



Pikes Peak Area
Council of Governments
Communities Working Together

MEETING AGENDA
PPACG LEGISLATIVE COMMITTEE
May 4, 2023, 2 p.m.

In Person

PPACG Upper Conference Room – 15 S. 7th St., Colorado Springs, CO 80905

Microsoft Teams (Video and Audio)

www.microsoft.com/en-us/microsoft-teams/join-a-meeting

Meeting ID: 282 184 870 529

Passcode: PYcAsr

Dial in (Audio Only)

Phone Number: (929) 242-8427

Conference ID: 387 929 775

Meeting will be held in a hybrid format to allow in-person attendance as well as a remote option.

1. Call to Order – Commissioner Stone and/or Mayor Dixon
2. Colorado Legislative Update – Dan Jablan
 - A. Review of recently introduced bills
 - B. Review of emphasis bills
 - C. Review of the remaining bill tracking list (time permitting):
<https://www.coloradocapitolwatch.com/bill-tracker-votes/0/6512/2023/0/>
 - D. Questions
3. Member open discussion

The purpose of the Legislative Committee is to draft the annual Policy Statement on Legislative Issues for Board of Directors approval, help develop legislative bills, develop position statements on proposed bills, laws, regulatory actions and other initiatives, meet with elected representatives and lobbyists in order to communicate PPACG's position, to testify before legislative bodies, boards and commissions, and work with other similar agencies and groups in formulating legislative positions.

A quorum of Board members may be present at this meeting.

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

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

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

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

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

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

24 (E) Older adults represent the fastest growing segment of
25 Colorado's population and have diverse housing needs that are not being
26 adequately met in the current housing market, including the need for more
27 accessible and affordable housing units built with universal design and
28 located within age-friendly communities. The housing and land use
29 policies of the state must be informed by the findings and
30 recommendations of the strategic action plan on aging, developed
31 pursuant to section 24-32-3406, prior to the repeal of that section, and the
32 lifelong Colorado initiative created in section 26-11-302, including the
33 eight realms of livable and age-friendly communities.

34 (F) The ten largest municipalities in the Denver metropolitan area
35 allow single-unit detached dwellings as a use by right on over eighty-five
36 percent of their residential land, compared to allowing as a use by right
37 an estimated twenty-four percent of their residential land for accessory
38 dwelling units, thirty-three percent of their residential land for
39 townhomes, thirty-one percent of their residential land for duplexes up to
40 quadplexes, and thirty-five percent of their residential land for

1 multifamily homes, according to publicly available zoning data;

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

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

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

12 (J) Displacement from low-income neighborhoods has occurred
13 in Colorado under current land use regulations as housing rents and prices
14 have increased faster than wages, which has fundamentally changed the
15 demographics of some areas. These pressures have led to both direct
16 displacement of individual households from homes they can no longer
17 afford and indirect displacement as the result of changes in the
18 neighborhood population as low-income residents move out and the
19 vacated units are no longer affordable to similar households. As the state
20 and local governments seek to increase housing options and affordability,
21 it is essential to take steps to mitigate further displacement and enable
22 residents to stay in their neighborhoods if they wish.

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

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

27 (A) The consequences of land use policies that limit housing
28 supply and diversity include a lack of housing that is affordable to
29 Coloradans of low and moderate incomes, a lack of housing to support
30 employment growth, an imbalance in jobs and housing, segregated and
31 unequal communities, reduced mobility and long commutes, reduced
32 options for older adults to age in their community of choice, loss of open
33 space and agricultural land, high water usage, and increased greenhouse
34 gas and air pollution;

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

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

41 (II) Therefore, the general assembly finds, determines, and
42 declares that the lack of housing supply and unsustainable development
43 patterns are partially caused by local government policies that effectively

1 limit the construction of a diverse range of housing types in areas already
2 served by infrastructure or in close proximity to jobs and public transit.

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

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

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

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

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

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

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

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

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

40 (c) Increase housing supply, allow more compact development,
41 encourage more affordable housing, encourage more environmentally and
42 fiscally sustainable development patterns, encourage housing patterns that
43 conserve water resources, and encourage housing units that are located in

1 close proximity to public transit, places of employment, and everyday
2 needs.

3 (3) In finding and declaring that land use policies that affect
4 housing supply are matters of mixed statewide and local concern, the
5 general assembly finds and declares that there is a need for uniformity in
6 policies that affect housing supply because:

7 (a) The state has an interest in planning for future growth. The
8 state demographer estimates that between 2023 and 2030 the state will
9 add an average of thirty-five thousand households per year, and that
10 between 2030 and 2040 the state will add an additional twenty-nine
11 thousand six hundred households per year. According to the state
12 demographer, households headed by a household age sixty-five and above
13 are expected to increase by 197,000 from 2020 to 2030, meaning over
14 half of the growth in households across the state is expected to be
15 households over sixty-five.

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

23 (c) Increasing housing supply moderates price increases and
24 improves housing affordability across all incomes, according to studies
25 such as "The Economic Implications of Housing Supply" in the Journal
26 of Economic Perspectives and "Supply Skepticism: Housing Supply and
27 Affordability" in Housing Policy Debate;

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

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

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

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

- 1 (h) In 2019, Colorado duplexes and larger multifamily housing
2 units cost between fourteen to forty-three percent less to own, and
3 between nine to twenty-six percent less to rent, than single-unit detached
4 dwellings depending on the type of housing, according to the American
5 Community Survey;
- 6 (i) Proposed market-rate and affordable housing projects are
7 routinely delayed or denied due to discretionary and subjective political
8 processes and land use regulations that limit denser development either
9 directly or indirectly;
- 10 (j) According to a 2022 article titled "Does Discretion Delay
11 Development?", in the American Planning Association Journal,
12 residential projects using by-right approval processes are approved
13 twenty-eight percent faster than those using discretionary approval
14 processes, and faster approval times reduce developer costs and therefore
15 housing costs;
- 16 (k) Compact housing types such as duplexes, townhomes, and
17 multifamily homes also use significantly less energy for heating, cooling,
18 and electricity than detached dwellings, which saves residents money and
19 results in lower emissions;
- 20 (l) In Colorado, household energy savings range from forty
21 percent less for townhomes to seventy percent less for larger multifamily
22 homes compared to single-unit detached dwellings, according to
23 residential housing stock data from the National Renewable Energy
24 Laboratory;
- 25 (m) The state has an interest in ensuring economic mobility by
26 increasing affordable housing opportunities throughout the state:
- 27 (I) Researchers have demonstrated that restrictive local land use
28 regulations help explain segregation income within metropolitan areas,
29 which leads to disparate incomes and access to opportunities;
- 30 (II) In Colorado, households with the lowest incomes experienced
31 the highest rates of housing cost burden, according to the American
32 Community Survey;
- 33 (III) Housing costs can dictate the quality of a child's education,
34 and the highest performing schools are located in areas with the highest
35 housing costs;
- 36 (IV) According to a Brookings Institution report entitled "Housing
37 Costs, Zoning, and Access to High Scoring Schools" that analyzed the
38 one hundred largest metropolitan areas in the United States, housing costs
39 an average of two and four-tenths times as much near a high-scoring
40 public school than near a low-scoring one. The same study found that
41 metro areas with the least restrictive zoning have housing cost gaps
42 between high-scoring and low-scoring schools that are sixty-three percent
43 lower than metro areas with the most restrictive zoning.

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

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

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

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

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

31 (X) Within regions, national surveys have found that a lack of
32 affordable housing within a reasonable commuting distance impacts
33 businesses' ability to attract and retain workers, according to a literature
34 review conducted by the Center for Housing Policy; and

35 (n) The state has an interest in advancing efficient water use, and
36 local government decisions that encourage dispersed, low density
37 development negatively affect the state's water supply:

38 (I) Efficient water use is essential for creating vibrant
39 communities that balance water supply and demand needs to create a
40 sustainable urban landscape, according to the vision laid out in the
41 Colorado water plan;

42 (II) Compact infill development reduces water demand and
43 infrastructure costs through shorter pipes that reduce losses, less

1 landscaped space per unit, and better use of existing infrastructure; and
2 (III) Compared to a single-unit detached dwelling, accessory
3 dwelling units use twenty-two percent less water, small multifamily
4 homes sixty-three percent less, and larger multifamily homes eighty-six
5 percent less, based on data from Denver and Aurora water users analyzed
6 for the Colorado water and growth dialogue Final Report in 2018.
7 (4) (a) The general assembly finds and declares that there is an
8 extraterritorial impact when local governments enact local ordinances that
9 have impacts that cross jurisdictional lines because:
10 (I) Local restrictions on housing push people further from their
11 work and increase driving commute times;
12 (II) Communities with the most restrictive local land use
13 regulations often enable job growth while limiting the ability of housing
14 growth to keep pace, which affects the pace of housing development in
15 neighboring jurisdictions. This results in regional imbalances between
16 jobs and housing that researchers have found have a significant impact on
17 vehicle miles traveled and commute times, according to studies such as
18 "Which Reduces Vehicle Travel More: Jobs-Housing Balance or
19 Retail-Housing Mixing?", published in the Journal of the American
20 Planning Association.
21 (III) In the ten rural resort municipalities with the highest jobs to
22 housing ratios in the state, over ninety percent of workers commute from
23 other jurisdictions, according to housing data from the 2020 federal
24 decennial Census and jobs and commuting data from the Longitudinal
25 Employer-Household Dynamics Origin-Destination Employment Dataset
26 from the Census;
27 (IV) The ten rural resort municipalities with the highest jobs to
28 housing ratios in the state added eighteen percent fewer housing units per
29 capita and their commute times for workers were seventeen percent
30 longer on average than jurisdictions in rural resort counties as a whole,
31 according to data from the 2020 federal decennial Census, American
32 Community Survey, and the Longitudinal Employer-Household Dynamics
33 Origin-Destination Employment Dataset from the Census;
34 (V) Nationwide, the number of jobs within the typical commute
35 distance for residents in major metropolitan areas has declined over time
36 according to a report by the Brookings Institution titled "The Growing
37 Distance Between People and Jobs in Metropolitan America";
38 (VI) Coloradans drive more miles per person than they used to, in
39 part due to dispersed, low-density development patterns, putting stress on
40 transportation infrastructure and increasing household costs;
41 (VII) Since 1981, per capita vehicle miles traveled in Colorado
42 have risen by over twenty percent according to data from the Federal
43 Highway Administration;

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

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

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

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

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

26 (III) According to the greenhouse gas pollution reduction
27 roadmap, published by the Colorado energy office and dated January 14,
28 2021, the transportation sector is the single largest source of greenhouse
29 gas pollution in Colorado;

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

33 (V) As part of the greenhouse gas pollution reduction roadmap,
34 a strategic action plan to achieve legislatively adopted targets of reducing
35 greenhouse gas pollution economy-wide by fifty percent below 2005
36 levels by 2030 and ninety percent by 2050, the state committed to
37 reducing emissions from the transportation sector by forty-one percent by
38 2030 from a 2005 baseline;

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

43 (VII) Local government land use decisions that require a

1 minimum amount of parking spaces beyond what is necessary to meet
2 market demand increase vehicle miles traveled and associated greenhouse
3 gas emissions. According to the UCLA Institute of Transportation Studies
4 article titled "What Do Residential Lotteries Show Us About
5 Transportation Choices", higher amounts of free parking provided in
6 residential developments cause higher rates of vehicle ownership, higher
7 rates of vehicle miles traveled, and less frequent transit use.

8 (VIII) Local government land use decisions that require a
9 minimum amount of parking spaces increase the cost of new residential
10 projects, which increases housing costs. According to the Regional
11 Transportation District study "Residential Parking in Station Areas: A
12 Study of Metro Denver", structured parking spaces in the Denver
13 metropolitan areas cost twenty-five thousand dollars each to build in
14 2020, and use space which would otherwise be used for revenue
15 generating residential units, decreasing the profitability of residential
16 development. As a result, parking requirements may discourage
17 developers from building new residential projects, or, if they do move
18 forward with projects, force them to recoup the costs of building
19 excessive parking by increasing housing prices.

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

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

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

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

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

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

42 (b) Therefore, the general assembly finds, determines and declares
43 that local government land use decisions that limit housing and encourage

1 dispersed low-density development impact local and state government
2 fiscal health and the business community."

3 Renumber succeeding sections accordingly.

4 Page 9, after line 21 insert:

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

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

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

12 Page 10, strike lines 14 through 17.

13 Renumber succeeding subsections accordingly.

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

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

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

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

26 Renumber succeeding subsections accordingly.

27 Page 15, after line 9 insert:

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

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

4 Renumber succeeding subsections accordingly.

5 Page 17, after line 6 insert:

6 "(36) "STANDARD EXEMPT PARCEL" MEANS A PARCEL THAT:
7 (a) LIES ENTIRELY OUTSIDE OF AN AREA THAT IS DESIGNATED AS
8 AN URBANIZED AREA BY THE MOST RECENT FEDERAL DECENNIAL CENSUS;
9 (b) IS NOT SERVED BY A DOMESTIC WATER AND SEWAGE
10 TREATMENT SYSTEM, AS DEFINED IN SECTION 24-65.1-104 (5);
11 (c) IS IN AN AGRICULTURAL, FORESTRY, NATURAL RESOURCE
12 PRESERVATION, OR OPEN SPACE ZONING DISTRICT;
13 (d) IS A HISTORIC PROPERTY THAT IS NOT WITHIN A HISTORIC
14 DISTRICT; OR
15 (e) IS IN A FLOODWAY OR IN A ONE HUNDRED YEAR FLOODPLAIN,
16 AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY."

17 Page 19, after line 1 insert:

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

22 Page 24, line 27, after "OFFICE;" insert "AND".

23 Page 25, strike line 1.

24 Renumber succeeding subparagraph accordingly.

25 Page 26, line 16, strike "AND" and substitute "OR".

26 Page 26, line 19, strike "STOCK;" and substitute "STOCK."

27 Page 26, line 21, strike "MAY" and substitute "MUST".

28 Page 26, line 23, strike "**Housing**" and substitute "**Urban municipality**
29 **housing**".

30 Page 27, strike lines 5 and 6.

- 1 Renumber succeeding subsections accordingly.
- 2 Page 28, strike lines 14 through 16 and substitute "IDENTIFICATION OF
3 HOUSING RESOURCES AND CHANGES TO LOCAL LAWS;"
- 4 Page 28, strike line 19 and substitute:
- 5 "(e) A DESCRIPTION OF AND AN IMPLEMENTATION PLAN FOR AT
6 LEAST ONE STRATEGY THAT THE".
- 7 Page 29, strike lines 1 through 4 and substitute:
- 8 "(f) IN THE CASE OF AN URBAN MUNICIPALITY WITH A
9 TRANSIT-ORIENTED AREA, AT LEAST TWO STRATEGIES FROM THE LIST OF
10 AFFORDABLE DEVELOPMENT STRATEGIES IN SECTION 29-33-106 (1) AND
11 AT LEAST ONE STRATEGY FROM THE LIST OF LONG-TERM AFFORDABILITY
12 STRATEGIES IN SECTION 29-33-106 (2); AND".
- 13 Reletter succeeding paragraphs accordingly.
- 14 Page 29, line10 strike "AREAS; AND".
- 15 Page 29, strike lines 11 through 15 and substitute "AREAS".
- 16 Page 29, line 17, after "PLAN" insert "OR INFORMATION FROM THAT
17 ANALYSIS".
- 18 Page 29, line 27, strike "PLAN TO ADDRESS LOCAL HOUSING NEEDS." and
19 substitute "PLAN".
- 20 Page 30, line 1, strike "COUNCIL OF GOVERNMENT," and substitute
21 "METROPOLITAN PLANNING ORGANIZATION,".
- 22 Page 30, line 3, strike "SHALL" and substitute "MAY".
- 23 Page 30, line 4, strike "COUNCILS OF GOVERNMENT," and substitute
24 "METROPOLITAN PLANNING ORGANIZATION,".
- 25 Page 30, line 8, strike "PARTICIPATION IN THE" and substitute "REGIONAL".
- 26 Page 30, line 10, after "THE" insert "REGIONAL".
- 27 Page 30, line 12, strike "STRATEGIES" and substitute "HOUSING

- 1 PRODUCTION STRATEGIES AND COMMITMENTS".
- 2 Page 30, line 17, strike "COUNCILS OF GOVERNMENT," and substitute "A
3 METROPOLITAN PLANNING ORGANIZATION,".
- 4 Page 30, line 22, strike "COUNCILS OF GOVERNMENT," and substitute
5 "METROPOLITAN PLANNING ORGANIZATIONS,".
- 6 Page 30, strike lines 26 and 27.
- 7 Page 31, strike lines 1 through 11.
- 8 Page 31, line 12, after "(8)" insert "**Strategic growth and housing mix**
9 **analysis.**".
- 10 Page 31, line 21, strike "CENSUS-DEFINED" and substitute "CENSUS".
- 11 Page 32, line 1, after "TO" insert "RECENT AND".
- 12 Page 32, strike lines 2 through 5 and substitute "EXISTING GROWTH
13 PATTERNS. METROPOLITAN PLANNING".
- 14 Page 33, strike lines 12 through 17 and substitute:
- 15 "(b) THE CREATION OF A PROGRAM TO PRIORITIZE DEVELOPMENT
16 PERMITS AND SUBSIDIZE OR OTHERWISE REDUCE IMPACT FEES OR OTHER
17 SIMILAR DEVELOPMENT CHARGES FOR REGULATED AFFORDABLE HOUSING
18 DEVELOPMENT WHERE APPLICABLE;".
- 19 Page 33, line 21, after "HEIGHT" insert "BEYOND WHAT IS REQUIRED BY
20 THIS ARTICLE 33".
- 21 Page 33, line 24, after "AREAS" insert "BEYOND WHAT IS REQUIRED BY
22 THIS ARTICLE 33, SUCH AS ADDITIONAL ZONE DISTRICTS, HIGHER ALLOWED
23 DENSITIES, OR OTHER APPROACHES THAT ARE".
- 24 Page 34, strike lines 5 through 8.
- 25 Reletter succeeding paragraphs accordingly.
- 26 Page 34, lines 9 and 10, strike "MIDDLE HOUSING, KEY CORRIDOR," and
27 substitute "KEY CORRIDOR".

- 1 Page 34, line 10, strike "DENSITIES" and substitute "ZONING DISTRICTS".
- 2 Page 34, strike lines 12 through 18.
- 3 Reletter succeeding paragraphs accordingly.
- 4 Page 36, strike lines 15 through 19 and substitute "KNOWN HOUSING
5 NEEDS."
- 6 Page 37, strike lines 3 through 15 and substitute "**strategies.** (1) (a) NO
7 LATER THAN DECEMBER 31, 2024, THE EXECUTIVE DIRECTOR OF THE
8 DEPARTMENT OF LOCAL AFFAIRS SHALL DEVELOP GUIDANCE FOR
9 MUNICIPALITIES TO CONDUCT A DISPLACEMENT RISK ASSESSMENT AND
10 IMPLEMENT DISPLACEMENT MITIGATION STRATEGIES AND PROVIDE
11 GUIDANCE REGARDING THE NUMBER OF STRATEGIES THAT MUST BE
12 SELECTED TO SUPPORT URBAN MUNICIPALITIES AND RURAL RESORT JOB
13 CENTER MUNICIPALITIES IN PREVENTING DISPLACEMENT AS PART OF THE
14 REQUIRED HOUSING NEEDS PLAN PURSUANT TO SECTION 29-33-105.
- 15 (b) THE DISPLACEMENT ASSESSMENT, DISPLACEMENT MITIGATION
16 STRATEGIES, AND NUMBER OF DISPLACEMENT MITIGATION STRATEGIES
17 MUST PROVIDE ADEQUATE GUIDANCE AND TOOLS FOR MUNICIPALITIES TO
18 MITIGATE DISPLACEMENT OF LOW-INCOME HOUSEHOLDS FROM AREAS AT
19 HIGH RISK FOR DISPLACEMENT."
- 20 Page 37, strike lines 19 and 20 and substitute "LOW-INCOME RESIDENTS
21 OF THE COMMUNITY IN ADDITION TO DATA ANALYZED AT THE CENSUS
22 TRACT LEVEL OR SIMILAR GEOGRAPHY;"
- 23 Page 37, line 21, strike "NEIGHBORHOOD-LEVEL" and substitute
24 "INFORMATION FROM ANY NEIGHBORHOOD-LEVEL".
- 25 Page 37, line 23, strike "GET AHEAD OF TRENDS AND PREDICTIONS OF" and
26 substitute "ANTICIPATE".
- 27 Page 37, lines 25 and 26, strike "THE INCLUSION OF OTHER DATA POINTS"
28 and substitute "OTHER DATA SOURCES".
- 29 Page 37, strike line 27.
- 30 Page 38, strike lines 1 through 15 and substitute:
- 31 "(IV) QUALITATIVE AND QUANTITATIVE INDICATORS OF
32 NEIGHBORHOOD CHANGE, INCLUDING DEMOGRAPHIC AND ECONOMIC

1 CHANGE; AND
2 (V) QUALITATIVE AND QUANTITATIVE INDICATORS OF
3 NEIGHBORHOOD REVITALIZATION, WHICH REFERS TO INCREASED
4 ECONOMIC ACTIVITY OR VALUE IN A NEIGHBORHOOD, OFTEN
5 ACCOMPANIED BY PUBLIC OR PRIVATE INVESTMENT."

6 Page 38, line 16, strike "MUST" and substitute "MAY".

7 Page 38, line 17, after "FOLLOWING" insert "QUANTITATIVE".

8 Page 38, strike line 19 and substitute "SCALE FOR WHICH DATA IS
9 AVAILABLE;".

10 Page 39, strike lines 12 through 15.

11 Renumber succeeding subparagraphs accordingly,

12 Page 39, line 17, strike "MARKET;" and substitute "MARKET WHERE THIS
13 INFORMATION IS READILY AVAILABLE;".

14 Page 39, strike lines 18 through 22 and substitute:

15 "(XI) CHANGE IN LAND PRICES, RENTAL PRICES, PROPERTY
16 VALUES, AND OTHER REAL ESTATE AND HOUSING INDICATORS;".

17 Page 39, line 27, strike "AMOUNT; AND" and substitute "AMOUNT WHERE
18 THIS INFORMATION IS READILY AVAILABLE; AND".

19 Page 40, line 1, after "OF" insert "SMALL".

20 Page 40, line 2, strike "ASSESSMENT." and substitute "ASSESSMENT WHERE
21 THIS INFORMATION IS READILY AVAILABLE.

22 (c) IN DEVELOPING A DISPLACEMENT RISK ASSESSMENT, URBAN
23 MUNICIPALITIES AND RURAL RESORT JOB CENTER MUNICIPALITIES MUST
24 ALSO CONDUCT INCLUSIVE COMMUNITY ENGAGEMENT WITH RESIDENTS OF
25 AREAS IDENTIFIED AS BEING AT ELEVATED RISK FOR DISPLACEMENT TO
26 ADDRESS QUALITATIVE INDICATORS OF DISPLACEMENT, WHICH MAY
27 INCLUDE:

28 (I) FACTORS REFERENCED IN THE GOALS IN SUBSECTION (2)(a) OF
29 THIS SECTION; AND

30 (II) EXISTING AFFORDABLE HOUSING STOCK AT RISK OF
31 DISPLACING CURRENT RESIDENTS DUE TO MARKET FORCES,
32 NEIGHBORHOOD CHANGES, OR AGING STRUCTURES."

- 1 Reletter succeeding paragraphs accordingly.
- 2 Page 40, strike line 3 and substitute:
 - 3 "(c) MUNICIPALITIES ARE ENCOURAGED TO DEVELOP A
 - 4 DISPLACEMENT RISK ASSESSMENT IN".
- 5 Page 40, line 5, strike "NECESSARY".
- 6 Page 40, line 9, strike "GOAL" and substitute "GOALS".
- 7 Page 40, line 10, strike "IS" and substitute "ARE" and strike "THAT".
- 8 Page 41, strike lines 4 and 5 and substitute "THE DISPLACEMENT RISK
- 9 ASSESSMENT.".
- 10 Page 41, line 7, strike "TIER ONE AND TWO" and substitute "URBAN".
- 11 Page 41, line 9, strike "THESE" and substitute "THIS MENU OF".
- 12 Page 41, line 10, strike "MUST" and substitute "MAY".
- 13 Page 41, line 13, strike "SECTION;" and substitute "SECTION INTO A
- 14 HOUSING NEEDS PLAN;".
- 15 Page 41, line 15, strike "LOCAL GOVERNMENTS" and substitute
- 16 "MUNICIPALITIES".
- 17 Page 41, strike lines 25 through 27.
- 18 Page 42, strike line 1 and substitute:
 - 19 "(C) IMPLEMENTING LOCAL RIGHT OF FIRST REFUSAL FOR EXPIRING
 - 20 REGULATED AFFORDABLE HOUSING UNITS, PRIORITIZING LOCAL FUNDS
 - 21 TOWARD AFFORDABLE UNIT PRESERVATION, OR IMPLEMENTING OR
 - 22 CONTINUING DEED RESTRICTED AFFORDABLE HOUSING UNITS; AND".
- 23 Page 42, line 5, strike "ONE HALF-MILE OF" and substitute "CLOSE
- 24 PROXIMITY TO NEW".
- 25 Page 42, line 6, after "BUILD" insert "NEW LARGE MULTIFAMILY".
- 26 Page 42, line 9, strike "WITHIN".

- 1 Page 42, strike line 10 and substitute "IN CLOSE PROXIMITY TO THE
2 DEVELOPMENT;".
- 3 Page 42, strike lines 11 through 27.
- 4 Page 43, strike lines 1 and 2 and substitute and substitute:
- 5 "(IV) PROVIDING A PRIORITIZATION POLICY FOR CURRENT
6 RESIDENTS IN NEW REGULATED AFFORDABLE HOUSING IN A MULTIFAMILY
7 DEVELOPMENT FOR THE FIRST FEW MONTHS THAT UNITS ARE LEASED
8 AFTER CONSTRUCTION.".
- 9 Renumber succeeding subparagraph accordingly.
- 10 Page 43, line 8, strike "AND".
- 11 Page 43, line 10, strike "PROGRAM." and substitute "PROGRAM; AND
12 "(E) ANY OTHER STRATEGIES PROPOSED BY A LOCAL GOVERNMENT
13 OR THE MULTI-AGENCY ADVISORY COMMITTEE THAT ARE APPROVED BY
14 THE DEPARTMENT OF LOCAL AFFAIRS AND THAT SUPPORT THE GOALS OF
15 THIS SECTION.".
- 16 Page 43, line 11, strike "A" and substitute "THE".
- 17 Page 43, line 12, strike "STRATEGIES.".
- 18 Page 43, strike lines 13 through 22 and substitute "STRATEGIES AS
19 DETERMINED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
20 AFFAIRS.".
- 21 Page 44, line 2, strike "2024, AND EVERY FIVE" and substitute "2025, AND
22 EVERY SIX".
- 23 Page 44, lines 4 and 5, strike "TIER ONE AND TWO".
- 24 Page 44, line 10, after "29-33-105." insert "THE STRATEGIES THAT A
25 MUNICIPALITY SELECTS MUST BE EVIDENCE-BASED AND INFORMED BY ITS
26 DISPLACEMENT ASSESSMENT AND THE MEDIAN INCOME OF AREAS
27 IDENTIFIED AS AT RISK OF DISPLACEMENT. AN URBAN MUNICIPALITY AND
28 RURAL RESORT JOB CENTER MUNICIPALITY SHALL PROVIDE SUPPORTING
29 INFORMATION AND A NARRATIVE TO DEMONSTRATE HOW THE STRATEGIES
30 WILL MITIGATE DISPLACEMENT AS IDENTIFIED IN THE DISPLACEMENT
31 ASSESSMENT.".

- 1 Page 44, lines 14 and 15, strike "TIER ONE OR TIER TWO".
- 2 Page 44, line 17, strike "THE EVIDENCE-BASED".
- 3 Page 44, line 26, strike "THE LOCAL COMMUNITY GROUPS" and substitute
- 4 "LOCAL COMMUNITY GROUPS AND COMMUNITY MEMBERS".
- 5 Page 45, line 2, after "RIGHTS;" insert "AND".
- 6 Page 45, strike lines 3 and 4.
- 7 Reletter succeeding paragraph accordingly.
- 8 Page 45, line 7, strike "THE DRAFT AND FINAL".
- 9 Page 45, strike line 8.
- 10 Page 45, line 9, strike "MITIGATION STRATEGIES OR OTHER RELATED".
- 11 Page 45, lines 12 and 13, strike " "TIER ONE AND TWO".
- 12 Page 45, lines 17 and 18, strike "NO LATER THAN DECEMBER 25, 2025,
- 13 THE" and substitute "THE".
- 14 Page 45, line 21, strike "FOR".
- 15 Page 45, line 22, strike "(3)(c)(I)" and substitute "(1)(a)".
- 16 Page 51, lines 1 and 2, strike "AND THE MULTI-AGENCY GROUP" and
- 17 substitute "THE MULTI-AGENCY GROUP, AND EXPERTS IN RELATED FIELDS".
- 18 Page 51, line 4, strike "ACHIEVE BOTH:" and substitute "ACHIEVE:"
- 19 Page 51, line 6, strike "AND".
- 20 Page 51, line 10, strike "CONSERVATION." and substitute "CONSERVATION
- 21 AND MITIGATING HAZARDS; AND
- 22 (c) IDENTIFICATION OF BEST PRACTICES, TOOLS AND RESOURCES
- 23 RELATED TO SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION."
- 24 Page 53, strike lines 11 through 17 and substitute:
- 25 "(d) THE CREATION OF A PROGRAM TO PRIORITIZE DEVELOPMENT

- 1 PERMITS AND SUBSIDIZE OR OTHERWISE REDUCE IMPACT FEES OR OTHER
2 SIMILAR DEVELOPMENT CHARGES FOR REGULATED AFFORDABLE HOUSING
3 DEVELOPMENT WHERE APPLICABLE;".
- 4 Page 53, line 18, after "FOR" insert "REGULATED".
- 5 Page 53, strike lines 21 through 23 and substitute "INCREASED FLOOR
6 AREA RATIO, DENSITY, OR HEIGHT TO INCREASE THE CONSTRUCTION OF
7 REGULATED AFFORDABLE HOUSING UNITS;".
- 8 Page 53, line 24, after "ENABLING" insert "REGULATED".
- 9 Page 53, strike lines 25 through 27 and substitute "HOUSING TYPES AND
10 AREAS CONSISTENT WITH THE GOALS OF INCREASING".
- 11 Page 54, line 3, after "OF" insert "REGULATED".
- 12 Page 54, line 6, after "OF" insert "REGULATED".
- 13 Page 54, strike line 7.
- 14 Reletter succeeding paragraphs accordingly.
- 15 Page 54, strike lines 10 through 12.
- 16 Reletter succeeding paragraphs accordingly.
- 17 Page 54, line 14, after "INCREASE" insert "REGULATED".
- 18 Page 54, strike lines 23 through 27.
- 19 Page 55, strike lines 1 through 5 and substitute:
- 20 "(o) PRIORITIZING WATER SUPPLIES FOR AFFORDABLE OR DENSE
21 HOUSING TYPES OVER LESS EFFICIENT HOUSING OR OTHER LESS CRITICAL
22 USES THROUGH A WATER POLICY ESTABLISHED BY THE MUNICIPALITY OR
23 IN COORDINATION WITH A UTILITY PROVIDER."
- 24 Reletter succeeding paragraphs accordingly.
- 25 Page 56, strike lines 21 through 27.
- 26 Page 57, strike lines 1 through 3 and substitute:

1 "(4) (a) A".

2 Page 57, line 8, after "SECTION." add "IN DETERMINING WHICH
3 STRATEGIES TO ADOPT, A RURAL RESORT JOB CENTER MUNICIPALITY SHALL
4 CONSIDER PREVIOUS PLANS ADDRESSING HOUSING NEEDS, THE LOCAL AND
5 REGIONAL HOUSING NEEDS ASSESSMENTS, AND OTHER AVAILABLE DATA
6 TO INFORM THE SELECTION OF STRATEGIES TO ADDRESS KNOWN HOUSING
7 NEEDS."

8 Reletter succeeding paragraph accordingly.

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

10 Page 60, strike lines 19 through 27.

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

12 "AND THE DIVISION OF WATER RESOURCES SHALL SUBMIT A JOINT
13 REPORT TO THE GENERAL ASSEMBLY UTILIZING DATA AND ANALYSES FROM
14 THE MOST RECENT COLORADO WATER PLAN AND BASIN IMPLEMENTATION
15 PLANS THAT CONSIDERS THE FOLLOWING:

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

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

20 (c) A RANGE OF POLICY OPTIONS TO MAXIMIZE EFFICIENCY OF
21 EXISTING WATER SUPPLY AND MINIMIZE THE IMPACT OF POPULATION
22 GROWTH ON OTHER SECTORS OR REGIONS.

23 (2) THE DIRECTOR SHALL CONSULT WATER PROVIDERS IN THE
24 PREPARATION OF THE REPORT."

25 Page 61, line 27, strike "ADVISORY".

26 Page 63, strike lines 4 through 8.

27 Reletter succeeding paragraphs accordingly.

28 Page 63, line 11, strike "TYPE AND INCOME LEVEL;" and substitute
29 "TYPE;"

30 Page 63, line 13, strike "ON".

31 Page 63, strike line 14 and substitute "FOR WHICH A CERTIFICATE OF

- 1 OCCUPANCY HAS BEEN ISSUED, A FINAL INSPECTION HAS BEEN COMPLETED,
2 OR OTHER VERIFICATION EXISTS THAT THE PROJECT IS COMPLETE AND
3 SUITABLE FOR OCCUPANCY;"
- 4 Page 63, line 21, after "PERMITS" insert "ISSUED".
- 5 Page 63, line 22, strike "COMMUNITIES;" and substitute "COMMUNITIES, IF
6 APPLICABLE;"
- 7 Page 63, line 27, strike "ENTERED INTO" and substitute "IN PLACE".
- 8 Page 64, line 3, strike "UPON" and substitute "AFTER".
- 9 Page 64, line 13, strike "DEVELOPMENT" and substitute
10 "IMPLEMENTATION".
- 11 Page 64, line 16, strike "ALONG" and substitute "IN COORDINATION".
- 12 Page 68, line 21, strike "24-1-117 (11)(a)(I)" and substitute "24-1-136
13 (11)(a)(I)".
- 14 Page 69, line 8, strike "29-33-116" and substitute "29-33-117".
- 15 Page 71, line 5, strike "HOUSING;" and substitute "HOUSING OR IS A
16 REPRESENTATIVE OF AN ASSOCIATION OF MARKET RATE HOUSING
17 DEVELOPERS;"
- 18 Page 75, line 18, strike "COMMITTEES" and substitute "COMMITTEE AND
19 SUBCOMMITTEES".
- 20 Page 79, strike line 6 and substitute "**definitions.** (1) THE GENERAL
21 ASSEMBLY FINDS AND DECLARES THAT OCCUPANCY LIMITS AND THE
22 INCREASED AVAILABILITY OF HOUSING IS A MATTER OF MIXED STATEWIDE
23 AND LOCAL CONCERN.
24 (2) NOTWITHSTANDING ANY OTHER PROVISION TO THE"
- 25 Renumber succeeding paragraphs accordingly.
- 26 Page 79, line 22, after "(9)," strike "and".
- 27 Page 79, line 23, after "(10)" insert ", and (11)".
- 28 Page 80, line 10, strike "2024" and substitute "2025".

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

2 Page 85, strike lines 12 through 17.

3 Page 85, strike line 18 and substitute:

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

5 Page 86, after line 2 insert:

6 "(10) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR
7 AMENDING THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE
8 MASTER PLAN TO THE DIVISION OF LOCAL GOVERNMENT IN THE
9 DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT
10 SHALL REVIEW THE MASTER PLAN TO ENSURE THE MASTER PLAN COMPLIES
11 WITH THE REQUIREMENTS OF THIS SECTION. THE DIVISION OF LOCAL
12 GOVERNMENT SHALL PUBLISH AND MAINTAIN A DATABASE OF ADOPTED
13 AND AMENDED MASTER PLANS THAT HAVE BEEN SUBMITTED IN
14 ACCORDANCE WITH THIS SECTION; AND

15 (11) A COUNTY SUBJECT TO THIS SECTION SHALL REVIEW AND, IF
16 NEEDED, REVISE ITS MASTER PLAN TO ENSURE THE MASTER PLAN COMPLIES
17 WITH THE REQUIREMENTS OF THIS SECTION AT LEAST EVERY TEN YEARS.
18 A COUNTY MAY UTILIZE EXISTING PLANNING INFORMATION AND ANALYSIS
19 TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION (11) IF THE
20 INFORMATION OR ANALYSIS IS NOT MORE THAN FIVE YEARS OLD."

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

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

23 Page 88, after line 7 insert:

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

28 **SECTION 9.** In Colorado Revised Statutes, 31-23-301, **add** (6)
29 as follows:

30 **31-23-301. Grant of power.** (6) NEITHER A TIER ONE URBAN
31 MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (33) OR A TIER TWO
32 URBAN MUNICIPALITY AS DEFINED IN SECTION 29-33-102 (34) SHALL
33 IMPOSE MINIMUM SQUARE FOOTAGE REQUIREMENTS FOR RESIDENTIAL
34 UNITS IN THE APPROVAL OF RESIDENTIAL DWELLING UNIT CONSTRUCTION
35 PERMITS UNLESS DOING SO IS NECESSARY FOR HEALTH AND SAFETY IN THE

1 URBAN MUNICIPALITY."

2 Renumber succeeding sections accordingly.

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

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

5 Page 94, strike lines 24 through 27.

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

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

8 Page 95, after line 13 insert:

9 "(10) NO MORE THAN THIRTY DAYS AFTER ADOPTING OR
10 AMENDING THE MASTER PLAN, THE COMMISSION SHALL SUBMIT THE
11 MASTER PLAN TO THE DIVISION OF LOCAL GOVERNMENT IN THE
12 DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT
13 SHALL REVIEW THE MASTER PLAN TO ENSURE IT COMPLIES WITH THE
14 REQUIREMENTS OF THIS SECTION. THE DIVISION OF LOCAL GOVERNMENT
15 SHALL PUBLISH AND MAINTAIN A DATABASE OF ADOPTED AND AMENDED
16 MASTER PLANS THAT HAVE BEEN SUBMITTED IN ACCORDANCE WITH THIS
17 SECTION."

18 Page 95, after line 20 insert:

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

21 **38-33.3-106.5. Prohibition contrary to public policy - patriotic,**
22 **political, or religious express - public rights-of-way - fire prevention**
23 **- renewable energy generation devices - affordable housing - drought**
24 **prevention measure - child care - definitions. (3)**

25 (a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION, BYLAWS,
26 OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE CONTRARY, AN
27 ASSOCIATION SHALL NOT PROHIBIT ACCESSORY DWELLING UNITS, HOUSING
28 IN TRANSIT-ORIENTED AREAS, AND HOUSING IN KEY CORRIDORS IN THE
29 JURISDICTIONS AND AREAS TO WHICH ARTICLE 33 OF TITLE 29 APPLIES.
30 ANY SUCH PROHIBITION ON THE PERMITTING OF ACCESSORY DWELLING
31 UNITS, HOUSING IN TRANSIT-ORIENTED AREAS, AND HOUSING IN KEY
32 CORRIDORS IS VOID AS A MATTER OF PUBLIC POLICY IN ANY WAY THAT IS
33 PROHIBITED BY ARTICLE 33 OF TITLE 29.

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

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

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

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

9 (c) SUBSECTION (3)(a) OF THIS SECTION SHALL NOT APPLY TO
10 REASONABLE RESTRICTIONS ON ACCESSORY DWELLING UNITS. AS USED IN
11 THIS SUBSECTION (3)(c), "REASONABLE RESTRICTION" MEANS A
12 RESTRICTION THAT DOES NOT UNREASONABLY INCREASE THE COST TO
13 CONSTRUCT, EFFECTIVELY PROHIBIT THE CONSTRUCTION OF, OR
14 EXTINGUISH THE ABILITY TO OTHERWISE CONSTRUCT, AN ACCESSORY
15 DWELLING UNIT CONSISTENT WITH THE PROVISIONS OF THIS SECTION.

16 (4)(a) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,
17 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE
18 CONTRARY, AN ASSOCIATION SHALL NOT ENACT OR ENFORCE RESIDENTIAL
19 OCCUPANCY LIMITS THAT DIFFER BASED ON THE RELATIONSHIPS OF THE
20 OCCUPANTS OF A DWELLING.

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

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

28 Renumber succeeding sections accordingly.

29 Page 1, strike lines 102 through 109 and substitute "**THEREWITH,**
30 **MAKING AN**".

** *** ** *** **

SB213_L.116

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

SB23-213 be amended as follows:

- 1 Amend proposed committee amendment (SB213_L.111), page 21, line
- 2 24, strike "NOTWITHSTANDING" and substitute "BEGINNING JANUARY 1,
- 3 2024, NOTWITHSTANDING".

** *** ** *** **

HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on Transportation, Housing & Local Government.
SB23-213 be amended as follows:

1 Amend reengrossed bill, page 78, after line 2 insert:

2 "PART 2
3 ACCESSORY DWELLING UNITS
4 **29-33-201. Legislative declaration.** (1) (a) THE GENERAL
5 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:
6 (I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT
7 ACCESSORY DWELLING UNIT DEVELOPMENT;
8 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;
9 (III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
10 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
11 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
12 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
13 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
14 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
15 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
16 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
17 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
18 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
19 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
20 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
21 AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.
22 (IV) MORE PERMISSIVE LOCAL GOVERNMENT ACCESSORY
23 DWELLING UNIT REGULATIONS CAN HELP INCREASE HOUSING SUPPLY AND
24 STABILIZE HOUSING COSTS;
25 (V) ACCESSORY DWELLING UNITS OFFER A WAY TO PROVIDE
26 COMPACT, RELATIVELY AFFORDABLE HOUSING IN ESTABLISHED
27 NEIGHBORHOODS WITH MINIMAL IMPACTS TO THE INFRASTRUCTURE AND
28 ALSO SUPPLY NEW HOUSING WITHOUT ADDED NEW DISPERSED
29 LOW-DENSITY HOUSING;
30 (VI) RELATIVE TO DISPERSED LOW-DENSITY DEVELOPMENT,
31 COMPACT INFILL DEVELOPMENT, INCLUDING ACCESSORY DWELLING UNIT
32 DEVELOPMENT, REDUCES WATER USE, GREENHOUSE GAS EMISSIONS,
33 INFRASTRUCTURE COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION
34 COSTS;
35 (VII) ACCESSORY DWELLING UNITS PROVIDE FINANCIAL BENEFITS
36 TO HOMEOWNERS;
37 (VIII) ACCESSORY DWELLING UNITS GENERATE RENTAL INCOME TO
38 HELP HOMEOWNERS COVER MORTGAGE PAYMENTS OR OTHER COSTS,
39 WHICH CAN BE IMPORTANT FOR OLDER HOMEOWNERS ON FIXED INCOMES;
40 (IX) ACCESSORY DWELLING UNITS CAN PROVIDE FAMILIES WITH

1 OPTIONS FOR INTERGENERATIONAL LIVING ARRANGEMENTS THAT ENABLE
2 CHILD OR ELDER CARE AND AGING IN PLACE; AND

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

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

10 **29-33-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES:

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

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

17 (3) "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 (4) "SUBJECT JURISDICTION" MEANS AN URBAN MUNICIPALITY.

21 **29-33-203. Applicability - exemptions.** (1) THE REQUIREMENTS
22 OF THIS PART 2 APPLY ONLY IN A SUBJECT JURISDICTION.

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

26 **29-33-204. Model code.** (1) (a) NO LATER THAN JUNE 30, 2024,
27 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL
28 PROMULGATE AN ACCESSORY DWELLING UNIT MODEL CODE.

29 (b) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
30 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
31 OF LOCAL AFFAIRS CONCERNING THE MODEL CODE.

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

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

37 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
38 MODEL CODE;

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

41 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, RACIAL EQUITY
42 AND HOMELESSNESS PREVENTION, AFFORDABLE HOUSING, FAIR HOUSING,
43 PLANNING, ZONING, AND RELATED FIELDS.

- 1 (3) THE MODEL CODE MUST, AT A MINIMUM:
2 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT AS AN
3 ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF
4 THE MUNICIPALITY WHERE THE MUNICIPALITY ALLOWS SINGLE-UNIT
5 DETACHED DWELLINGS AS A USE BY RIGHT; AND
6 (b) ESTABLISH OBJECTIVE STANDARDS FOR ALL OF THE ELEMENTS
7 ADDRESSED IN THE MINIMUM STANDARDS.
8 (4) THE MODEL CODE MUST INCLUDE A REQUIREMENT THAT
9 SUBJECT JURISDICTIONS MAY NOT REQUIRE NEW OFF-STREET VEHICLE
10 PARKING IN CONNECTION WITH THE CONSTRUCTION OR PERMITTING OF AN
11 ACCESSORY DWELLING UNIT.
- 12 **29-33-205. Minimum standards.** (1) NOTWITHSTANDING ANY
13 LOCAL LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT
14 ADOPT THE MODEL CODE SHALL:
15 (a) ALLOW ACCESSORY DWELLING UNITS AS A USE BY RIGHT AS AN
16 ACCESSORY USE TO A SINGLE-UNIT DETACHED DWELLING IN ANY PART OF
17 THE MUNICIPALITY WHERE THE MUNICIPALITY ALLOWS SINGLE-UNIT
18 DETACHED DWELLINGS AS A USE BY RIGHT;
19 (b) ONLY ADOPT OR ENFORCE LOCAL LAWS CONCERNING
20 ACCESSORY DWELLING UNIT LAND USE THAT USE OBJECTIVE STANDARDS
21 AND OBJECTIVE PROCEDURES;
22 (c) ALLOW ADDITIONS TO, OR THE CONVERSION OF, AN EXISTING
23 SINGLE-UNIT DETACHED DWELLING TO CREATE AN ACCESSORY DWELLING
24 UNIT SO LONG AS THE ADDITION OR CONVERSION DOES NOT INCREASE
25 NONCONFORMANCE WITH APPLICABLE OBJECTIVE STANDARDS, UNLESS
26 LOCAL LAWS ALLOW FOR SUCH AN INCREASE IN NONCONFORMANCE; AND
27 (d) ALLOW ACCESSORY DWELLING UNIT SIZES BETWEEN FIVE
28 HUNDRED AND EIGHT HUNDRED SQUARE FEET. SUBJECT JURISDICTIONS
29 MAY ADDITIONALLY PERMIT SMALLER OR LARGER ACCESSORY DWELLING
30 UNITS AT THEIR DISCRETION.
- 31 (2) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
32 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
33 NOT:
34 (a) APPLY STANDARDS CONCERNING ARCHITECTURAL STYLE,
35 BUILDING MATERIALS, OR LANDSCAPING THAT ARE MORE RESTRICTIVE
36 THAN THE STANDARDS THAT THE SUBJECT JURISDICTION APPLIES TO A
37 SINGLE-UNIT DETACHED DWELLING IN THE SAME ZONING DISTRICT;
38 (b) ADOPT, ENACT, OR ENFORCE LOCAL LAWS THAT MAKE THE
39 PERMITTING, APPROVAL OF, SITING, OR CONSTRUCTION OF AN ACCESSORY
40 DWELLING UNIT PHYSICALLY IMPOSSIBLE OR PRACTICALLY DIFFICULT;
41 (c) IMPOSE A REQUIREMENT ON AN ACCESSORY DWELLING UNIT
42 THAT IS CONTINGENT UPON THE PRIMARY RESIDENCE ON THE SAME LOT
43 BEING OWNER-OCCUPIED;

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

4 (e) REQUIRE NEW OFF-STREET VEHICLE PARKING IN CONNECTION
5 WITH THE CONSTRUCTION OR THE PERMITTING OF AN ACCESSORY
6 DWELLING UNIT; OR

7 (f) REQUIRE SIDE OR REAR SETBACKS FOR AN ACCESSORY
8 DWELLING UNIT GREATER THAN THE MINIMUM SIDE SETBACK REQUIRED
9 FOR A SINGLE-UNIT DETACHED DWELLING OR THE SETBACK REQUIRED FOR
10 OTHER ACCESSORY BUILDINGS IN THE SAME ZONING DISTRICT, UNLESS
11 SUCH A SETBACK IS NECESSARY TO COMPLY WITH PUBLIC HEALTH OR
12 SAFETY STANDARDS.

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

16 **29-33-206. Adoption of model codes - satisfaction of minimum**
17 **standards - reporting.** (1) NO LATER THAN JUNE 30, 2025, A SUBJECT
18 JURISDICTION SHALL EITHER:

19 (a) ADOPT LOCAL LAWS CONCERNING ACCESSORY DWELLING UNITS
20 THAT SATISFY THE MINIMUM STANDARDS ESTABLISHED IN SECTION
21 29-33-205; OR

22 (b) ADOPT THE MODEL CODE.

23 (2) IF A SUBJECT JURISDICTION DOES NOT SATISFY THE
24 REQUIREMENT OF SUBSECTION (1) OF THIS SECTION BEFORE DECEMBER 31,
25 2025, THE MODEL CODE GOES INTO EFFECT IMMEDIATELY FOR ALL
26 ELIGIBLE PARCELS AND THE SUBJECT JURISDICTION SHALL NOT DENY OR
27 CONDITION APPROVAL OF AN APPLICATION FOR AN ACCESSORY DWELLING
28 UNIT ON ANY ELIGIBLE PARCEL ON ANY BASIS THAT IS INCONSISTENT WITH
29 THE MODEL CODE, AS SPECIFIED IN SECTION 29-33-303, IN THE SUBJECT
30 JURISDICTION AND REMAINS IN EFFECT UNTIL THE DEPARTMENT OF LOCAL
31 AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS ADOPTED
32 LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

33 (3) IF A SUBJECT JURISDICTION ADOPTS THE MODEL CODE OR THE
34 MODEL CODE IS OTHERWISE IN EFFECT FOR A SUBJECT JURISDICTION
35 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE SUBJECT
36 JURISDICTION'S ACCESSORY DWELLING UNIT DECISIONS SHALL BE
37 CONSISTENT WITH THE MODEL CODE AND THE SUBJECT JURISDICTION
38 SHALL:

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

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

1 (4) A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL LAWS IN
2 EFFECT THAT MEET THE MINIMUM STANDARDS ESTABLISHED IN SECTION
3 29-33-205 NEED NOT UPDATE THEIR LOCAL LAWS, AND MAY SUBMIT
4 EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS DEMONSTRATING SUCH
5 COMPLIANCE.

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

10 (b) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
11 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
12 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
13 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
14 EXPECTS SUCH SERVICES TO BECOME DEFICIENT IN THE NEXT FIVE YEARS.
15 AS USED IN THIS SUBSECTION (5)(b), "DEFICIENT" MEANS, IN REFERENCE
16 TO THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
17 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
18 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
19 APPLICABLE, ISSUES CONCERNING:

- 20 (I) WATER SUPPLY;
- 21 (II) WASTEWATER TREATMENT CAPACITY;
- 22 (III) WATER DISTRIBUTION AND WASTEWATER COLLECTION
23 CAPACITY; OR
- 24 (IV) STORMWATER MANAGEMENT CAPACITY.

25 (c) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
26 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (5)(b) OF THIS
27 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
28 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
29 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
30 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
31 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN INCLUDED
32 IN THE NOTICE.

33 (d) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
34 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SUBSECTION
35 (5).

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

41 (b) WITHIN NINETY DAYS OF RECEIVING A REPORT DESCRIBED IN
42 SUBSECTION (6)(a) OF THIS SECTION, THE DEPARTMENT OF LOCAL AFFAIRS
43 SHALL REVIEW AND APPROVE THE SUBMITTED REPORT OR REJECT THE

1 REPORT AND PROVIDE FEEDBACK TO A SUBJECT JURISDICTION. THE
2 DEPARTMENT OF LOCAL AFFAIRS MAY GRANT A JURISDICTION AN
3 ADDITIONAL ONE HUNDRED TWENTY DAYS TO CORRECT THE RELEVANT
4 LOCAL LAWS AND RE-SUBMIT A REPORT.

5 (c) IF THE DEPARTMENT OF LOCAL AFFAIRS REJECTS A SUBJECT
6 JURISDICTION'S REPORT, THE MODEL CODE GOES INTO EFFECT
7 IMMEDIATELY IN THE SUBJECT JURISDICTION UNTIL THE DEPARTMENT OF
8 LOCAL AFFAIRS DETERMINES THAT THE SUBJECT JURISDICTION HAS
9 ADOPTED LAWS THAT COMPLY WITH THE MINIMUM STANDARDS.

10 **29-33-207. Subject jurisdiction restrictions.** (1) NOTHING IN
11 THIS PART 2 PREVENTS A LOCAL GOVERNMENT FROM:

12 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
13 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
14 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED
15 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

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

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

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

26 (e) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
27 DISTRICT TO A PARCEL ON WHICH AN ACCESSORY DWELLING UNIT IS
28 ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO
29 DEMOLITION."

** ** ** ** **

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

SB23-213 be amended as follows:

1 Amend reengrossed bill, page 97, after line 22 insert:

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

4 **43-2-147. Access to public highways - definitions.** (4) (a) The
5 commission shall adopt a state highway access code, by rule and
6 regulation, for the implementation of this section, on or after March 16,
7 1980. The access code shall address the design and location of driveways
8 and other points of access to public highways. The access code shall be
9 consistent with the authority granted in this section and shall be based
10 upon consideration of existing and projected traffic volumes, the
11 functional classification of public highways, adopted local transportation
12 plans and needs, drainage requirements, the character of lands adjoining
13 the highway, adopted local land use plans and zoning, the type and
14 volume of traffic to use the driveway, other operational aspects of the
15 driveway, the availability of vehicular access from local streets and roads
16 rather than a state highway, and reasonable access by city streets and
17 county roads. THE ACCESS CODE MUST ENSURE THAT ACCESS CONTROL
18 STANDARDS ARE OPTIMIZED TO SUPPORT DENSE HOUSING, WALKABLE AND
19 MULTI-MODAL MIXED-USE CENTERS, AND STRATEGIC GROWTH AREAS,
20 WHILE CONTINUING TO ENSURE THAT BASIC SAFETY STANDARDS ARE MET.

21 (b) ON OR BEFORE JULY 1, 2024, THE COMMISSION SHALL ADOPT
22 INTO THE STATE HIGHWAY ACCESS CODE AN INTERCHANGE APPROVAL
23 PROCESS THAT CONDITIONS APPROVAL FOR CERTAIN INTERCHANGES ON
24 ADOPTION OF TRANSPORTATION DEMAND MANAGEMENT STRATEGIES THAT
25 REDUCE THE AVERAGE DAILY TRAFFIC AT THE ON-RAMPS TO THE
26 INTERCHANGES BY A MINIMUM OF THREE PERCENT RELATIVE TO THE
27 BASELINE AVERAGE DAILY TRAFFIC. THE TRANSPORTATION DEMAND
28 MANAGEMENT STRATEGIES SHALL BE CONSISTENT WITH STRATEGIC
29 GROWTH OBJECTIVES. THIS SUBSECTION (4)(b) SHALL APPLY, AT A
30 MINIMUM, TO INTERCHANGES THAT ARE:

31 (I) NEW INTERCHANGES OR INTERCHANGES MODIFIED WITH
32 IMPROVEMENTS THAT EXPAND TRAFFIC CAPACITY; AND

33 (II) WITHIN METROPOLITAN PLANNING ORGANIZATION
34 BOUNDARIES."

35 Renumber succeeding sections accordingly.

** ** ** ** **

HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on Transportation, Housing & Local Government.
SB23-213 be amended as follows:

1 Amend reengrossed bill, page 78, before line 3 insert:

2 "PART 3
3 CORRIDORS AND CENTERS REQUIREMENTS
4 **29-22-301. Legislative declaration.** (1) (a) THE GENERAL
5 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:
6 (I) LOCAL GOVERNMENT LAND USE DECISIONS CAN LIMIT DENSER
7 MULTIFAMILY HOUSING DEVELOPMENT NEAR FREQUENT TRANSIT SERVICE
8 AND IN COMMERCIAL AND INSTITUTIONAL AREAS;
9 (II) HOUSING SUPPLY IMPACTS HOUSING AFFORDABILITY;
10 (III) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
11 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
12 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
13 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
14 HOUSING SUPPLY", "THE IMPACT OF ZONING ON HOUSING
15 AFFORDABILITY", AND "THE IMPACT OF LOCAL RESIDENTIAL LAND USE
16 RESTRICTIONS ON LAND VALUES ACROSS AND WITHIN SINGLE FAMILY
17 HOUSING MARKETS". INCREASING HOUSING SUPPLY MODERATES PRICE
18 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
19 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC
20 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
21 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
22 AFFORDABILITY", IN THE JOURNAL OF HOUSING POLICY DEBATE.
23 (IV) MULTIFAMILY HOUSING IS TYPICALLY MORE AFFORDABLE
24 THAN SINGLE-UNIT DWELLINGS, AND LIVING NEAR TRANSIT, JOBS, AND
25 SERVICES ENABLES HOUSEHOLDS TO SAVE ON TRANSPORTATION COSTS BY
26 OWNING FEWER VEHICLES. IN 2019, COLORADO MULTIFAMILY UNITS COST
27 BETWEEN FOURTEEN AND FORTY-THREE PERCENT LESS TO RENT,
28 DEPENDING ON THE SIZE OF THE BUILDING, COMPARED TO SINGLE-UNIT
29 DETACHED DWELLINGS, ACCORDING TO THE AMERICAN COMMUNITY
30 SURVEY.
31 (V) THE TERNER CENTER FOR HOUSING INNOVATION AT THE
32 UNIVERSITY OF CALIFORNIA BERKELEY FOUND IN ITS REPORT
33 "RESIDENTIAL REDEVELOPMENT OF COMMERCIAL ZONED LAND IN
34 CALIFORNIA" THAT THERE IS A SIGNIFICANT POTENTIAL FOR RESIDENTIAL
35 DEVELOPMENT IN COMMERCIAL ZONED AREAS, THAT MANY
36 COMMERCIAL ZONE DISTRICTS DO NOT ALLOW RESIDENTIAL
37 DEVELOPMENT, AND THAT ALLOWING USE BY RIGHT RESIDENTIAL
38 DEVELOPMENT IN COMMERCIAL ZONE DISTRICTS CAN ENCOURAGE
39 ADDITIONAL HOUSING SUPPLY;
40 (VI) ACCORDING TO THE NATIONAL ASSOCIATION OF REALTORS

1 IN ITS REPORT "ANALYSIS AND CASE STUDIES ON OFFICE-TO-HOUSING
2 CONVERSIONS", OVER FIVE MILLION SEVEN HUNDRED THOUSAND SQUARE
3 FEET OF OFFICE SPACE BECAME UNOCCUPIED IN THE DENVER
4 METROPOLITAN REAL ESTATE MARKET BETWEEN 2020 AND 2021, THE
5 DENVER MARKET COULD POTENTIALLY ADD OVER TWO THOUSAND NEW
6 RESIDENTIAL UNITS FROM OFFICE TO RESIDENTIAL CONVERSIONS IF IT
7 CONVERTED TWENTY PERCENT OF CURRENTLY VACANT OFFICE SPACE, AND
8 ONE OF THE MAJOR BARRIERS TO CONVERSIONS IS RESTRICTIVE LOCAL
9 LAND USE REGULATIONS THAT REQUIRE DISCRETIONARY APPROVALS;

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

28 (VIII) MEETING HOUSING DEMAND THROUGH COMPACT INFILL
29 DEVELOPMENT CLOSE TO JOBS, SERVICES, AND TRANSIT DECREASES THE
30 NEED FOR NEW DISPERSED, LOW-DENSITY HOUSING. RELATIVE TO
31 DISPERSED, LOW-DENSITY DEVELOPMENT, COMPACT INFILL HOUSING
32 DEVELOPMENT, INCLUDING MULTIFAMILY HOUSING DEVELOPMENT,
33 REDUCES WATER USE, GREENHOUSE GAS EMISSIONS, INFRASTRUCTURE
34 COSTS, AND HOUSEHOLD ENERGY AND TRANSPORTATION COSTS.

35 (IX) HOUSING WITH ACCESS TO FREQUENT TRANSIT ALLOWS
36 RESIDENTS TO TRAVEL TO WORK AND SERVICES WITHOUT DRIVING OR
37 WHILE DRIVING LESS, WHICH REDUCES HOUSEHOLD TRANSPORTATION
38 COSTS, GREENHOUSE GAS EMISSIONS, AND AIR POLLUTION. ANALYSES OF
39 TRANSIT-ORIENTED DEVELOPMENTS HAVE FOUND RESIDENTS TAKE AN
40 AVERAGE OF FORTY-FOUR PERCENT FEWER VEHICLE TRIPS, ACCORDING TO
41 THE ARTICLE "VEHICLE TRIP REDUCTION IMPACTS OF TRANSIT-ORIENTED
42 HOUSING" IN THE JOURNAL OF PUBLIC TRANSPORTATION. AND,
43 ACCORDING TO THE CALIFORNIA AIR RESOURCES BOARD REPORTS

1 "IMPACT OF JOBS-HOUSING BALANCE ON PASSENGER VEHICLE USE AND
2 GREENHOUSE GAS EMISSIONS" AND "IMPACTS OF LAND-USE MIX ON
3 PASSENGER VEHICLE USE AND GREENHOUSE GAS EMISSIONS",
4 CO-LOCATING RESIDENCES, JOBS, AND SERVICES ALSO REDUCES
5 HOUSEHOLD VEHICLE MILES TRAVELED.

6 (X) MULTIFAMILY HOUSING USES SIGNIFICANTLY LESS ENERGY FOR
7 HEATING AND COOLING PER UNIT THAN SINGLE-UNIT DETACHED
8 DWELLINGS DUE TO MULTIFAMILY HOUSING HAVING ATTACHED WALLS
9 AND SMALLER SIZE, WHICH REDUCES HOUSEHOLD ENERGY COSTS AND
10 GREENHOUSE GAS EMISSIONS. IN COLORADO, HOUSEHOLD ENERGY
11 DEMAND ON AVERAGE IS SEVENTY PERCENT LESS FOR MULTIFAMILY
12 HOUSING COMPARED TO SINGLE-UNIT DETACHED DWELLINGS, ACCORDING
13 TO THE NATIONAL RENEWABLE ENERGY LABORATORY REStock
14 ANALYSIS TOOL.

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

18 **29-33-302. Applicability - transit-oriented areas model code -**
19 **transit-oriented areas minimum standards - adoption of model code**
20 **or minimum standards - definitions. (1) Definitions.** AS USED IN THIS
21 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

22 (a) "ELIGIBLE PARCEL" MEANS A PARCEL THAT IS NOT:

23 (I) A STANDARD EXEMPT PARCEL;

24 (II) PART OF A PARCEL THAT INCLUDES LAND THAT IS A PARK AND
25 OPEN SPACE, AS DEFINED IN SECTION 29-7.5-103 (2);

26 (III) A PARCEL THAT IS SUBJECT TO A CONSERVATION EASEMENT;

27 OR

28 (IV) ON A SITE THAT IS:

29 (A) CURRENTLY USED FOR AN INDUSTRIAL USE;

30 (B) CURRENTLY ALLOWS INDUSTRIAL USES;

31 (C) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
32 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN;

33 (D) OWNED BY, USED AS, OR OPERATED BY AN AIRPORT; OR

34 (E) CURRENTLY USED AS A MOBILE HOME PARK, AS DEFINED IN
35 SECTION 38-12-201.5 (6).

36 (b) "MINIMUM STANDARDS" MEANS THE MINIMUM STANDARDS FOR
37 TRANSIT-ORIENTED AREAS ESTABLISHED IN SUBSECTION (4) OF THIS
38 SECTION.

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

43 (d) "MODEL CODE" MEANS THE TRANSIT-ORIENTED AREAS MODEL

1 CODE PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT
2 TO SUBSECTION (3) OF THIS SECTION.

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

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

8 (b) IF A TRANSIT-ORIENTED AREA IS LOCATED WITHIN MULTIPLE
9 JURISDICTIONS, A SUBJECT JURISDICTION NEED ONLY MEET THE
10 REQUIREMENTS OF THIS SECTION IN THE PARTS OF A TRANSIT-ORIENTED
11 AREA LOCATED WITHIN THE SUBJECT JURISDICTION.

12 (c) WHERE THE REQUIREMENTS OF THIS SECTION APPLY TO
13 PARCELS OR LOTS TO WHICH PART 2 OF THIS ARTICLE 33 OR SECTION
14 29-33-303 ALSO APPLY, THE REQUIREMENTS OF THIS SECTION SHALL
15 SUPERSEDE ANY CONFLICTING REQUIREMENTS OF PART 2 OF THIS ARTICLE
16 33 OR SECTION 29-33-303.

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

20 (II) THE MULTI-AGENCY ADVISORY COMMITTEE SHALL PROVIDE
21 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
22 OF LOCAL AFFAIRS ON THE TRANSIT-ORIENTED AREA MODEL CODE
23 PURSUANT TO SECTION 29-33-305.

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

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

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

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

37 (c) NOTHING IN THIS MODEL CODE SHALL PREVENT A SUBJECT
38 JURISDICTION FROM UTILIZING SET ASIDE PERCENTAGE AND AREA MEDIAN
39 INCOME LEVEL REQUIREMENTS AS SPECIFIED IN THEIR LOCAL LAWS,
40 RATHER THAN AS SPECIFIED IN THE MODEL CODE, SO LONG AS THE SUBJECT
41 JURISDICTION HAS ADOPTED A LOCAL INCLUSIONARY ZONING ORDINANCE
42 THAT APPLIES IN TRANSIT-ORIENTED AREAS.

43 (d) REGULATED AFFORDABLE HOUSING UNITS IN MIXED-INCOME

1 MULTIFAMILY HOUSING DEVELOPMENTS MUST BE SIMILAR IN SIZE TO THE
2 OTHER UNITS IN THE DEVELOPMENT.

3 (4) **Minimum standards.** (a) (I) NOTWITHSTANDING ANY LOCAL
4 LAW TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT
5 THE MODEL CODE SHALL CREATE OR UPDATE A ZONING DISTRICT WITHIN
6 EACH TRANSIT-ORIENTED IN WHICH MULTIFAMILY HOUSING IS ALLOWED
7 AS A USE BY RIGHT AND A MINIMUM AVERAGE NET DENSITY OF UP TO AT
8 LEAST FORTY UNITS OF MULTIFAMILY HOUSING PER ACRE IS ALLOWED.
9 SUBJECT JURISDICTIONS MAY ESTABLISH SUBDISTRICTS WITHIN THESE
10 ZONING DISTRICTS THAT ALLOW A DIFFERENT NET DENSITY OF
11 MULTIFAMILY HOUSING DEVELOPMENT SO LONG AS EACH DISTRICT OR
12 SUBDISTRICT ALLOWS AN AVERAGE NET DENSITY OF MULTIFAMILY
13 HOUSING OF UP TO AT LEAST FORTY UNITS PER ACRE. THE MINIMUM AREA
14 OF THE ZONING DISTRICT OR SUBDISTRICT MUST IN TOTAL BE GREATER
15 THAN OR EQUAL TO FIFTY PERCENT OF THE AREA OF ELIGIBLE PARCELS IN
16 EACH TRANSIT-ORIENTED AREA IN A SUBJECT JURISDICTION. A SUBJECT
17 JURISDICTION MAY CHOOSE TO INCLUDE PARCELS THAT WOULD OTHERWISE
18 NOT QUALIFY AS ELIGIBLE PARCELS WHEN CALCULATING THE AREA OF
19 ELIGIBLE PARCELS IN EACH TRANSIT-ORIENTED AREA IN A SUBJECT
20 JURISDICTION. A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL LAWS
21 IN EFFECT THAT ESTABLISH A ZONING DISTRICT OR DISTRICTS THAT MEET
22 THE MINIMUM STANDARDS NEED NOT UPDATE THEIR LOCAL LAWS AND
23 MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS
24 DEMONSTRATING SUCH COMPLIANCE.

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

32 (A) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR

33 (B) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
34 AREAS FOR TRANSIT-COMPATIBLE USE IN ADJACENT AREAS, OR UTILIZES
35 ALTERNATE MEASUREMENT METHODS FOR DETERMINING THE EXTENT OF
36 A TRANSIT-ORIENTED AREA SUCH AS WALKING DISTANCE FROM TRANSIT
37 STATIONS. IN DETERMINING THE LOCATION OF ZONING DISTRICTS FOR
38 TRANSIT-ORIENTED AREAS, A SUBJECT JURISDICTION SHALL CONSIDER THE
39 DISPLACEMENT ASSESSMENT COMPLETED PURSUANT TO SECTION
40 29-33-107.

41 (b) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
42 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
43 NOT REQUIRE NEW OFF-STREET VEHICLE PARKING WITHIN

1 TRANSIT-ORIENTED AREAS FOR ANY USE IN CONJUNCTION WITH A
2 MULTIFAMILY HOUSING DEVELOPMENT PERMIT.

3 (c) NOTWITHSTANDING ANY LOCAL LAW TO THE CONTRARY, A
4 SUBJECT JURISDICTION THAT DOES NOT ADOPT THE MODEL CODE SHALL
5 ONLY ADOPT AND ENFORCE LOCAL LAWS CONCERNING MULTIFAMILY
6 HOUSING IN TRANSIT-ORIENTED AREAS THAT USE OBJECTIVE STANDARDS
7 AND OBJECTIVE PROCEDURES.

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

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

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

16 (B) ADOPT THE MODEL CODE.

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

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

32 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
33 MIXED-INCOME MULTIFAMILY HOUSING PROJECT SATISFIES THE MODEL
34 CODE AND, IF THE SUBJECT JURISDICTION DETERMINES THAT THE PROJECT
35 SATISFIES THE MODEL CODE, THE SUBJECT JURISDICTION SHALL APPROVE
36 THE PROJECT; AND

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

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

42 (a) REQUIRING PARKING SPACES IN ACCORDANCE WITH THE
43 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.

1 12101 ET SEQ., AS AMENDED, OR TO OTHERWISE PROVIDE PARKING SIGNED
2 FOR USE BY PERSONS EXPERIENCING DISABILITIES;

3 (b) ADOPTING GENERALLY APPLICABLE REQUIREMENTS FOR THE
4 PAYMENT OF IMPACT FEES OR OTHER SIMILAR DEVELOPMENT CHARGES, IN
5 CONFORMANCE WITH THE REQUIREMENTS OF SECTION 29-20-104.5, OR THE
6 MITIGATION OF IMPACTS IN CONFORMANCE WITH THE REQUIREMENTS OF
7 PART 2 OF ARTICLE 20 OF TITLE 29;

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

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

14 (e) PERMITTING MIXED-USE DEVELOPMENT IN A
15 TRANSIT-ORIENTED AREA;

16 (f) ALLOWING COMMERCIAL ONLY DEVELOPMENTS IN A
17 TRANSIT-ORIENTED AREA; OR

18 (g) APPLYING THE STANDARDS AND PROCEDURES OF A HISTORIC
19 DISTRICT TO A PARCEL IN A TRANSIT-ORIENTED AREA ON WHICH HOUSING
20 IS ALLOWED IN THAT HISTORIC DISTRICT, INCLUDING RULES RELATED TO
21 DEMOLITION.

22 **29-33-303. Applicability - key corridors model code - key**
23 **corridors minimum standards - adoption of model code or minimum**
24 **standards - definitions. (1) Definitions.** AS USED IN THIS SECTION,
25 UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

30 (b) "KEY CORRIDORS" MEANS THE AREAS DESCRIBED IN SECTION
31 29-33-303 (2)(a).

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

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

38 (e) "MODEL CODE" MEANS THE KEY CORRIDORS MODEL CODE
39 PROMULGATED BY THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO
40 SUBSECTION (4) OF THIS SECTION.

41 (f) "SUBJECT JURISDICTION" MEANS A TIER ONE URBAN
42 MUNICIPALITY.

43 (2) **Applicability.** (a) ELIGIBLE PARCELS IN THE FOLLOWING AREAS

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

1 (A) CURRENTLY USED FOR AN INDUSTRIAL USE;
2 (B) CURRENTLY ALLOWS INDUSTRIAL USES;
3 (C) DESIGNATED FOR HEAVY INDUSTRIAL USE IN THE LATEST
4 VERSION OF A SUBJECT JURISDICTION'S MASTER PLAN;
5 (D) OWNED BY, USED BY, OR OPERATED BY AN AIRPORT; OR
6 (E) CURRENTLY USED AS A MOBILE HOME PARK, AS DEFINED IN
7 SECTION 38-12-201.5 (6).

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

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

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

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

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

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

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

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

32 (d) REGULATED AFFORDABLE HOUSING UNITS WITHIN
33 MIXED-INCOME MULTIFAMILY HOUSING DEVELOPMENTS MUST BE SIMILAR
34 IN SIZE TO THE OTHER UNITS IN THE DEVELOPMENT.

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

41 (5) **Minimum standards.** (a) NOTWITHSTANDING ANY LOCAL LAW
42 TO THE CONTRARY, A SUBJECT JURISDICTION THAT DOES NOT ADOPT THE
43 MODEL CODE SHALL CREATE OR UPDATE A ZONING DISTRICT OR DISTRICTS

1 WITHIN KEY CORRIDORS IN WHICH MULTIFAMILY HOUSING IS ALLOWED AS
2 A USE BY RIGHT. A SUBJECT JURISDICTION THAT ALREADY HAS LOCAL
3 LAWS IN EFFECT THAT ESTABLISH A ZONING DISTRICT OR DISTRICTS THAT
4 MEET THE MINIMUM STANDARDS NEED NOT UPDATE LOCAL LAWS, AND
5 MAY SUBMIT EVIDENCE TO THE DEPARTMENT OF LOCAL AFFAIRS
6 DEMONSTRATING SUCH COMPLIANCE.

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

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

13 (B) TEN PERCENT OF THE TOTAL AREA OF ELIGIBLE PARCELS IN THE
14 SUBJECT JURISDICTION.

15 (II) A SUBJECT JURISDICTION MAY CHOOSE TO INCLUDE PARCELS
16 THAT ARE NOT ELIGIBLE PARCELS IN THE CALCULATION OF THE AREA OF
17 ELIGIBLE PARCELS IN KEY CORRIDORS IN THE SUBJECT JURISDICTION.

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

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

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

36 (I) SIGNIFICANT DEVELOPMENT CONSTRAINTS EXIST; OR

37 (II) THE SUBJECT JURISDICTION HAS ESTABLISHED PLANNING
38 AREAS FOR TRANSIT-COMPATIBLE DEVELOPMENT, OR MIXED-USE,
39 WALKABLE CENTERS, IN OTHER STRATEGIC GROWTH AREAS, OR UTILIZES
40 ALTERNATE MEASUREMENT METHODS FOR DETERMINING THE EXTENT OF
41 A KEY CORRIDOR SUCH AS WALKING DISTRICT FROM TRANSIT STATIONS. IN
42 DETERMINING THE LOCATION OF A ZONING DISTRICT FOR A KEY CORRIDOR,
43 A SUBJECT JURISDICTION SHALL CONSIDER THE DISPLACEMENT

1 ASSESSMENT THAT IS COMPLETED PURSUANT TO SECTION 29-33-107.

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

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

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

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

20 (I) ADOPT LOCAL LAWS CONCERNING KEY CORRIDORS THAT
21 SATISFY THE MINIMUM STANDARDS; OR
22 (II) ADOPT THE MODEL CODE.

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

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

38 (I) USE OBJECTIVE PROCEDURES TO DETERMINE WHETHER A
39 MIXED-INCOME MULTIFAMILY HOUSING PROJECT SATISFIES THE MODEL
40 CODE AND, IF THE SUBJECT JURISDICTION DETERMINES THAT THE PROJECT
41 SATISFIES THE MODEL CODE, THE SUBJECT JURISDICTION SHALL APPROVE
42 THE PROJECT; AND
43 (II) NOT ADOPT, ENACT, OR ENFORCE ANY LOCAL LAWS THAT

1 CONTRAVENE THE MODEL CODE.

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

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

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

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

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

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

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

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

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

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

37 (b) A KEY CORRIDOR MODEL CODE PURSUANT TO SECTION
38 29-33-303 (4)(a).

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

42 (a) PROVIDE PUBLIC NOTICE OF AND HOLD AT LEAST TWO PUBLIC
43 MEETINGS AT WHICH MEMBERS OF THE PUBLIC HAVE AN OPPORTUNITY TO

1 COMMENT ON THE MODEL CODE;
2 (b) ALLOW THE SUBMISSION OF WRITTEN COMMENTS ON THE
3 MODEL CODE;
4 (c) CONDUCT OUTREACH TO AND SOLICIT FEEDBACK FROM LOCAL
5 GOVERNMENTS AND REGIONAL PLANNING AGENCIES; AND
6 (d) CONSULT WITH EXPERTS IN DISABILITY RIGHTS, RACIAL EQUITY
7 AND HOMELESSNESS PREVENTION, AFFORDABLE HOUSING, FAIR HOUSING,
8 PLANNING, ZONING, AND RELATED FIELDS.

9 **29-33-305. Exemption or extension.** (1) NO LATER THAN JUNE
10 30, 2024, A SUBJECT JURISDICTION MAY NOTIFY THE DEPARTMENT OF
11 LOCAL AFFAIRS THAT AN EXEMPTION OR AN EXTENSION IS NECESSARY
12 FROM THE REQUIREMENTS OF SECTION 29-33-302 (5) OR 29-33-303 (6).
13 (2) THE NOTICE MUST DEMONSTRATE THAT THE WATER, SEWER,
14 WASTEWATER, OR STORMWATER SERVICES ARE CURRENTLY DEFICIENT IN
15 SPECIFIC GEOGRAPHIC AREAS OF THE SUBJECT JURISDICTION OR IN THE
16 SUBJECT JURISDICTION AS A WHOLE, OR THE SUBJECT JURISDICTION
17 EXPECTS SUCH SERVICES TO BECOME DEFICIENT IN THE NEXT FIVE YEARS.
18 AS USED IN THIS SUBSECTION (2), "DEFICIENT" MEANS, IN REFERENCE TO
19 THE SUBJECT JURISDICTION'S WATER SUPPLY MASTER PLAN, WATER
20 DISTRIBUTION AND WASTEWATER COLLECTION MASTER PLAN,
21 WASTEWATER MASTER PLAN, OR STORMWATER MASTER PLAN, IF
22 APPLICABLE, ISSUES CONCERNING:
23 (a) WATER SUPPLY;
24 (b) WASTEWATER TREATMENT CAPACITY;
25 (c) WATER DISTRIBUTION AND WASTEWATER COLLECTION
26 CAPACITY; OR
27 (d) STORMWATER MANAGEMENT CAPACITY.
28 (3) IF A SUBJECT JURISDICTION SUBMITS A NOTICE TO THE
29 DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO SUBSECTION (2) OF THIS
30 SECTION, THE SUBJECT JURISDICTION MAY INCLUDE A PLAN OF ACTION TO
31 REMEDY THE DEFICIENT WATER SUPPLY, WATER OR WASTEWATER
32 TREATMENT CAPACITY, WATER DISTRIBUTION AND WASTEWATER
33 COLLECTION CAPACITY, OR STORMWATER MANAGEMENT CAPACITY IN THE
34 SPECIFIC AREAS IDENTIFIED IN A CAPITAL IMPROVEMENT PLAN INCLUDED
35 IN THE NOTICE.
36 (4) THE DEPARTMENT OF LOCAL AFFAIRS MAY ADOPT RULES OR
37 PROMULGATE GUIDANCE AS NECESSARY TO IMPLEMENT THIS SECTION.
38 (5) THE REQUIREMENTS OF THIS SECTION SHALL NOT APPLY TO
39 SUBJECT JURISDICTIONS WITH BOTH A POPULATION OF LESS THAN
40 TWENTY-FIVE THOUSAND AND AN ANNUAL MEDIAN HOUSEHOLD INCOME
41 OF LESS THAN FIFTY-FIVE THOUSAND DOLLARS, IF THE SUBJECT
42 JURISDICTION SENDS A LETTER TO THE DEPARTMENT OF LOCAL AFFAIRS, IN
43 A FORM AND MANNER DETERMINED BY THE DEPARTMENT, INDICATING

1 THAT THE SUBJECT JURISDICTION DOES NOT INTEND TO COMPLY WITH THIS
2 SECTION.

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

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

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

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

14 **29-33-306. Report.** (1) (a) NO LATER THAN JUNE 30, 2025, A
15 SUBJECT JURISDICTION SHALL SUBMIT TO THE DEPARTMENT OF LOCAL
16 AFFAIRS, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT,
17 REPORTS DEMONSTRATING EVIDENCE OF COMPLIANCE WITH EITHER THE
18 MODEL CODES REQUIRED BY SECTIONS 29-33-302 (3) AND 29-33-303 (4)
19 OR THE MINIMUM STANDARDS SET FORTH IN SECTIONS 29-33-302 (4) AND
20 29-33-303 (5).

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

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

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

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

39 Page 79, after line 2 insert:

40 **"SECTION 5.** In Colorado Revised Statutes, 24-67-105, **add** (5.5)

1 as follows:

2 **24-67-105. Standards and conditions for planned unit**
3 **development - definitions. (5.5) (a) AS USED IN THIS SUBSECTION (5.5),**
4 **UNLESS THE CONTEXT OTHERWISE REQUIRES:**

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

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

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

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

18 (c) ANY PROVISION OF A PLANNED UNIT DEVELOPMENT APPROVED
19 PRIOR TO THE ADOPTION OF SUBSECTION (5.5)(a) OF THIS SECTION, AND
20 WHICH FAILS TO CONFORM TO THE REQUIREMENTS OF THAT SUBSECTION
21 (5.5)(a), SHALL BE DEEMED SUPERSEDED BY THE ADOPTION OF A LOCAL
22 LAW OR IMPLEMENTATION OF A MODEL CODE PURSUANT TO ARTICLE 33 OF
23 TITLE 29. NOTWITHSTANDING THIS SUBSECTION (5.5)(b), A LOCAL
24 GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY SUCH
25 PLANNED UNIT DEVELOPMENT."

26 Renumber succeeding sections accordingly.

** ** ** ** **

SB213_L.123

HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on Transportation, Housing & Local Government.
SB23-213 be amended as follows:

- 1 Amend reengrossed bill, page 47, line 11, after "TO" insert "SUPPORT".
- 2 Page 47, strike lines 13 through 16 and substitute:
 - 3 "(VIII) THAT PROVIDE OPPORTUNITIES TO IMPLEMENT WATER
 - 4 CONSERVATION AND OTHER STATE WATER PLAN GOALS;
 - 5 (b) ALLOWS FOR AREAS BEYOND AN EXISTING CENSUS URBANIZED
 - 6 AREA TO BE CONSIDERED A STRATEGIC GROWTH AREA, IF THE AREA IS
 - 7 EXPERIENCING GROWTH AND MEETS THE CRITERIA IN SUBSECTIONS
 - 8 (2)(a)(V), (2)(a)(VI), (2)(a)(VII), AND (2)(a)(VIII) OF THIS SECTION;".
- 9 Reletter succeeding paragraphs accordingly.
- 10 Page 47, line 23, strike "AREAS;" and substitute "AREAS AND IDENTIFY
- 11 METHODS TO ALIGN THE STATE AGENCY FUNDING PROGRAMS WITH
- 12 STRATEGIC GROWTH OBJECTIVES;".
- 13 Page 47, line 26, strike "CONSIDERS" and substitute "IDENTIFIES".
- 14 Page 47, line 27, strike "DOCUMENTS. INCLUDING PERFORMANCE".
- 15 Page 48, strike line 1 and substitute "DOCUMENTS;
- 16 (h) IDENTIFIES METRICS AND STANDARDS TO DEFINE AND SUPPORT
- 17 WALKABLE MIXED-USE DEVELOPMENT, SAFE ACCESS TO TRANSIT, AND
- 18 COMPLETE STREETS;".
- 19 Reletter succeeding paragraph accordingly.
- 20 Page 48, strike line 5 and substitute "(1)(a) OF THIS SECTION; AND
- 21 (i) IDENTIFIES REDUCED PARKING MINIMUMS IN STRATEGIC
- 22 GROWTH AREAS;".
- 23 Page 48, strike lines 6 through 27.
- 24 Page 49, strike lines 1 through 6 and substitute:
 - 25 "(3) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
 - 26 AFFAIRS MAY IDENTIFY AND DEFINE ADDITIONAL STRATEGIC GROWTH
 - 27 OBJECTIVES BEYOND THOSE IDENTIFIED IN SUBSECTION (2) OF THIS
 - 28 SECTION.
 - 29 (4) FOR THE PURPOSES OF THIS SECTION, THE HOUSING AND LAND

- 1 USE GOALS OF THIS SENATE BILL 23-213 INCLUDE:
2 (a) PLANNING FOR FUTURE GROWTH;
3 (b) INCREASING HOUSING AFFORDABILITY AND ACCESSIBILITY;
4 (c) INCREASING ECONOMIC MOBILITY;
5 (d) STRENGTHENING ECONOMIC DEVELOPMENT AND JOB GROWTH
6 PATTERNS;
7 (e) BALANCING REGIONAL JOBS AND HOUSING;
8 (f) ALIGNING WATER SUPPLY AND HOUSING PLANNING;
9 (g) WATER CONSERVATION
10 (h) REDUCING AIR POLLUTION AND GREENHOUSE GAS EMISSIONS
11 AND
12 (i) PRESERVING OPEN SPACE AND AGRICULTURAL LAND."

** ** ** ** **

SB213_L.126

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

SB23-213 be amended as follows:

- 1 Amend reengrossed bill, page 79, line 9, after the period add "HOWEVER,
- 2 IF A MUNICIPALITY HAS AN INSTITUTION OF HIGHER EDUCATION WITHIN ITS
- 3 BOUNDARIES, AND THE NUMBER OF PEOPLE ENROLLED IN THAT
- 4 INSTITUTION OF HIGHER EDUCATION DURING THE ACADEMIC YEAR IS
- 5 EQUAL TO OR GREATER THAN TWENTY-FIVE PERCENT OF THE
- 6 MUNICIPALITY'S RESIDENTIAL POPULATION, THAT MUNICIPALITY MAY
- 7 ENACT OR ENFORCE RESIDENTIAL OCCUPANCY LIMITS ON MORE THAN FIVE
- 8 UNRELATED PEOPLE LIVING IN ONE DWELLING."

** *** ** *** **

SB213_L.130

HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on Transportation, Housing & Local Government.
SB23-213 be amended as follows:

1 Amend reengrossed bill, page 79, after line 2 insert:

2 "SECTION 5. In Colorado Revised Statutes, 24-48.5-101, add
3 (8) as follows:

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

10 (b) THE OFFICE OF ECONOMIC DEVELOPMENT MUST COORDINATE
11 WITH THE ECONOMIC DEVELOPMENT COMMISSION CREATED PURSUANT TO
12 24-46-102 AND THE MULTI-AGENCY ADVISORY COMMITTEE CREATED
13 PURSUANT TO 29-33-103 TO ESTABLISH STRATEGIC GROWTH OBJECTIVES
14 THAT ALIGN STATEWIDE HOUSING, TRANSPORTATION, AND ECONOMIC
15 DEVELOPMENT GOALS. THE ECONOMIC DEVELOPMENT COMMISSION MUST
16 PROVIDE INITIAL STRATEGIC GROWTH OBJECTIVES IN THEIR ANNUAL
17 REPORT TO THE GENERAL ASSEMBLY BY NOVEMBER 1, 2024, AND IN
18 SUBSEQUENT ANNUAL REPORTS PROVIDE AN UPDATE ON INVESTMENTS
19 THAT ALIGN WITH THE ESTABLISHED STRATEGIC GROWTH OBJECTIVES AND
20 STRATEGIC GROWTH AREAS."

21 Renumber succeeding sections accordingly.

** ** ** ** **

SB213_L.131

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

SB23-213 be amended as follows:

- 1 Amend proposed committee amendment (SB213_L.117), page 6, line 25,
- 2 strike "OR".

- 3 Page 6, strike line 29 and substitute "DEMOLITION; OR
- 4 (f) APPLYING AND ENFORCING LOCALLY ADOPTED BUILDING AND
- 5 FIRE CODES."."

** ** ** ** **

SB213_L.132

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

SB23-213 be amended as follows:

1 Amend proposed committee amendment (SB213_L.111), page 10 after
2 line 13 insert:

3 "Page 11 of the reengrossed bill, strike lines 19 through 27.

4 Page 12 of the bill, strike lines 1 through 19 and substitute:

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

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

9 (b) DISCRIMINATORY POLICIES OR ACTIONS, SUCH AS BANNING
10 TENANTS WITH HOUSING VOUCHERS, ELIMINATING UNITS LARGE ENOUGH
11 FOR HOUSEHOLDS WITH CHILDREN, OR LAND USE OR ZONING THAT FOSTERS
12 A CHANGE IN THE AVERAGE AREA MEDIAN INCOME OF AN AREA;

13 (c) WIDESPREAD DECREASE IN SOCIAL AND CULTURAL
14 COMMUNITY-SERVING BUSINESSES AND ENTITIES;

15 (d) DETERIORATION OF PHYSICAL CONDITIONS THAT RENDER
16 RESIDENCES UNINHABITABLE; OR

17 (e) INCREASED REAL ESTATE PRICES, RENTS, PROPERTY TAXES,
18 NEW DEVELOPMENT INCLUDING AMENITIES, AND OTHER ECONOMIC
19 FACTORS."."

20 Page 14 of the amendment, strike lines 6 through 32.

21 Strike pages 15 through 17 of the amendment.

22 Page 18 of the amendment, strike lines 1 through 15 and substitute:

23 "Page 37 of the bill, strike lines 2 through 27.

24 Strike pages 38 through 45 of the bill.

25 Page 46 of the bill, strike lines 1 and 2 and substitute:

26 **"29-33-107. Displacement risk assessment and mitigation**
27 **strategies. (1) Displacement risk assessment and mitigation**
28 **strategies guidelines. (a) NO LATER THAN DECEMBER 31, 2024, THE**
29 **EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL**
30 **DEVELOP GUIDANCE FOR MUNICIPALITIES TO CONDUCT A DISPLACEMENT**

1 RISK ASSESSMENT AND IMPLEMENT DISPLACEMENT MITIGATION
2 STRATEGIES AND SHALL PROVIDE GUIDANCE REGARDING THE NUMBER OF
3 STRATEGIES THAT MUST BE SELECTED, BASED ON THE RESULTS OF THE
4 DISPLACEMENT RISK ASSESSMENT, TO SUPPORT URBAN MUNICIPALITIES
5 AND RURAL RESORT JOB CENTER MUNICIPALITIES IN PREVENTING
6 DISPLACEMENT AS PART OF THE REQUIRED HOUSING NEEDS PLAN
7 PURSUANT TO SECTION 29-33-105.

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

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

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

27 (II) INFORMATION FROM NEIGHBORHOOD-LEVEL EARLY WARNING
28 AND RESPONSE SYSTEMS THAT CAN HELP MUNICIPALITIES AND
29 COMMUNITY ADVOCATES ANTICIPATE FUTURE DISPLACEMENT DUE TO
30 RISING HOUSING COSTS;

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

33 (IV) QUALITATIVE AND QUANTITATIVE INDICATORS OF:

34 (A) NEIGHBORHOOD CHANGE INCLUDING DEMOGRAPHIC AND
35 ECONOMIC CHANGE RELATED TO RESIDENTS AND BUSINESSES IN THE
36 NEIGHBORHOOD; AND

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

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

4 (b) THE GUIDANCE FOR A DISPLACEMENT RISK ASSESSMENT MAY
5 INCLUDE THE FOLLOWING QUANTITATIVE FACTORS THAT CAN BE USED TO
6 IDENTIFY RISKS FOR DISPLACEMENT AT THE CENSUS TRACT OR OTHER
7 SIMILAR GEOGRAPHIC SCALE FOR WHICH DATA IS AVAILABLE:

8 (I) THE PERCENTAGE OF HOUSEHOLDS THAT ARE EXTREMELY
9 LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME, AS DEFINED BY THE
10 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

11 (II) THE PERCENTAGE OF RESIDENTS WHO ARE RENTERS;

12 (III) THE PERCENTAGE OF COST-BURDENED HOUSEHOLDS DEFINED
13 AS SPENDING MORE THAN THIRTY PERCENT OF THE RESIDENT'S INCOME ON
14 HOUSING NEEDS;

15 (IV) THE NUMBER OF ADULTS WHO ARE TWENTY-FIVE YEARS OF
16 AGE OR OLDER AND HAVE NOT EARNED AT LEAST A HIGH SCHOOL
17 DIPLOMA;

18 (V) THE PERCENTAGE OF HOUSEHOLDS IN WHICH THE PRIMARY
19 LANGUAGE THAT IS SPOKEN IS A LANGUAGE OTHER THAN ENGLISH;

20 (VI) THE PERCENTAGE OF RESIDENTS WHO WERE BORN OUTSIDE OF
21 THE UNITED STATES ACCORDING TO PUBLICLY AVAILABLE STATE AND
22 FEDERAL INFORMATION;

23 (VII) THE EMPLOYMENT RATE;

24 (VIII) THE PERCENTAGE OF WORKERS WHO LIVE WITHIN A
25 TEN-MILE RADIUS OF AN URBAN MUNICIPALITY OR A TWENTY-MILE RADIUS
26 OF A RURAL RESORT JOB CENTER;

27 (IX) THE PERCENTAGE OF HOUSEHOLDS THAT DO NOT HAVE
28 INTERNET ACCESS;

29 (X) THE PERCENTAGE OF HOUSING STOCK BUILT PRIOR TO 1970;

30 (XI) INSTITUTIONAL INVESTOR REAL ESTATE ACTIVITY IN THE
31 FOR-SALE MARKET WHERE THIS INFORMATION IS READILY AVAILABLE;

32 (XII) CHANGE IN LAND PRICES, RENTAL PRICES, PROPERTY VALUES,
33 AND OTHER REAL ESTATE AND HOUSING INDICATORS;

34 (XIII) THE NUMBER OF RENTERS WHO WERE LEGALLY EVICTED FOR
35 NONPAYMENT OF RENT IN THE PRIOR CALENDAR YEAR FOR ALL AREAS
36 WHERE THIS INFORMATION IS READILY AVAILABLE;

37 (XIV) THE NUMBER OF COLORADO-OWNED AND
38 COLORADO-OPERATED SMALL BUSINESSES WITH TEN EMPLOYEES OR
39 FEWER WHERE THIS INFORMATION IS READILY AVAILABLE; AND

40 (XV) THE CHANGE IN THE NUMBER OF COLORADO-OWNED AND
41 COLORADO-OPERATED SMALL BUSINESSES WITH TEN EMPLOYEES OR
42 FEWER OVER FIVE YEARS WHERE THIS INFORMATION IS READILY
43 AVAILABLE.

1 (c) IN DEVELOPING A DISPLACEMENT RISK ASSESSMENT, URBAN
2 MUNICIPALITIES AND RURAL RESORT JOB CENTER MUNICIPALITIES MUST
3 ALSO CONDUCT INCLUSIVE COMMUNITY ENGAGEMENT WITH RESIDENTS OF
4 AREAS IDENTIFIED AS BEING AT ELEVATED RISK FOR DISPLACEMENT TO
5 ADDRESS ADDITIONAL QUALITATIVE INDICATORS OF DISPLACEMENT.

6 (3) **Displacement mitigation strategies.** (a) THE GOALS OF
7 DISPLACEMENT MITIGATION STRATEGIES ARE TO ENSURE THAT:

8 (I) VULNERABLE HOMEOWNERS AND RENTERS IN NEIGHBORHOODS
9 EXPERIENCING GENTRIFICATION ARE NOT DISPLACED FROM THEIR CURRENT
10 HOMES AND NEIGHBORHOODS;

11 (II) THE EXISTING AFFORDABLE HOUSING STOCK, BOTH SUBSIDIZED
12 AND UNSUBSIDIZED, IN GENTRIFYING NEIGHBORHOODS IS PRESERVED SO
13 THAT DWELLING UNITS ARE IN GOOD CONDITION WHILE REMAINING
14 AFFORDABLE TO LOW TO MODERATE -INCOME RESIDENTS;

15 (III) CITY PLANNING AND LAND USE DECISIONS INCORPORATE
16 INCLUSIVE AND EQUITABLE DISPLACEMENT MITIGATION STRATEGIES, AND
17 LOW-INCOME PERSONS AND COMMUNITIES OF COLOR ARE EMPOWERED TO
18 PARTICIPATE EARLY AND MEANINGFULLY IN LAND USE DECISIONS THAT
19 SHAPE THEIR HOMES, NEIGHBORHOODS, AND COMMUNITIES;

20 (IV) NEW AFFORDABLE HOUSING OPTIONS ARE CREATED TO SERVE
21 CURRENT AND FUTURE VULNERABLE HOUSEHOLDS IN NEIGHBORHOODS
22 EXPERIENCING GENTRIFICATION;

23 (V) VULNERABLE RESIDENTS ARE ABLE TO REMAIN OR RETURN
24 TO THEIR COMMUNITIES BY ACCESSING THE NEW AFFORDABLE HOUSING
25 OPPORTUNITIES IN THEIR NEIGHBORHOODS; AND

26 (VI) AN EQUAL OR GREATER AMOUNT OF AFFORDABLE HOUSING
27 IS PROVIDED IN AREAS IDENTIFIED AS AT-RISK OF DISPLACEMENT BASED ON
28 THE DISPLACEMENT RISK ASSESSMENT.

29 (b) EACH OF THE DISPLACEMENT MITIGATION STRATEGIES MUST BE
30 ABLE TO BE INCORPORATED BY URBAN MUNICIPALITIES AND RURAL
31 RESORT JOB CENTER MUNICIPALITIES INTO THE MUNICIPALITY'S HOUSING
32 NEEDS PLAN AS REQUIRED BY SECTION 29-33-105. THIS MENU OF
33 DISPLACEMENT MITIGATION STRATEGIES MUST INCLUDE:

34 (I) GUIDANCE AND RECOMMENDATIONS FOR HOW A LOCAL
35 GOVERNMENT SHALL INCORPORATE THE DISPLACEMENT RISK ASSESSMENT
36 REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION INTO A HOUSING
37 NEEDS PLAN;

38 (II) LONG-TERM DISPLACEMENT MITIGATION MEASURES FROM
39 WHICH MUNICIPALITIES MUST CHOOSE TO ADDRESS AREAS IDENTIFIED IN
40 THE DISPLACEMENT RISK ASSESSMENT REQUIRED BY SUBSECTION (2) OF
41 THIS SECTION, WHICH MAY INCLUDE:

42 (A) DEVELOPING A PROGRAM TO OFFER TECHNICAL ASSISTANCE
43 AND FINANCIAL SUPPORT FOR COMMUNITY ORGANIZATIONS TO DEVELOP

1 INDEPENDENT COMMUNITY LAND TRUSTS;
2 (B) LOCAL GOVERNMENT PLANNING FOR ACQUISITION AND
3 REHABILITATING OF NATURALLY OCCURRING AFFORDABLE RENTALS,
4 EITHER TO ENTER INTO A LAND TRUST OR TO INCLUDE AFFORDABILITY
5 DEED RESTRICTIONS;
6 (C) IMPLEMENTING LOCAL RIGHT OF FIRST REFUSAL FOR EXPIRING
7 REGULATED AFFORDABLE HOUSING UNITS, PRIORITIZE LOCAL FUNDS
8 TOWARD AFFORDABLE UNIT PRESERVATION, OR IMPLEMENTING OR
9 CONTINUING DEED RESTRICTED AFFORDABLE HOUSING UNITS.
10 (D) REQUIRING MULTIFAMILY DEVELOPERS WHO BUILD NEW
11 LARGE MULTIFAMILY DEVELOPMENTS IN AREAS AT RISK OF
12 DISPLACEMENT, AS IDENTIFIED BY THE DISPLACEMENT RISK ASSESSMENT,
13 TO CREATE A COMMUNITY BENEFITS AGREEMENT WITH AFFECTED
14 POPULATIONS IN CLOSE PROXIMITY TO THE DEVELOPMENT; AND
15 (E) PROVIDING A PRIORITIZATION POLICY FOR CURRENT
16 RESIDENTS IN NEW REGULATED AFFORDABLE HOUSING DEVELOPMENTS
17 FOR THE FIRST FEW MONTHS OF WHEN UNITS ARE LEASED AFTER
18 CONSTRUCTION;
19 (III) SHORT-TERM DISPLACEMENT MITIGATION MEASURES FROM
20 WHICH LOCAL GOVERNMENTS SHALL CHOOSE, WHICH MAY INCLUDE:
21 (A) THE CREATION OF A LOCALLY FUNDED AND ADMINISTERED
22 RENTAL AND MORTGAGE ASSISTANCE PROGRAM;
23 (B) THE CREATION OF AN EVICTION AND FORECLOSURE NO-COST
24 LEGAL REPRESENTATION PROGRAM;
25 (C) THE ESTABLISHMENT OF A HOUSING COUNSELING AND
26 NAVIGATION PROGRAM; AND
27 (D) THE CREATION OF A PROPERTY TAX AND DOWN PAYMENT
28 ASSISTANCE PROGRAM; AND
29 (E) ANY OTHER STRATEGIES PROPOSED BY A LOCAL GOVERNMENT
30 OR THE MULTI-AGENCY ADVISORY COMMITTEE THAT ARE APPROVED BY
31 THE DEPARTMENT OF LOCAL AFFAIRS AND THAT SUPPORT THE GOALS OF
32 THIS SECTION.
33 (c) MUNICIPALITIES SHALL ADOPT A MINIMUM NUMBER OF
34 SHORT-TERM AND LONG-TERM DISPLACEMENT MITIGATION STRATEGIES AS
35 DETERMINED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL
36 AFFAIRS. MUNICIPALITIES MAY NOT COUNT THE SAME STRATEGY
37 TOWARDS SATISFYING BOTH THE MINIMUM NUMBER OF REQUIRED
38 STRATEGIES PURSUANT TO THE MENU OF AFFORDABILITY STRATEGIES
39 REQUIRED BY SECTION 29-33-106 AND THIS SUBSECTION (3).
40 (4) **Assessment and strategies.** NO LATER THAN DECEMBER 31,
41 2025, AND EVERY SIX YEARS THEREAFTER, IN ACCORDANCE WITH THE
42 GUIDANCE FOR CREATING A DISPLACEMENT RISK ASSESSMENT AND THE
43 SELECTION OF DISPLACEMENT MITIGATION STRATEGIES, EVERY URBAN

1 MUNICIPALITY AND RURAL RESORT JOB CENTER MUNICIPALITY SHALL
2 DEVELOP, ADOPT, AND SUBMIT A DISPLACEMENT RISK ASSESSMENT AND A
3 DESCRIPTION OF THE EVIDENCE-BASED DISPLACEMENT MITIGATION
4 STRATEGIES IT SELECTED TO THE DEPARTMENT OF LOCAL AFFAIRS AS PART
5 OF A HOUSING NEEDS PLAN REQUIRED UNDER SECTION 29-33-105. THE
6 STRATEGIES THAT A MUNICIPALITY SELECTS MUST BE EVIDENCE-BASED
7 AND INFORMED BY ITS DISPLACEMENT RISK ASSESSMENT AND THE MEDIAN
8 INCOME OF AREAS IDENTIFIED AS AT RISK OF DISPLACEMENT. AN URBAN
9 MUNICIPALITY AND RURAL RESORT JOB CENTER MUNICIPALITY SHALL
10 PROVIDE SUPPORTING INFORMATION AND A NARRATIVE TO DEMONSTRATE
11 HOW THE STRATEGIES WILL MITIGATE DISPLACEMENT AS IDENTIFIED IN THE
12 DISPLACEMENT RISK ASSESSMENT. THE DEPARTMENT OF LOCAL AFFAIRS
13 SHALL POST THE SUBMITTED PLANS PUBLICLY ON ITS WEBSITE.

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

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

32 (7) **Technical assistance.** THE DEPARTMENT OF LOCAL AFFAIRS
33 SHALL PROVIDE TECHNICAL ASSISTANCE AND FUNDING TO SUPPORT TIER
34 ONE AND TIER TWO URBAN MUNICIPALITIES AND RURAL RESORT JOB
35 CENTER MUNICIPALITIES IN CONDUCTING A DISPLACEMENT ASSESSMENT
36 AND IN IDENTIFYING DISPLACEMENT MITIGATION STRATEGIES TO ADDRESS
37 THE RISK OF DISPLACEMENT IN THE AREAS AT THE HIGHEST RISK OF
38 DISPLACEMENT."

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SB213_L.133

HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on Transportation, Housing & Local Government.
SB23-213 be amended as follows:

1 Amend reengrossed bill, page 19, line 10, strike "FOURTEEN" and
2 substitute "FIFTEEN".

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

4 Page 19, after line 21 insert:

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

7 Renumber succeeding subparagraphs accordingly.

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

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

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

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

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

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

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

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

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

31 (VI) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVES FROM
32 UTILITY SERVICE PROVIDERS THAT PROVIDE SERVICES TO RURAL RESORT
33 JOB CENTERS, INCLUDING BUT NOT LIMITED TO WATER, WASTEWATER, AND

1 ELECTRIC UTILITIES, APPOINTED BY THE MINORITY LEADER OF THE SENATE;
2 (VII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
3 UTILITY SERVICE PROVIDERS THAT PROVIDE SERVICES TO RURAL RESORT
4 JOB CENTERS, INCLUDING BUT NOT LIMITED TO WATER, WASTEWATER, AND
5 ELECTRIC UTILITIES, APPOINTED BY THE MINORITY LEADER OF THE HOUSE
6 OF REPRESENTATIVES;
7 (VIII) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE
8 FROM A TRANSIT AGENCY THAT PROVIDES SERVICES TO A RURAL RESORT
9 JOB CENTER OR THAT WORKS AS A TRANSPORTATION PLANNER IN A RURAL
10 RESORT JOB CENTER, APPOINTED BY THE GOVERNOR; AND
11 (IX) ONE MEMBER WHO IS A RECREATION INDUSTRY EMPLOYER,
12 HOSPITALITY INDUSTRY EMPLOYER, OR OTHER EMPLOYER WHO EMPLOYS
13 AT LEAST SEVENTY-FIVE EMPLOYEES WHO WORK IN RURAL RESORT JOB
14 CENTERS, APPOINTED BY THE GOVERNOR."

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

19 Page 22, strike lines 21 through 25 and substitute "PURSUANT TO
20 SUBSECTIONS (3)(a)(VII), (3)(a)(VIII), (3)(a)(IX), AND (3)(a)(X) OF THIS
21 SECTION, WHO SHALL SERVE AS THE CHAIR OF THE SUBCOMMITTEE, AND
22 TEN OTHER MEMBERS AS FOLLOWS:

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

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

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

32 (IV) ONE MEMBER WHO HAS A BACKGROUND IN AFFORDABLE
33 HOUSING ADVOCACY SERVING AN AREA WITHIN A URBAN MUNICIPALITY
34 METROPOLITAN PLANNING ORGANIZATION REGION, APPOINTED BY THE
35 GOVERNOR;

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

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

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

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

11 (IX) ONE MEMBER WHO IS A STAFF-LEVEL REPRESENTATIVE FROM
12 A TRANSIT AGENCY THAT PROVIDES SERVICES WITHIN A TIER ONE OR TIER
13 TWO MUNICIPALITY OR IS A TRANSPORTATION PLANNER WITH A
14 METROPOLITAN PLANNING ORGANIZATION, APPOINTED BY THE
15 GOVERNOR."

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

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SB213_L.134

HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on Transportation, Housing & Local Government.
SB23-213 be amended as follows:

1 Amend proposed committee amendment (SB213_L.119), page 5, line 32,
2 strike "OR" and substitute "AND".

3 Page 5, strike lines 37 through 40 and substitute "STATIONS. ESTABLISHED
4 PLANNING AREAS MUST INCLUDE PLANS TO ADDRESS ANY DEFICIENCIES IN
5 PEDESTRIAN AND BICYCLE ACCESS; AND, IN DETERMINING THE LOCATION
6 OF ZONING DISTRICTS FOR TRANSIT-ORIENTED AREAS, A SUBJECT
7 JURISDICTION SHALL CONSIDER THE DISPLACEMENT RISK ASSESSMENT
8 COMPLETED PURSUANT TO SECTION 29-33-107.".

9 Page 10, line 36, strike "OR" and substitute "AND".

10 Page 10, line 41, strike "IN" and substitute "FOR THE PURPOSES OF THIS
11 SUBSECTION (5)(e)(II):

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

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

17 Page 10, strike lines 42 and 43.

18 Page 11, strike line 1.

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SB213_L.135

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

SB23-213 be amended as follows:

1 Amend proposed committee amendment (SB213_L.111), page 14, strike
2 lines 2 and 3 and substitute:

3 "Page 34 of the reengrossed bill, line 13, after "THE" insert "REGULATED
4 AFFORDABLE HOUSING".

5 Page 34 of the bill, strike lines 15 through 18 and substitute "OF UTILITIES,
6 COST EXEMPTIONS, AND DISCOUNTS;".

7 Page 19 of the amendment, strike lines 20 through 23 and substitute:

8 "(o) ESTABLISHING A POLICY TO ALIGN INFRASTRUCTURE
9 STRATEGIES WITH THE REGULATED AFFORDABLE HOUSING NEEDS
10 IDENTIFIED IN THE RELEVANT LOCAL HOUSING NEEDS ASSESSMENT.
11 POLICIES MAY INCLUDE THE PRIORITIZATION OF UTILITIES, COST
12 EXEMPTIONS, AND DISCOUNTS."

** ** ** ** **

SB213_L.136

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

SB23-213 be amended as follows:

- 1 Amend proposed committee amendment (SB213_L.133), page 2, line 21,
- 2 after "SUBCOMMITTEE," insert "THE TWO MEMBERS OF THE TASK FORCE
- 3 CONCERNING AFFORDABLE HOUSING AND HOMELESSNESS ESTABLISHED IN
- 4 SECTION 29-33-118 (1) APPOINTED PURSUANT TO SECTION 29-33-118
- 5 (2)(b)(I) AND (2)(b)(III),".

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SB213_L.138

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation, Housing & Local Government.

SB23-213 be amended as follows:

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

- 5 Page 75, line 7, after "ASSESSMENTS," insert "REPORTS,".

- 6 Page 75, line 3, strike "AND".

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

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