTS MUST
24 INCLUDE ALL ELIGIBLE PARCELS IN THE SUBJECT JURISDICTION.

25 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
26 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE MAY
27 MEET THE GROSS DENSITY ESTABLISHED IN THE MINIMUM STANDARDS BY

1 ADOPTING LOCAL LAWS APPLICABLE TO A DISTRICT COVERING AREAS
2 OUTSIDE OF TRANSIT-ORIENTED AREAS SO LONG AS THE DISTRICT IS AT
3 LEAST THE SAME SIZE AS THE ELIGIBLE PARCELS IN THE TRANSIT-ORIENTED
4 AREAS, IF EITHER:

5 (I) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR

6 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
7 AREAS FOR TRANSIT-COMPATIBLE USE IN ADJACENT AREAS.

8 (2) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
9 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
10 NOT:

11 (a) APPLY LOCAL LAWS THAT INDIVIDUALLY OR CUMULATIVELY
12 CREATE UNREASONABLE COSTS OR DELAYS, OR THAT MAKE THE
13 PERMITTING, SITING, OR CONSTRUCTION OF MULTIFAMILY HOUSING IN A
14 TRANSIT-ORIENTED AREA INFEASIBLE;

15 (b) ADOPT LOCAL LAWS THAT INDIVIDUALLY OR CUMULATIVELY
16 MAKE SATISFYING THE MINIMUM RESIDENTIAL DENSITY LIMITS
17 INFEASIBLE; OR

18 (c) REQUIRE NEW OFF-STREET PARKING WITHIN TRANSIT-ORIENTED
19 AREAS FOR ANY USES IN CONJUNCTION WITH A MULTIFAMILY HOUSING
20 DEVELOPMENT PERMIT.

21 (3) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
22 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
23 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

24 **29-33-406. Adoption of model code - satisfaction of minimum**
25 **standards.** (1) (a) NO LATER THAN DECEMBER 31, 2024, A SUBJECT
26 JURISDICTION SHALL EITHER:

27 (I) ADOPT LOCAL LAWS CONCERNING TRANSIT-ORIENTED AREAS

1 THAT SATISFY THE MINIMUM STANDARDS; OR

2 (II) ADOPT THE MODEL CODE.

3 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
4 REQUIREMENTS OF SUBSECTION (1)(a) OF THIS SECTION BEFORE JUNE 30,
5 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE
6 APPLICABLE PARCELS, AS SPECIFIED IN SECTION 29-33-403, IN THE SUBJECT
7 JURISDICTION, UNTIL THE SUBJECT JURISDICTION SUBMITS LOCAL LAWS
8 THAT COMPLY WITH THE MINIMUM STANDARDS TO THE DEPARTMENT OF
9 LOCAL AFFAIRS.

10 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR THE
11 MODEL CODE IS OTHERWISE IN EFFECT, FOR A SUBJECT JURISDICTION
12 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT
13 JURISDICTION SHALL:

14 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
15 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
16 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT
17 JURISDICTION SHALL APPROVE THE PROJECT; AND

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

20 (4) (a) NO LATER THAN JUNE 30, 2024, A SUBJECT JURISDICTION
21 MAY SUBMIT AN APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
22 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
23 AFFAIRS, FOR AN EXTENSION OF THE RELEVANT REQUIREMENTS IN
24 SUBSECTION (1) OR (2) OF THIS SECTION.

25 (b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE
26 SUBJECT JURISDICTION THAT:

27 (I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER

1 SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS OR ARE EXPECTED
2 TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

3 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED A PLAN OF
4 ACTION TO REMEDY THE DEFICIENT WATER, SEWER, OR STORMWATER
5 SERVICES IN THE SPECIFIC AREAS IDENTIFIED IN SUBSECTION (4)(b)(I) OF
6 THIS SECTION ON A SPECIFIC TIMELINE; AND

7 (III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER
8 EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 4.

9 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
10 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
11 (4).

12 (5) (a) NO LATER THAN DECEMBER 31, 2024, A SUBJECT
13 JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
14 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
15 AFFAIRS, A REPORT CONCERNING THE IMPLEMENTATION OF THE MODEL
16 CODE OR LOCAL LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

17 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
18 SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
19 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
20 REPORT AND PROVIDE FEEDBACK TO THE SUBJECT JURISDICTION. THE
21 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
22 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
23 LOCAL LAWS AND RESUBMIT ITS REPORT.

24 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
25 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
26 IMMEDIATELY FOR THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
27 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS

1 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS
2 ADOPTED THE MODEL CODE.

3 **29-33-407. Subject jurisdiction restrictions.** (1) NOTHING IN
4 THIS PART 4, IN THE MODEL CODE, OR IN THE MINIMUM STANDARDS
5 PREVENTS A LOCAL GOVERNMENT FROM:

6 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
7 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
8 12101 ET SEQ., AS AMENDED;

9 (b) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO
10 MULTIFAMILY HOUSING IN TRANSIT-ORIENTED AREAS SO LONG AS THE
11 STANDARDS OF THE ORDINANCE DO NOT RENDER THE DEVELOPMENT OF
12 MULTIFAMILY HOUSING FINANCIALLY INFEASIBLE;

13 (c) IMPOSING REQUIREMENTS ON THE SHORT-TERM RENTAL OF
14 HOUSING IN TRANSIT-ORIENTED AREAS;

15 (d) PERMITTING MIXED-USE DEVELOPMENT IN A
16 TRANSIT-ORIENTED AREA;

17 (e) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A
18 TRANSIT-ORIENTED AREA; OR

19 (f) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO HOUSING
20 IN A TRANSIT-ORIENTED AREA IN THAT HISTORIC DISTRICT.

21 PART 5

22 KEY CORRIDORS

23 **29-33-501. Legislative declaration.** (1) (a) THE GENERAL
24 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

25 (I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT DENSER
26 MULTIFAMILY HOUSING DEVELOPMENT NEAR FREQUENT TRANSIT AND IN
27 COMMERCIAL AND INSTITUTIONAL AREAS;

1 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;

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

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

24 (V) THE TERNER CENTER FOR HOUSING INNOVATION AT THE
25 UNIVERSITY OF CALIFORNIA BERKELEY FOUND IN ITS REPORT
26 "RESIDENTIAL REDEVELOPMENT OF COMMERCIAL ZONED LAND IN
27 CALIFORNIA" THAT THERE IS SIGNIFICANT POTENTIAL FOR RESIDENTIAL

1 DEVELOPMENT IN COMMERCIAL ZONED AREAS, THAT MANY
2 COMMERCIAL ZONE DISTRICTS DO NOT ALLOW RESIDENTIAL
3 DEVELOPMENT, AND THAT ALLOWING USE BY RIGHT RESIDENTIAL
4 DEVELOPMENT IN COMMERCIAL ZONE DISTRICTS CAN ENCOURAGE
5 ADDITIONAL HOUSING SUPPLY;

6 (VI) ACCORDING TO THE NATIONAL ASSOCIATION OF REALTORS
7 IN THEIR REPORT "ANALYSIS AND CASE STUDIES ON OFFICE-TO-HOUSING
8 CONVERSIONS", OVER FIVE MILLION SEVEN HUNDRED THOUSAND SQUARE
9 FEET OF OFFICE SPACE BECAME UNOCCUPIED IN THE DENVER
10 METROPOLITAN REAL ESTATE MARKET BETWEEN 2020 AND 2021, THE
11 DENVER MARKET COULD POTENTIALLY ADD OVER TWO THOUSAND NEW
12 RESIDENTIAL UNITS FROM OFFICE TO RESIDENTIAL CONVERSIONS IF IT
13 CONVERTED TWENTY PERCENT OF CURRENTLY VACANT OFFICE SPACE, AND
14 ONE OF THE MAJOR BARRIERS TO CONVERSIONS IS RESTRICTIVE LOCAL
15 LAND USE REGULATIONS THAT REQUIRE DISCRETIONARY APPROVALS;

16 (VII) ACCORDING TO THE NOTRE DAME LAW SCHOOL IN THEIR
17 ARTICLE "SHELLS OF THE STORES THEY ONCE WERE: RETURNING VACANT
18 RETAIL PROPERTY TO PRODUCTIVE USE IN THE MIDST OF THE RETAIL
19 APOCALYPSE", UNITED STATES RETAILERS HAVE BEEN CLOSING BRICK
20 AND MORTAR LOCATIONS IN LARGE NUMBERS SINCE AT LEAST 2017,
21 LEAVING BEHIND VACANT COMMERCIAL BUILDINGS AND PROPERTIES THAT
22 POSE PROBLEMS FOR PUBLIC HEALTH AND SAFETY, REDUCE LOCAL TAX
23 REVENUE, AND LEAD TO THE FLIGHT OF OTHER RETAIL BUSINESSES.
24 VACANT COMMERCIAL PROPERTIES PROVIDE OPPORTUNITIES FOR
25 RESIDENTIAL AND MIXED USE REDEVELOPMENT, BOTH THROUGH ADAPTIVE
26 REUSE OF EXISTING BUILDINGS, AND THROUGH NEW DEVELOPMENT; AND,
27 ACCORDING TO THE LOCAL GOVERNMENT COMMISSION IN COOPERATION

1 WITH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY IN THE
2 JOINT REPORT "CREATING GREAT NEIGHBORHOODS: DENSITY IN YOUR
3 COMMUNITY", INCREASED RESIDENTIAL DENSITY IS ASSOCIATED WITH THE
4 ECONOMIC SUCCESS OF NEARBY BUSINESSES, AND CONTRIBUTES TO THE
5 REVITALIZATION OF NEIGHBORHOODS.

6 (VIII) MEETING HOUSING DEMAND THROUGH COMPACT INFILL
7 DEVELOPMENT CLOSE TO JOBS, SERVICES, AND TRANSIT DECREASES THE
8 NEED FOR NEW DISPERSED, LOW-DENSITY HOUSING. RELATIVE TO
9 DISPERSED LOW-DENSITY DEVELOPMENT, COMPACT INFILL HOUSING
10 DEVELOPMENT, INCLUDING MULTIFAMILY HOUSING DEVELOPMENT,
11 REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, INFRASTRUCTURE
12 COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION COSTS.

13 (IX) HOUSING WITH ACCESS TO FREQUENT TRANSIT ALLOWS
14 RESIDENTS TO TRAVEL TO WORK AND SERVICES WITHOUT DRIVING OR
15 WHILE DRIVING LESS, WHICH REDUCES HOUSEHOLD TRANSPORTATION
16 COSTS, GREENHOUSE GAS EMISSIONS, AND AIR POLLUTION. ANALYSES OF
17 TRANSIT-ORIENTED DEVELOPMENTS HAVE FOUND RESIDENTS TAKE AN
18 AVERAGE OF FORTY-FOUR PERCENT FEWER VEHICLE TRIPS, ACCORDING TO
19 THE ARTICLE "VEHICLE TRIP REDUCTION IMPACTS OF TRANSIT-ORIENTED
20 HOUSING" IN THE JOURNAL OF PUBLIC TRANSPORTATION. AND,
21 ACCORDING TO THE CALIFORNIA AIR RESOURCES BOARD REPORTS
22 "IMPACT OF JOBS-HOUSING BALANCE ON PASSENGER VEHICLE USE AND
23 GREENHOUSE GAS EMISSIONS" AND "IMPACTS OF LAND-USE MIX ON
24 PASSENGER VEHICLE USE AND GREENHOUSE GAS EMISSIONS",
25 CO-LOCATING RESIDENCES, JOBS, AND SERVICES ALSO REDUCES
26 HOUSEHOLD VEHICLE MILES TRAVELED.

27 (X) MULTIFAMILY HOUSING ALSO USES SIGNIFICANTLY LESS

1 ENERGY FOR HEATING AND COOLING PER UNIT THAN SINGLE-UNIT
2 DETACHED DEALINGS DUE TO MULTIFAMILY HOUSING HAVING ATTACHED
3 WALLS AND SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS
4 AND 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 RESSTOCK
8 ANALYSIS TOOL.

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

12 **29-33-502. Definitions.** AS USED IN THIS PART 5, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "FREQUENT TRANSIT SERVICE AREA" MEANS AN AREA
15 DESIGNATED AS A "FREQUENT TRANSIT SERVICE AREA" IN THE FREQUENT
16 TRANSIT SERVICE AREAS MAP PUBLISHED BY THE DEPARTMENT OF LOCAL
17 AFFAIRS PURSUANT TO SECTION 29-33-503.

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

21 (3) "KEY CORRIDORS" MEANS PARCELS THAT ARE WITHIN THE
22 AREAS DESCRIBED IN SECTION 29-33-504 (1)(a).

23 (4) "MINIMUM STANDARDS" MEANS THE KEY CORRIDORS MINIMUM
24 STANDARDS ESTABLISHED IN SECTION 29-33-506.

25 (5) "MODEL CODE" MEANS THE KEY CORRIDORS MODEL CODE
26 PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO
27 SECTION 29-33-505.

1 (6) "NET RESIDENTIAL ZONING CAPACITY" MEANS THE TOTAL
2 HOUSING UNIT CAPACITY ESTIMATED TO BE ALLOWED AS A USE BY RIGHT
3 IN A GIVEN AREA, MINUS EXISTING HOUSING UNITS.

4 (7) "SUBJECT JURISDICTION" MEANS A RURAL RESORT JOB CENTER
5 MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY.

6 **29-33-503. Frequent transit service areas.** (1) (a) NO LATER
7 THAN JUNE 30, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
8 LOCAL AFFAIRS SHALL CREATE A FREQUENT TRANSIT SERVICE AREAS MAP
9 THAT DESIGNATES FREQUENT TRANSIT SERVICE AREAS.

10 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL, AS PART OF
11 THE PROCESS USED BY THE MULTI-AGENCY ADVISORY COMMITTEE TO
12 DEVELOP RECOMMENDATIONS FOR THE KEY CORRIDOR MODEL CODE
13 PURSUANT TO SECTION 29-33-506 (2), PROVIDE RECOMMENDATIONS TO
14 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS
15 CONCERNING THE CREATION OF A FREQUENT TRANSIT SERVICE AREAS MAP.

16 (2) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
17 AFFAIRS SHALL INCLUDE IN THE FREQUENT TRANSIT SERVICE AREAS MAP,
18 AREAS THAT ARE WITHIN ONE QUARTER-MILE OF:

19 (a) A ROADWAY WITHIN A CENSUS URBANIZED AREA SERVED BY A
20 BUS ROUTE THAT IS BOTH SCHEDULED TO RUN EVERY FIFTEEN MINUTES OR
21 LESS AND AT LEAST ONE MILE LONG;

22 (b) A BUS STOP ALONG A BUS ROUTE THAT IS SCHEDULED TO RUN
23 EVERY FIFTEEN MINUTES OR LESS AND RUNS, AT LEAST IN PART, ON A
24 LIMITED ACCESS HIGHWAY OR OUTSIDE OF AN AREA THAT IS DESIGNATED
25 AS AN URBANIZED AREA BY THE MOST RECENT FEDERAL DECENNIAL
26 CENSUS; AND

27 (c) AN EXISTING OR PLANNED URBAN BUS OR COMMUTER BUS

1 RAPID TRANSIT SERVICE.

2 (3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
3 AFFAIRS SHALL DESIGNATE AN AREA AS A FREQUENT TRANSIT SERVICE
4 AREA BASED ON:

5 (a) TRANSIT SERVICE LEVELS AS OF JANUARY 1, 2023;

6 (b) TRANSIT SERVICE LEVELS PLANNED AND APPROVED BY A
7 TRANSIT AGENCY'S BOARD AS OF JANUARY 1, 2023, FOR IMPLEMENTATION
8 BEFORE JANUARY 1, 2028; OR

9 (c) FUTURE TRANSIT SERVICE LEVELS, PLANNED AS OF JANUARY
10 1, 2023, AS DESCRIBED IN FEDERALLY REQUIRED TRANSPORTATION PLANS.

11 (4) IN DESIGNATING FREQUENT TRANSIT SERVICE AREAS, THE
12 DEPARTMENT OF LOCAL AFFAIRS SHALL NOT RELY ON PLANNING
13 DOCUMENTS ADOPTED AFTER JANUARY 1, 2023.

14 **29-33-504. Key corridor applicability - exemptions.** (1) (a) IF
15 A SUBJECT JURISDICTION ADOPTS THE MODEL CODE, OR THE MODEL CODE
16 IS OTHERWISE IN EFFECT, THE MODEL CODE SHALL APPLY TO PARCELS
17 THAT ARE WITHIN:

18 (I) A ZONING DISTRICT THAT PERMITS, AS OF JANUARY 1, 2023:

19 (A) COMMERCIAL USES COMPATIBLE WITH RESIDENTIAL USES SUCH
20 AS OFFICE, RETAIL, PERSONAL SERVICES, OR PARKING COMMERCIAL USES;
21 OR

22 (B) PUBLIC OR INSTITUTIONAL USES;

23 (II) AN AREA ZONED FOR A MIX OF USES INCLUDING COMMERCIAL,
24 INSTITUTIONAL, PUBLIC, OR RESIDENTIAL USES; OR

25 (III) A FREQUENT TRANSIT SERVICE AREA, AS OF JANUARY 1, 2023.

26 (b) IF A SUBJECT JURISDICTION ADOPTS LOCAL LAWS THAT MEET
27 THE MINIMUM STANDARDS RATHER THAN THE MODEL CODE, THE SUBJECT

1 JURISDICTION MAY CHOOSE TO IDENTIFY AREAS DESCRIBED IN
2 SUBSECTIONS (1)(a)(I), (1)(a)(II), AND (1)(a)(III) OF THIS SECTION AS KEY
3 CORRIDORS AS LONG AS THE AREAS THAT THE SUBJECT JURISDICTION
4 SELECTS, AND THE LOCAL LAWS THAT THE SUBJECT JURISDICTION APPLIES
5 TO THOSE AREAS, MEET THE MINIMUM STANDARDS ESTABLISHED IN
6 SECTION 29-33-506.

7 (2) THE REQUIREMENTS OF THIS PART 5 APPLY ONLY TO A KEY
8 CORRIDOR IN A RURAL RESORT JOB CENTER MUNICIPALITY OR A TIER ONE
9 URBAN MUNICIPALITY.

10 (3) UNLESS A SUBJECT JURISDICTION DECIDES OTHERWISE, LOCAL
11 LAWS ADOPTED PURSUANT TO THIS PART 5 ONLY APPLY TO PARCELS THAT
12 ARE NOT:

13 (a) A STANDARD EXEMPT PARCEL; OR

14 (b) ON A SITE OR ADJOINING A SITE THAT IS:

15 (I) USED FOR AN INDUSTRIAL USE;

16 (II) CURRENTLY PERMITTED FOR AN INDUSTRIAL USE; OR

17 (III) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
18 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN ADOPTED BEFORE
19 JANUARY 1, 2023.

20 **29-33-505. Model code.** (1) (a) NO LATER THAN JUNE 30, 2025,
21 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
22 PROMULGATE A KEY CORRIDOR MODEL CODE.

23 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
24 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
25 OF LOCAL AFFAIRS ON THE MODEL CODE.

26 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
27 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE

1 MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL:

2 (a) PROVIDE PUBLIC NOTICE AND HOLD AT LEAST TWO PUBLIC

3 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO

4 COMMENT ON THE MODEL CODE;

5 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE

6 MODEL CODE;

7 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL

8 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND

9 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, AFFORDABLE

10 HOUSING, FAIR HOUSING, PLANNING, ZONING, AND RELATED FIELDS.

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

12 (a) A MINIMUM RESIDENTIAL DENSITY LIMIT FOR MULTIFAMILY

13 RESIDENTIAL HOUSING THAT MUST BE ALLOWED AS A USE BY RIGHT IN KEY

14 CORRIDORS;

15 (b) AN ALLOWABLE MINIMUM RESIDENTIAL DENSITY LIMIT FOR

16 MIXED-INCOME MULTIFAMILY RESIDENTIAL HOUSING THAT MUST BE

17 ALLOWED AS A USE BY RIGHT IN KEY CORRIDORS AND MUST BE AT LEAST

18 FIFTY PERCENT GREATER THAN THE MINIMUM RESIDENTIAL DENSITY LIMIT

19 IN SUBSECTION (3)(a) OF THIS SECTION;

20 (c) REQUIREMENTS FOR THE PERCENT OF UNITS IN MIXED-INCOME

21 MULTIFAMILY RESIDENTIAL DEVELOPMENTS THAT MUST BE RESERVED FOR

22 LOW- AND MODERATE-INCOME HOUSEHOLDS; AND

23 (d) AREA MEDIAN INCOME REQUIREMENTS FOR REGULATED

24 AFFORDABLE HOUSING UNITS THAT ARE INFORMED BY THE NEED FOR

25 AFFORDABLE HOUSING IDENTIFIED IN THE LOCAL HOUSING NEEDS

26 ASSESSMENT.

27 **29-33-506. Minimum standards.** (1) (a) NO LATER THAN JUNE

1 30, 2025, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
2 AFFAIRS SHALL PROMULGATE KEY CORRIDOR MINIMUM STANDARDS.

3 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
4 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
5 OF LOCAL AFFAIRS ON THE MINIMUM STANDARDS.

6 (2) IN DEVELOPING RECOMMENDATIONS TO PROVIDE TO THE
7 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS ON THE
8 MODEL CODE, THE MULTI-AGENCY ADVISORY COMMITTEE SHALL FOLLOW
9 THE SAME PROCESS AS IN SECTION 29-33-505 (2).

10 (3) THE MINIMUM STANDARDS MUST:

11 (a) INCLUDE GUIDANCE TO ENCOURAGE REGIONAL STRATEGIES FOR
12 KEY CORRIDORS;

13 (b) IDENTIFY A NET RESIDENTIAL ZONING CAPACITY FOR EACH
14 SUBJECT JURISDICTION, WHICH MUST BE INFORMED BY THE LOCAL
15 HOUSING NEEDS ASSESSMENT; AND

16 (c) IDENTIFY ANY ADDITIONAL STANDARDS DEEMED NECESSARY,
17 SUCH AS A MINIMUM RESIDENTIAL DENSITY LIMIT AND MINIMUM DISTRICT
18 SIZE.

19 (4) (a) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
20 TIER ONE URBAN MUNICIPALITY THAT DOES NOT ADOPT THE MODEL CODE
21 SHALL ESTABLISH A DISTRICT WITHIN KEY CORRIDORS THAT ALLOWS, AS
22 A USE BY RIGHT, MULTIFAMILY RESIDENTIAL HOUSING THAT SATISFIES THE
23 NET RESIDENTIAL ZONING CAPACITY ESTABLISHED BY THE MINIMUM
24 STANDARDS AND MEETS OTHER MINIMUM STANDARDS ESTABLISHED.

25 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
26 RURAL RESORT JOB CENTER MUNICIPALITY THAT DOES NOT ADOPT THE
27 MODEL CODE SHALL ALLOW MULTIFAMILY HOUSING AS A USE BY RIGHT IN

1 THE PARTS OF THE MUNICIPALITY THAT THE RURAL RESORT REGION
2 HOUSING NEEDS PLANNING PROCESS IDENTIFIED AS KEY CORRIDORS.

3 (c) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
4 SUBJECT JURISDICTION MAY ALLOW DIFFERENT LEVELS OF DENSITY WITHIN
5 A KEY CORRIDOR SO LONG AS THE MINIMUM STANDARDS ARE SATISFIED.

6 (5) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
7 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
8 NOT, IN THE DISTRICTS IT ESTABLISHES PURSUANT TO SUBSECTION (4)(a)
9 OF THIS SECTION:

10 (a) APPLY STANDARDS THAT INDIVIDUALLY OR CUMULATIVELY
11 CREATE UNREASONABLE COSTS OR DELAYS FOR MULTIFAMILY HOUSING
12 DEVELOPMENTS IN KEY CORRIDORS OR MAKE THE PERMITTING, SITING, OR
13 CONSTRUCTION OF MULTIFAMILY HOUSING IN KEY CORRIDORS INFEASIBLE;

14 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT MAKE THE
15 MINIMUM RESIDENTIAL DENSITY LIMITS INFEASIBLE; OR

16 (c) REQUIRE NEW OFF-STREET PARKING WITHIN KEY CORRIDORS
17 FOR ANY USE IN CONJUNCTION WITH THE ISSUANCE OF A DEVELOPMENT
18 PERMIT.

19 (6) THE DEPARTMENT OF LOCAL AFFAIRS MAY PROMULGATE RULES
20 AS IT DEEMS NECESSARY TO UPDATE THE MINIMUM STANDARDS OR MODEL
21 CODE, UTILIZING A PUBLIC HEARING AND COMMENT PROCESS.

22 **29-33-507. Adoption of model codes - satisfaction of minimum**
23 **standards.** (1) NO LATER THAN DECEMBER 31, 2026, A SUBJECT
24 JURISDICTION SHALL EITHER:

25 (a) ADOPT LOCAL LAWS CONCERNING KEY CORRIDORS THAT
26 SATISFY THE MINIMUM STANDARDS; OR

27 (b) ADOPT THE MODEL CODE.

1 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
2 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION BEFORE JUNE 30,
3 2027, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR THE
4 APPLICABLE PARCELS IN KEY CORRIDORS, AS SPECIFIED IN SECTION
5 29-33-504, IN THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
6 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
7 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

8 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
9 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
10 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT
11 JURISDICTION SHALL:

12 (a) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
13 PROJECT SATISFIES THE MODEL CODE AND, IF THE SUBJECT JURISDICTION
14 DETERMINES THAT THE PROJECT SATISFIES THE MODEL CODE, THE SUBJECT
15 JURISDICTION SHALL APPROVE THE ACCESSORY DWELLING PROJECT; AND

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

18 (4) (a) NO LATER THAN JUNE 30, 2026, A SUBJECT JURISDICTION
19 MAY SUBMIT AN APPLICATION TO THE DEPARTMENT OF LOCAL AFFAIRS IN
20 A FORM AND MANNER DETERMINED BY THE DEPARTMENT OF LOCAL
21 AFFAIRS FOR AN EXTENSION OF THE RELEVANT REQUIREMENTS IN
22 SUBSECTION (1) OF THIS SECTION.

23 (b) THE APPLICATION MUST INCLUDE A DEMONSTRATION BY THE
24 SUBJECT JURISDICTION THAT:

25 (I) THE SUBJECT JURISDICTION'S WATER, SEWER, OR STORMWATER
26 SERVICES ARE CURRENTLY DEFICIENT IN SPECIFIC AREAS, OR ARE
27 EXPECTED TO BECOME DEFICIENT IN THE NEXT FIVE YEARS;

1 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED A PLAN OF
2 ACTION TO REMEDY THE DEFICIENT WATER, SEWER, OR STORMWATER
3 SERVICES IN THE SPECIFIC AREAS IDENTIFIED IN SUBSECTION (4)(b)(I) OF
4 THIS SECTION ON A SPECIFIC TIMELINE; AND

5 (III) THE SUBJECT JURISDICTION IS UNABLE TO SERVE LESS WATER
6 EFFICIENT HOUSING TYPES THAN THOSE REQUIRED BY THIS PART 5.

7 (c) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
8 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
9 (4).

10 (5) (a) NO LATER THAN DECEMBER 31, 2026, A RURAL RESORT JOB
11 CENTER MUNICIPALITY OR A TIER ONE URBAN MUNICIPALITY SHALL
12 SUBMIT TO THE DEPARTMENT OF LOCAL AFFAIRS IN A FORM AND MANNER
13 DETERMINED BY THE DEPARTMENT A REPORT DEMONSTRATING EVIDENCE
14 OF COMPLIANCE WITH EITHER THE MODEL CODE OR MINIMUM STANDARDS.

15 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
16 SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
17 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE
18 REPORT AND PROVIDE FEEDBACK TO THE SUBJECT JURISDICTION. THE
19 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
20 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
21 LOCAL LAWS AND RESUBMIT ITS REPORT.

22 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
23 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
24 IMMEDIATELY FOR THE SUBJECT JURISDICTION, UNTIL THE DEPARTMENT OF
25 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
26 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS OR HAS
27 ADOPTED THE MODEL CODE.

1 **29-33-508. Subject jurisdiction restrictions.** (1) NOTHING IN
2 THIS PART 5 PREVENTS A SUBJECT JURISDICTION FROM:

3 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
4 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
5 12101 ET SEQ., AS AMENDED;

6 (b) APPLYING A LOCAL INCLUSIONARY ZONING ORDINANCE TO
7 MULTIFAMILY HOUSING IN KEY CORRIDORS SO LONG AS THE STANDARDS
8 OF THE ORDINANCE DO NOT RENDER THE DEVELOPMENT OF MULTIFAMILY
9 HOUSING FINANCIALLY INFEASIBLE;

10 (c) PERMITTING MIXED-USE DEVELOPMENT IN A KEY CORRIDOR;

11 (d) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A KEY
12 CORRIDOR; OR

13 (e) APPLYING THE STANDARDS IN A HISTORIC DISTRICT TO HOUSING
14 IN KEY CORRIDORS IN THAT HISTORIC DISTRICT.

15 **SECTION 3.** In Colorado Revised Statutes, 24-32-705, **add** (8)
16 as follows:

17 **24-32-705. Functions of division.** (8) THE DIVISION SHALL
18 CONSULT WITH THE ADVISORY COMMITTEE ON FACTORY-BUILT
19 STRUCTURES AND TINY HOMES CREATED IN SECTION 24-32-3305 (3) TO
20 PRODUCE A REPORT NO LATER THAN JUNE 30, 2024, ON THE
21 OPPORTUNITIES AND BARRIERS IN CURRENT STATE LAWS AND
22 REGULATIONS CONCERNING THE BUILDING OF MANUFACTURED HOMES,
23 MODULAR HOMES, AND TINY HOMES.

24 **SECTION 4.** In Colorado Revised Statutes, 24-32-3301, **amend**
25 (1)(c)(II) as follows:

26 **24-32-3301. Legislative declaration.** (1) The general assembly
27 hereby finds, determines, and declares that mobile homes, manufactured

1 housing, and factory-built structures are important and effective ways to
2 meet Colorado's affordable housing needs. The general assembly further
3 finds and declares that, because of the housing crisis in Colorado, there
4 is a need to promote the affordability and accessibility of new
5 manufactured homes and factory-built structures. The general assembly
6 encourages local governments to enact ordinances and rules that
7 effectively treat factory-built structures certified through the state
8 program and manufactured housing certified through the federal program
9 the same as site-built homes. The general assembly further finds,
10 determines, and declares that:

11 (c) The protection of Colorado consumers who purchase
12 manufactured homes or tiny homes from fraud and other unfair business
13 practices is a matter of statewide concern and consumers can best be
14 protected by:

15 (II) Imposing escrow and bonding requirements upon persons
16 engaged in the business of ~~manufacturing or~~ selling manufactured homes
17 or tiny homes; and

18 **SECTION 5.** In Colorado Revised Statutes, 24-32-3303, **amend**
19 (1)(c) as follows:

20 **24-32-3303. Division of housing - powers and duties - rules.**

21 (1) The division has the following powers and duties pursuant to this part
22 33:

23 (c) To review and approve quality assurance representatives that
24 intend to perform FINAL CONSTRUCTION PLAN REVIEWS, inspections, and
25 issue insignia of approval pursuant to this part 33;

26 **SECTION 6.** In Colorado Revised Statutes, 24-32-3311, **amend**
27 (1)(a.3) as follows:

1 **24-32-3311. Certification of factory-built structures - rules.**

2 (1) (a.3) Manufacturers of factory-built structures to be installed in the
3 state shall register with the division as provided in board rules and are
4 subject to enforcement action, including suspension or revocation of their
5 registration for failing to comply with requirements contained in this part
6 33 and board rules. ~~A manufacturer shall:~~

7 ~~(I) Comply with escrow requirements of down payments as~~
8 ~~established by the board by rule; and~~

9 ~~(II) Provide a letter of credit, certificate of deposit issued by a~~
10 ~~licensed financial institution, or surety bond issued by an authorized~~
11 ~~insurer in an amount and process established by the board by rule. A~~
12 ~~financial institution or authorized insurer shall pay the division the letter~~
13 ~~of credit, certificate of deposit, or surety bond if a court of competent~~
14 ~~jurisdiction has rendered a final judgment in favor of the division based~~
15 ~~on a finding that:~~

16 ~~(A) The manufacturer failed to deliver the factory-built structure;~~

17 ~~(B) The manufacturer failed to refund a down payment made~~
18 ~~toward the purchase of the factory-built structure; or~~

19 ~~(C) The manufacturer ceased doing business operations or filed~~
20 ~~for bankruptcy.~~

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

23 **24-67-105. Standards and conditions for planned unit**
24 **development - definitions.** (5.5) (a) A PLANNED UNIT DEVELOPMENT
25 RESOLUTION OR ORDINANCE ADOPTED PURSUANT TO THIS ARTICLE 67, IF
26 THE PLANNED UNIT DEVELOPMENT HAS A RESIDENTIAL USE, MUST NOT
27 RESTRICT THE PERMITTING OF ACCESSORY DWELLING UNITS, MIDDLE

1 HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, OR HOUSING IN KEY
2 CORRIDORS IN ANY WAY THAT IS PROHIBITED BY ARTICLE 33 OF TITLE 29.

3 (b) AS USED IN THIS SUBSECTION (5.5), UNLESS THE CONTEXT
4 OTHERWISE REQUIRES:

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

7 (II) "KEY CORRIDOR" HAS THE SAME MEANING AS SET FORTH IN
8 SECTION 29-33-502 (3).

9 (III) "MIDDLE HOUSING" HAS THE SAME MEANING AS SET FORTH IN
10 SECTION 29-33-102 (18).

11 (IV) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
12 FORTH IN SECTION 29-33-102 (36).

13 **SECTION 8.** In Colorado Revised Statutes, **add** 29-20-110 as
14 follows:

15 **29-20-110. Local government residential occupancy limits -**
16 **definitions.** (1) NOTWITHSTANDING ANY OTHER PROVISION TO THE
17 CONTRARY, A LOCAL GOVERNMENT SHALL NOT ENACT OR ENFORCE
18 RESIDENTIAL OCCUPANCY LIMITS THAT DIFFER BASED ON THE
19 RELATIONSHIPS OF THE OCCUPANTS OF A DWELLING.

20 (2) NOTHING IN THIS SECTION PREVENTS A LOCAL GOVERNMENT
21 FROM ESTABLISHING RESIDENTIAL OCCUPANCY LIMITS FOR DWELLING
22 UNITS FOR SHORT-TERM RENTALS, AS DEFINED IN SECTION 29-33-102 (30).

23 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (a) "DWELLING" MEANS ANY IMPROVED REAL PROPERTY, OR
26 PORTION THEREOF, THAT IS USED OR INTENDED TO BE USED AS A
27 RESIDENCE.

1 (b) "LOCAL GOVERNMENT" MEANS A COUNTY, HOME RULE
2 COUNTY, HOME RULE OR STATUTORY CITY, TOWN, TERRITORIAL CHARTER
3 CITY, OR CITY AND COUNTY.

4 **SECTION 9.** In Colorado Revised Statutes, 30-28-106, **amend**
5 (3)(a)(IV)(D) and (3)(a)(IV)(E); and **add** (6.5), (8), and (9) as follows:

6 **30-28-106. Adoption of master plan - contents.** (3) (a) The
7 master plan of a county or region, with the accompanying maps, plats,
8 charts, and descriptive and explanatory matter, must show the county or
9 regional planning commission's recommendations for the development of
10 the territory covered by the plan. The master plan of a county or region is
11 an advisory document to guide land development decisions; however, the
12 plan or any part thereof may be made binding by inclusion in the county's
13 or region's adopted subdivision, zoning, platting, planned unit
14 development, or other similar land development regulations after
15 satisfying notice, due process, and hearing requirements for legislative or
16 quasi-judicial processes as appropriate. After consideration of each of the
17 following, where applicable or appropriate, the master plan may include:

18 (IV) (D) The department of local affairs created in section
19 24-1-125 may hire and employ one full-time employee to provide
20 educational resources and assistance to counties that include water
21 conservation policies in their master plans as described in subsection
22 (3)(a)(IV)(C) OR IN SUBSECTION (6.5)(b) of this section.

23 (E) Nothing in this subsection (3)(a)(IV) OR IN SUBSECTION
24 (6.5)(b) OF THIS SECTION shall be construed to supersede, abrogate, or
25 otherwise impair the allocation of water pursuant to the state constitution
26 or laws, the right to beneficially use water pursuant to decrees, contracts,
27 or other water use agreements, or the operation, maintenance, repair,

1 replacement, or use of any water facility.

2 (6.5) A MASTER PLAN OF ANY COUNTY ADOPTED OR AMENDED IN
3 ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION ON AND AFTER
4 JUNE 30, 2024, MUST INCLUDE:

5 (a) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND
6 SUITABLE SUPPLY OF WATER AS DESCRIBED IN SUBSECTION (3)(a)(IV)(A)
7 OF THIS SECTION;

8 (b) A WATER SUPPLY ELEMENT THAT SATISFIES THE
9 REQUIREMENTS OF SUBSECTIONS (3)(a)(IV)(B) AND (3)(a)(IV)(C) OF THIS
10 SECTION;

11 (c) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
12 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
13 REPORT CREATED IN SECTION 29-33-109; AND

14 (d) FOR COUNTIES WITH A POPULATION GREATER THAN TWO
15 HUNDRED FIFTY THOUSAND, A GREENFIELD DEVELOPMENT ANALYSIS THAT
16 IS CONDUCTED IN THE SAME MANNER AND ON THE SAME TIMELINE AS THE
17 GREENFIELD DEVELOPMENT ANALYSIS REQUIRED IN SECTION 29-33-104
18 (4)(d).

19 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
20 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH CERTAIN
21 ENTITIES WITHIN THE FOLLOWING CATEGORIES TO ENSURE THAT THE
22 ADOPTING OR AMENDING OF THE MASTER PLAN IS AN INCLUSIVE PROCESS:

23 (a) HOUSING AUTHORITIES;

24 (b) LOCAL GOVERNMENTS; AND

25 (c) NONGOVERNMENTAL ORGANIZATIONS.

26 (9) (a) AT LEAST SIXTY DAYS BEFORE THE FINAL PUBLIC HEARING
27 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL

1 SUBMIT THE MOST RECENT DRAFT OF THE MASTER PLAN TO THE DIVISION
2 OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS.

3 (b) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR AMENDING
4 THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE MASTER PLAN TO
5 THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL
6 AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW THESE
7 REPORTS TO ENSURE THEY COMPLY WITH THE REQUIREMENTS OF THIS
8 SECTION.

9 **SECTION 10.** In Colorado Revised Statutes, 31-15-713, **add**
10 (1)(d) as follows:

11 **31-15-713. Power to sell public works - real property.** (1) The
12 governing body of each municipality has the power:

13 (d) NOTWITHSTANDING SUBSECTIONS (1)(a) AND (1)(b) OF THIS
14 SECTION, TO SELL AND DISPOSE OF, BY ORDINANCE, ANY PUBLIC BUILDING
15 OR REAL PROPERTY OWNED BY A MUNICIPALITY THAT IS HELD FOR
16 GOVERNMENT PURPOSES OTHER THAN PARK PURPOSES, IF THE SALE AND
17 DISPOSITION OF THE PUBLIC BUILDING OR REAL PROPERTY IS FOR THE
18 PURPOSE OF PROVIDING PROPERTY TO BE USED FOR THE DEVELOPMENT OF
19 AFFORDABLE HOUSING, AS THE TERM IS DEFINED IN SECTION 29-33-102 (3).
20 THE GOVERNING BODY SHALL DETERMINE THE TERMS AND CONDITIONS OF
21 THE SALE AND DISPOSITION AT A REGULAR OR SPECIAL MEETING AND
22 SHALL MAKE THESE TERMS AND CONDITIONS PUBLICLY AVAILABLE.

23 **SECTION 11.** In Colorado Revised Statutes, 31-23-301, **amend**
24 (5)(b)(I)(C); **add** (5)(a)(III), (5)(a)(IV), (5)(a)(V), and (5)(b)(I.5); and
25 **repeal** (5)(b)(II) as follows:

26 **31-23-301. Grant of power.** (5) (a) As used in this subsection
27 (5), unless the context otherwise requires:

1 (III) "MANUFACTURED HOME" MEANS ANY PRECONSTRUCTED
2 BUILDING UNIT OR COMBINATION OF PRECONSTRUCTED BUILDING UNITS OR
3 CLOSED PANEL SYSTEMS THAT:

4 (A) INCLUDES ELECTRICAL, MECHANICAL, OR PLUMBING SERVICES
5 THAT ARE FABRICATED, FORMED, OR ASSEMBLED AT A LOCATION OTHER
6 THAN THE SITE OF THE COMPLETED HOME;

7 (B) IS DESIGNED FOR RESIDENTIAL OCCUPANCY IN EITHER
8 TEMPORARY OR PERMANENT LOCATIONS;

9 (C) IS CONSTRUCTED IN COMPLIANCE WITH THE FEDERAL ACT,
10 FACTORY-BUILT RESIDENTIAL REQUIREMENTS, INCLUDING THOSE FOR
11 MULTIFAMILY STRUCTURES, OR MOBILE HOME STANDARDS;

12 (D) IS NOT SELF-PROPELLED; AND

13 (E) IS NOT LICENSED AS A RECREATIONAL VEHICLE.

14 (IV) "MODULAR HOME" MEANS A FACTORY-BUILT RESIDENTIAL
15 STRUCTURE.

16 (V) "OBJECTIVE STANDARD" MEANS A STANDARD THAT BOTH:

17 (A) DOES NOT REQUIRE A PUBLIC BODY OR OFFICIAL TO MAKE A
18 PERSONAL OR SUBJECTIVE JUDGMENT; AND

19 (B) IS UNIFORMLY VERIFIABLE OR ASCERTAINABLE BY REFERENCE
20 TO AN EXTERNAL OR UNIFORM BENCHMARK OR CRITERION THAT IS
21 AVAILABLE AND KNOWABLE BY THE DEVELOPMENT APPLICANT OR
22 PROPONENT AND THE PUBLIC BODY OR OFFICIAL PRIOR TO THE
23 DEVELOPMENT APPLICANT OR PROPONENT'S FILING OF A DEVELOPMENT
24 PROPOSAL.

25 (b) (I) No municipality may have or enact zoning regulations,
26 subdivision regulations, or any other regulation affecting development
27 that exclude or have the effect of excluding homes from the municipality

1 that are:

2 (C) Homes that meet or exceed, on an equivalent performance
3 engineering basis, standards established by the municipal building code.

4 THE APPROVAL PROCESSES OF MANUFACTURED AND MODULAR HOMES
5 SHALL BE BASED ON OBJECTIVE STANDARDS AND ADMINISTRATIVE REVIEW
6 THAT ARE EQUIVALENT TO THAT REQUIRED FOR SITE-BUILT HOMES,
7 UNLESS A MUNICIPALITY REGULATES SITE-BUILT HOMES THROUGH A
8 SUBJECTIVE REVIEW PROCESS, IN WHICH CASE A MUNICIPALITY MAY USE
9 AN EQUIVALENT REVIEW PROCESS FOR A MANUFACTURED OR MODULAR
10 HOME AND A SITE-BUILT HOME.

11 (I.5) A MUNICIPALITY SHALL NOT IMPOSE MORE RESTRICTIVE
12 STANDARDS ON MANUFACTURED AND MODULAR HOMES THAN THOSE THE
13 MUNICIPALITY APPLIES TO SITE BUILT HOMES IN THE SAME RESIDENTIAL
14 ZONES. RESTRICTIVE STANDARDS INCLUDE ZONING REGULATIONS,
15 SUBDIVISION REGULATIONS, AND ANY OTHER REGULATION AFFECTING
16 DEVELOPMENT SUCH AS REQUIREMENTS RELATING TO:

17 (A) PERMANENT FOUNDATIONS;

18 (B) MINIMUM FLOOR SPACE;

19 (C) HOME SIZE OR SECTIONAL REQUIREMENTS;

20 (D) IMPROVEMENT LOCATION STANDARDS;

21 (E) SIDE YARD STANDARDS; AND

22 (F) SETBACK STANDARDS.

23 (II) ~~Nothing in this subsection (5) shall prevent a municipality~~
24 ~~from enacting any zoning, developmental, use, aesthetic, or historical~~
25 ~~standard, including, but not limited to, requirements relating to permanent~~
26 ~~foundations, minimum floor space, unit size or sectional requirements,~~
27 ~~and improvement location, side yard, and setback standards to the extent~~

1 ~~that such standards or requirements are applicable to existing or new~~
2 ~~housing within the specific use district of the municipality.~~

3 **SECTION 12.** In Colorado Revised Statutes, 31-23-206, **amend**
4 (1)(d)(IV) and (1)(d)(V); and **add** (6.5), (8), and (9) as follows:

5 **31-23-206. Master plan.** (1) It is the duty of the commission to
6 make and adopt a master plan for the physical development of the
7 municipality, including any areas outside its boundaries, subject to the
8 approval of the governmental body having jurisdiction thereof, that in the
9 commission's judgment bear relation to the planning of the municipality.
10 The master plan of a municipality is an advisory document to guide land
11 development decisions; however, the plan or any part thereof may be
12 made binding by inclusion in the municipality's adopted subdivision,
13 zoning, platting, planned unit development, or other similar land
14 development regulations after satisfying notice, due process, and hearing
15 requirements for legislative or quasi-judicial processes as appropriate.
16 When a commission decides to adopt a master plan, the commission shall
17 conduct public hearings, after notice of such public hearings has been
18 published in a newspaper of general circulation in the municipality in a
19 manner sufficient to notify the public of the time, place, and nature of the
20 public hearing, prior to final adoption of a master plan in order to
21 encourage public participation in and awareness of the development of
22 such plan and shall accept and consider oral and written public comments
23 throughout the process of developing the plan. The plan, with the
24 accompanying maps, plats, charts, and descriptive matter, must, after
25 consideration of each of the following, where applicable or appropriate,
26 show the commission's recommendations for the development of the
27 municipality and outlying areas, including:

1 (d) (IV) The department of local affairs created in section
2 24-1-125 may hire and employ one full-time employee to provide
3 educational resources and assistance to municipalities that include water
4 conservation policies in their master plans as described in subsection
5 (1)(d)(III) OR IN SUBSECTION (6.5)(b) of this section.

6 (V) Nothing in this subsection (1)(d) OR IN SUBSECTION (6.5)(b)
7 OF THIS SECTION shall be construed to supersede, abrogate, or otherwise
8 impair the allocation of water pursuant to the state constitution or laws,
9 the right to beneficially use water pursuant to decrees, contracts, or other
10 water use agreements, or the operation, maintenance, repair, replacement,
11 or use of any water facility.

12 (6.5) A MASTER PLAN ADOPTED OR AMENDED IN ACCORDANCE
13 WITH THE REQUIREMENTS OF THIS SECTION ON AND AFTER JUNE 30, 2024,
14 MUST INCLUDE:

15 (a) THE GENERAL LOCATION AND EXTENT OF AN ADEQUATE AND
16 SUITABLE SUPPLY OF WATER AS DESCRIBED IN SUBSECTION (1)(d)(I) OF
17 THIS SECTION;

18 (b) A WATER SUPPLY ELEMENT THAT SATISFIES THE
19 REQUIREMENTS OF SUBSECTIONS (1)(d)(II) AND (1)(d)(III) OF THIS
20 SECTION;

21 (c) THE MOST RECENT LOCAL HOUSING NEEDS PLAN CREATED
22 PURSUANT TO SECTION 29-33-104;

23 (d) NATURAL AND AGRICULTURAL LAND PRIORITIES IN
24 ACCORDANCE WITH THE NATURAL AND AGRICULTURAL LAND PRIORITIES
25 REPORT CREATED IN SECTION 29-33-109;

26 (e) A GREENFIELD DEVELOPMENT ANALYSIS THAT IS CONDUCTED
27 IN THE SAME MANNER AS THE GREENFIELD DEVELOPMENT ANALYSIS

1 REQUIRED IN SECTION 29-33-104 (4)(d); AND

2 (f) THE MOST RECENT VERSION OF THE PLAN REQUIRED BY SECTION
3 31-12-105 (1)(e).

4 (8) IN ADOPTING OR AMENDING A MASTER PLAN, THE COMMISSION
5 SHALL IDENTIFY, PROVIDE NOTICE TO, AND CONSULT WITH CERTAIN
6 ENTITIES WITHIN THE FOLLOWING CATEGORIES TO ENSURE THAT THE
7 ADOPTING OR AMENDING OF THE MASTER PLAN IS AN INCLUSIVE PROCESS:

8 (a) HOUSING AUTHORITIES;

9 (b) NONGOVERNMENTAL ORGANIZATIONS; AND

10 (c) LOCAL GOVERNMENTS.

11 (9) (a) AT LEAST SIXTY DAYS BEFORE THE FINAL PUBLIC HEARING
12 REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL
13 SUBMIT THE MOST RECENT DRAFT OF THE MASTER PLAN TO THE DIVISION
14 OF LOCAL GOVERNMENT CREATED IN THE DEPARTMENT OF LOCAL AFFAIRS.

15 (b) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR AMENDING
16 THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE MASTER PLAN TO
17 THE DIVISION OF LOCAL GOVERNMENT CREATED IN THE DEPARTMENT OF
18 LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW
19 THESE REPORTS TO ENSURE THEY COMPLY WITH THE REQUIREMENTS OF
20 THIS SECTION.

21 **SECTION 13.** In Colorado Revised Statutes, 31-23-301, **add** (6)
22 as follows:

23 **31-23-301. Grant of power.** (6) NEITHER A TIER ONE URBAN
24 MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (33) NOR A TIER TWO
25 URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (34) SHALL
26 IMPOSE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL
27 UNITS IN THE APPROVAL OF RESIDENTIAL DWELLING UNIT CONSTRUCTION

1 PERMITS UNLESS DOING SO IS NECESSARY FOR HEALTH AND SAFETY IN THE
2 URBAN MUNICIPALITY.

3 **SECTION 14.** In Colorado Revised Statutes, 37-60-126, **amend**
4 (9)(b); and **add** (13) as follows:

5 **37-60-126. Water conservation and drought mitigation**
6 **planning - programs - relationship to state assistance for water**
7 **facilities - guidelines - water efficiency grant program - definitions -**
8 **repeal.** (9) (b) The board and the Colorado water resources and power
9 development authority, to which any covered entity has applied for
10 financial assistance for the construction of a water diversion, storage,
11 conveyance, water treatment, or wastewater treatment facility, shall
12 consider any water conservation plan filed pursuant to this section AND
13 ANY VALIDATED WATER LOSS AUDIT REPORT REQUIRED BY SUBSECTION
14 (13)(d) OF THIS SECTION in determining whether to render financial
15 assistance to such entity. Such consideration shall be carried out within
16 the discretion accorded the board and the Colorado water resources and
17 power development authority pursuant to which such board and authority
18 render such financial assistance to such covered entity.

19 (13) (a) **Short title.** THE SHORT TITLE OF THIS SUBSECTION (13) IS
20 THE "WATER LOSS ACCOUNTING ACT OF 2023".

21 (b) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS
22 THAT:

23 (I) SAFE AND AFFORDABLE DRINKING WATER IS ESSENTIAL TO
24 PUBLIC HEALTH, AFFORDABLE HOUSING, AND ECONOMIC DEVELOPMENT
25 THROUGHOUT THE STATE;

26 (II) THE COST OF PROVIDING RELIABLE DRINKING WATER IS
27 INCREASING DUE TO FACTORS SUCH AS AGING INFRASTRUCTURE, LOW

1 DENSITY LAND USE DEVELOPMENT THAT IS COSTLY TO SERVE, INCREASED
2 ENERGY COSTS, AND MORE COMPLEX AND COSTLY CHANGES TO THE
3 REGULATORY REQUIREMENTS FOR SAFE DRINKING WATER;

4 (III) COMPACT INFILL DEVELOPMENT REDUCES WATER DEMAND
5 AND INFRASTRUCTURE COSTS THROUGH THE USE OF SHORTER PIPES THAT
6 REDUCE LOSSES, LESS LANDSCAPED SPACE PER UNIT, AND BY BETTER
7 UTILIZING EXISTING INFRASTRUCTURE;

8 (IV) WATER MAIN BREAKS ARE VISIBLE AND DISRUPTIVE
9 MANIFESTATIONS OF THE MORE WIDESPREAD PHENOMENON OF LEAKAGE
10 FROM WATER SYSTEMS;

11 (V) LEAKAGE OF DRINKING WATER FROM WATER DISTRIBUTION
12 SYSTEMS ADDS TO THE COST OF SERVICE TO CUSTOMERS AND MAY LEAD
13 TO INCREASED RAW WATER DEMANDS THAT NEGATIVELY IMPACT THE
14 NATURAL ENVIRONMENT;

15 (VI) THE FAILURE TO RECOVER REVENUE FROM WATER DELIVERED
16 TO USERS DUE TO METERING AND BILLING INACCURACIES AND THEFT ALSO
17 INCREASES THE COST PER UNIT OF WATER THAT IS BILLED TO CUSTOMERS;

18 (VII) THE AMERICAN WATER WORKS ASSOCIATION, A NATIONAL
19 ASSOCIATION OF DRINKING WATER UTILITIES AND PROFESSIONALS, HAS
20 RECOMMENDED THAT DRINKING WATER SUPPLIERS CONDUCT AN AUDIT OF
21 WATER LOSSES ON AN ANNUAL BASIS;

22 (VIII) THE AMERICAN WATER WORKS ASSOCIATION HAS
23 PUBLISHED SOFTWARE FOR USE IN CATEGORIZING AND REPORTING WATER
24 LOSSES AND HAS MADE THIS SOFTWARE AVAILABLE WITHOUT CHARGE;

25 (IX) SEVERAL STATES NOW RECOMMEND OR REQUIRE THAT PUBLIC
26 WATER SUPPLIERS UNDER THEIR JURISDICTIONS CONDUCT AN AUDIT OF
27 WATER LOSSES EACH YEAR USING THE STANDARDIZED TERMS AND

1 METHODS PUBLISHED BY THE AMERICAN WATER WORKS ASSOCIATION;
2 AND

3 (X) REGULAR AUDITING OF WATER LOSSES IS A NECESSARY
4 FOUNDATION FOR THE ADOPTION OF COST-EFFECTIVE STRATEGIES TO
5 REDUCE THE AMOUNTS OF LOST WATER AND REVENUE TO ECONOMICALLY
6 REASONABLE LEVELS.

7 (c) **Definitions.** AS USED IN THIS SUBSECTION (13), UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (I) "VALIDATION" MEANS THE PROCESS WHEREBY A COVERED
10 ENTITY USES A TECHNICAL EXPERT TO CONFIRM THE BASIS OF ALL DATA
11 ENTRIES IN THE COVERED ENTITY'S WATER LOSS AUDIT REPORT AND TO
12 APPROPRIATELY CHARACTERIZE THE QUALITY OF THE REPORTED DATA.
13 THE VALIDATION PROCESS MUST FOLLOW THE PRINCIPLES AND
14 TERMINOLOGY LAID OUT BY THE AMERICAN WATER WORKS ASSOCIATION
15 IN THE LATEST EDITION OF "WATER AUDITS AND LOSS CONTROL
16 PROGRAMS", MANUAL M36, AND IN THE AMERICAN WATER WORKS
17 ASSOCIATION'S FREE WATER AUDIT SOFTWARE. A VALIDATED WATER LOSS
18 AUDIT REPORT MUST INCLUDE THE NAME AND TECHNICAL QUALIFICATIONS
19 OF THE PERSON ENGAGED FOR VALIDATION.

20 (II) "WATER LOSS" MEANS THE DIFFERENCE BETWEEN THE ANNUAL
21 VOLUME OF WATER ENTERING A WATER DISTRIBUTION SYSTEM AND THE
22 ANNUAL VOLUME OF METERED AND UNMETERED WATER TAKEN BY
23 REGISTERED CUSTOMERS, THE WATER SUPPLIER, AND OTHERS WHO ARE
24 IMPLICITLY OR EXPLICITLY AUTHORIZED TO DO SO. "WATER LOSS"
25 INCLUDES THE ANNUAL VOLUMES LOST THROUGH ALL TYPES OF LEAKS,
26 BREAKS, AND OVERFLOWS ON MAINS, SERVICE RESERVOIRS, AND SERVICE
27 CONNECTIONS UP TO THE POINT OF CUSTOMER METERING IN ADDITION TO

1 UNAUTHORIZED CONSUMPTION, ALL TYPES OF METERING INACCURACIES,
2 AND SYSTEMIC DATA-HANDLING ERRORS.

3 (d) **Water loss program requirements.** (I) NO LATER THAN
4 JANUARY 1, 2025, THE BOARD SHALL ADOPT GUIDELINES FOR THE
5 FOLLOWING:

6 (A) THE CONDUCT OF STANDARDIZED WATER LOSS AUDITS BY
7 COVERED ENTITIES IN ACCORDANCE WITH THE METHOD ADOPTED BY THE
8 AMERICAN WATER WORKS ASSOCIATION IN THE MOST CURRENT EDITION
9 OF "WATER AUDITS AND LOSS CONTROL PROGRAMS", MANUAL M36 AND
10 IN THE AMERICAN WATER WORKS ASSOCIATION'S FREE WATER AUDIT
11 SOFTWARE;

12 (B) THE PROCESS FOR WATER LOSS AUDIT REPORT VALIDATION
13 PRIOR TO SUBMITTING THE REPORT TO THE BOARD;

14 (C) THE TECHNICAL QUALIFICATIONS REQUIRED FOR A PERSON TO
15 ENGAGE IN VALIDATION;

16 (D) THE CERTIFICATION REQUIREMENTS FOR A PERSON SELECTED
17 BY A COVERED ENTITY TO PROVIDE VALIDATION OF ITS OWN WATER LOSS
18 AUDIT REPORT;

19 (E) THE METHOD OF SUBMITTING A WATER LOSS AUDIT REPORT TO
20 THE BOARD; AND

21 (F) PROCEDURES FOR THE ACCEPTANCE OF WATER LOSS AUDIT
22 REPORTS VOLUNTARILY SUBMITTED BY WATER SUPPLIERS THAT ARE NOT
23 COVERED ENTITIES.

24 (II) THE BOARD SHALL UPDATE THE GUIDELINES ADOPTED
25 PURSUANT TO SUBSECTION (13)(d)(I) OF THIS SECTION NO LATER THAN SIX
26 MONTHS AFTER THE RELEASE OF ANY SUBSEQUENT EDITIONS OF THE
27 AMERICAN WATER WORKS ASSOCIATION'S "WATER AUDITS AND LOSS

1 CONTROL PROGRAMS", MANUAL M36.

2 (III) NO LATER THAN JUNE 30, 2025, EACH COVERED ENTITY SHALL
3 SUBMIT A COMPLETED AND VALIDATED WATER LOSS AUDIT REPORT FOR
4 THE PREVIOUS CALENDAR YEAR AS PRESCRIBED BY THE BOARD PURSUANT
5 TO SUBSECTION (13)(d)(I) OF THIS SECTION. FOR REPORTS SUBMITTED IN
6 SUBSEQUENT YEARS, EACH COVERED ENTITY SHALL SUBMIT A COMPLETED
7 AND VALIDATED WATER LOSS AUDIT REPORT COVERING THE PREVIOUS
8 CALENDAR YEAR NO LATER THAN JUNE 30.

9 (IV) EACH WATER LOSS AUDIT REPORT SUBMITTED TO THE BOARD
10 MUST BE ACCOMPANIED BY INFORMATION, IN A FORM SPECIFIED BY THE
11 BOARD, IDENTIFYING STEPS TAKEN IN THE PRECEDING YEAR TO REDUCE
12 THE VOLUME OF WATER LOSSES.

13 (V) AT LEAST ONE OF THE FOLLOWING EMPLOYEES OF A COVERED
14 ENTITY SHALL ATTEST TO EACH WATER LOSS AUDIT SUBMITTED TO THE
15 BOARD:

16 (A) THE CHIEF FINANCIAL OFFICER;

17 (B) THE CHIEF ENGINEER; OR

18 (C) THE GENERAL MANAGER.

19 (VI) THE BOARD SHALL DEEM INCOMPLETE AND RETURN TO THE
20 COVERED ENTITY ANY FINAL WATER LOSS AUDIT REPORT FOUND BY THE
21 BOARD TO BE INCOMPLETE, NOT VALIDATED, UNATTESTED, OR
22 INCONGRUENT WITH KNOWN CHARACTERISTICS OF WATER SYSTEM
23 OPERATIONS. A COVERED ENTITY SHALL RESUBMIT A COMPLETED WATER
24 LOSS AUDIT REPORT WITHIN NINETY DAYS AFTER THE BOARD RETURNS A
25 SUBMISSION UNDER THIS SUBSECTION (13)(d)(VI).

26 (VII) VALIDATED WATER LOSS AUDIT REPORTS ARE PUBLIC
27 RECORDS AS DEFINED IN SECTION 24-72-202 (6).

1 (VIII) NO SOONER THAN JANUARY 1, 2027, AND NO LATER THAN
2 JULY 1, 2028, THE BOARD, HAVING TAKEN VALIDATED WATER LOSS
3 REPORTS INTO CONSIDERATION, SHALL ADOPT GUIDELINES THAT
4 ESTABLISH A SCORE THAT A COVERED ENTITY'S VALIDATED AUDIT REPORT
5 SHOULD ATTAIN.

6 (e) **Technical and financial assistance.** USING MONEY
7 AVAILABLE IN THE WATER EFFICIENCY GRANT PROGRAM CASH FUND
8 CREATED IN SUBSECTION (12) OF THIS SECTION, THE BOARD MAY:

9 (I) AWARD GRANTS TO COVERED ENTITIES IN FISCAL YEARS
10 2023-24 AND 2025-26 FOR THE PURPOSE OF PROCURING WATER LOSS
11 AUDIT REPORT VALIDATION ASSISTANCE; AND

12 (II) CONTRIBUTE TOWARDS PROCURING WATER LOSS AUDIT
13 VALIDATION ASSISTANCE FOR COVERED ENTITIES AND PROVIDE TECHNICAL
14 TRAINING AND ASSISTANCE TO GUIDE COVERED ENTITIES' WATER LOSS
15 DETECTION PROGRAMS, INCLUDING METERING TECHNIQUES, PRESSURE
16 MANAGEMENT TECHNIQUES, CONDITION-BASED ASSESSMENT TECHNIQUES
17 FOR TRANSMISSION AND DISTRIBUTION PIPELINES, AND UTILIZATION OF
18 PORTABLE AND PERMANENT WATER LOSS DETECTION DEVICES.

19 **SECTION 15.** In Colorado Revised Statutes, 38-33.3-106.5, **add**
20 (3) as follows:

21 **38-33.3-106.5. Prohibitions contrary to public policy -**
22 **patriotic, political, or religious expression - public rights-of-way - fire**
23 **prevention - renewable energy generation devices - affordable**
24 **housing - drought prevention measures - child care - definitions.**

25 (3) (a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,
26 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE
27 CONTRARY, AN ASSOCIATION SHALL NOT PROHIBIT ACCESSORY DWELLING

1 UNITS, MIDDLE HOUSING, HOUSING IN TRANSIT-ORIENTED AREAS, AND
2 HOUSING IN KEY CORRIDORS. ANY SUCH PROHIBITION ON THE PERMITTING
3 OF ACCESSORY DWELLING UNITS OR MIDDLE HOUSING IS VOID AS A
4 MATTER OF PUBLIC POLICY IN ANY WAY THAT IS PROHIBITED BY ARTICLE
5 33 OF TITLE 29.

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

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

10 (II) "KEY CORRIDORS" HAS THE SAME MEANING AS SET FORTH IN
11 SECTION 29-33-502 (3).

12 (III) "MIDDLE HOUSING" HAS THE SAME MEANING AS SET FORTH IN
13 SECTION 29-33-102 (18).

14 (IV) "TRANSIT-ORIENTED AREA" HAS THE SAME MEANING AS SET
15 FORTH IN SECTION 29-33-102 (36).

16 **SECTION 16.** In Colorado Revised Statutes, 43-1-106, **amend**
17 (15)(d) as follows:

18 **43-1-106. Transportation commission - powers and duties -**
19 **rules - definitions - efficiency and accountability committee.** (15) In
20 addition to any other duties required by law, the commission shall have
21 the following charges:

22 (d) To study and make recommendations for existing and future
23 transportation systems in Colorado with a focus of such study and
24 recommendations being a ten-year plan for each mode of transportation.
25 ~~Such~~ THE ten-year plan ~~shall~~ MUST be based on what can be reasonably
26 expected to be implemented with the estimated revenues which are likely
27 to be available AND MUST INCLUDE PRIORITIZATION CRITERIA THAT ARE

1 CONSISTENT WITH STATE STRATEGIC GROWTH OBJECTIVES FOR
2 REGIONALLY SIGNIFICANT TRANSPORTATION PROJECTS.

3 **SECTION 17.** In Colorado Revised Statutes, 43-1-113, **add** (20)
4 as follows:

5 **43-1-113. Funds - budgets - fiscal year - reports and**
6 **publications.** (20) BEFORE DECEMBER 31, 2024, THE DEPARTMENT
7 SHALL ENSURE THAT THE PRIORITIZATION CRITERIA FOR ANY GRANT
8 PROGRAM ADMINISTERED BY THE DEPARTMENT ARE CONSISTENT WITH
9 STATE STRATEGIC GROWTH OBJECTIVES, SO LONG AS DOING SO DOES NOT
10 VIOLATE FEDERAL LAW.

11 **SECTION 18.** In Colorado Revised Statutes, 43-1-1103, **amend**
12 (5)(i) and (5)(j); and **add** (2.5) and (5)(k) as follows:

13 **43-1-1103. Transportation planning.** (2.5) BEGINNING
14 DECEMBER 31, 2024, ANY REGIONAL TRANSPORTATION PLAN THAT IS
15 CREATED OR UPDATED MUST ADDRESS AND ENSURE CONSISTENCY WITH
16 STATE STRATEGIC GROWTH OBJECTIVES AS DETERMINED IN SECTION
17 29-33-107.

18 (5) The department shall integrate and consolidate the regional
19 transportation plans for the transportation planning regions into a
20 comprehensive statewide transportation plan. The formation of the state
21 plan shall be accomplished through a statewide planning process set by
22 rules and regulations promulgated by the commission. The state plan shall
23 address but shall not be limited to the following factors:

24 (i) Effective, efficient, and safe freight transport; ~~and~~

25 (j) Reduction of greenhouse gas emissions; AND

26 (k) BEGINNING DECEMBER 31, 2024, ADDRESS AND ENSURE
27 CONSISTENCY WITH STATE STRATEGIC GROWTH OBJECTIVES.

1 **SECTION 19.** In Colorado Revised Statutes, 43-4-1103, **add**
2 (2)(e) as follows:

3 **43-4-1103. Multimodal transportation options fund - creation**
4 **- revenue sources for fund - use of fund.** (2) (e) ON AND AFTER
5 DECEMBER 31, 2024, EXPENDITURES FOR LOCAL AND STATE MULTIMODAL
6 PROJECTS FROM THE MULTIMODAL TRANSPORTATION OPTIONS FUND SHALL
7 ONLY BE MADE FOR MULTIMODAL PROJECTS THAT THE DEPARTMENT
8 DETERMINES ARE CONSISTENT WITH STATE STRATEGIC GROWTH
9 OBJECTIVES.

10 **SECTION 20. Appropriation.** For the 2023-24 state fiscal year,
11 \$15,000,000 is appropriated to the housing plans assistance fund created
12 in section 29-33-111 (3), C.R.S. This appropriation is from the general
13 fund. The department of local affairs is responsible for the accounting
14 related to this appropriation.

15 **SECTION 21. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, or safety.



COLORADO
MUNICIPAL
LEAGUE



CML Analysis of SB23-213, Land Use

► INTRODUCTION

Senate Bill 23-213 includes several subjects but primarily focuses on a central theme: municipal zoning laws caused the housing crisis by not permitting unfettered residential construction and by trying to protect communities and resources. The bill attempts to draw a line from local zoning laws affecting individual parcels of land in dozens of municipalities to “regional imbalances” that “affect equity, pollution, infrastructure costs, and quality of life.” The bill does not question the state’s involvement in actual statewide problems, but asserts that state regulation of hyper-local matters, imposed through over a dozen regulatory actions with insufficient process, will improve these imbalances and presumes that there will not be significant unintended consequences. This analysis is not a complete list of problems in the bill but represents the most significant elements.

► CML ANALYSIS:

LAND USE BILL WOULD DO LITTLE TO MAKE HOUSING AFFORDABLE

Section 2 of SB23-213 creates a new article 33 in title 29 that imposes top-down standards on some local governments to remove local zoning authority. Despite being titled as requirements for affordable housing, Section 2 doesn’t require affordability at all and is premised on speculation that developers will build more housing, either passing savings along to Coloradans or causing a market-based decline in housing costs. Section 2 begins with overbroad and complex definitions and continues to address assessments and planning before imposing mandates and preempting authority to zone land for particular uses.

An uneven strategy

The bill largely applies only to municipalities, and then only to some municipalities and in differing degrees. Municipalities are classified into four basic groups that do not cover all municipalities. The bill’s requirements apply to each category, and then subsets of categories, to differing degrees in each part. Identifying where a municipality is classified is a complicated process requiring reference. Whether the bill addresses actual problems in the municipalities included in each category or causes more problems in those municipalities will be difficult to determine. See the last page of this analysis for a list of affected municipalities, reported by Colorado Public Radio.

Geographic Classification of Municipalities

Tier 1 Urban Municipality (T1UM)	Tier 2 Urban Municipality (T2UM)	Rural Resort Job Center (RRJC)	Non-urbanized Municipality (NUM)
In an MPO with a population of at least 1 million	Within an MPO	Not within an MPO	Not within the definition of an urban municipality or a rural resort job center; and
10% of territory in urbanized area with population over 75,000; and	A population between 5,000-25,000; and	A population of at least 1,000	A population of at least 5,000
A population of at least 1,000; <i>or</i>	In a county with a population of at least 250,000	1,200 jobs and a jobs-to-population ratio of at least 64-hundredths; and	
In an MPO with a population under 1 million; and		A transit stop serviced by a transit agency serving two municipalities with at least 20 trips per day	
A population of at least 25,000			

The bill grants broad regulatory authority to DOLA

The bill contemplates dozens of regulatory actions, primarily by DOLA. The bill appropriates \$15 million dollars to DOLA; however, it is not clear how that funding will be expended and whether funding for the various regulatory actions is included.

First, the Director of DOLA is tasked with issuing multiple methodologies, guidance, “menus” of strategies, statewide strategic growth objectives, model codes, rules, and minimum standards based on the recommendation of a “multi-agency committee” of executive appointees. Although the bill does not outline a public comment process, DOLA will undergo a rulemaking process that may include a public comment period. The committee’s recommendation only involves a limited public process involving public comment, consultation with local governments and experts, and only two hearings, despite having statewide impact and addressing extremely local issues (29-33-108(2)). The bill does not specify which local governments and “local experts” will be consulted, and it is seemingly up to the committee members to choose those experts without any guidelines. There are no requirements to ensure inclusivity, such as meetings during varying hours, meetings in different geographic locations, or outreach to educate and explain proposed recommendations.

Second, the Director of DOLA is granted authority to modify statutory minimum standards relating to accessory dwelling units (ADUs), middle housing, housing in transit-oriented areas, and housing in key corridors. Only token consideration of process is provided.

Third, DOLA is tasked with a substantial amount of new oversight and enforcement responsibility with the receipt, review, and approval of various reports, codes, and draft and final plans.

In addition to DOLA, the Office of Climate Preparedness is directed to develop a natural and agricultural land priorities report that MPOs should apply to achieve connectivity of open space and natural lands and preservation of agricultural land and open space. Counties and municipalities must include natural and agricultural priorities in their master plans in accordance with the state's mandate.

Ambiguous mandates for housing needs assessment & planning

The bill asserts that “assessing and planning for housing needs” is a matter of mixed state and local concern. DOLA will issue methodologies for developing state, regional, and local “housing needs assessments” and then create the assessments every 5 years, beginning December 31, 2024. DOLA will allocate shares of statewide housing needs to regions defined by DOLA and local governments. DOLA will also use local housing needs assessments to mandate “net residential zoning capacities” for key corridors in tier 1 urban municipalities and rural resort job centers (see below for a more detailed analysis).

T1UM, T2UM, and RRJC municipalities must use DOLA's local and regional assessments to inform any required “housing needs plans.” DOLA will create guidance for these plans, but the bill includes procedural and extensive, but ambiguous, substantive mandates for their development and adoption, including requirements to describe compliance with the bill's mandates and a “greenfield development analysis.” The greenfield development analysis relies on undefined “statewide strategic growth objectives” also developed by DOLA. The bill's limited direct connection to affordability and displacement includes requirements to include a varying number of strategies regarding those issues from state-created “menus” (also developed by DOLA), although RRJC are not required to address displacement. None of the items in the menus provide additional authority to municipalities beyond existing law and given the bill's other restrictions, may inhibit existing authority to plan communities and ensure affordability.

Housing needs plans, a greenfield development analysis, and a concept of natural and agricultural land priorities consistent with state requirements must be included in master plans for T1UM, T2UM, and RRJC.

Counties and municipalities that DOLA groups into rural resort regions are required to participate in “regional housing needs planning process” resulting in a report and commitments that DOLA must review and approve. The bill suggests that this process will encourage participants to address needs through individual or regional strategies, including strategies from “menus” and locations where reduced parking requirements can reduce housing needs. The process will map locations where Article 33's minimum standards for middle housing, transit-oriented areas, and key corridors could meet needs, but later the bill actually indicates that this map would dictate where middle housing standards apply in RRJCs.

Burdensome reporting standards

T1UM, T2UM, and RRJC must collect, track, maintain, and report to DOLA an overwhelming amount of data beginning December 31, 2026. These municipalities must report both the number of permits for new housing and the number of housing construction starts each categorized by structure type, time frames to complete residential permit reviews by housing type, workforce assigned to development review by position time, implementation status of strategies identified in a housing needs plan mandated by the law, zoning information specifying zone districts, allowed uses and densities and “other data,” and regional efforts to address housing needs.

“Use by right” would supersede local control

In removing the legislative discretion of municipal governing bodies in making zoning decisions, the bill removes a traditional elements of zoning authority to consider — in their best legislative judgment — consistency with plans, compatibility or harmony of surrounding land uses and development, and strategies for mitigating project impacts. Each of the zoning preemptions also includes a concept of a “use by right,” meaning the development approval relies only on “objective standards” that lack any discretionary component. Objective standards prohibit any personal or subjective judgment by a public body or official and must be “uniformly verifiable or ascertainable by reference to an external or uniform benchmark or criterion” that is known before filing of the proposal. Not only does this inhibit local officials from exercising traditional authority, but it also potentially prevents municipalities making critical changes to land use laws to protect their communities that might apply to a pending project.

Zoning preemption No. 1: Accessory dwelling units — T1UM, T2UM, RRJC, NUM

The bill declares “an increased supply of housing through accessory dwelling units” to be a matter of mixed state and local concern but reflects inadequate study of how ADUs are treated in all subject jurisdictions or what the supply would look like if the bill is enacted. Under the bill, an ADU is an internal, attached, or detached “dwelling unit” providing complete independent living facilities for at least one person that is located on the same lot as a primary residence with provisions for living, sleeping, eating, cooking, and sanitation.

By December 31, 2024, a T1UM, T2UM, and RRJC must change their local laws concerning ADUs to meet the bill’s minimum standards (as may be modified by DOLA) or adopt DOLA’s model ADU code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt meet the minimum requirements by June 30, 2025, or DOLA’s rejection of the jurisdiction’s report, means the model code goes into effective immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using “objective procedures” and the municipality cannot have any “local law” that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA’s model ADU code will allow ADUs as a “use by right” anywhere a municipality allows single-unit detached dwelling units as of January 1, 2023. The code will provide “objective standards” for approval of the units, so that officials cannot evaluate local conditions to determine if the ADU will cause an unfair burden or be incompatible. The model code cannot require new off-street parking in any subject jurisdiction, even if the ADU is in an area without adequate parking or transit. The model code is not subject to the same minimum standards that apply to municipalities that do not adopt the model code.

The bill establishes minimum standards that attempt to preempt local law if the model code is not voluntarily adopted. DOLA can update minimum standards through rulemaking under an ambiguous “public hearing and comment process.”

ADUs are not required to be permitted on the same lot or parcel as middle housing.

Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts.

Minimum Standards for ADUs

ADUs of the greater of 800 square feet or 50% of the primary residence must be allowed as a “use by right” anywhere the municipality allows single-unit, detached dwelling units as of January 1, 2023.

Only “objective standards and objective procedures can apply,” meaning that officials cannot evaluate local conditions to determine if the ADU will cause an unfair burden or be incompatible.

Municipalities must allow additions to, or conversions of, existing single detached dwelling units and must apply the same design standards that apply to single detached dwelling units.

Municipalities cannot have local laws that treat ADUs more restrictively, “create unreasonable costs or delays” or make ADUs “infeasible,” require that primary residences be owner-occupied, require new off-street parking (in T1UM and T2UM), or require side or rear setbacks of more than 5 feet unless needed for health or safety standards.

Zoning preemption No. 2: “Middle housing” — T1UM and RRJC

The bill declares “an increased supply of housing through middle housing” to be a matter of mixed state and local concern but reflects inadequate study of how “middle housing” is treated in all subject jurisdictions or what the supply would look like if the bill is enacted. Under the bill, “middle housing” is either a single structure with 2-6 separate dwelling units (duplex through sixplex), a townhome, or cottage cluster. A townhome is a dwelling unit in a row of 2 or more attached dwelling units on individual lots with common walls. A cottage cluster is a grouping of at least 4 detached units with a common courtyard, with each unit being smaller than 901 square feet.

By December 31, 2024, a T1UM, and by December 31, 2026, a RRJC, must change their local laws concerning middle housing to meet the bill’s minimum standards (as may be modified by DOLA) or adopt DOLA’s model middle housing code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt the minimum requirements by June 30, 2025, for a T1UM, or by June 30, 2027, for a RRJC, or DOLA’s rejection of the jurisdiction’s report, means the model code goes into effect immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using “objective procedures” and the municipality cannot have any “local law” that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA’s model middle housing code will allow middle housing as a “use by right” anywhere the municipality allows single-unit detached dwelling units as of January 1, 2023. The code will provide “objective standards” for approval of the units, so that officials cannot evaluate local conditions to determine if the housing will cause an unfair burden or be incompatible. The model code cannot require new off-street parking in any subject jurisdiction, even if the housing is in an area without adequate parking or transit. The model code is not subject to the same minimum standards that apply to municipalities that do not adopt the model code.

The bill establishes minimum standards that attempt to preempt local law if the model code is not voluntarily adopted.

Minimum Standards for Middle Housing

Middle housing of at least 125% of the building area of a single-unit detached dwelling must be allowed as a “use by right” anywhere the T1UM allows single-unit detached dwelling units as of January 1, 2023, or wherever designated in the RRJC’s regional housing needs plan (even if the RRJC did not approve it).

Only “objective standards and objective procedures can apply,” meaning that officials cannot evaluate local conditions to determine if the middle housing type will cause an unfair burden or be incompatible.

Municipalities must allow additions to or conversions of existing single detached dwelling units and must apply the same design standards that apply to single detached dwelling units.

Municipalities must allow properties to be subdivided using objective standards and procedures.

Municipalities cannot have local laws that treat middle housing more restrictively, “create unreasonable costs or delays” or make middle housing “infeasible,” apply minimum setbacks, lot widths, lot depths, lot size standards, or maximum height standards that are more restrictive than single-unit detached dwellings on the same property, require new off-street parking, or impose footprint restrictions differently than single-unit detached dwellings.

DOLA can update minimum standards through rulemaking under an ambiguous “public hearing and comment process.” Middle housing is not required to be permitted on the same lot or parcel as an ADU. Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts. Middle housing requirements will not affect an inclusionary zoning ordinance unless it renders the “development of middle housing financially infeasible.” The bill does not define “financially infeasible” and does not explain how a developer must prove that the ordinance makes said development financially infeasible. This could make inclusionary zoning ordinances moot.

Zoning preemption No. 3: Housing in “transit-oriented areas” — T1UM with fixed rail

The bill declares “an increased supply of housing in transit-oriented areas” to be a matter of mixed state and local concern but reflects no study of how any of the subject jurisdictions treat the topic or what the supply would look like if the bill is enacted. Under the bill, a “transit-oriented area” is a one-half mile boundary from some part of a fixed-rail transit station, including parcels that have at least 25% of their area within the boundary. Unincorporated parcels are not included.

The focus of this part of the bill is on multifamily housing (one or more buildings on one lot with separate living units for 3 or more households) and mixed-income multifamily housing (at least 10% of units are set aside for households earning no more than 80% AMI). Although municipalities with inclusionary zoning ordinances can establish their own threshold and set asides, the bill interferes by setting density standards and inconsistently restricts local inclusionary zoning ordinances based on the financial effect on developers.

By December 31, 2024, a T1UM with a transit-oriented area must change their local laws concerning housing in transit-oriented areas to meet the bill's minimum standards (as may be modified by DOLA) or adopt DOLA's transit-oriented area model code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt meet the minimum requirements by June 30, 2025, or DOLA's rejection of the jurisdiction's report, means the model code goes into effective immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using "objective procedures" and the municipality cannot have any "local law" that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA's transit-oriented area model code will prohibit new off street parking in transit-oriented areas for multifamily or mixed-income multifamily development, allow minimum density as a "use by right" for multifamily residential (at least 40 units per acre net density) and mixed-income multifamily (at least 60 units per acre net density). Affordable units must be a similar size. This prevents T1UM jurisdictions from influencing multifamily development according to local standards.

The bill establishes minimum standards that attempt to preempt local law if the model code is not voluntarily adopted.

Minimum Standards for Transit-Oriented Areas

A T1UM must legislatively create a zoning district for the transit-oriented area to allow multifamily housing as a "use by right" with a minimum gross density of 40 units per acre for all eligible parcels. Districts can extend outside the transit-oriented area to meet gross density requirements based on development constraints or other planning for transit-compatible uses.

Municipalities cannot have local laws that apply to "create unreasonable costs or delays" or make multifamily in a transit-oriented area or the residential density limits "infeasible" or require new off-street parking.

DOLA can update minimum standards through rulemaking under an ambiguous "public hearing and comment process." Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts. Transit-oriented area requirements will not affect an inclusionary zoning ordinance unless it renders the "development of multifamily housing financially infeasible."

Zoning preemption No. 4: Housing in "key corridors" — T1UM and RRJC

The bill declares "an increased housing supply in key corridors" to be a matter of mixed state and local concern but reflects no study of how any of the subject jurisdictions treat the topic or what the supply would look like if the bill is enacted. Under the bill, a "key corridor" is an extraordinarily broad concept that is not limited to transit corridors and could undermine the zoning and land use plans of an entire municipality. Key corridors include "frequent transit service areas" as mapped by

DOLA (including in some cases anything within one-quarter mile of a bus route with certain service levels). Key corridors also include any parcel in zone districts that permit commercial uses that are supposedly compatible with residential uses and public or institutional uses. Key corridors also include anything zoned for a mix of uses other than industrial. The definitions used in this part are likely inconsistent with many local zoning codes and could capture very large parts of a community.

The bill suggests some option for the municipality that does not adopt a model code to designate their own key corridors. The bill extent of this discretion is not clear, and all minimum standards described for key corridors apply.

The focus of this part of the bill also focuses on multifamily housing (one or more buildings on one lot with separate living units for 3 or more households) and mixed-income multifamily housing (at least 10% of units are set aside for households earning no more than 80% AMI). Although municipalities with inclusionary zoning ordinances can establish their own threshold and set asides, the bill interferes by setting density standards, set asides, and AMI requirements, and inconsistently restricts local inclusionary zoning ordinances based on the financial effect on developers.

By December 31, 2026, T1UM and RRJC must change their local laws concerning housing in key corridors to meet the minimum standards that DOLA must develop or adopt DOLA's key corridor model code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt and meet the minimum requirements by June 30, 2027, or DOLA's rejection of the jurisdiction's report, means the model code goes into effective immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using "objective procedures" and the municipality cannot have any "local law" that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA's key corridor model code will set minimum residential density limits for multifamily housing as a "use by right," an allowable minimum residential density limit for mixed-income multifamily housing at least 50% greater than the multifamily minimum density as a "use by right," requirements for set asides for low- and moderate-income households.

By June 30, 2025, DOLA will establish key corridor minimum standards that attempt to preempt local law if the model code is not voluntarily adopted. The minimum standards appear to be targeted to take over municipal land use planning in broad swaths of territory and must include: guidance to encourage regional strategies for key corridors, a "net residential zoning capacity" for each municipality based on that municipality's local housing needs assessment, and "any additional standards" that DOLA "deems necessary," like a minimum residential density limit and minimum district size.

Minimum Standards for Key Corridors

A T1UM must legislatively create a zoning district within key corridors to allow multifamily housing as a "use by right" that satisfies DOLA's mandated net residential zoning capacity and requirements that DOLA may impose.

A RRJC must allow multifamily housing as a "use by right" wherever a key corridor is designated in the RRJC's regional housing needs plan (even if the RRJC did not approve it).

Municipalities can allow different density within the key corridor if minimum standards are satisfied.

Municipalities cannot have local laws that apply to "create unreasonable costs or delays" or make multifamily in a key corridor "infeasible."

For key corridors only, the bill prohibits new off-street parking in key corridors **for any use.**

Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts. Key corridor requirements will not affect an inclusionary zoning ordinance unless it renders the “development of multifamily housing financially infeasible.”

What’s exempt from SB23-213?

Each part of the proposed article 33 of title 29 includes varying degrees of exemptions. Except for ADU requirements, a common exemption is for “standard exempt parcels,” or those that are outside an urbanized area, not served by domestic water or sewer treatment, have an agricultural zoning designation as of January 1, 2023, are noted as a “high risk, high very high, or very high risk” for wildfire by the state forest service (which does not appear to include much land covered by the bill), or in a floodway or 100-year floodplain identified by FEMA. The bill does not account for other local conditions.

For transit-oriented areas, standards also do not apply in park and open space or on properties subject to conservation easements. For key corridors, standards also do not apply on a site that is on or adjacent to a site used or permitted for industrial use or designated for heavy industrial use in a master plan adopted before 2023.

“Unreasonable costs or delays” and feasibility

Each of the zoning preemptions includes a dangerous concept that preempts any local land use law that “individually or cumulatively create unreasonable costs or delays” or that would make the permitting, siting, or construction of the housing type “infeasible.” This language recklessly exposes municipalities to significant liability, could undermine local efforts to create affordable housing, and risks forcing the public to bear burdens that should be borne by developers. It is unclear whether safety standards, impact fees, fees for water or municipal services, or other important local standards could fall prey to this type of language. Several provisions in the middle housing, transit-oriented areas, and key corridor parts also suggest that financial burdens on developers imposed by local inclusionary zoning ordinances will invalidate those local laws.

Interference

Each of the zoning preemptions includes another dangerous concept that would preempt a municipality from amending, developing, or even interpreting a local law “in a manner that would interfere with the intent” of the part. Broad and careless language could have significant unintended consequences and expose municipalities to significant risk.

Parking burdens

Each zoning preemption prohibits a municipality from requiring new off-street parking as part of a housing development approval. The “key corridor” provision appears to prohibit parking requirements for any development approval in a key corridor, not just housing. The bill does not limit these restrictions to any guarantee of public transit availability. The bill does not identify where cars will go or how municipalities are to address the burdens on public streets, public safety, and quality of life. Each zoning mandate permits parking standards required by the Americans with Disabilities Act.

Water, wastewater, and stormwater burdens

Each zoning preemption allows a municipality to apply to DOLA for an unclear “extension of applicable requirements” based on deficient water, sewer, or stormwater “services.” The bill does not seem to account for any other burden on public infrastructure or services. To obtain the extension, the municipality must have a plan to remedy the deficiency on a specific timeline and must show that it cannot serve other, less efficient housing types than those provided in the mandate. The provisions do not account for pre-existing service obligations to those other housing types or rights of their owners. These provisions also do not consider long-term planning and suggest that municipalities must fund development to accommodate the state mandate.

Manufactured & modular housing

Section 3 requires the division of housing to create a report by June 30, 2024, on “opportunities and barriers” in current state law concerning manufactured homes, modular homes, and tiny homes.

Sections 4 and 6 remove financial assurance requirements for manufacturers of factory-built structures (not necessarily limited to residential structures). Under current law, those assurances are payable to the division if the manufacturer fails to deliver a structure or refund a down payment or ceases doing business.

Section 5 adds “final construction plan reviews” to the scope of quality assurance representatives approved by the Division of Housing relating to factory-built structures. The impact of this addition is not clear.

Section 11 amends current law to mandate that municipalities address manufactured and modular housing in the same manner as site-built homes. Municipalities must use “objective standards” and an administrative review process equivalent to site-built homes, unless a subjective review process is used for site-built homes. More restrictive standards than are applied to site-built homes are prohibited, including zoning and subdivision laws and “other regulation affecting development” such as requiring permanent foundations, minimum floor space, home size or sectional requirements, “improvement location standards,” and side yard or setback standards. Despite allowing for equivalency with site-built homes, the bill removes existing language that ensures authority to enact consistent zoning, developmental, use, aesthetic, or historical standards that are applicable to existing and new housing. The categorization of municipalities in Section 2 does not apply to these amendments.

Preemption of planned unit development zoning

Section 7 amends the Planned Unit Development Act at CRS 24-67-105(5.5) to provide that PUDs with residential uses cannot restrict ADUs, middle housing, housing in transit-oriented areas, or housing in key corridors in a manner prohibited by the proposed article 33 of title 29. It is not clear whether this applies only to PUDs in jurisdictions covered by proposed article 33 or more broadly.

Preemption of residential occupancy limits

Section 8 creates CRS 29-20-110 that would preempt counties and municipalities from placing residential occupancy limits on “dwellings” that differentiate between occupants based on family relationship (other than short term rental restrictions). Here, a “dwelling” is defined as any improved property used or intended to be used as a residence, but in Section 2 a different definition of “dwelling” is used. (a single unit providing complete independent living facility

No commitment to use state-controlled property for affordable housing

Section 10 permits statutory municipalities to sell municipal property held for a government purpose (other than park property) without an election if the purpose is to develop affordable housing. The categorization of municipalities in Section 2 does not apply to these amendments. The state makes no commitment to the use of state-controlled property for affordable housing in the bill.

A narrowing of municipal zoning authority

In addition to Section 2’s broad preemptions and mandates, Section 13 bluntly narrows the traditional zoning authority of municipalities by prohibiting T1UM and T2UM from imposing minimum square footage requirements for residential units unless “necessary for health and safety” in the municipality. The bill would not allow those municipalities to address issues relating to their communities’ welfare.

Undefined process for creating master plans

Sections 9 and 12 amend Titles 30 and 31 regarding county and municipal master plans. The categorization of municipalities in Section 2 does not apply to these amendments. Counties and municipalities must ensure an undefined “inclusive process” by consulting with housing authorities, nongovernmental organizations, and local governments in the creation of the master plan. Master planning already involves heavy public engagement.

Counties and municipalities must include, for plans after June 30, 2024, water items including the location and extent of water supply, a water supply element and conservation policies, and priorities for natural and agricultural land in accordance with the state’s natural and agricultural land priorities report. Counties over 250,000 in population must include a “greenfield development analysis.”

Section 12 also addresses the inclusion of housing needs plans, a greenfield development analysis, and a concept of natural and agricultural land priorities following the state’s natural and agricultural land priorities report.

DOLA must receive draft and final plans and is required to review plans for compliance.

New reporting requirements for water loss accounting

Section 14 requires covered entities (including municipal and special district water providers) to provide and validate water loss audit reports to the Colorado Water Conservation Board. The board will adopt standards for validation of reports, technical qualifications, and methods by January 1, 2025. Some funding is provided for assistance in validation and for technical training and assistance to guide water loss programs.

Invalidation of HOA housing decisions

Section 15 would invalidate common interest community limitations on ADUs, middle housing, housing in transit-oriented areas, and housing in key corridors.

Transportation planning and grants. Section 16 requires the transportation commission to include “statewide strategic growth objectives relating to regionally significant transportation projects” in the ten-year plans for existing and future transportation systems created under CRS 43-1-106(15)(d). It is not clear whether those objectives are the same created by DOLA under Section 2.

Section 17 requires the department of transportation to ensure that grant prioritization criteria are “consistent with state strategic growth objectives” by December 31, 2024. It is not clear whether those objectives are the same created by DOLA under Section 2.

Section 18 requires regional transportation plans and the statewide transportation plan under CRS 43-1-1103, beginning December 31, 2024, to address and ensure consistency with state strategic growth objectives. At least for the regional plans, the objectives are those determined by DOLA under the proposed CRS 29-33-107.

Section 19 requires that projects funded from the multimodal transportation options under CRS 44-4-1103 be “consistent with state strategic growth objectives.” It is not clear whether those objectives are the same created by DOLA under Section 2.

Inadequate funding

Section 20 appropriates \$15 million for DOLA to provide technical assistance under the proposed CRS 29-33-111(3). The extensive amount of code revision, reporting, plan development, and compliance with various mandates required by the bill in covered municipalities has an unknown cost that would certainly exceed this funding. The funding will not address impacts

to infrastructure, public services, and quality of life in municipalities or litigation costs arising from the bill. The funding does not address the major overhaul of DOLA’s mission and authority.

Safety clause prevents voters from weighing in

Section 21 includes a safety clause, preventing voters from exercising the right of referendum. Local zoning ordinances on the same issues covered by the bill are subject to the reserved constitutional power of referendum.

► SUPPLEMENTAL INFORMATION

Communities by tier level

Urban Municipalities Tier 1	Urban Municipalities Tier 2	Rural Resort Job Centers	Non-Urban Municipalities
Denver region: Arvada, Aurora, Boulder, Brighton, Broomfield, Castle Pines, Castle Rock, Centennial, Cherry Hills Village, Columbine Valley, Commerce City, Denver, Edgewater, Englewood, Erie, Federal Heights, Glendale, Golden, Greenwood Village, Lafayette, Lakewood, Littleton, Lochbuie, Lone Tree, Longmont, Louisville, Northglenn, Parker, Sheridan, Superior, Thornton, Westminster, Wheat Ridge North Front Range: Greeley, Fort Collins, Loveland, Windsor Pikes Peak: Colorado Springs, Fountain Grand Valley: Grand Junction Pueblo Area: Pueblo	Denver region: Dacono, Fort Lupton, Firestone, Frederick North Front Range: Evans, Berthoud, Johnstown, Tinmath, Eaton, Miliken, Severance Pikes Peak: Monument	Aspen, Avon, Breckenridge, Crested Butte, Dillon, Durango, Frisco, Glenwood Springs, Mountain Village, Silverthorne, Snowmass Village, Steamboat Springs, Telluride, Vail, Winter Park	Alamosa, Brush, Canon City, Carbondale, Cortez, Craig, Delta, Eagle, Fruita, Fort Morgan, Gunnison, Gypsum, La Junta, Lamar, Montrose, Rifle, Sterling, Trinidad, Wellington

This table lists communities by tier level, according to a document provided by Rep. Steven Woodrow.

Tier-level table published by Colorado Public Radio, <https://bit.ly/3FVlYio>.



COLORADO
MUNICIPAL
LEAGUE



NO
SB23-213

Vote **NO** on SB23-213 | Land Use

WHAT DOES THE BILL DO?

SB23-213 represents the most sweeping attempt in recent Colorado history to remove local control and home rule authority from elected leaders, professional planning staff, and the people of Colorado. The bill dramatically expands state authority by imposing top-down zoning and land use standards on municipalities, and it puts those decisions into the hands of developer interests and unelected third parties. SB23-213 does not recognize that local governments are best suited to address the needs of their communities, and it flies in the face of local government efforts to solve the affordable housing crisis.

WHY YOU SHOULD VOTE NO

Top-down zoning disregards people: The bill ignores long term local planning efforts and creates a patchwork of residential land use laws for only municipalities that reflect what the state wants, not what the people who live in a municipality want. Residential developments will be allowed based either on a “model code” created by DOLA through a process that is insulated from public feedback or on inflexible minimum standards established in statute. Either way, the bill does away with a tradition of local authority that helps to guide communities to develop in an orderly manner while preserving community character, ensuring growth happens as desired, and protecting community resources. For many municipalities, this means that every residential parcel must accommodate accessory dwelling units or middle housing (up to six-unit buildings). The bill mandates minimum densities and some affordability standards to large swaths of property near rail stations or vague areas called “key corridors.” These requirements will interfere with local affordability efforts. All these new mandates are imposed without assurance of adequate water, public safety, or other resources and even prohibit requiring necessary parking. Other vague language jeopardizes reasonable regulations.

More housing (just not now or affordable): Despite being titled “State Land Use Requirements for Affordable Housing,” the bill does not require affordability at all and is premised on speculation that developers will build more housing, either passing savings along to Coloradans or causing a market-based decline in housing costs. The bill requires that municipalities incorporate a “menu of strategies” to address affordable housing concerns in their communities to offer flexibility. The menu, however, offers no new powers and will be developed by executive branch agencies without local government involvement. The bill undermines local efforts to create affordable housing if developers find them objectionable and takes away local leverage to incentivize affordable multifamily housing.

DOLA's new powers: DOLA, an agency traditionally seen as a partner and supporter of local governments, will be given extremely broad regulatory authority and oversight powers. The bill removes any pretense of collaboration and makes municipalities subservient to DOLA as the law requires extraordinarily cumbersome reporting standards and subjects local elected bodies to regulatory governance. DOLA is tasked with issuing paradigm-shifting methodologies, guidance, menus of strategies, statewide strategic growth objectives, model codes, rules, and minimum standards based on the recommendations of a multi-agency committee of executive appointees, without any meaningful public input. DOLA is even granted authority to modify statutory minimum standards relating to ADUs, middle housing, and housing in transit-oriented areas and key corridors. DOLA is also tasked with substantial new oversight and enforcement responsibilities including the receipt, review, and approval of various reports, codes, drafts, and final plans. Regulatory zoning tells the people of Colorado that their voice does not matter

Housing without transit: Despite creating mandates for transit-oriented areas and key corridors, nothing in the bill would improve the state's public transit system. The bill supposes that cars will disappear or that public streets will accommodate new residents' vehicles; the bill prohibits municipalities from requiring any new parking.

Tunnel vision ignores local burdens: Land use regulation is a complex process, both substantively and procedurally, that considers wide-ranging issues of importance to a community. The bill uses a heavy hand to make development easier without meaningful regard for affordability, water, the provision of municipal services, education, the preservation of municipal budgets, public infrastructure, protecting communities against displacement or gentrification, or quality of life. Municipalities will be forced to bow to developer demands or expend precious resources in litigation to enforce reasonable local regulations.

Constitutionality: The bill primarily applies to municipalities whose residents have chosen to adopt home rule charters under Art. XX, S. 6 of the Colorado Constitution. Zoning has been long recognized by the Colorado Supreme Court as a matter of local concern where the General Assembly has no authority. The bill disregards both precedent and the meaningful reasons why Coloradans' preference for local control matters.

YOUR OPPOSITION IS RESPECTFULLY REQUESTED

SB23-213 is an overly broad, overly complex series of preemptions and mandates, ignoring the fact that local governments are best suited to shape their communities. The bill disregards the historic investments the state has made in the past two years in creating affordable housing and instead undermines public input and expertise of local leaders.

All levels of government can work together, along with our partners in the business and nonprofit community, to solve the housing crisis without creating unintended, irreparable consequences. SB23-213 is an unprecedented repudiation of decades worth of well settled land use and zoning law, and the General Assembly should instead consider a solution that is the result of true collaboration between the state, local governments, and other partners to find a Colorado solution for housing.

CONTACT

Meghan MacKillop | CML legislative & policy advocate | 720-308-0672 | mmackillop@cml.org



TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor, Mayor Pro Tem, and Board of Trustees
FROM: Patrick Davidson, Town Administrator
DATED: April 11, 2023
SUBJECT: CORE Electric – EV Charging Station

BACKGROUND

In 2022 CORE Electric approached the Town requesting assistance in seeking grant funding for electric vehicle charging stations in rural Colorado. The Town assisted in providing a letter of support for grants associated with this possible venture. CORE did receive grant funds from the State of Colorado which will assist with the installation of electric vehicle charger stations, and has selected the Town of Elizabeth as a location in which to locate a charger.

The Town has worked with CORE to determine locations for the possible charger stations. Of the possible sites discussed, the best option for all involved is along the South side of the Gesin Lot, off Broadway Street. The charger is one single unit, capable of recharging two electric vehicles. The grant requires the installation of the charger by June, and CORE anticipates the installation as soon as possible.

Currently, there are no charging stations in Elizabeth that are available for public use. In fact, there are no charging stations available for public use along HWY 86 with the nearest being located in either Castle Rock or Parker and in Limon. CORE will be installing this station in Elizabeth and another in Kiowa in hopes of expanding electrical vehicle services along the HWY 86 corridor.

ANALYSIS

The Town Attorney has reviewed the agreement and has approved the same for legal purposes. Staff supports the location of the station within the Downtown as an additional means of supporting commerce for Main Street as well as providing additional service options for tourists and those attending Town events. Furthermore, the Town is not responsible for the costs of electricity associated with the build-out and charging of the cars, and the Town retains the right to take ownership of the charging unit at the end of the five (5) year lease.

STAFF RECOMMENDATION

Staff recommends the approval of the contract with CORE Electric for the reasons set forth herein.

BUDGET CONSIDERATIONS

There are no current budget considerations in accepting the contract with CORE. In the event the Town does decide to retain ownership at the end of the five (5) year lease period, there likely will be costs associated with continued maintenance and upkeep of the facility. However, at the end of the same contract period, the Town could relinquish the charger to CORE and incur no further costs.

ATTACHMENTS

Ground Lease for Electric Vehicle Charger at 165 Main Street (Gesinde Lot)
Exhibits to agreement including Insurance, Map of Location, Description of Device
Resolution Authorizing the Mayor to Sign Ground Lease

RESOLUTION 23R17

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A GROUND LEASE FOR ELECTRIC VEHICLE CHARGER AT 165 MAIN STREET (GESIN LOT)

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF ELIZABETH, COLORADO AS FOLLOWS:

1. The Mayor, on behalf of the Town of Elizabeth, is hereby authorized to execute a lease agreement with CORE Electric Cooperative entitled Ground Lease for Electric Vehicle Charger at 165 Main Street (Gesinde Lot), attached hereto as **Exhibit A**.

PASSED, APPROVED, and ADOPTED this 11th day of April 2023, by the Board of Trustees of the Town of Elizabeth, Colorado, on first and final reading, by a vote of _____ for and _____ against.

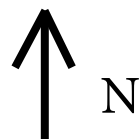
Nick Snively, Mayor

ATTEST:

Michelle M. Oeser, Town Clerk



Proposed CORE EV Charger
Location



**GROUND LEASE FOR ELECTRIC VEHICLE CHARGER
AT 165 MAIN STREET (GESIN LOT)**

DATE: April 11, 2023

PARTIES: **TOWN OF ELIZABETH** a Colorado municipal corporation, 151 S. Banner Street, Elizabeth, Colorado 80107 ("Landlord"); and

CORE ELECTRIC COOPERATIVE, a Colorado cooperative association, 5496 North US Highway 85, Sedalia, Colorado 80135 ("Tenant"), collectively the "Parties".

RECITALS:

WHEREAS, Landlord is the fee simple owner of certain real property more particularly described in the attached **Exhibit A** ("Property"); and

WHEREAS, Tenant is the recipient of a grant from Charge Ahead Colorado to build one (1) dual port electric vehicle charger ("EV Charger"); and

WHEREAS, Tenant wishes to enter into this Lease in order to install said EV Charger on the Property in a location more particularly described in the attached **Exhibit B** ("Premises"); and

WHEREAS, Landlord is willing to lease the Premises to Tenant and Tenant is willing to lease the Premises from Landlord upon the terms, covenants and conditions set forth in this Ground Lease ("Lease").

NOW, THEREFORE, in consideration of the lease of the Premises and the mutual covenants hereinafter set forth and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Landlord and Tenant hereby agree as follows:

Section 1. Definitions. The following words shall have the meanings indicated:

Premises means the property described in **Exhibit B** and all related easements, licenses, privileges, rights and appurtenances. The term "Premises" does not include the "Improvements".

Improvements mean the EV Charger and any and all structures and improvements, including but not limited to conduit and an ADA curb ramp, erected/constructed on the Premises pursuant to this Lease, and all fixtures, machinery, equipment, all building equipment, and, without limitation, other property of every kind or nature situated on the Premises or used in connection therewith.

Rent means the "Base Rent" and any adjustment thereto, and any other charges or payments of money due from Tenant in connection with this Lease whether or not payable to Landlord.

Section 2. Lease of the Premises. Landlord hereby demises and leases unto Tenant, and Tenant hereby takes and hires from Landlord, the Premises, for and in consideration of the rents, covenants and agreements, and upon the terms and conditions set forth herein. The Lease of the Premises is subject to any and all encumbrances, conditions, covenants, easements, restrictions, rights-of-way, and all other matters of any nature affecting the Premises during the Term (in each case whether or not of record), such matters as may be disclosed by an inspection or survey, and all zoning, land use, subdivision, and all other laws, rules, regulations and judicial or administrative orders now or hereafter applicable to the Premises or any part thereof or any use or occupancy thereof (herein collectively called the "Restrictions").

Section 3. Term. The term of this Lease shall be five (5) years, beginning on the date of the execution of this Lease, as extended pursuant to this Section 3, and subject to earlier termination as herein set forth ("Term"). Upon Mutual agreement of the Parties, Tenant shall have two consecutive options to renew the Lease for an additional five (5) years upon Tenant's written notice to Landlord of Tenant's election to renew the Lease provided at least sixty (60) days prior to the expiration of the Term, and Landlord's written approval of such option to renew provided at least thirty (30) days prior to expiration of the Term.

- A. At the expiration of the Term, the Parties agree that Tenant shall offer to Landlord a transfer of ownership and control over the EV Charger, and Landlord may accept ownership and control over, the EV Charger and all related Improvements; provided, however, that Landlord shall then be responsible for all electrical consumption costs resulting from the use of the EV Charger.
- B. Shall the Landlord not accept ownership and control of the EV Charger, Tenant shall remove the EV Charging equipment, disconnect, and abandon in place underground facilities between the service interconnection and the EV Charging Equipment.

Section 4. Rent. As rent for the Premises, Tenant shall pay the sums hereinafter set forth.

- A. **Base Rent.** Tenant shall pay to Landlord during the Term a minimum net annual rent of zero (\$00.00) dollars, in consideration for allowing the public to access and use the EV Charger free of charge for an initial period as outlined in Section 9. As additional consideration to the this lease and subsequent expirations, Landlord also has the option to take ownership of the EV Charger at the expiration of the term of this lease and any subsequent extensions at no cost.

Section 5. Use of Premises.

- A. Tenant shall use the Premises for the purposes of constructing and operating thereon an EV Charger and related Improvements, as described in ***Exhibit C***, to be used for public electric charging stations, including maintenance and repair thereof; and for no other use without Landlord's prior written consent in each instance, which may be withheld if the proposed use will, in Landlord's sole discretion, be detrimental to the orderly development and operation of the Premises.
- B. Tenant shall comply with all federal, state, and municipal laws, regulations and ordinances affecting the Premises or any portion thereof and shall maintain in

force during the Term all permits, authorizations and licenses that may be necessary for Tenant's use or operation of the Premises or any portion thereof pursuant to Section 5(A) above (including, without limitation, the making, placing, maintaining or altering of the Improvements of any portion thereof). Tenant shall not use the Premises or any portion thereof for any purpose or use which is in violation of any applicable certificate of occupancy, building permit, or any of the Restrictions.

- C. Tenant will not suffer any act to be done or condition to exist on the Premises, or any part thereof, or any article to be brought thereon which may be dangerous, unless safeguarded as required by law, or which may, in law, constitute a nuisance, public or private.
- D. Tenant shall not have the right to maintain or install any signs in or at the Premises visible from adjacent parcels or roads except as approved in writing by Landlord in each instance. This provision is not applicable to brands, logos, instructions, or other signage on the Improvements.
- E. Tenant shall have full responsibility for protecting the Premises and all Improvements located thereon from damage due to theft, robbery, and vandalism.

Section 6. Temporary Construction Easement. Landlord hereby grants to Tenant and its agents a temporary construction easement over and across the Property. The temporary construction easement shall be for Tenant's use during construction of the Improvements on, over and across the area more particularly described in the attached *Exhibit D*. Upon completion of construction of the Improvements, this temporary construction easement shall automatically terminate. Upon request of Landlord, Tenant agrees to execute, acknowledge, and deliver to Landlord an instrument in recordable form evidencing such termination.

Section 7. Electrical Infrastructure. Tenant shall have the right to connect to the existing electrical infrastructure on the Property.

Section 8. Reports on EV Charger Usage. Tenant shall share with Landlord, upon Landlord's reasonable request, regular reports on the public usage of the EV Charger.

Section 9. Public Use of EV Charger. In consideration for this Lease, the EV Charger initially shall be made available to the public for use without cost for a minimum period of thirty (30) days from the date of installation of the EV Charger. Tenant will collect data on the EV Charger's use and may implement a service charge at any point during the Term, but not prior to the first 30 days. Tenant will notify Landlord of its proposed implementation of the service charge no less than thirty (30) days prior to the date it becomes effective. Service charges will be assessed and collected directly from the EV Charger users through a direct pay protocol provided through the EV Charger.

Section 10. EV Charger Operating Costs. Tenant shall be responsible for all electrical consumption costs resulting from the public's use of the EV Charger. The EV Charger shall be sub-metered in order to isolate any electrical consumption.

Section 11. Maintenance.

- A. Tenant, at Tenant's cost, shall be responsible for the maintenance of the Improvements. Tenant shall keep the Improvements in an operable condition and shall make all repairs thereto, structural, and nonstructural, ordinary and extraordinary, foreseen and unforeseen, as necessary to permit the public's use of the EV Charger during the Term.
- B. Tenant will not commit, knowingly permit, or suffer any waste, damages, disfigurement or injury to or upon the Premises, or Improvements, or any part thereof.
- C. Landlord shall be responsible for snow plowing and other maintenance of the Property, including the parking spaces on the Premises.

Section 12. Insurance. Tenant agrees to procure and maintain, at its own cost, a policy or policies of insurance sufficient to cover the obligations of Tenant imposed by this Lease and naming Landlord as an additional insured, as set forth in the Certificates of Insurance attached as ***Exhibit E*** (the "Certificates of Insurance"). Tenant shall not be relieved of any liability, claims, demands or other obligations assumed pursuant to this Lease by reason of its failure to procure or maintain insurance, or by reason of its failure to procure or maintain insurance in sufficient amounts, durations, or types.

- A. Tenant shall procure and maintain a policy or policies with the minimum insurance coverage set forth on the Certificates of Insurance. The form and insurer on the Certificates of Insurance is acceptable to the Landlord. All coverage shall be continuously maintained from the date of execution of this Lease. In the case of any claims-made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain continuous coverage.
 - 1. Workers Compensation insurance to cover obligations imposed by the Workers Compensation Act of Colorado and any other applicable laws for any employee engaged in the performance of Work under this Lease, and Employer's Liability insurance.
 - 2. Commercial General Liability insurance applicable to all premises and operations. The policy shall include coverage for bodily injury, broad form property damage (including for contractual and employee acts), blanket contractual, independent contractors, products, and completed operations. The policy shall contain a severability of interests provision.
 - 3. Comprehensive Automobile Liability Insurance with respect to each of Tenant's owned, hired and/or non-owned vehicles assigned to or used in performance of the services. The policy shall contain a severability of interests provision.

- B. The policies required above, except Workers' Compensation insurance and Employers' Liability insurance shall be endorsed to include the Town, its officers and employees, as an additional insured. Every policy required above, except Workers' Compensation shall be primary insurance, and any insurance carried by the Town, its officers, or its employees, shall be excess and not contributory insurance to that provided by Tenant. The additional insured endorsement for the Commercial General Liability insurance required above shall not contain any exclusion for bodily injury or property damage arising from completed operations. The Tenant shall be solely responsible for any deductible losses under each of the policies required above.
- C. The Certificates of Insurance shall be attached as ***Exhibit E*** as evidence that policies providing the required coverage, conditions and minimum limits are in full force and effect and shall be subject to review and approval by the Landlord. Each certificate shall identify the Lease and shall provide that coverage afforded under the policies shall not be cancelled, terminated, or materially changed until at least 30 days prior written notice has been given to the Landlord. If the words "endeavor to" appear in the portion of the certificate addressing cancellation, those words shall be stricken from the certificate by the agent(s) completing the certificate. The Landlord reserves the right to request and receive a certified copy of any policy and any endorsement thereto. Tenant shall deliver annually to Landlord an updated Certificate of Insurance on or before May 1st, of each year.
- D. Failure on the part of Tenant to procure or maintain policies providing the required coverage, conditions, and minimum limits shall constitute a material breach of this Lease upon which at the Landlord's discretion, may procure or renew any such policy or any extended connection therewith, and all monies so paid by the Landlord shall be repaid by Tenant to the Landlord upon demand.

Section 13. Construction. All construction work shall be performed in a good and workmanlike manner in accordance with industry standards for the type of work in question. All construction work shall be done in compliance with all applicable laws, building codes, ordinances, and regulations. No construction or work shall commence until all necessary licenses, permits and authorizations required of any applicable government authority having jurisdiction are obtained. Tenant shall be responsible for acquiring and paying the costs for all required licenses and authorizations. Tenant and Landlord agree that Tenant shall be responsible for acquiring all necessary permits but shall not be responsible for the payment of any related fees as approved by Town Council pursuant to the Town of Elizabeth Municipal Code.

Section 14. Liens. Tenant shall have no right, authority or power to bind Landlord or any interest of Landlord in the Premises for any claim for labor or material or for any other charge or expense incurred in constructing any Improvements or performing any alteration, renovation, repair, refurbishment or other work with regard thereto, nor to render Landlord's interest in the

Premises liable for any lien or right of lien for any labor, materials or other charge or expense incurred in connection therewith. Tenant shall not be considered the agent of Landlord in construction, erection, or operation of any such Improvements. If any liens or claims for labor or materials supplied or claimed to have been supplied to the Premises are filed, Tenant shall diligently pursue the release or discharge thereof.

Section 15. Colorado Governmental Immunity Act. The parties understand and agree that Landlord is relying on, and does not waive or intend to waive by any provision of this Lease, the monetary limitations (presently \$424,000.00 per person, \$1,195,000.00 for two or more persons, per occurrence) or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, §24-10-101, *et seq.*, C.R.S., as from time to time amended, or otherwise available to Landlord, its officers, or its employees.

Section 16. Hold Harmless. Tenant shall so maintain the Improvements as to afford all reasonable protection against injury or damage to persons or property therefrom, and Tenant shall save and hold Landlord harmless from all liability or damage and all reasonable expenses necessarily accruing against Landlord arising out of the negligent exercise by Tenant of the rights and privileges hereby granted, provided that Tenant shall have had notice of the pendency of any action against Landlord arising out of such exercise by Tenant of said rights and privileges within ten (10) days thereof and be permitted at its own expense to appear and defend or assist in the defense of the same.

Section 17. Entire Agreement. This Lease represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This Lease may be amended only by an instrument in writing signed by the parties. If any other provision of this Lease is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Lease shall continue in full force and effect.

Section 18. Default and Remedies. In the event either party should default in performance of its obligations under this Lease, and such default shall remain uncured for more than ten (10) days after notice of default is given to the defaulting party, the non-defaulting party shall be entitled to pursue any and all legal remedies and recover its reasonable attorney's fees and costs in such legal action; provided, however, that no Party will be entitled to lost profits, economic damages, or actual, direct, incidental, consequential, punitive or exemplary damages in the event of a default.

Section 19. Waiver. A waiver by any party to this Lease of the breach of any term or provision of this Lease shall not operate or be construed as a waiver of any subsequent breach by either party.

Section 20. Governing Law and Venue. This Lease shall be governed by the laws of the State of Colorado in the Elbert County District Court.

Section 21. No Third-Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this Lease, and all rights of action relating to such enforcement, shall be strictly reserved to Landlord and Tenant, and nothing contained in this Lease

shall give or allow any such claim or right of action by any third party. It is the express intention of the parties that any person other than Landlord or Tenant receiving services or benefits under this Lease shall be deemed to be an incidental beneficiary only.

Section 22. Assignment, Subletting, and Sale of Tenant's Interests. Tenant shall not assign, sublet, or sell Tenant's interest in this Lease or the Improvements without prior written approval of the Landlord.

Section 23. Counterparts. This Lease may be executed in counterparts, each of which shall be deemed an original, and all of which together shall be deemed to constitute one and the same instrument. Each of the Parties hereto shall be entitled to rely upon a counterpart of the instrument executed by the other Party and sent by electronic mail.

Section 24. Authority. The individuals executing this Lease represent that they are expressly authorized to enter into this Lease on behalf of Landlord and Tenant and bind their respective entities. This Lease is executed and made effective on the first date written above.

[Signature Page to Follow]

LANDLORD

ATTEST:

TOWN OF ELIZABETH

Michelle M. Oeser,
Town Clerk

Nick Snively, Mayor

Approved as to Form:

Approved as to Content:

Corey Hoffmann, Town Attorney

Patrick Davidson, City Manager

TENANT

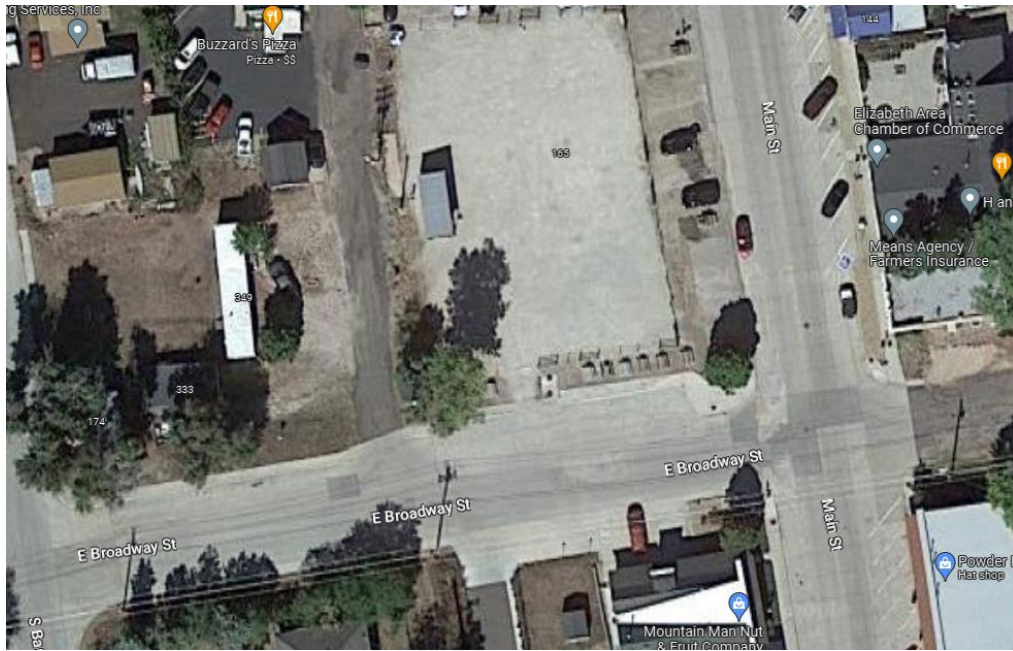
CORE ELECTRIC COOPERATIVE

By: _____
Brooks Kaufman
Lands and Rights of Way Manager

Exhibit A
Description of the Property

(TOWN TO PROVIDE PROPERTY DESCRIPTION)

Exhibit C
EV Charger and Related Improvements





ChargePoint CT4021
Level 2 Charger (Dual Port)
7.2kW peak charging per port
~30 miles of range per hour



Elizabeth Town Hall Gesin Lot

165 S. Main St. Elizabeth, CO 80107

Level 2 Charger (Dual Port)

Proposed Layout - Rev. 0, 10/10/2022

The Energy to Thrive™



Exhibit D
Description of Temporary Construction
Easement



General Construction Easement Area: CORE Electric Cooperative will conduct construction activities in this general area. CORE will provide appropriate lane closure, traffic signage, safety barriers and coordinate with the Town of Elizabeth staff to accommodate access during construction as needed. CORE will be responsible for construction area restoration and clean up. This General Construction Easement is subject to the terms of the **GROUND LEASE FOR ELECTRIC VEHICLE CHARGER AT 165 MAIN STREET (GESIN LOT)**

Exhibit E
Certificates of Insurance

(ATTACHED)

NCCI #: WC000313
Policy #: 3313479

CORE Electric Cooperative
5496 North Us Highway 85
Sedalia, CO 80135

USI Insurance Services LLC
P.O. Box 7050
Englewood, CO 80155
(303) 837-8500

ENDORSEMENT: Waiver Of Subrogation

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

SCHEDULE

TOWN OF ELIZABETH
PO BOX 159
151 S BANNER ST
ELIZABETH, CO 80107

Effective Date: March 9, 2023
Pinnacol Assurance has issued this endorsement March 9, 2023



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/09/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Pinnacol Assurance 7501 E. Lowry Blvd. Denver, CO 80230-7006	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
INSURED CORE Electric Cooperative 5496 North Us Highway 85 Sedalia, CO 80135	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A : Pinnacol Assurance	
	INSURER B :	
	INSURER C :	
	INSURER D :	
INSURER E :		
INSURER F :		
NAIC # 41190		

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☐ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC ☐ OTHER:						EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	☐ Y ☐ N	N/A	3313479	01/01/2023	01/01/2024	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Unless otherwise stated in the policy provisions, coverage in Colorado only. Easements

CERTIFICATE HOLDER 2316480 TOWN OF ELIZABETH PO BOX 159 151 S BANNER ST ELIZABETH, CO 80107 moeser@townofelizabeth.org	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE USI Insurance Services LLC
---	--

CERTIFICATE HOLDER COPY

TOWN OF ELIZABETH
PO BOX 159
151 S BANNER ST
ELIZABETH, CO 80107

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

The Certificate of Insurance on the reverse side of this form does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT (CONT)



TOWN OF ELIZABETH

PATRICK G. DAVIDSON, TOWN ADMINISTRATOR

TO: Honorable Mayor, Mayor Pro Tem, and Board of Trustees
FROM: Patrick Davidson, Town Administrator
DATED: April 11, 2023
SUBJECT: DISCUSSION - Update to Fireworks Ordinances in Town of Elizabeth

BACKGROUND

The issue of fireworks within the Town of Elizabeth is multifaceted. Most recently citizens have expressed concerns with regard to the potential fire hazards associated with allowing the use and discharge of fireworks within the Town limits. In addition, the addition of new homes within the community has also caused residents with the proximity of the use of fireworks to other residences, and the impact the loud noises and bright lights can have on livestock and domestic pets. The purpose of this memorandum is to re-initiate a discussion that was held last Summer with the future of the sale and display of fireworks within the jurisdiction of the Town of Elizabeth.

Elizabeth Town Code Section 10-5-210 – Open fire and open burning restrictions.

Section 10-5-210 places limits on open fires and burning restrictions within the Town. The Code places the use of fireworks in the same categories as the use of campfires, charcoal grill fires, proscribed burns for agricultural purposes and outdoor welding. As such, Section 10-5-210 relies on the two-stage restrictions that may be imposed by Elbert County Ordinance 06-01.

Elizabeth Town Code Section 16-1-220 – Temporary Use Permits.

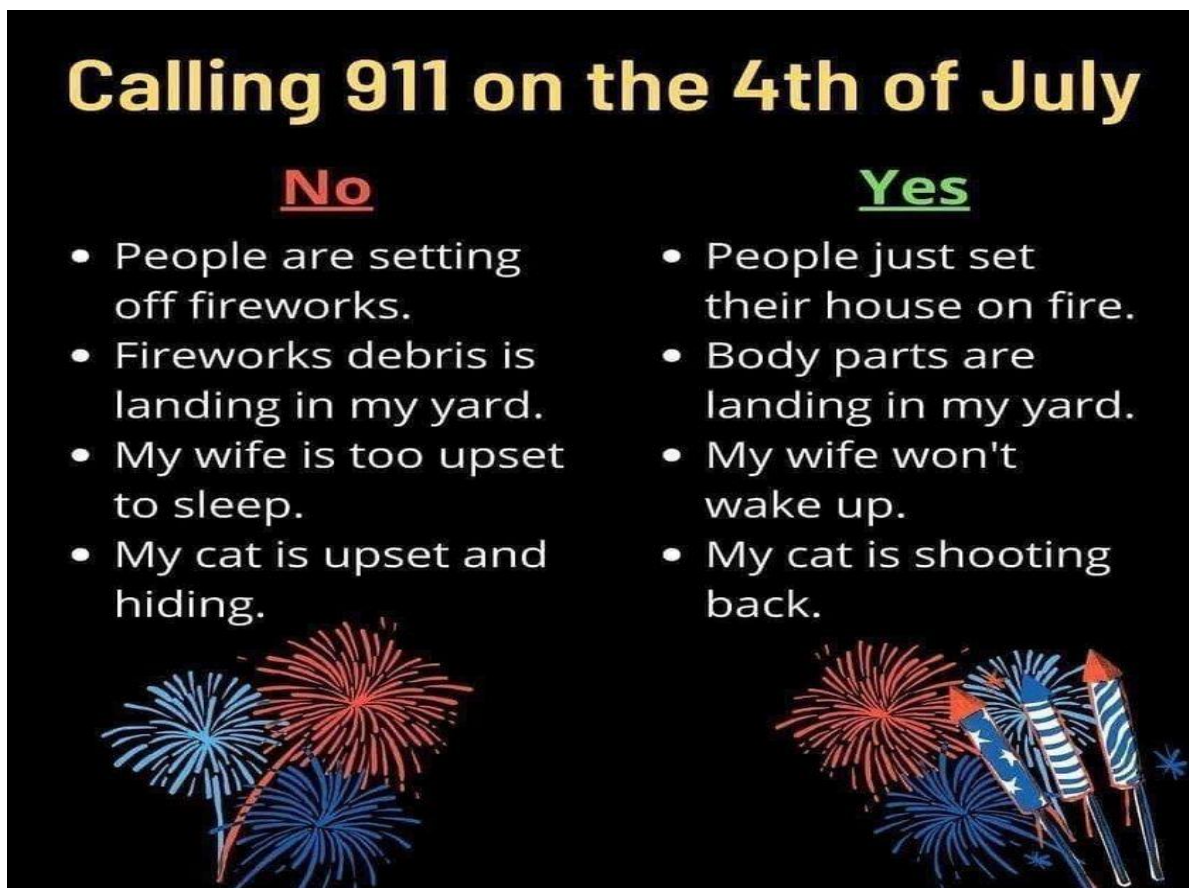
Firework stands are specifically authorized under a temporary use permit generated by the Town of Elizabeth. A firework stand may be opened for “2 separate occasions per calendar year, not to exceed 35 consecutive days”. Temporary use permits are generally issued by the Planning Department upon review for traditional Planning issues such as unreasonable noise, odor, traffic, and other inconsistent impacts on surrounding properties. In the case of Temporary Use Permits, the review time by staff is limited to ten (10) days, and any denial of a temporary use permit is appealable to the Board of Trustees.

In preparation for July 4th, a fireworks vendor set up a sale tent in Crossroads. Due to the extremely dry conditions during late June and early July, the vendor was aware that sales might not occur due to fire restrictions. Ultimately, those restrictions were implemented, and no further action was required by the Town of Elizabeth. However, the mere existence of the sale tent caused concerns from the public, and started a conversation among the Board as to how fireworks could or should be regulated in the future. The Board asked that this discussion be re-initiated in the Spring in anticipation of the possibility of future fireworks sales.

Nonetheless, in spite of restrictions on the sale and display of fireworks in the Town, incidents did occur. Fireworks were displayed at several locations around the community including older parts of Town with standing timber. Additionally, fireworks were used in the Pine Ridge area in the weeks that followed, as well as fireworks being set off from County property and directed into the Town of Elizabeth.

Lastly, it is extremely difficult for law enforcement to enforce firework laws in terms of the use or display of fireworks. By their very nature, it is difficult to pinpoint the launch of fireworks to a specific location, and it is even more difficult to determine who is setting off fireworks. In most municipalities the goal is to limit access to fireworks, and allow law enforcement to focus on fire-watch, drunk drivers, and questionable revelry that may occur in the community.

The Town of Simla posted the following comment on social media in advance of the Holiday:



ANALYSIS

Due to this matter being essentially tabled last Summer, it is time for the Board to review the matter again. At this time, Staff is merely seeking direction from the Board as to how to proceed. The initial analysis should focus on whether there truly is an issue that should be resolved by the

Board, or whether the existing Code, combined with the County Ordinances are sufficient within the Town of Elizabeth. If changes are sought, then the following examples might be relevant to future discussions:

1. Should the Town of Elizabeth allow for the sale of fireworks within its boundaries?
2. Does the current Temporary Use Permit process allow for sufficient regulatory ability?
3. Should the timeframe for the sale of fireworks be limited to less than the current thirty-five (35) days?
4. Should the Town of Elizabeth prohibit the sale of fireworks within Town boundaries?
5. Should the Town set additional fire conditions on the use that work in conjunction with the County Ordinances?
6. Should the Town specifically authorize the use and display of fireworks for only certain dates during the calendar year?
7. Should the Town specifically prohibit the use of fireworks within Town boundaries?

It is important to note, in general, the Elizabeth Fire Department supports the prohibition of the sale and use of fireworks within the Town of Elizabeth. The concerns are based entirely on the chance for fire hazard in the community. It is also based, in part, on the fact that the sale of fireworks within Elizabeth does not simply impact the Town, but that those fireworks could be used in the surrounding areas, likewise causing fire threats to the Town.

The Elizabeth Police Department recognizes that the enforcement of a prohibition on the sale of fireworks is much easier to enforce than the use or display of fireworks for the reasons already cited. Because some level of non-compliance will exist, the Board has the opportunity to direct specific days in which limited use could be accomplished, such as July 3-5 or July 3-4 which would give an opportunity to allow the use and display, but also [hopefully] limiting the need for officer intervention.

STAFF RECOMMENDATION

Staff generally recommends the cessation of the sale of fireworks within the Town of Elizabeth, including firework stands previously authorized by Temporary Use Permits. This would appear to be the simplest way to assist in reducing the fire danger in the community and nearby areas.

Staff would further recommend authorizing the use of fireworks on only one or two select days within the calendar year in order to minimize the overall use of fireworks but to also allow for ready identification and enforcement of a fireworks ordinance during other times of year. Additionally, and under any circumstances, the declaration of a Stage 1 or 2 County Fire Restriction would still be used to otherwise override the specific days for which it might be allowed.

BUDGET CONSIDERATIONS

There are no known budget considerations at this time, particularly if the Board chooses to maintain the status quo with regard to the sale and discharge of fireworks in the Town of Elizabeth.



April 11, 2023

Management Team Updates

Community Development – Zach Higgins

- DOLA has completed the draft RFP for the Historic Main Street Monument sign. The Main Street Board will review at their 04/10 meeting. DOLA has funding available to move forward with the design project as soon as possible.
- The MSBOD and HAB have given formal recommendation of a request to include a façade improvement grant in the budget for 2024.
- The HAB continues to work on the creation of the first Historic District in Town and update the Design Guidelines in relation to Historic and adjacent buildings. They have set May 8th and June 12th as public meetings to get feedback regarding the district and design guidelines.
- The HAB has decided to pursue additional properties for local historic register designation.
- The HAB has formally designated 09/30/2023 for this year's Walk and Talk.
- The HAB will be holding a commemoration event for the Taylor Building/188 S Main on May 6th at 10am to unveil the National Historic Register plaque.
- The HAB has a visit planned to the Elbert County Museum in Kiowa for June 5th before their regularly scheduled meeting.
- DOLA is holding a Pickaxe work session with the MSBOD on 04/10/2023 at 8:30am to discuss the Main Street approach and branding within the Main Street program and the Town.
- The MSBOD is continuing their work on creating a 5k event to occur at 8am on 09/23/2023.
- The Planning Commission will continue their Planning Commissioner Training series from the American Planning Association in the coming weeks.
- Staff and two MSBOD members will be attending the Main Street Now Conference in Boston from 03/27 – 03/29.

Town Clerk – Michelle Oeser

- Harmony is working with the Elizabeth School District to find student clubs that would be interested in participating in the Town movie night as snack vendors.
- In the next few weeks or so staff will be making rocks with the Town logo. We will place them around Town for people to find. If someone brings a town rock to Town Hall, they will receive a coupon for Dairy Queen or Sonic. Both businesses are generously donating free small ice cream cones for those that find the rocks. Staff thought this would be a small fun way to bring a few smiles to our citizens.
- From late February to the end of March there have been 44 passports process. There has been help with renewals (we do not mail renewals) and just photos provided for renewals. Allison has done a fantastic job running this program. She has it down now and has started training Harmony and I so that this does not turn into a one-person job. Passports are processed every Tuesday from 9 am to 12:00 pm. Currently we do not have any opening available until May 2nd.
- Our motto this year is to be out in front of things. This brings me to mention the Stampede parade. Last year, the Board had a float in the parade. I wanted to mention it in case you wanted to plan on this again for 2023. If the Board would like to be in the parade, staff will order fruit chewy snacks again.

- Foldable frisbees, slime, dog collar bag holders, and multiple use key chains have been ordered to be handed out. There are some backpack bags left over from last year as well.

Police –

 No Report

Public Works and Utilities – Mike DeVol

 Report Attached

Report Criteria:

Report type: Summary

```
Check Check number = {SQL} (tblCheck.CheckNumber in (SELECT c.CheckNumber
FROM      dbo.tblCheck c INNER JOIN
          dbo.tblCheckDetail cd ON c.ID = cd.tblCheckID
GROUP BY c.CheckNumber
HAVING    (SUM(cd.Amount) >= 20000)))
Check Type = {<>} "Adjustment"
```

Payee	Check Number	Amount	
DANA KEPNER COMPANY, INC.	10676	44,660.52	General Meter Supplies - back charge
HUBER Technology	10684	79,024.40	Control Panel and Link up to VFD -at waste water plant
Larry H. Miller Ford Lakewood	10687	64,840.00	2 Ford Rangers for PW
CIRSA	3222301	37,251.10	Property/Casualty and Workers Compensation
A.D. Miller Services, Inc.	3242301	74,427.68	Payment # 15
A.D. Miller Services, Inc.	3242302	147,705.72	Payment # 16
Grand Totals:		447,909.42	



TOWN OF ELIZABETH

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR

TO: Honorable Mayor and Town Board of Trustees
FROM: Mike DeVol, Public Works Director
DATE: April 11, 2023
SUBJECT: Public Works Monitoring Report

***Town Street Paving Improvements Project:**

1. PW will be completing a first year inspection(2 year warranty) of the paved streets to have any repairs Completed as needed during the upcoming spring.

***Town Main St. Decorations:**

1. PW has removed decorations from Christmas and added the appropriate Main St. Banners. Discussions for Main St flowers install by June 1st.

***Town Wells, Tanks and Effluent:**

1. Report update for 2023 during the April 25, 2023 BOT Packet.

*** Town Water Line Emergency Repair:**

1. N/A

***Town Hall Landscaping Plan:**

1. The landscaping is complete. PW is procuring New Handrail material and installation across old Bridge walkway and front of Town Hall.

***Town Walkway Repairs:**

1. PW is actively taking bids for sidewalk repairs and replacements and will be presented to the BOT once they are received.
2. PW has completed a walk-through of Main St. Business areas and Inspected areas of the sidewalk that Could be potential tripping hazards and assessing the best way to minimize or mitigate those areas.

*** Town Snow Plowing and Street Sweeping:**

1. PW is actively searching for a Newer Street Sweeper for purchase in 2023.
2. Plowing, Salt and Sand efforts continue throughout town.
3. Sweeping is taking place as weather and time allows.

***Town New Wells at Ritoro/Gold Creek Valley:**

1. New Arapahoe and Denver Wells are scheduled to be Operational in April 2023 time period.
2. Testing of the Arapahoe Well will take place April 7th, 10th, and 11th. Testing of Denver Well will happen The week of April 17th. Transfer and transmission lines have been filled and Bac T testing will take place



TOWN OF ELIZABETH

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR

The week of April 17th. The SCADA system will is being installed the same week. Full run and operations Is anticipated to begin the week of May 1st.

3. The Back-up Generator is installed and tested for normal operations.
4. The Operations/Office Building is being completed during the next two weeks.

***Town Trail Project:**

1. Annual Walk through for Grant Compliance was successful and a full report has been filed with CDOT And PW is awaiting their approval and comments.
2. PW is actively seeking costs for Hydro-seeding of the trail areas where grasses are not doing well. This will include areas throughout parks and ROW ditches that need improvements to vegetation.
3. PW is currently working on taking bids for matching 3 rail round post fencing around the RC Park area, To include gates and public access points.

***Gold Creek Lift Station Improvements:**

1. Installation of Wet Well is completed from underground excavation.
2. Piping and tie-ins to the system are taking place now.
3. Electrical panels and SCADA communications are being installed now.
4. Pumps, Electrical, Parts are all in possession.

*Eligibility Surveys for Water and Wastewater Capitol projects have been completed and accepted by Colorado Department of Public Health and Environment (CDPHE). The eligibility surveys allow for the town to be in line for any funding that may be available for future projects.

***Gold Creek Wastewater Treatment Plant (GCWWTP)**

1. The new fine screen replacement unit is on-site and will be installed at the end of April of 2023.

***Town Clean Up Day/ Paint Round-Up/Arbor Day**

1. May 20, 2023 will be Town Clean Up Day.

Items to be accepted this year are:

Appliances, Electronics, Household debris, Paint, brush and tree branches, building materials, oils, Grease, antifreeze and scrap metals.
NO TIRES will be accepted this year.

***Town Public Works Road Extension:**

1. Public Works has received numerous phone calls from town and out of town residents extending their Gratitude for the paving of County Rd 13/ Pine Ridge St to the Town's Water Tanks. PW has received Concerns of excessive speeds, vehicles passing, wildlife encounters and pedestrian safety. PW has



TOWN OF ELIZABETH

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR

assured them that with new signage, striping and law enforcement presence traffic will slow down and safer for pedestrians, wildlife and drivers.

2. PW will continue to mitigate line of sight by removing small trees at Gold Creek Drive looking South for Traffic safety concerns within Town Right of Way.

*Town Farmers Market:

Event Park Name is Running Creek Park (RCP).

1. Inter-seeding and fertilization has been completed to thicken the areas of grass that are thin.

*Town Parks and Right of Way (ROW):

1. Tree trimming within Parks and ROW are ongoing projects.

Upcoming Projects:

1. PW has completed the following Annual Reportings:
2. Annual Biosolids
3. Regulation 85 Nutrient Monitoring
4. Water Augmentation and Recording
5. Water Lead and Copper sampling
6. Water Constituents Metals
7. Annual DMR(Daily Monitoring Report) Gold Creek Wastewater Plant
8. Tree City USA Application
9. Trail DOLA findings and Inspections.
10. PW continues to work on Highway User Tax Fund (HUTF) reporting and data processing.

Mail Kiosk:

1. Mail Kiosk are installed.

Mike DeVol
Town of Elizabeth
Public Works Director
GCWWTP Operations
303-913-6453
mdevol@townofelizabeth.org



TOWN OF ELIZABETH

MICHAEL DEVOL, PUBLIC WORKS DIRECTOR



TOWN OF ELIZABETH

POLICE DEPARTMENT

JEFF ENGEL, INTERIM CHIEF OF POLICE

Elizabeth Police Department Activity Statistics Report

Reporting Period:

03/19/2023 to 04/01/2023



ELIZABETH POLICE DEPARTMENT'S MISSION STATEMENT:

“To provide a leadership role in creating an atmosphere of safety and community pride in the Town of Elizabeth by providing quality law enforcement services which utilize innovative approaches to address community needs”.

The following is an informational breakdown of EPD police activity from **03/19/2023 at 12:01 a.m. to 04/01/2023 at 11:59 p.m.** This information is compiled from our Records Management System (RMS), identified as New World (NW), as well as Douglas County Regional Dispatch (DRDC) records.

All suspects/defendants are presumed innocent until proven guilty in a Court of Law.



TOWN OF ELIZABETH

POLICE DEPARTMENT

JEFF ENGEL, INTERIM CHIEF OF POLICE

Elizabeth Police Department Activity Statistics Report

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03/19/2023 to 04/01/2023

Total Calls for Service:

240

Traffic Stops:

Total Stops:	Penalty Assessments:	Written Warnings:	Verbal Warnings:	Assisting Other Agencies
27	10	5	11	1

Parking Violations:

Total Parking Violations:	Parking Citations:	Parking Written Warnings:	Parking Verbal Warnings:
5	0	4	1

Other Calls for Service:

Call Type:	Number of Calls:
911 Test	1
911	1
Alarm-Bank	1
Alarm-Business Hold up	1
Animal Barking	2
Animal Complaint	6
Assist to Fire Department	1
Assist to Other Agency	4
Business Check	16
Citizen Assist	6
Citizen Contact	6
Crime Prevention	10



TOWN OF ELIZABETH

POLICE DEPARTMENT

JEFF ENGEL, INTERIM CHIEF OF POLICE

Elizabeth Police Department Activity Statistics Report

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03/19/2023 to 04/01/2023

Dead Animal	1
Disturbance	1
Drunk Subject	1
Fight	1
Follow Up	13
Harassment	3
Increased Patrol	77
Informational Report	1
Liquor Violation	1
Livestock Complaint	1
Medical Assist	2
Municipal Ordinance Violation	3
Motor Vehicle Accident Property Damage	1
Motor Vehicle Accident with Unknown Injuries	1
Noise Complaint	1
Park Check	2
Parking Complaint	5
School Education	8
Suicidal Subject	3
Suspicious Circumstance	4
Suspicious Person	1
Suspicious Vehicle	7
Theft	2
Traffic Complaint	3
Traffic Hazard	4
Traffic Stop	27
Unwanted subject	1
VIN Verify	8
Weapons Violation	1
Welfare Check	1



TOWN OF ELIZABETH

POLICE DEPARTMENT

JEFF ENGEL, INTERIM CHIEF OF POLICE

Elizabeth Police Department Activity Statistics Report

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Open and Active Investigations:

Case/Incident Number:	Call Type:	Details:
23-1442	Liquor Law Violation	Investigation into underage liquor sales at a local business.
23-1612	Theft	Investigation of theft at a local business.
23-1630	Weapons Law Violation	Investigation of a minor in possession of weapons.

Please note that limited information regarding open investigations is available. This is to protect the integrity of the investigations.

Closed Case/Incident Reports:

Case/Incident Number:	Call Type:	Details:
23-1423	Intoxicated Subject	EPD responded to a possible intoxicated subject. The subject was contact and released to a sober person.
23-1150	Assist to Other Agency	EPD responded to a local school to assist the Parker Police Department with a harassment case.
23-1031	Drugs	EPD responded to a local school on report of a drug offense. A municipal summons was issued to the student who was in possession of the drugs.
23-1145	Sign Code	EPD Community Services removed several signs that were posted in the Town's right of way. Contact with the owner was attempted, however no response was received. The signs were discarded as litter.
23-1245	Found Property	EPD responded to a party who walked into the station with found property. As the owner of the property



TOWN OF ELIZABETH

POLICE DEPARTMENT

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Elizabeth Police Department Activity Statistics Report

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		could not be verified, the items were stored in the property room for safekeeping.
23-0666	Civil	EPD concluded an investigation into a local business. After investigating, the call was determined to be civil in nature and deemed non-criminal.
23-1501	Assist to Other Agency	EPD responded to assist the Elbert County Sheriff's Office (ECSO) on report of a subject who physically resisting ECSO Deputies. EPD assisted into placing the subject into custody.
23-1424	Informational Report	EPD responded to a reported theft. After investigation, it was determined that the call was civil in nature and no crime occurred.
23-1365	Driving Under the Influence of Alcohol	An EPD Officer contacted a motorist for a traffic violation. Upon contact it was determined that the motorist was intoxicated. The motorist was subsequently arrested and booked into the Elbert County Jail.
23-1614	Motor Vehicle Accident	EPD responded to a single vehicle crash. It was determined that the vehicle was trying to get out of the way of an emergency vehicle. No summons was issued.
23-1362	Criminal Mischief	While on a foot patrol of a local building. An EPD Officer discovered vandalism on the building. No suspects were identified, and the property owner was notified.
23-1623	School Report	EPD responded to a local school on report of a suspicious picture being transmitted via students. After investigation, it was determined the picture was not taken by any students and no crime had occurred. There was no threat to the safety of the school.
23-1641	Harassment	EPD responded to a report of a possible harassment that was occurring via phone. After investigation, it



TOWN OF ELIZABETH

POLICE DEPARTMENT

JEFF ENGEL, INTERIM CHIEF OF POLICE

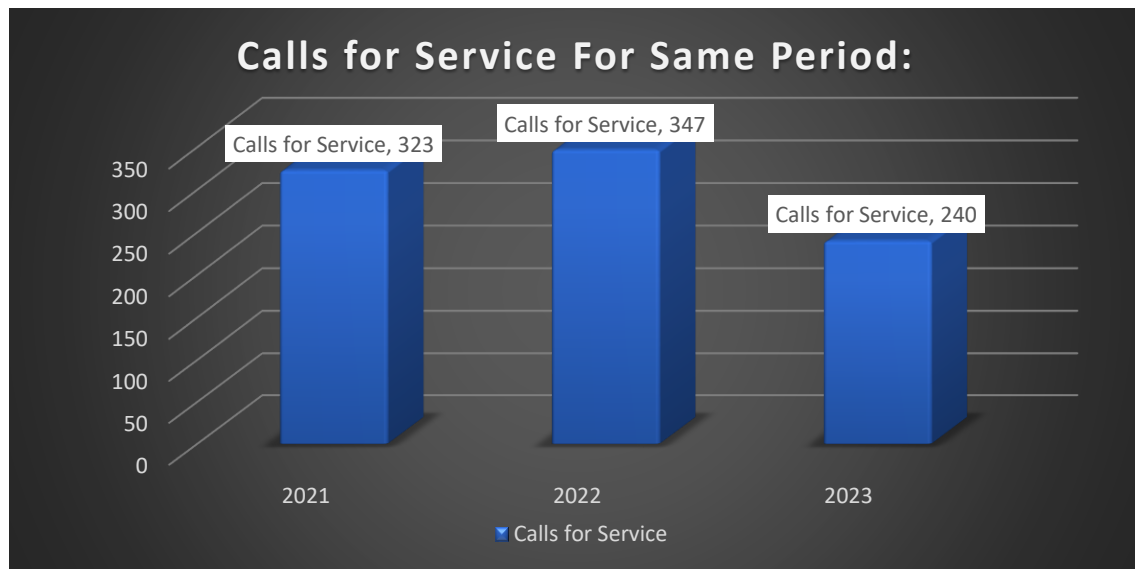
Elizabeth Police Department Activity Statistics Report

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03/19/2023 to 04/01/2023

		was determined that the call was civil in nature. The reporting party was advised of their civil remedies.
23-1637	Disturbance	EPD responded to a local school on report of a disorderly adult male. After investigation, the school did not wish to pursue charges, and the male was instructed to leave the campus.

Historical Data:





TOWN OF ELIZABETH

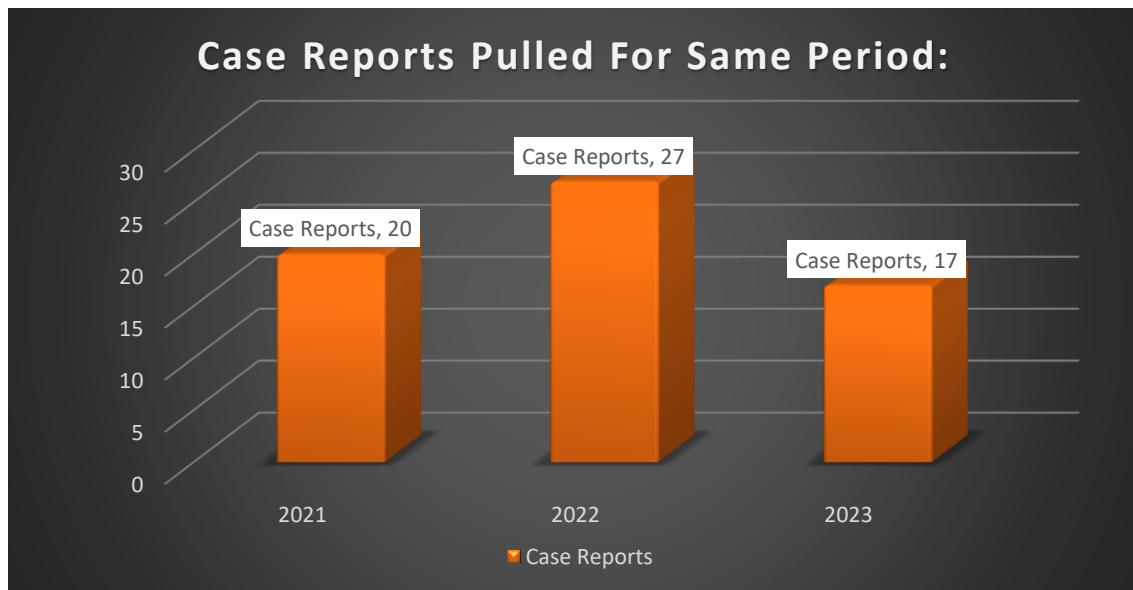
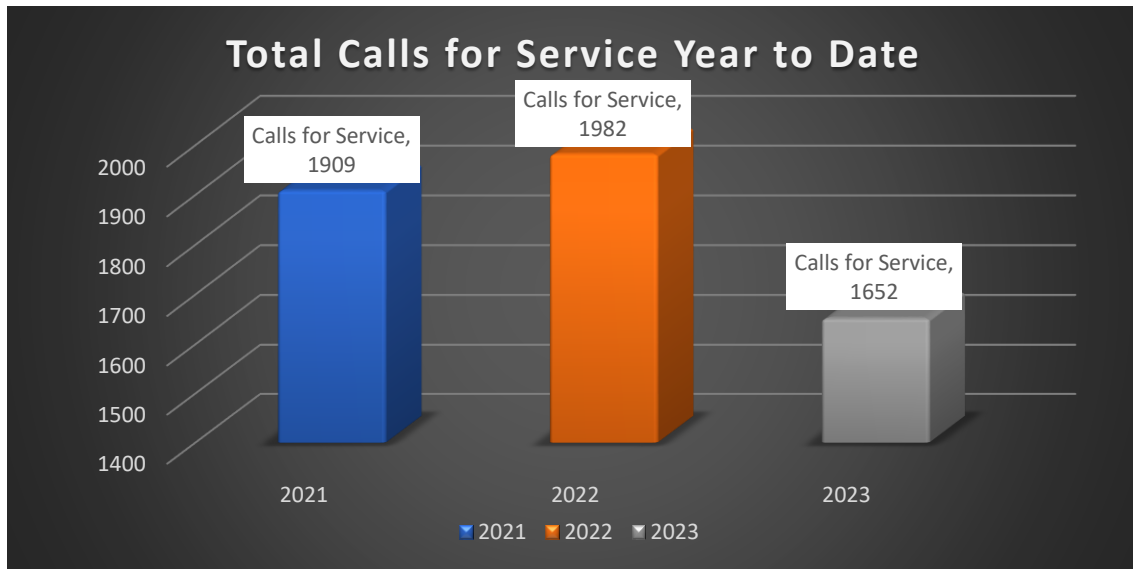
POLICE DEPARTMENT

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Elizabeth Police Department Activity Statistics Report

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HISTORIC ADVISORY BOARD – RECORD OF PROCEEDINGS MARCH 6, 2023

CALL TO ORDER

The Regular Meeting of the Historic Advisory Board was called to order on Monday, March 6, 2023, at 4:33 PM by Chair John Quest.

ROLL CALL

Present were Chair John Quest, Vice Chair Aimee Woodall, and Board Members Denny Boehler, and Ronnie Curtis. Board Member Bob Rasmussen was absent. There was a quorum to conduct business.

Also present were Town Administrator Patrick Davison, Community Development Director Zach Higgins, Town Clerk Michelle Oeser, and Community Development Administrative Assistant Dianna Hiatt.

AGENDA CHANGES

There were no changes to the agenda as presented.

UNSCHEDULED PUBLIC COMMENT

There was no unscheduled Public Comment.

CONSENT AGENDA

1. Regular Minutes of February 6, 2023

Motion by Vice Chair Ms. Woodall, seconded by Ms. Curtis, to approve the minutes from February 6, 2023.

The vote of those Board Members present was unanimously in favor. Motion carried.

NEW BUSINESS

2. Discussion and possible action on Election of 2023 Historic Advisory Board Historian

Motion by Vice Chair Woodall, seconded by Ms. Curtis, to nominate Bob Rasmussen as the



TOWN OF ELIZABETH

Historic Advisory Board Historian.

The vote of those Board Members present was unanimously in favor. Motion carried.

3. Discussion regarding visit to Elbert County Historical Society & Museum

Joe Martell, representative for the Elbert County Historical Society & Museum, introduced himself and provided information on the Museum.

4. Discussion regarding creation of Historic District and Update to Design Guidelines

Staff and the Board members discussed Chapter 6 design guidelines.

5. Discussion regarding pursuit of additional Local Historic Registered Properties

Staff and Board members discussed the possibility of adding Local Historic Registered Properties.

STAFF REPORTS

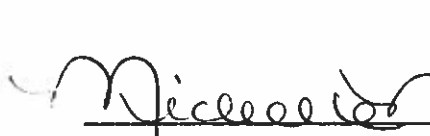
- Community Development Director Zach Higgins reviewed the Historic Advisory Board workplan with the Board.
- Mr. Higgins reviewed his written report that was provided to the Board.
- The Board and Mr. Higgins discussed dates and plans for the Historic Walk and Talk.

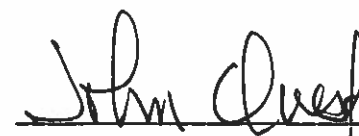
BOARD REPORTS

- Chair Quest found the presenters at the Saving Places Conference very insightful.
- Vice Chair Woodall found it interesting how conversations have changed since the last conference she attended in 2009.
- Mr. Quest stated that he learns something every time he attends the conference.

ADJOURNMENT

Motion by Ms. Curtis, seconded by Vice Chair Woodall, to adjourn the meeting at 5:28 PM. The vote of those Board Members present was unanimously in favor. Motion carried.


Town Clerk Michelle Oeser


Chair John Quest