

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

REVISED

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

LLS NO. 24-0151.01 Pierce Lively x2059

SENATE BILL 24-174

SENATE SPONSORSHIP

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Senate Committees

Local Government & Housing
Appropriations

House Committees

Transportation, Housing & Local Government
Appropriations

A BILL FOR AN ACT

101 **CONCERNING STATE SUPPORT FOR SUSTAINABLE AFFORDABLE**
102 **HOUSING, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

Bill Summary

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

Housing needs assessments. The bill requires the executive director of the department of local affairs (director), no later than December 31, 2024, to develop reasonable methodologies for conducting statewide, regional, and local housing needs assessments and reasonable guidance for a local government to identify areas at elevated risk of

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

HOUSE
Amended 2nd Reading
May 7, 2024

SENATE
3rd Reading Unamended
April 19, 2024

SENATE
Amended 2nd Reading
April 18, 2024

displacement.

The bill requires the director, no later than November 30, 2027, and every 6 years thereafter, to conduct a statewide housing needs assessment that analyzes existing and future statewide housing needs and to publish a report identifying current housing stock and estimating statewide housing needs.

The bill requires each local government, beginning December 31, 2026, and every 6 years thereafter, to conduct and publish a local housing needs assessment. The bill outlines the process for a local government conducting a local housing needs assessment and for determining when a local government is exempt from conducting a local housing needs assessment. The bill requires local governments to submit local housing needs assessments to the department of local affairs (department), which shall publish those assessments on the department's website.

Relatedly, the bill allows a regional entity to conduct a regional housing needs assessment. If a regional entity conducts a regional housing needs assessment, the bill requires the regional entity to submit the assessment both to each local government in the region and to the department, which shall publish those assessments on the department's website.

Housing action plans. A housing action plan is an advisory document that demonstrates a local government's commitment to address housing needs and that guides a local government in developing legislative actions, promoting regional coordination, and informing the public of the local government's efforts to address housing needs in the local government's jurisdiction. The bill requires a local government with a population of 1,000 or more to make a housing action plan no later than January 1, 2028, and every 6 years thereafter. The bill identifies the specific elements that a housing action plan must include, explains how a local government may update a housing action plan, requires a local government to report its progress in implementing the plan to the department, and requires a local government to submit a housing action plan to the department, which shall publish those assessments on the department's website.

Publishing of reports. The bill requires the director to publish reports on the following no later than December 31, 2024:

- A directory of housing and land use strategies to guide local governments in encouraging the development of a range of housing types with a primary focus on increasing housing affordability; and
- A directory of housing and land use strategies to guide local governments in avoiding, reducing, and mitigating the impact of displacement.

The bill establishes the minimum required elements for both types of directories of housing and land use strategies. The bill also requires the

director to develop and publish:

- No later than June 30, 2025, in consultation with the Colorado water conservation board, a joint report concerning water supply; and
- No later than December 31, 2025, in coordination with relevant state agencies, a natural land and agricultural interjurisdictional opportunities report.

Technical assistance. The bill requires the division of local government (division) to provide technical assistance and guidance through a grant program, the provision of consultant services, or both to aid local governments in:

- Establishing regional entities;
- Creating local and regional housing needs assessments;
- Making a housing action plan;
- Enacting laws and policies that encourage the development of a range of housing types or mitigate the impact of displacement; and
- Creating strategic growth elements in master plans.

The bill creates the continuously appropriated housing needs planning technical assistance fund to contain the money necessary for the division to provide this technical assistance and guidance. The bill requires the state treasurer to transfer \$15 million from the general fund to this fund.

Further, the bill directs the division to serve as a clearing house for the benefit of local governments and regional entities in accomplishing the goals of the bill. The division shall report on the assistance requested and provided under the bill.

Grant program prioritization criteria. On and after December 1, 2027, for any grant program conducted by the department, the Colorado energy office, the office of economic development the department of transportation, the department of natural resources, the department of public health and environment, and the department of personnel and administration that awards grants to local governments for the primary purpose of supporting land use planning or housing, the bill requires the awarding entity to prioritize awarding grants to a local government that:

- Is the subject of a completed and filed housing needs assessment;
- Has adopted a housing action plan that has been accepted by the department;
- Has reported progress to the department regarding the adoption of any strategies or changes to local laws identified in the housing action plan; and
- Is the subject of a master plan that includes a water element and a strategic growth element.

In the case of a local government that is not required to do any of the above, the department is required to prioritize that local government in the same way that it prioritizes a local government that has done all of the above.

Master plans. The bill modifies the requirements of both county and municipal master plans so that those master plans must include:

- A narrative description of the procedure used for the development and adoption of the master plan;
- No later than December 31, 2026, a water supply element; and
- No later than December 31, 2026, a strategic growth element, so long as the county or municipality meets certain requirements.

The water element in a county or municipal master plan must identify the general location and extent of an adequate and suitable supply of water, identify supplies and facilities sufficient to meet the needs of local infrastructure, and include water conservation policies.

The strategic growth element in a master plan must include:

- A buildable sites analysis that identifies vacant, partially vacant, and underutilized land that can accommodate infill development, redevelopment, and new development without the development of previously undeveloped land;
- An identification of areas within a reasonable distance of rail transit and frequent bus service that can accommodate the development of housing to address the housing needs of current and future residents at all income levels; and
- A description of existing and needed infrastructure, transportation, and public facilities and services to serve these sites.

The bill requires both counties and municipalities to submit their master plan and any separately approved water or strategic growth element to the division for the division's review.

Prohibition contrary to public policy. The bill prohibits a unit owners' association of a common interest community from, through any declaration or bylaw, rules, or regulation adopted or amended by an association on or after July 1, 2024, prohibiting or restricting the construction of accessory dwelling units or middle housing, if the zoning laws of the association's local jurisdiction would otherwise allow such construction.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 37 to article

1 32 of title 24 as follows:

2

PART 37

3

HOUSING NEEDS PLANNING

4

24-32-3701. Definitions. AS USED IN THIS PART 37, UNLESS THE

5

CONTEXT OTHERWISE REQUIRES:

6

(1) "ACCESSIBLE HOUSING" OR "ACCESSIBLE UNIT" MEANS

7

HOUSING THAT SATISFIES THE REQUIREMENTS OF THE FEDERAL "FAIR

8

HOUSING ACT", 42 U.S.C. SEC. 3601 ET SEQ., AS AMENDED, AND

9

INCORPORATES UNIVERSAL DESIGN.

10

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

11

(3) "DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE

12

DEPARTMENT OF LOCAL AFFAIRS.

13

(4) "DISPLACEMENT" MEANS:

14

(a) THE INVOLUNTARY RELOCATION OF RESIDENTS, PARTICULARLY

15

LOW-INCOME RESIDENTS, OR LOCALLY OWNED COMMUNITY SERVING

16

BUSINESSES AND INSTITUTIONS DUE TO:

17

(I) INCREASED REAL ESTATE PRICES OR RENTS, PROPERTY

18

REHABILITATION, REDEVELOPMENT, DEMOLITION, OR OTHER ECONOMIC

19

FACTORS;

20

(II) PHYSICAL CONDITIONS RESULTING FROM NEGLECT AND

21

UNDERINVESTMENT THAT RENDER A RESIDENCE UNINHABITABLE; OR

22

(III) PHYSICAL DISPLACEMENT WHEREIN EXISTING HOUSING UNITS

23

AND COMMERCIAL SPACES ARE LOST DUE TO PROPERTY REHABILITATION,

24

REDEVELOPMENT, OR DEMOLITION; OR

25

(b) INDIRECT DISPLACEMENT RESULTING FROM CHANGES IN

26

NEIGHBORHOOD POPULATION, IF, WHEN LOW-INCOME HOUSEHOLDS MOVE

27

OUT OF HOUSING UNITS, THOSE SAME HOUSING UNITS DO NOT REMAIN

1 AFFORDABLE TO OTHER LOW-INCOME HOUSEHOLDS IN THE
2 NEIGHBORHOOD, OR DEMOGRAPHIC CHANGES THAT REFLECT THE
3 RELOCATION OF EXISTING RESIDENTS FOLLOWING WIDESPREAD
4 RELOCATION OF THEIR COMMUNITY AND COMMUNITY SERVING ENTITIES.

5 (5) "DIVISION OF LOCAL GOVERNMENT" MEANS THE DIVISION OF
6 LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN
7 SECTION 24-32-103.

8 ==
9 (6) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE
10 INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS,
11 INCLUDING PERMANENT PROVISIONS FOR COOKING, EATING, LIVING,
12 SANITATION, AND SLEEPING.

13 ==
14 (7) "LOCAL GOVERNMENT" MEANS A HOME RULE, TERRITORIAL, OR
15 STATUTORY COUNTY, CITY AND COUNTY, CITY, OR TOWN.

16 (8) "MAJOR TRANSIT STOP" MEANS A STATION FOR BOARDING AND
17 EXITING GENERAL PUBLIC PASSENGER RAIL, INCLUDING COMMUTER RAIL
18 AND LIGHT RAIL, OR A STOP ON A BUS ROUTE WITH A SERVICE FREQUENCY
19 OF FIFTEEN MINUTES OR LESS FOR EIGHT HOURS OR MORE ON WEEKDAYS,
20 EXCLUDING SEASONAL SERVICE.

21 (9) "MULTIFAMILY RESIDENTIAL HOUSING" MEANS A BUILDING OR
22 GROUP OF BUILDINGS ON A LOT WITH FIVE OR MORE SEPARATE DWELLING
23 UNITS.

24 (10) "NEIGHBORHOOD CENTER" MEANS AN AREA THAT MEETS THE
25 FOLLOWING CRITERIA:

26 (a) ALLOWS A REASONABLE NET HOUSING DENSITY WITHIN ZONING
27 THAT SUPPORTS MIXED-USE PEDESTRIAN-ORIENTED NEIGHBORHOODS, THE

1 DEVELOPMENT OF REGULATED AFFORDABLE HOUSING, AND INCREASED
2 PUBLIC TRANSIT RIDERSHIP, AS APPLICABLE;

3 (b) USES AN EFFICIENT DEVELOPMENT REVIEW PROCESS FOR
4 MULTIFAMILY RESIDENTIAL DEVELOPMENT ON PARCELS IN THE AREA THAT
5 ARE NO LARGER THAN A SIZE DETERMINED BY THE DEPARTMENT; AND

6 (c) INCLUDES ASPECTS OF MIXED-USE PEDESTRIAN-ORIENTED
7 NEIGHBORHOODS, AS DETERMINED BY CRITERIA ESTABLISHED BY THE
8 DEPARTMENT.

9 == ==

10 (11) "PUBLIC FACILITIES" MEANS PUBLIC STREETS, ROADS,
11 HIGHWAYS, SIDEWALKS, STREET- AND ROAD-LIGHTING SYSTEMS, TRAFFIC
12 SIGNALS, DOMESTIC WATER SYSTEMS, STORM AND SANITARY SEWER
13 SYSTEMS, PARKS AND RECREATIONAL FACILITIES, BUILDINGS USED IN THE
14 PROVISION OF PUBLIC SERVICES, AND SCHOOLS.

15 (12) "PUBLIC SERVICES" MEANS FIRE PROTECTION AND
16 SUPPRESSION, LAW ENFORCEMENT, PUBLIC HEALTH, EDUCATION,
17 RECREATION, ENVIRONMENTAL PROTECTION, STORMWATER
18 MANAGEMENT, WASTEWATER MANAGEMENT, PUBLIC TRANSPORTATION,
19 PUBLIC INFRASTRUCTURE MAINTENANCE, WATER, SOCIAL SERVICES, AND
20 OTHER SERVICES TRADITIONALLY PROVIDED BY GOVERNMENT.

21 (13) "REGION" OR "REGIONAL" MEANS A DEFINED GEOGRAPHIC
22 AREA CONSISTING OF TERRITORY FROM MORE THAN ONE LOCAL
23 GOVERNMENT WITH A SUBSTANTIAL INTERCONNECTION IN COMMUTING
24 PATTERNS, ECONOMY, WORKFORCE, TRANSPORTATION AND TRANSIT
25 SYSTEMS, PUBLIC SERVICES, COMMUNITIES OF INTEREST, OR OTHER
26 FACTORS RELATED TO POPULATION AND HOUSING.

27 (14) "REGIONAL ENTITY" MEANS A COUNCIL OF GOVERNMENTS, A

1 PUBLIC ENTITY FORMED BY THE VOLUNTARY AGREEMENT OF LOCAL
2 GOVERNMENTS IN THE REGION, OR A REGIONAL PLANNING COMMISSION.

3 (15) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE
4 HOUSING THAT:

5 (a) HAS RECEIVED LOANS, GRANTS, EQUITY, BONDS, OR TAX
6 CREDITS FROM ANY SOURCE TO SUPPORT THE CREATION, PRESERVATION,
7 OR REHABILITATION OF AFFORDABLE HOUSING THAT, AS A CONDITION OF
8 FUNDING, ENCUMBERS THE PROPERTY WITH A RESTRICTED USE COVENANT
9 OR SIMILAR RECORDED AGREEMENT TO ENSURE AFFORDABILITY, OR HAS
10 BEEN INCOME-RESTRICTED UNDER A LOCAL INCLUSIONARY ZONING
11 ORDINANCE OR OTHER REGULATION OR PROGRAM;

12 (b) RESTRICTS OR LIMITS MAXIMUM RENTAL OR SALE PRICE FOR
13 HOUSEHOLDS OF A GIVEN SIZE AT A GIVEN AREA MEDIAN INCOME, AS
14 ESTABLISHED ANNUALLY BY THE UNITED STATES DEPARTMENT OF
15 HOUSING AND URBAN DEVELOPMENT; AND

16 (c) ENSURES OCCUPANCY BY LOW- TO MODERATE-INCOME
17 HOUSEHOLDS FOR A SPECIFIED PERIOD DETAILED IN A RESTRICTIVE USE
18 COVENANT OR SIMILAR RECORDED AGREEMENT. ___

19 (16) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED
20 BUILDING WITH A SINGLE DWELLING UNIT LOCATED ON A SINGLE LOT.

21 (17) "SUPPORTIVE HOUSING" OR "SUPPORTIVE UNIT" MEANS A
22 COMBINATION OF HOUSING AND SERVICES INTENDED AS A COST-EFFECTIVE
23 WAY TO HELP PEOPLE LIVE MORE STABLE, PRODUCTIVE LIVES, AND
24 TYPICALLY COMBINES AFFORDABLE HOUSING WITH INTENSIVE
25 COORDINATED SERVICES TO HELP PEOPLE MAINTAIN STABLE HOUSING AND
26 RECEIVE APPROPRIATE HEALTH CARE.

27 (18) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED

1 AND CONSTRUCTED TO BE SAFE AND ACCESSIBLE FOR ANY INDIVIDUAL
2 REGARDLESS OF AGE OR ABILITIES.

3 (19) "VISITABLE HOUSING" OR "VISITABLE UNIT" MEANS A
4 DWELLING UNIT THAT A PERSON WITH A DISABILITY CAN ENTER, MOVE
5 AROUND THE PRIMARY ENTRANCE FLOOR OF, AND USE THE BATHROOM IN.

6 **24-32-3702. Housing needs assessment methodology -**
7 **statewide housing needs assessment ___ - displacement risk guidance.**

8 (1) (a) NO LATER THAN DECEMBER 31, 2024, THE DIRECTOR SHALL
9 DEVELOP REASONABLE METHODOLOGIES FOR CONDUCTING STATEWIDE,
10 REGIONAL, AND LOCAL HOUSING NEEDS ASSESSMENTS. THE
11 METHODOLOGIES DESCRIBED IN THIS SUBSECTION (1)(a) MUST ESTABLISH
12 BASELINE STANDARDS THAT SEEK TO PRODUCE ACCURATE DATA FOR
13 INTERNAL STATE AGENCY PLANNING AND GRANT PROGRAMS AND
14 EFFICIENTLY PROCURE DATA FOR USE BY REGIONS AND LOCAL
15 GOVERNMENTS FOR PLANNING PURPOSES, BUT MUST ALSO BE DESIGNED
16 TO MINIMIZE THE FISCAL BURDEN ON LOCAL GOVERNMENTS AND REGIONAL
17 ENTITIES CONDUCTING HOUSING NEEDS ASSESSMENTS. IN DEVELOPING THE
18 METHODOLOGIES AND GUIDANCE DESCRIBED IN THIS SECTION, THE
19 DIRECTOR SHALL CONSULT WITH LOCAL GOVERNMENTS AND EXPERTS IN
20 PLANNING AND ZONING, AFFORDABLE HOUSING, DISABILITY RIGHTS,
21 HOMELESSNESS RESOLUTION AND PREVENTION, TENANTS' RIGHTS, EXPERTS
22 WITH DEMONSTRATED EXPERIENCE IN CONDUCTING HIGH-QUALITY
23 HOUSING NEEDS ASSESSMENTS AND ENGAGEMENT OF UNDERREPRESENTED
24 COMMUNITIES, AND OTHER FIELDS FOCUSED ON HOUSING NEEDS
25 PLANNING. PRIOR TO FINALIZING THE ASSESSMENT METHODOLOGY AND
26 DISPLACEMENT RISK MITIGATION STRATEGIES DIRECTORY CREATED
27 PURSUANT TO SECTION 24-32-3706 (4), THE DIVISION OF LOCAL

1 GOVERNMENT SHALL ENGAGE IN TARGETED OUTREACH WITH FOCUS
2 GROUPS FOR HISTORICALLY UNDERCONSULTED AND DISPROPORTIONATELY
3 IMPACTED STAKEHOLDERS, RESIDENTS, AND BUSINESSES TO IDENTIFY THE
4 PRIMARY REASONS FOR DISPLACEMENT INCLUDED AMONG THOSE
5 IDENTIFIED IN SECTION 24-32-3701 (4).

6 (b) NO LATER THAN NOVEMBER 30, 2027, AND EVERY SIX YEARS
7 THEREAFTER, THE DIRECTOR SHALL CONDUCT A STATEWIDE HOUSING
8 NEEDS ASSESSMENT THAT ANALYZES EXISTING AND FUTURE STATEWIDE
9 HOUSING NEEDS. THE DIRECTOR SHALL PUBLISH A REPORT BASED ON THE
10 STATEWIDE HOUSING NEEDS ASSESSMENT AND REGIONAL AND LOCAL
11 HOUSING NEEDS ASSESSMENTS ACCEPTED BY THE DEPARTMENT PURSUANT
12 TO SECTION 24-32-3703 (3) OR 24-32-3704 (3) THAT IDENTIFIES CURRENT
13 HOUSING STOCK AND ESTIMATES THE NUMBER AND TYPE OF DWELLING
14 UNITS NEEDED TO ACCOMMODATE FUTURE HOUSING NEEDS OF THE STATE
15 BASED ON POPULATION CHANGE PROJECTIONS. THE REPORT SHALL
16 CATEGORIZE STATEWIDE HOUSING NEEDS BY HOUSEHOLD SIZE;
17 HOUSEHOLD TYPE, INCLUDING ACCESSIBLE, VISITABLE, SUPPORTIVE,
18 FOR-SALE, AND RENTAL HOUSING; AND INCOME LEVELS, INCLUDING
19 EXTREMELY LOW-, VERY LOW-, LOW-, MODERATE-, AND MIDDLE-INCOME
20 HOUSEHOLDS AS DESIGNATED BY THE UNITED STATES DEPARTMENT OF
21 HOUSING AND URBAN DEVELOPMENT.

22 (c) THE METHODOLOGY FOR CONDUCTING A REGIONAL HOUSING
23 NEEDS ASSESSMENT MUST INCLUDE METHODS FOR A REGIONAL ENTITY TO:

24 (I) ESTIMATE EXISTING HOUSING STOCK IN THE REGION AND IN
25 EACH LOCAL JURISDICTION THAT FORMS THE REGION;

26 (II) ESTIMATE HOUSING NEEDS IN THE REGION AND EACH LOCAL
27 GOVERNMENT'S JURISDICTION THAT FORMS THE REGION, SORTED BY

1 INCOME LEVEL AND DWELLING TYPE, INCLUDING ACCESSIBLE UNITS,
2 SUPPORTIVE UNITS, FOR-SALE UNITS, AND RENTAL UNITS;

3 (III) ESTIMATE THE NUMBER OF HOUSEHOLDS IN THE REGION AND
4 EACH LOCAL GOVERNMENT'S JURISDICTION THAT FORMS THE REGION;

5 (IV) ESTIMATE THE NUMBER OF JOBS IN THE REGION AND EACH
6 LOCAL GOVERNMENT'S JURISDICTION THAT FORMS THE REGION, SORTED BY
7 ANNUAL SALARY AND WAGE;

8 (V) ESTIMATE AN ALLOCATION OF HOUSING NEEDS IDENTIFIED IN
9 SUBSECTION (1)(c)(II) OF THIS SECTION TO EACH LOCAL GOVERNMENT IN
10 THE REGION OR CONTRIBUTING TO HOUSING NEEDS IN THE REGION BASED
11 ON THE NUMBER OF JOBS AND EACH LOCAL GOVERNMENT'S DEPENDENCE
12 ON JOBS IN THE REGION, AMONG OTHER FACTORS, TO PROMOTE A BALANCE
13 OF JOBS AT ALL SALARY LEVELS AND HOMES AFFORDABLE TO PERSONS IN
14 THE REGION HOLDING JOBS AT ALL INCOME LEVELS IN THE REGION;

15 (VI) IDENTIFY AREAS AT ELEVATED RISK OF DISPLACEMENT IN THE
16 REGION AND EACH LOCAL GOVERNMENT'S JURISDICTION THAT FORMS THE
17 REGION;

18 (VII) ESTIMATE THE WATER SUPPLY NEEDS FOR THE DWELLING
19 UNITS IDENTIFIED IN SUBSECTIONS (1)(c)(I) AND (1)(c)(II) OF THIS SECTION
20 USING PER CAPITA WATER USE RATES IDENTIFIED IN CONSULTATION WITH
21 THE DEPARTMENT OF NATURAL RESOURCES; AND

22 (VIII) ASSESS MARKET LIMITATIONS ON THE DEVELOPMENT OF
23 FOR-SALE MULTIFAMILY RESIDENTIAL HOUSING IN THE REGION.

24 (d) THE METHODOLOGY FOR CONDUCTING A LOCAL HOUSING
25 NEEDS ASSESSMENT MUST INCLUDE METHODS AND ACCEPTABLE PUBLICLY
26 AVAILABLE DATA SOURCES FOR A LOCAL GOVERNMENT TO:

27 (I) ESTIMATE EXISTING HOUSING STOCK IN THE LOCAL

- 1 GOVERNMENT'S JURISDICTION;
- 2 (II) ESTIMATE HOUSING NEEDS WITHIN THE LOCAL GOVERNMENT'S
3 JURISDICTION, SORTED BY INCOME LEVEL AND DWELLING TYPE, INCLUDING
4 ACCESSIBLE UNITS, VISITABLE UNITS, SUPPORTIVE UNITS, FOR-SALE UNITS,
5 AND RENTAL UNITS;
- 6 (III) ESTIMATE THE NUMBER OF HOUSEHOLDS IN THE LOCAL
7 GOVERNMENT'S JURISDICTION;
- 8 (IV) ESTIMATE THE NUMBER OF JOBS IN THE LOCAL GOVERNMENT'S
9 JURISDICTION SORTED BY ANNUAL SALARY AND WAGE;
- 10 (V) INCORPORATE A PORTION OF HOUSING NEEDS IDENTIFIED IN
11 ANY APPLICABLE STATE AND REGIONAL HOUSING NEEDS ASSESSMENT FOR
12 THE LOCAL GOVERNMENT, AS APPROPRIATE, BASED ON THE NUMBER OF
13 JOBS AND EACH LOCAL GOVERNMENT'S DEPENDENCE ON JOBS IN THE
14 REGION, AMONG OTHER FACTORS, TO PROMOTE A BALANCE OF JOBS AT ALL
15 SALARY LEVELS AND HOMES AFFORDABLE TO PERSONS IN THE REGION
16 HOLDING JOBS AT ALL INCOME LEVELS;
- 17 (VI) IDENTIFY AREAS AT ELEVATED RISK OF DISPLACEMENT IN THE
18 LOCAL GOVERNMENT'S JURISDICTION;
- 19 (VII) ESTIMATE WATER SUPPLY NEEDS FOR THE DWELLING UNITS
20 IDENTIFIED IN SUBSECTIONS (1)(d)(I) AND (1)(d)(II) OF THIS SECTION
21 USING PER CAPITA WATER USE RATES IDENTIFIED IN CONSULTATION WITH
22 THE DEPARTMENT OF NATURAL RESOURCES; AND
- 23 (VIII) ASSESS MARKET LIMITATIONS ON THE DEVELOPMENT OF
24 HOUSING IN THE LOCAL GOVERNMENT'S JURISDICTION.
- 25 (e) THE METHODOLOGIES FOR REGIONAL AND LOCAL HOUSING
26 NEEDS ASSESSMENTS MUST INCLUDE THE FOLLOWING:
- 27 (I) A REQUIREMENT THAT HOUSING NEEDS ASSESSMENTS INCLUDE

1 RECOMMENDED POLICY AND PROGRAMMATIC RESPONSES TO THE FINDINGS
2 OF THE HOUSING NEEDS ASSESSMENT, INCLUDING THE ASSESSMENT OF
3 DISPLACEMENT RISK; AND

4 (II) GUIDANCE REGARDING HOUSING ACTION PLANS CREATED
5 PURSUANT TO SECTION 24-32-3705, INCLUDING THE INCLUSION OF
6 RECOMMENDATIONS FOR HOUSING ACTION PLANS IN HOUSING NEEDS
7 ASSESSMENTS AND THE SEQUENCING OF HOUSING NEEDS ASSESSMENTS
8 AND HOUSING ACTION PLANS.

9 (2) THE METHODOLOGIES FOR ESTIMATING HOUSING NEEDS IN
10 HOUSING NEEDS ASSESSMENTS MUST BE BASED ON THE FOLLOWING
11 BASELINE COMPONENTS FOR EACH REGION AND LOCAL GOVERNMENT:

12 (a) EXISTING AND PROJECTED HOUSING SHORTAGES AND
13 SURPLUSES FOR DIFFERENT HOUSEHOLD TYPES AND INCOME LEVELS,
14 INCLUDING EXTREMELY LOW-, VERY LOW-, LOW-, MODERATE-, AND
15 MIDDLE-INCOME HOUSEHOLDS AS DESIGNATED BY THE UNITED STATES
16 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

17 (b) EXISTING HOUSING DIVERSITY AND STOCK;

18 (c) CURRENT JOBS BY INCOME LEVEL;

19 (d) CURRENT MEDIAN INCOME;

20 (e) POPULATION CHANGE PROJECTIONS, JOB GROWTH PROJECTIONS,
21 AND DEMOGRAPHIC TRENDS FORECASTED BY THE STATE DEMOGRAPHY
22 OFFICE;

23 (f) POPULATION AND DEMOGRAPHICS;

24 (g) MEASURES OF LOCAL RESOURCES DEDICATED TO THE
25 DEVELOPMENT OF AFFORDABLE HOUSING;

26 (h) VACANCY RATES;

27 (i) MEASURES OF HOMELESSNESS AND HOUSING INSTABILITY; AND

1 (j) THE JOB-HOUSING BALANCE, INCLUDING THE AVAILABILITY OF
2 HOUSING FOR LOW-INCOME WORKERS.

3 (3) NO LATER THAN DECEMBER 31, 2024, THE DIRECTOR SHALL
4 DEVELOP GUIDANCE FOR REGIONS AND LOCAL GOVERNMENTS TO CONDUCT
5 A DISPLACEMENT RISK ASSESSMENT. IN DEVELOPING THE GUIDANCE, THE
6 DEPARTMENT SHALL INCLUDE METHODS, WITH VARIATIONS FOR DIFFERENT
7 LOCAL CONTEXTS INCLUDING THE SIZE AND RESOURCE LEVELS OF LOCAL
8 GOVERNMENTS, FOR LOCAL GOVERNMENTS TO USE TO:

9 (a) GATHER FEEDBACK THROUGH COMMUNITY ENGAGEMENT;

10 (b) IDENTIFY INFORMATION FROM NEIGHBORHOOD-LEVEL EARLY
11 DISPLACEMENT WARNING AND RESPONSE SYSTEMS OR, IF THOSE SYSTEMS
12 ARE UNAVAILABLE, IDENTIFY THE BEST AVAILABLE LOCAL, REGIONAL,
13 STATE, OR FEDERAL DATA THAT CAN BE ANALYZED TO IDENTIFY
14 RESIDENTS AT ELEVATED DISPLACEMENT RISK, WHICH MAY INCLUDE:

15 (I) THE PERCENTAGE OF HOUSEHOLDS THAT ARE EXTREMELY
16 LOW-, VERY LOW-, AND LOW-INCOME, AS DESIGNATED BY THE UNITED
17 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

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

19 (III) THE PERCENTAGE OF COST-BURDENED HOUSEHOLDS, DEFINED
20 AS HOUSEHOLDS THAT SPEND MORE THAN THIRTY PERCENT OF THE
21 HOUSEHOLD'S INCOME ON HOUSING NEEDS;

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

25 (V) THE PERCENTAGE OF HOUSEHOLDS IN WHICH ENGLISH IS NOT
26 THE PRIMARY SPOKEN LANGUAGE;

27 (VI) THE NUMBER OF SINGLE HEADS OF HOUSEHOLD WITH

- 1 CHILDREN UNDER EIGHTEEN YEARS OF AGE;
- 2 (VII) DATA REGARDING RENTS OR HOME VALUES THAT ARE
- 3 INCREASING AT A SUBSTANTIALLY HIGHER RATE THAN ADJACENT
- 4 NEIGHBORHOODS IN THE REGION OR LOCAL GOVERNMENT'S JURISDICTION;
- 5 (VIII) DATA REGARDING NEIGHBORHOODS WITH HIGH VOLUME OF
- 6 SALES OF OWNER-OCCUPIED OR INVESTOR-OWNED HOUSING;
- 7 (IX) DATA REGARDING INCREASED SALES AND USE TAXES
- 8 GENERATED FROM COMMERCIAL AND RETAIL ACTIVITY;
- 9 (X) DATA REGARDING BUSINESS CLOSURES; AND
- 10 (XI) THE PERCENTAGE OF HOUSING STOCK BUILT PRIOR TO 1970;
- 11 (c) IDENTIFY THE LOCATION OF MANUFACTURED HOME PARKS;
- 12 (d) IDENTIFY AREAS THAT QUALIFY AS DISADVANTAGED AS
- 13 DETERMINED WITH THE CLIMATE AND ECONOMIC JUSTICE SCREENING TOOL
- 14 DEVELOPED BY THE COUNCIL ON ENVIRONMENTAL QUALITY IN THE OFFICE
- 15 OF THE PRESIDENT OF THE UNITED STATES; AND
- 16 (e) IDENTIFY AREAS THAT WILL EXPERIENCE INCREASED ZONING
- 17 CAPACITY ON OR AFTER JANUARY 1, 2025.

18 ==

19 (4) ANY METHODOLOGY OR GUIDANCE DEVELOPED BY THE

20 DIRECTOR PURSUANT TO THIS SECTION MUST PERMIT THE SUBSTITUTION OF

21 AN ASSESSMENT OF HOUSING NEEDS OR DISPLACEMENT RISK CONDUCTED

22 PURSUANT TO THE REQUIREMENTS OF ANY OTHER FEDERAL OR STATE LAW

23 OR REGULATION.

24 **24-32-3703. Local housing needs assessments - procedure -**

25 **exempt local governments.** (1) (a) NO LATER THAN DECEMBER 31, 2026,

26 EACH LOCAL GOVERNMENT == SHALL CONDUCT AND PUBLISH A LOCAL

27 HOUSING NEEDS ASSESSMENT THAT CONFORMS TO THE METHODOLOGY FOR

1 CONDUCTING LOCAL HOUSING NEEDS ASSESSMENTS DEVELOPED BY THE
2 DIRECTOR PURSUANT TO SECTION 24-32-3702 (1)(d) FOR THE TERRITORY
3 COVERED BY THE LOCAL GOVERNMENT'S MASTER PLAN.

4 (b) A HOUSING NEEDS ASSESSMENT CONDUCTED BY OR ON BEHALF
5 OF A LOCAL GOVERNMENT AFTER JANUARY 1, 2022, QUALIFIES AS HAVING
6 SATISFIED THE REQUIREMENT OF SUBSECTION (1)(a) OF THIS SECTION, IF
7 THE LOCAL GOVERNMENT SUBMITS THE ASSESSMENT TO THE DEPARTMENT
8 NO LATER THAN DECEMBER 31, 2024, AND THE DEPARTMENT DETERMINES
9 THAT THE MOST RECENT VERSION OF THE ASSESSMENT CONFORMS TO THE
10 METHODOLOGY FOR CONDUCTING A REGIONAL HOUSING NEEDS
11 ASSESSMENT OR LOCAL HOUSING NEEDS ASSESSMENT PURSUANT TO
12 SECTION 24-32-3702. THE DEPARTMENT SHALL REVIEW A HOUSING NEEDS
13 ASSESSMENT AND MAKE SUCH A DETERMINATION WITHIN NINETY DAYS OF
14 A LOCAL GOVERNMENT SUBMITTING THE HOUSING NEEDS ASSESSMENT TO
15 THE DEPARTMENT. ==

16 (2) BEGINNING ON DECEMBER 31, 2026, A LOCAL GOVERNMENT ==
17 SHALL COMPLETE A HOUSING NEEDS ASSESSMENT NO LESS OFTEN THAN
18 EVERY SIX YEARS, EXCEPT AS PROVIDED IN THIS SECTION.

19 (3) UPON CONDUCTING A LOCAL GOVERNMENT HOUSING NEEDS
20 ASSESSMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION, A LOCAL
21 GOVERNMENT'S GOVERNING BODY SHALL CONSIDER THE LOCAL HOUSING
22 NEEDS ASSESSMENT AT A PUBLIC MEETING. WITHIN SIXTY DAYS OF
23 CONSIDERING THE LOCAL HOUSING NEEDS ASSESSMENT AT A PUBLIC
24 MEETING, THE LOCAL GOVERNMENT SHALL SUBMIT THE HOUSING NEEDS
25 ASSESSMENT ALONG WITH ANY COMMENTS OF THE LOCAL GOVERNMENT'S
26 GOVERNING BODY TO THE DEPARTMENT. THE DEPARTMENT SHALL NOT
27 ACCEPT A HOUSING NEEDS ASSESSMENT FROM A LOCAL GOVERNMENT

1 THAT DOES NOT INCLUDE THE ELEMENTS LISTED IN SECTION 24-32-3702
2 (1)(d)(I) THROUGH (VI) AND DEMONSTRATE CONSIDERATION OF THE
3 BASELINE COMPONENTS LISTED IN SECTION 24-32-3702 (2). THE
4 DEPARTMENT SHALL NOTIFY A LOCAL GOVERNMENT IF IT DOES NOT
5 ACCEPT AN ASSESSMENT. THE DEPARTMENT SHALL POST THE HOUSING
6 NEEDS ASSESSMENT ON ITS WEBSITE AFTER ACCEPTING THE ASSESSMENT.

7 (4) A LOCAL GOVERNMENT IS EXEMPT FROM THE REQUIREMENTS
8 OF THIS SECTION IF:

9 (a) THE LOCAL GOVERNMENT PARTICIPATES IN THE CREATION
10 OF A REGIONAL HOUSING NEEDS ASSESSMENT PURSUANT TO SECTION
11 24-32-3704 THAT IS UPDATED NO LESS OFTEN THAN EVERY SIX YEARS,
12 PROVIDED THAT, TO BE EXEMPT FROM THE REQUIREMENT TO CONDUCT
13 AND PUBLISH A LOCAL HOUSING NEEDS ASSESSMENT BY DECEMBER 31,
14 2026, THE REGIONAL HOUSING NEEDS ASSESSMENT MUST BE COMPLETED
15 BY DECEMBER 31, 2026; OR

16 (b) THE LOCAL GOVERNMENT HAS A POPULATION OF LESS THAN
17 ONE THOUSAND, OR HAS EXPERIENCED A NEGATIVE POPULATION CHANGE
18 OF AT LEAST ONE PERCENT IN THE MOST RECENT DECENNIAL CENSUS,
19 UNLESS THE LOCAL GOVERNMENT RECEIVES FUNDING TO CONDUCT A
20 LOCAL HOUSING NEEDS ASSESSMENT FROM THE DEPARTMENT PURSUANT
21 TO SECTION 24-32-3710.

22 (5) (a) POPULATION AND OTHER DATA BY WHICH A LOCAL
23 GOVERNMENT IS DETERMINED TO BE SUBJECT TO THE PROVISIONS OF THIS
24 SECTION MUST BE DETERMINED TWO YEARS PRIOR TO THE DATE THAT THE
25 LOCAL GOVERNMENT IS REQUIRED TO COMPLETE A HOUSING NEEDS
26 ASSESSMENT PURSUANT TO THIS SECTION.

27 (b) FOR THE PURPOSES OF BOTH THIS SECTION AND SECTION

1 24-32-3705, A COUNTY'S POPULATION INCLUDES ONLY THE POPULATION
2 WITHIN A COUNTY'S UNINCORPORATED TERRITORY.

3 **24-32-3704. Regional housing needs assessments.** (1) A
4 REGIONAL ENTITY MAY CONDUCT AND PUBLISH A REGIONAL HOUSING
5 NEEDS ASSESSMENT THAT CONFORMS TO THE METHODOLOGY FOR
6 CONDUCTING REGIONAL HOUSING NEEDS ASSESSMENTS DEVELOPED BY
7 THE DIRECTOR PURSUANT TO SECTION 24-32-3702 (1)(c) FOR THE
8 TERRITORY COVERED BY THE MASTER PLAN OF ANY LOCAL GOVERNMENT
9 IN THE REGION.

10 (2) UPON CONDUCTING A REGIONAL HOUSING NEEDS ASSESSMENT
11 PURSUANT TO SUBSECTION (1) OF THIS SECTION, A REGIONAL ENTITY
12 SHALL PROVIDE THE REGIONAL HOUSING NEEDS ASSESSMENT TO EACH
13 LOCAL GOVERNMENT INCLUDED IN THE REGION. WITHIN SIXTY DAYS OF
14 RECEIVING THE REGIONAL HOUSING NEEDS ASSESSMENT, A LOCAL
15 GOVERNMENT'S GOVERNING BODY SHALL REVIEW THE ASSESSMENT AT A
16 PUBLIC MEETING AND SHALL SUBMIT COMMENTS TO THE REGIONAL
17 ENTITY.

18 (3) WITHIN SIXTY DAYS OF RECEIVING THE LOCAL GOVERNMENTS'
19 COMMENTS ON THE REGIONAL HOUSING NEEDS ASSESSMENT PURSUANT TO
20 SUBSECTION (2) OF THIS SECTION, A REGIONAL ENTITY SHALL SUBMIT THE
21 HOUSING NEEDS ASSESSMENT ALONG WITH THE COMMENTS OF EACH
22 LOCAL GOVERNMENT TO THE DEPARTMENT. THE DEPARTMENT SHALL NOT
23 ACCEPT A HOUSING NEEDS ASSESSMENT FROM A REGIONAL ENTITY THAT
24 DOES NOT INCLUDE THE ELEMENTS LISTED IN SECTION 24-32-3702 (1)(c)(I)
25 THROUGH (VI) AND DEMONSTRATE CONSIDERATION OF THE BASELINE
26 COMPONENTS LISTED IN SECTION 24-32-3702 (2). THE DEPARTMENT SHALL
27 NOTIFY A REGIONAL ENTITY IF IT DOES NOT ACCEPT AN ASSESSMENT. THE

1 DEPARTMENT SHALL POST THE HOUSING NEEDS ASSESSMENT ON ITS
2 WEBSITE AFTER ACCEPTING THE ASSESSMENT.

3 **24-32-3705. Housing action plan.** (1) (a) BY JANUARY 1, 2028,
4 AND NO LESS THAN EVERY SIX YEARS THEREAFTER, A LOCAL GOVERNMENT
5 SHALL MAKE A HOUSING ACTION PLAN, WHICH PLAN IS SUBJECT TO
6 APPROVAL BY THE GOVERNING BODY FOLLOWING A PUBLIC HEARING. A
7 HOUSING ACTION PLAN MUST BE RESPONSIVE TO AN ACCEPTED HOUSING
8 NEEDS ASSESSMENT AND DEMONSTRATE THE LOCAL GOVERNMENT'S
9 COMMITMENT TO ADDRESS DEMONSTRATED HOUSING NEEDS AND GUIDES
10 THE LOCAL GOVERNMENT IN DEVELOPING LEGISLATIVE ACTIONS,
11 PROMOTING REGIONAL COORDINATION, AND INFORMING THE PUBLIC OF
12 THE LOCAL GOVERNMENT'S EFFORTS TO ADDRESS HOUSING NEEDS IN THE
13 LOCAL GOVERNMENT'S JURISDICTION.

14 (b) THE REQUIREMENTS OF THIS SECTION ONLY APPLY TO A LOCAL
15 GOVERNMENT THAT HAS A POPULATION OF:

- 16 (I) FIVE THOUSAND OR MORE; OR
17 (II) ONE THOUSAND OR MORE AND EITHER PARTICIPATED IN A
18 REGIONAL HOUSING NEEDS ASSESSMENT OR WOULD HAVE BEEN DEEMED,
19 AS OF JANUARY 1, 2024, TO BE A RURAL RESORT COMMUNITY AS DEFINED
20 IN SECTION 29-32-101 (10).

21 (c) THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO A
22 LOCAL GOVERNMENT THAT HAS EXPERIENCED A NEGATIVE POPULATION
23 CHANGE OF AT LEAST ONE PERCENT IN THE MOST RECENT DECENNIAL
24 CENSUS.

25 (2) A LOCAL GOVERNMENT SHALL MAKE A HOUSING ACTION PLAN
26 THROUGH AN INCLUSIVE PROCESS WITH PUBLIC OUTREACH AND
27 ENGAGEMENT THROUGHOUT THE PROCESS, INCLUDING OUTREACH TO AND

1 ENGAGEMENT OF COMMUNITIES AT RISK OF DISPLACEMENT AND
2 CONSIDERATION FOR PARTICIPATION BY PERSONS UNABLE TO ATTEND
3 MEETINGS IN PERSON OR AT THE LOCAL GOVERNMENT'S REGULAR MEETING
4 TIMES. A HOUSING ACTION PLAN MUST CONSIDER ANY APPLICABLE
5 HOUSING NEEDS ASSESSMENTS, APPLICABLE REGIONAL AND LOCAL PLANS,
6 AND ANY AVAILABLE ASSESSMENTS OF THE ADEQUACY OF PUBLIC
7 SERVICES AND PUBLIC FACILITIES IN THE LOCAL GOVERNMENT'S
8 JURISDICTION. A PROPOSED HOUSING ACTION PLAN MUST BE POSTED
9 PUBLICLY ON A LOCAL GOVERNMENT'S WEBSITE AT LEAST THIRTY DAYS
10 BEFORE THE PUBLIC HEARING ON THE PLAN.

11 (3) A HOUSING ACTION PLAN MUST INCLUDE THE FOLLOWING
12 BASELINE COMPONENTS:

13 (a) A SUMMARY REPORT OF THE LOCAL GOVERNMENT'S PROGRESS
14 TOWARDS ADDRESSING THE FINDINGS OF THE APPLICABLE HOUSING NEEDS
15 ASSESSMENT WITHIN THE LOCAL GOVERNMENT'S JURISDICTION. THE
16 SUMMARY REPORT MUST INCLUDE THE NUMBER OF DWELLING UNITS
17 CONSTRUCTED OR PERMITTED IN THE LOCAL GOVERNMENT'S JURISDICTION
18 DURING THE PRECEDING SIX YEARS, IF SUCH INFORMATION IS AVAILABLE.

19 (b) A DESCRIPTION OF HOW THE LOCAL GOVERNMENT'S HOUSING
20 ACTION PLAN ADDRESSES THE ALLOCATION OF REGIONAL HOUSING NEEDS
21 TO THE LOCAL GOVERNMENT IN ANY APPLICABLE REGIONAL HOUSING
22 NEEDS ASSESSMENT;

23 (c) AN ASSESSMENT OF THE EFFECT OF EXISTING ZONING AND
24 DENSITY PERMITTED IN THE LOCAL GOVERNMENT'S JURISDICTION ON THE
25 DEVELOPMENT OF THE NUMBER AND TYPES OF DWELLING UNITS
26 IDENTIFIED IN THE APPLICABLE HOUSING NEEDS ASSESSMENT;

27 (d) A PLAN TO PROMOTE THE EQUITABLE AND EFFICIENT

1 DEVELOPMENT OF THE NUMBER AND TYPES OF DWELLING UNITS
2 IDENTIFIED THROUGH ANY APPLICABLE HOUSING NEEDS ASSESSMENT AS
3 NECESSARY TO SATISFY HOUSING NEEDS IN THE LOCAL GOVERNMENT'S
4 JURISDICTION AT DIFFERENT INCOME LEVELS, INCLUDING EXTREMELY
5 LOW-, VERY LOW-, MODERATE-, AND MIDDLE-INCOME HOUSEHOLDS AS
6 DESIGNATED BY THE UNITED STATES DEPARTMENT OF HOUSING AND
7 URBAN DEVELOPMENT, SUBJECT TO THE AVAILABILITY OF ADEQUATE
8 PUBLIC FACILITIES, PUBLIC SERVICES, AND WATER SUPPLY;

9 (e) LOCALLY-APPROPRIATE GOALS, STRATEGIES, AND ACTIONS FOR
10 PROMOTING THE PRODUCTION AND PRESERVATION OF AFFORDABLE
11 HOUSING DEVELOPMENT AND REGULATED AFFORDABLE HOUSING,
12 INCLUDING AT LEAST TWO STRATEGIES INCLUDED IN THE STANDARD
13 AFFORDABILITY STRATEGIES DIRECTORY DESCRIBED IN SECTION
14 24-32-3706 (1) AND ONE STRATEGY INCLUDED IN THE LONG-TERM
15 AFFORDABILITY STRATEGIES DIRECTORY DESCRIBED IN SECTION
16 24-32-3706 (2) THAT ARE SELECTED TO ADDRESS THE DEMONSTRATED
17 HOUSING NEEDS IN THE LOCAL GOVERNMENT'S JURISDICTION AND ARE
18 SUITABLE FOR THE JURISDICTION OR, IF THE LOCAL GOVERNMENT
19 PARTICIPATED IN A REGIONAL HOUSING NEEDS ASSESSMENT, THE
20 DEMONSTRATED HOUSING NEEDS OF THE APPLICABLE REGION AND ANY
21 REGIONAL HOUSING NEEDS ALLOCATED TO THE LOCAL GOVERNMENT;

22 (f) A NARRATIVE ANALYSIS OF ANY AREA OR COMMUNITY THAT
23 THE LOCAL GOVERNMENT HAS IDENTIFIED AS BEING AT ELEVATED RISK OF
24 DISPLACEMENT AND A PLAN TO MITIGATE DISPLACEMENT IN THAT AREA OR
25 COMMUNITY, INCLUDING THE IDENTIFICATION OF AT LEAST ONE
26 DISPLACEMENT MITIGATION STRATEGY INCLUDED IN THE DISPLACEMENT
27 RISK MITIGATION STRATEGIES DIRECTORY DESCRIBED IN SECTION

1 24-32-3706(4) THAT THE LOCAL GOVERNMENT SELECTS TO ADDRESS THE
2 FINDINGS OF THE LOCAL GOVERNMENT'S NARRATIVE ANALYSIS AND IS
3 SUITABLE FOR THE JURISDICTION;

4 (g) A PLAN FOR THE LEGISLATIVE CONSIDERATION FOR ADOPTION
5 OF THE STRATEGIES IDENTIFIED IN SUBSECTIONS (3)(e) AND (3)(f) OF THIS
6 SECTION;

7 (h) ANY RECOMMENDED CHANGES TO LOCAL LAWS AFFECTING
8 ZONING AND DENSITY IN THE LOCAL GOVERNMENT'S JURISDICTION BEFORE
9 THE LOCAL GOVERNMENT CONDUCTS THE NEXT HOUSING ACTION PLAN;

10 (i) AN ANALYSIS OF OPPORTUNITIES TO ACHIEVE THE
11 DEVELOPMENT OF HIGHER-DENSITY AND REGULATED AFFORDABLE
12 HOUSING WITHIN A REASONABLE DISTANCE OF MAJOR TRANSIT STOPS IN
13 THE JURISDICTION; ==

14 (j) A NARRATIVE DESCRIPTION OF THE PUBLIC OUTREACH AND
15 ENGAGEMENT PROCESS FOR THE HOUSING ACTION PLAN; AND

16 (k) A DESCRIPTION OF OPPORTUNITIES FOR INTERGOVERNMENTAL
17 COORDINATION TO ADDRESS LOCAL AND REGIONAL HOUSING NEEDS AND
18 ANY SUCH INTERGOVERNMENTAL COORDINATION EFFORTS UNDERTAKEN
19 BY THE LOCAL GOVERNMENT.

20 (4) WITHIN SIXTY DAYS OF APPROVAL BY THE GOVERNING BODY,
21 THE LOCAL GOVERNMENT SHALL SUBMIT THE HOUSING ACTION PLAN
22 DEVELOPED PURSUANT TO SUBSECTION (3) OF THIS SECTION TO THE
23 DEPARTMENT AND, IF APPLICABLE, TO THE REGIONAL ENTITY THAT
24 CONDUCTED A REGIONAL HOUSING NEEDS ASSESSMENT THAT APPLIES TO
25 THE LOCAL GOVERNMENT. THE DEPARTMENT SHALL NOT ACCEPT A
26 HOUSING ACTION PLAN THAT DOES NOT INCLUDE THE COMPONENTS
27 REQUIRED BY SECTION 24-32-3705 (3). THE DEPARTMENT SHALL NOTIFY

1 A LOCAL GOVERNMENT IF IT DOES NOT ACCEPT A HOUSING ACTION PLAN.

2 THE DEPARTMENT SHALL POST THE HOUSING ACTION PLAN ON THE
3 DEPARTMENT'S WEBSITE AFTER ACCEPTING THE PLAN.

4 (5) A LOCAL GOVERNMENT THAT ADOPTED A PLAN THAT
5 SUBSTANTIALLY MEETS THE REQUIREMENTS OF SUBSECTION (3) OF THIS
6 SECTION AND WAS THE SUBJECT OF A PUBLIC HEARING HELD NO EARLIER
7 THAN JANUARY 1, 2024, AND NO LATER THAN JULY 1, 2024, IS NOT
8 REQUIRED TO CONDUCT A HOUSING ACTION PLAN UNTIL FIVE YEARS AFTER
9 THE DATE OF THE ADOPTION OF THE PLAN THAT SUBSTANTIALLY MEETS
10 THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION,
11 NOTWITHSTANDING SUBSECTION (1) OF THIS SECTION.

12 (6) THREE YEARS AFTER ADOPTING A HOUSING ACTION PLAN, A
13 LOCAL GOVERNMENT SHALL REPORT PROGRESS TO THE DEPARTMENT
14 REGARDING THE ADOPTION OF ANY STRATEGIES OR CHANGES TO LOCAL
15 LAWS IDENTIFIED IN THE HOUSING ACTION PLAN OR THE MOST RECENT
16 UPDATED HOUSING ACTION PLAN. THE DEPARTMENT SHALL NOT ACCEPT
17 SUCH A PROGRESS REPORT, IF THE REPORT DOES NOT DEMONSTRATE THAT
18 THE LOCAL GOVERNMENT ADOPTED THE STRATEGIES AND CHANGES TO
19 LOCAL LAWS IDENTIFIED IN THE HOUSING ACTION PLAN OR THE MOST
20 RECENT UPDATED HOUSING ACTION PLAN, UNLESS THE DEPARTMENT
21 DETERMINES THAT THE LOCAL GOVERNMENT HAS BOTH MADE A GOOD
22 FAITH EFFORT TO ADOPT THESE STRATEGIES OR CHANGES TO LOCAL LAW
23 AND HAS PROVIDED THE DEPARTMENT WITH A PLAN FOR THE ADOPTION OF
24 ALTERNATIVE STRATEGIES OR CHANGES TO LOCAL LAWS IN ACCORDANCE
25 WITH THIS SECTION.

26 (7) A LOCAL GOVERNMENT MAY UPDATE A HOUSING ACTION PLAN
27 AT ANY TIME BY FOLLOWING THE PROCESS IN SUBSECTION (2) OF THIS

1 SECTION. A LOCAL GOVERNMENT SHALL SUBMIT ANY UPDATE TO A
2 HOUSING ACTION PLAN TO THE DEPARTMENT AND, IF APPLICABLE, A
3 REGIONAL ENTITY AS PROVIDED IN SUBSECTION (4) OF THIS SECTION. THE
4 DEPARTMENT SHALL NOT ACCEPT ANY UPDATE THAT WOULD RESULT IN A
5 HOUSING ACTION PLAN THAT DOES NOT INCLUDE THE COMPONENTS
6 REQUIRED BY SECTION 24-32-3705 (3). THE DEPARTMENT SHALL NOTIFY
7 THE LOCAL GOVERNMENT IF IT DOES NOT ACCEPT AN UPDATE. THE
8 DEPARTMENT SHALL POST THE UPDATE ON ITS WEBSITE, AFTER ACCEPTING
9 THE UPDATE.

10 (8) POPULATION BY WHICH A LOCAL GOVERNMENT IS DETERMINED
11 TO BE SUBJECT TO THE PROVISIONS OF THIS SECTION MUST BE DETERMINED
12 TWO YEARS PRIOR TO THE DATE THAT THE LOCAL GOVERNMENT IS
13 REQUIRED TO COMPLETE A HOUSING ACTION PLAN PURSUANT TO THIS
14 SECTION.

15 **24-32-3706. Directories of housing and land use strategies -**
16 **development of housing and increasing housing affordability -**
17 **displacement impact mitigation.** (1) NO LATER THAN JUNE 30, 2025,
18 THE DEPARTMENT SHALL DEVELOP A STANDARD AFFORDABILITY
19 STRATEGIES DIRECTORY THAT INCLUDES THE FOLLOWING STRATEGIES:

20 (a) IMPLEMENTING A LOCAL INCLUSIONARY ZONING ORDINANCE
21 THAT CONSIDERS LOCAL HOUSING MARKET CONDITIONS THAT IS CRAFTED
22 TO SUBSTANTIALLY INCREASE AFFORDABLE HOUSING INCLUDING
23 REGULATED AFFORDABLE HOUSING PRODUCTION AND COMPLIES WITH THE
24 REQUIREMENTS OF SECTION 29-20-104 (1)(e.5) AND (1)(e.7);

25 (b) ADOPTING A LOCAL LAW OR PLAN TO LEVERAGE PUBLICLY
26 OWNED, SOLD, OR MANAGED LAND FOR REGULATED AFFORDABLE HOUSING
27 DEVELOPMENT;

1 (c) CREATING OR EXPANDING A PROGRAM TO SUBSIDIZE OR
2 OTHERWISE REDUCE IMPACT FEES OR OTHER SIMILAR DEVELOPMENT
3 CHARGES FOR REGULATED AFFORDABLE HOUSING DEVELOPMENT;

4 (d) ESTABLISHING A DENSITY BONUS PROGRAM THAT GRANTS
5 INCREASED FLOOR AREA RATIO, DENSITY, OR HEIGHT OF REGULATED
6 AFFORDABLE HOUSING UNITS;

7 (e) CREATING A PROGRAM TO PRIORITIZE AND EXPEDITE
8 DEVELOPMENT APPROVALS FOR REGULATED AFFORDABLE HOUSING
9 DEVELOPMENT, EXCEPT THAT IF THE LOCAL GOVERNMENT HAS DONE SO
10 PURSUANT TO SECTION 29-32-105 (2), THIS STRATEGY DOES NOT COUNT
11 AS AN ELIGIBLE STANDARD AFFORDABILITY STRATEGY FOR PURPOSES OF
12 SECTION 29-32-3705 (3)(e);

13 (f) CREATING OR EXPANDING A PROGRAM TO SUBSIDIZE OR
14 OTHERWISE REDUCE PERMIT FEES OTHER THAN IMPACT FEES OR SIMILAR
15 DEVELOPMENT CHARGES FOR REGULATED AFFORDABLE HOUSING;

16 ■
17 (g) ENACTING LOCAL LAWS THAT INCENTIVIZE THE CONSTRUCTION
18 AND PRESERVATION OF AFFORDABLE HOUSING UNITS DESIGNED TO SERVE
19 RESIDENTS FACING PARTICULAR CHALLENGES SECURING AFFORDABLE
20 HOUSING, INCLUDING ACCESSIBLE AND VISITABLE UNITS AND
21 MULTI-BEDROOM UNITS; AND

22 (h) ANY OTHER STRATEGY DESIGNATED BY THE DEPARTMENT
23 THAT OFFERS A COMPARABLE IMPACT ON LOCAL HOUSING AFFORDABILITY.

24 (2) ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT SHALL
25 DEVELOP A LONG-TERM AFFORDABILITY STRATEGIES DIRECTORY THAT
26 INCLUDES THE FOLLOWING STRATEGIES:

27 (a) ESTABLISHING A DEDICATED LOCAL REVENUE SOURCE FOR


1 REGULATED AFFORDABLE HOUSING DEVELOPMENT, SUCH AS INSTITUTING
2 A LINKAGE FEE ON MARKET RATE HOUSING DEVELOPMENT TO SUPPORT
3 NEW, REGULATED AFFORDABLE HOUSING DEVELOPMENTS;

4 (b) REGULATING SHORT-TERM RENTALS, SECOND HOMES, OR
5 OTHER UNDERUTILIZED OR VACANT UNITS IN A WAY, SUCH AS VACANCY
6 FEEES FOR UNDERUTILIZED UNITS, THAT PROMOTES A SUBSTANTIAL
7 INCREASE IN THE USE OF LOCAL HOUSING STOCK FOR LOCAL HOUSING
8 NEEDS;

9 (c) MAKING A COMMITMENT TO AND REMAINING ELIGIBLE TO
10 RECEIVE FUNDING PURSUANT TO ARTICLE 32 OF THIS TITLE 29;

11 (d) AMENDING ZONING ORDINANCES THAT ALLOW THE
12 CONSTRUCTION OF SINGLE-UNIT DETACHED DWELLINGS TO ALLOW EITHER
13 ACCESSORY DWELLING UNITS OR DUPLEXES, TRIPLEXES, QUADPLEXES, AND
14 TOWNHOMES IN A SUBSTANTIAL PORTION OF THE JURISDICTION;

15 (e) AMENDING LOCAL LAWS TO ESTABLISH THE USE OF
16 ADMINISTRATIVE PROCESSES FOR THE REVIEW AND APPROVAL OF HOUSING
17 DEVELOPMENT THAT DO NOT INCLUDE A REQUIREMENT OF A PUBLIC
18 HEARING;

19 
20 (f) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM
21 THAT FACILITATES INVESTMENT IN LAND BANKING OR COMMUNITY LAND
22 TRUSTS;

23 (g) ESTABLISHING AN AFFORDABLE HOMEOWNERSHIP STRATEGY
24 SUCH AS:

25 (I) ESTABLISHING A RIGHT OF FIRST REFUSAL PROGRAM OR
26 PROGRAMS THAT TRANSITION EXISTING HOUSING STOCK TO REGULATED
27 AFFORDABLE HOUSING;

1 (II) INCENTIVIZING AFFORDABLE CONDOMINIUM DEVELOPMENTS;

2 (III) ACQUIRING OR PRESERVING DEED RESTRICTIONS ON CURRENT
3 HOUSING UNITS;

4 (IV) ESTABLISHING AN INCENTIVE PROGRAM TO ENCOURAGE
5 REALTORS TO WORK WITH LOW-INCOME AND MINORITY PROSPECTIVE
6 HOME BUYERS; OR

7 (V) ESTABLISHING AN AFFORDABLE RENT-TO-OWN PROGRAM; AND

8 (h) ANY OTHER STRATEGY DESIGNATED BY THE DEPARTMENT
9 THAT OFFERS A COMPARABLE IMPACT ON LOCAL HOUSING AFFORDABILITY.

10 (3) A LOCAL GOVERNMENT MAY SUBMIT AN EXISTING OR
11 PROPOSED LOCAL LAW OR PROGRAM, IN A FORM AND MANNER
12 DETERMINED BY THE DEPARTMENT, TO THE DEPARTMENT, AND THE
13 DEPARTMENT MAY DETERMINE THAT THE ADOPTION OF THAT LOCAL LAW
14 OR PROGRAM QUALIFIES AS AN AFFORDABILITY STRATEGY FOR PURPOSES
15 OF THIS SECTION, SO LONG AS THE LOCAL LAW OR PROGRAM SUPPORTS
16 EQUAL OR GREATER HOUSING AFFORDABILITY AND ACCESSIBILITY AS THE
17 STRATEGIES DESCRIBED IN SUBSECTIONS (1) AND (2) OF THIS SECTION.

18 (4) NO LATER THAN JUNE 30, 2025, THE DEPARTMENT SHALL
19 DEVELOP A DISPLACEMENT RISK MITIGATION STRATEGIES DIRECTORY. THE
20 DIRECTORY MUST INCLUDE THE FOLLOWING STRATEGIES:

21 (a) CREATING A LOCALLY FUNDED AND ADMINISTERED RENTAL
22 AND MORTGAGE ASSISTANCE PROGRAM;

23 (b) CREATING AN EVICTION AND FORECLOSURE NO-COST LEGAL
24 REPRESENTATION PROGRAM;

25 (c) ESTABLISHING A HOUSING COUNSELING AND NAVIGATION
26 PROGRAM OR FUNDING A COMMUNITY-BASED HOUSING COUNSELING AND
27 NAVIGATION PROGRAM;

1 (d) CREATING A PROPERTY TAX AND DOWN PAYMENT ASSISTANCE
2 PROGRAM;

3 (e) DEVELOPING A PROGRAM TO OFFER TECHNICAL ASSISTANCE
4 AND FINANCIAL SUPPORT FOR COMMUNITY ORGANIZATIONS TO DEVELOP
5 INDEPENDENT COMMUNITY LAND TRUSTS;

6 (f) PRIORITIZING LOCAL MONEY TOWARD REGULATED AFFORDABLE
7 HOUSING UNIT PRESERVATION OR IMPLEMENTING OR CONTINUING DEED
8 RESTRICTIONS FOR AFFORDABLE HOUSING UNITS;

9 (g) REQUIRING MULTIFAMILY DEVELOPERS BUILDING IN AREAS
10 IDENTIFIED AS BEING AT RISK OF DISPLACEMENT TO CREATE A COMMUNITY
11 BENEFITS AGREEMENT WITH AFFECTED POPULATIONS WITHIN
12 ONE-QUARTER MILE OF THE DEVELOPMENT THAT THE MULTIFAMILY
13 DEVELOPER IS BUILDING;

14 (h) PROVIDING A PRIORITIZATION POLICY FOR CURRENT RESIDENTS
15 IN THIRTY PERCENT OF ANY NEW MULTIFAMILY DEVELOPMENT; AND

16 (i) OTHER STRATEGIES IDENTIFIED BY THE DEPARTMENT THAT
17 PROVIDE DISPLACEMENT MITIGATION THAT IS EQUIVALENT TO THE OTHER
18 STRATEGIES DESCRIBED IN THIS SUBSECTION (4).

19 (5) A LOCAL GOVERNMENT MAY SUBMIT AN EXISTING OR
20 PROPOSED LOCAL LAW OR PROGRAM, IN A FORM AND MANNER
21 DETERMINED BY THE DEPARTMENT, TO THE DEPARTMENT, AND THE
22 DEPARTMENT MAY DETERMINE THAT THE ADOPTION OF THE LOCAL LAW OR
23 PROGRAM QUALIFIES AS A DISPLACEMENT RISK MITIGATION STRATEGY FOR
24 PURPOSES OF THIS SECTION, SO LONG AS THE LOCAL LAW OR PROGRAM
25 SUPPORTS EQUAL OR GREATER MITIGATION OF DISPLACEMENT RISK AS THE
26 STRATEGIES DESCRIBED IN SUBSECTION (4) OF THIS SECTION.

27 (6) NOTWITHSTANDING THE ABSENCE OF SPECIFIC AUTHORIZATION

1 IN ANY OTHER LAW, A LOCAL GOVERNMENT HAS THE AUTHORITY TO
2 ENACT ORDINANCES OR RESOLUTIONS TO ADOPT AND IMPLEMENT THE
3 STRATEGIES IDENTIFIED IN THIS SECTION. _____

4 **24-32-3707. Statewide strategic growth report.** (1) NO LATER
5 THAN OCTOBER 31, 2025, THE DIRECTOR SHALL SUBMIT TO THE GENERAL
6 ASSEMBLY A STATEWIDE STRATEGIC GROWTH REPORT. THE REPORT MUST
7 SUPPLEMENT THE STATEWIDE CLIMATE PREPAREDNESS STRATEGIC PLAN
8 AND ROADMAP PUBLISHED PURSUANT TO SECTION 24-38.8-103 AND ANY
9 OTHER CURRENT REPORT OF A STATE AGENCY OR TASK FORCE ADDRESSING
10 THE MATTERS COVERED IN THIS SECTION.

11 (2) THE STRATEGIC GROWTH REPORT DESCRIBED IN SUBSECTION
12 (1) OF THIS SECTION MUST:

13 (a) INCLUDE AN ANALYSIS OF POLICY-DRIVEN LAND USE
14 SCENARIOS, INCLUDING A STRATEGIC GROWTH SCENARIO, AND EXAMINE
15 THE IMPACTS OF THESE SCENARIOS ON THE COST AND AVAILABILITY OF
16 HOUSING, INFRASTRUCTURE, CLIMATE AND AIR QUALITY, WATER SUPPLY,
17 TRANSPORTATION AND TRANSIT, PARKS AND OPEN SPACE, RESOURCE
18 LANDS, WILDFIRE RISK, AND CRITICAL AREAS;

19 (b) INCLUDE AN ANALYSIS OF THE IMPACT OF EXISTING STATE
20 POLICIES AND PROGRAMS ON LAND USE DEVELOPMENT PATTERNS AND THE
21 ENCOURAGEMENT OF SPRAWL;

22 (c) CONSIDER THE CONTEXT OF DIFFERENT REGIONS AND
23 COMMUNITIES ACROSS THE STATE, EMPOWER AND PROMOTE LOCAL
24 INITIATIVES AND IDEAS THAT LEAD TO STRATEGIC GROWTH, AND
25 RECOGNIZE THAT ALL COMMUNITIES HAVE UNIQUE NEEDS THAT OFTEN
26 CALL FOR ADDITIONAL FLEXIBILITY WHEN APPLYING STRATEGIC GROWTH
27 GOALS, ESPECIALLY COMMUNITIES OUTSIDE OF METROPOLITAN AREAS AND

1 COMMUNITIES VULNERABLE TO DISPLACEMENT; AND

2 (d) INCLUDE RECOMMENDATIONS FOR STATE LEGISLATION AND
3 LOCAL LAWS, TO ENCOURAGE ENVIRONMENTALLY AND FISCALLY
4 SUSTAINABLE GROWTH, INCLUDING BUT NOT LIMITED TO ECONOMIC
5 INCENTIVES, FINANCING TOOLS, ACCESS CHARGES, URBAN GROWTH AREAS,
6 THREE MILE PLANS, TRANSFER OF DEVELOPMENT RIGHTS, ANNEXATION,
7 AND SPECIAL DISTRICTS.

8 (3) IN DEVELOPING THE STRATEGIC GROWTH REPORT DESCRIBED
9 IN SUBSECTION (1) OF THIS SECTION, THE DIRECTOR SHALL CONSULT WITH
10 STATE AGENCIES AND LOCAL GOVERNMENTS WITH FUNCTIONS OR
11 JURISDICTION REGARDING THE MATTERS COVERED IN THIS SECTION AND
12 LOCAL GOVERNMENTS, REGIONAL PLANNING AGENCIES, WATER
13 PROVIDERS, UTILITY PROVIDERS, ECONOMIC DEVELOPMENT ENTITIES, AND
14 EXPERTS IN FIELDS RELATED TO STRATEGIC GROWTH.

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16 **24-32-3708. Natural land and agricultural interjurisdictional**
17 **opportunities report.** (1) No LATER THAN DECEMBER 31, 2025, THE
18 DIRECTOR, IN CONSULTATION WITH RELEVANT STATE AGENCIES INCLUDING
19 THE DEPARTMENT OF AGRICULTURE, THE DIVISION OF PARKS AND WILDLIFE
20 IN THE DEPARTMENT OF NATURAL RESOURCES, THE OUTDOOR RECREATION
21 INDUSTRY OFFICE IN THE OFFICE OF ECONOMIC DEVELOPMENT, AND THE
22 COLORADO TOURISM OFFICE, SHALL DEVELOP AND PUBLISH A NATURAL
23 LAND AND AGRICULTURAL INTERJURISDICTIONAL OPPORTUNITIES REPORT
24 THAT MUST INCLUDE:

25 (a) OPPORTUNITIES FOR LOCAL GOVERNMENTS AND
26 METROPOLITAN PLANNING ORGANIZATIONS TO ACHIEVE CONNECTIVITY TO
27 OPEN SPACE, WILDLIFE HABITAT, AND OTHER PRIORITY LANDSCAPES;

1 (b) OPPORTUNITIES FOR LOCAL GOVERNMENTS AND
2 METROPOLITAN PLANNING ORGANIZATIONS TO ACHIEVE THE
3 PRESERVATION OF AGRICULTURAL LAND, HISTORIC AND CULTURAL
4 RESOURCES, URBAN PARKS AND GREEN SPACES, EXURBAN OPEN SPACES,
5 RECREATIONAL RESOURCES, WILDLIFE HABITATS, AND ECOSYSTEMS WITH
6 THE GREATEST NEED FOR CONSERVATION AND MITIGATION OF HAZARDS;
7 AND

8 (c) BEST PRACTICES, TOOLS, AND RESOURCES RELATED TO
9 SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION.

10 (2) THE NATURAL LAND AND AGRICULTURAL
11 INTERJURISDICTIONAL OPPORTUNITIES REPORT MUST INTEGRATE AND
12 INCLUDE INFORMATION FROM RELEVANT STATE, REGIONAL, AND LOCAL
13 PLANS THAT ADDRESS THE SUBJECT MATTERS IDENTIFIED IN SUBSECTION
14 (1) OF THIS SECTION.

15 **24-32-3709. Technical assistance.** (1) THE DIVISION OF LOCAL
16 GOVERNMENT SHALL PROVIDE TECHNICAL ASSISTANCE, MATERIALS,
17 BRIEFINGS, CONSULTING SERVICES, TEMPLATES, TOOLS, TRAININGS,
18 WEBINARS, OR OTHER GUIDANCE TO ASSIST LOCAL GOVERNMENTS IN:

19 (a) ESTABLISHING REGIONAL ENTITIES THAT PROMOTE STATEWIDE
20 COVERAGE OF LOCAL GOVERNMENTS BY HOUSING NEEDS ASSESSMENTS
21 WITHOUT UNNECESSARY DUPLICATION FOR THE PURPOSE OF CONDUCTING
22 REGIONAL HOUSING NEEDS ASSESSMENTS AND DISPLACEMENT RISK
23 ASSESSMENTS;

24 (b) CREATING HOUSING NEEDS ASSESSMENTS PURSUANT TO
25 SECTIONS 24-32-3703 AND 24-32-3704;

26 (c) CONDUCTING A DISPLACEMENT RISK ANALYSIS WITH A
27 STATE-CREATED TOOL;

1 (d) IDENTIFYING AND IMPLEMENTING STRATEGIES, INCLUDING IN
2 THE DIRECTORIES DESCRIBED IN SECTION 24-32-3706;

3 (e) MAKING AND ADOPTING A HOUSING ACTION PLAN IN
4 ACCORDANCE WITH SECTION 24-32-3705;

5 (f) ENACTING LAWS AND POLICIES PURSUANT TO ACCEPTED
6 HOUSING NEEDS ASSESSMENTS AND ACCEPTED HOUSING ACTION PLANS
7 THAT ENCOURAGE THE DEVELOPMENT OF A RANGE OF HOUSING TYPES,
8 INCLUDING REGULATED AFFORDABLE HOUSING, OR MITIGATE THE IMPACT
9 OF DISPLACEMENT IN ACCORDANCE WITH SECTION 24-32-3706; AND

10 (g) CREATING STRATEGIC GROWTH ELEMENTS IN MASTER PLANS
11 AS DESCRIBED IN SECTION 30-28-106 (3)(a.5)(III) OR SECTION 31-23-206
12 (1.5)(d).

13 (2) IN DETERMINING TO WHOM IT WILL PROVIDE ASSISTANCE
14 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE DIVISION OF LOCAL
15 GOVERNMENT SHALL PRIORITIZE REQUESTS FOR TECHNICAL ASSISTANCE
16 RELATED TO:

17 (a) CONDUCTING REGIONAL HOUSING NEEDS ASSESSMENTS, IF THE
18 DEPARTMENT DETERMINES THAT THE REGIONAL ENTITY MEETS THE
19 REQUIREMENTS OF THIS SECTION AND THE ASSESSMENT WOULD PROMOTE
20 STATEWIDE COVERAGE OF LOCAL GOVERNMENTS BY HOUSING NEEDS
21 ASSESSMENTS WITHOUT UNNECESSARY DUPLICATION;

22 (b) CONDUCTING HOUSING NEEDS ASSESSMENTS AND CREATING
23 HOUSING ACTION PLANS CONTEMPORANEOUSLY; AND

24 (c) ENACTING LAWS AND POLICIES TO PRESERVE OR CREATE
25 REGULATED AFFORDABLE HOUSING, MITIGATE DISPLACEMENT, OR
26 INCREASE OPPORTUNITIES FOR MULTIFAMILY RESIDENTIAL HOUSING NEAR
27 MAJOR TRANSIT STOPS.

1 (3) (a) IN ASSISTING LOCAL GOVERNMENTS PURSUANT TO
2 SUBSECTION (1) OF THIS SECTION, THE DIVISION OF LOCAL GOVERNMENT
3 SHALL PROVIDE FUNDING THROUGH EITHER A GRANT PROGRAM, THE
4 PROVISION OF CONSULTANT SERVICES, OR BOTH DIRECTLY TO LOCAL
5 GOVERNMENTS OR THROUGH A REGIONAL ENTITY AND SHALL PRIORITIZE
6 FUNDING AND GRANT PROGRAMS ADMINISTERED BY THE DEPARTMENT FOR
7 THE PURPOSES OF THIS SECTION, SO LONG AS DOING SO IS NOT
8 INCONSISTENT WITH FEDERAL OR STATE LAW.

9 (b) ANY CONSULTANT RETAINED BY THE DEPARTMENT TO PROVIDE
10 TECHNICAL ASSISTANCE PURSUANT TO THIS SECTION RELATING TO
11 HOUSING NEEDS ASSESSMENTS AND HOUSING ACTION PLANS SHALL HAVE
12 DEMONSTRATED EXPERIENCE CONDUCTING HIGH-QUALITY HOUSING NEEDS
13 ASSESSMENTS AND STRATEGIC HOUSING PLANS AND ENGAGING
14 UNDERREPRESENTED COMMUNITIES, RESIDENTS, AND WORKERS WITH
15 DISPROPORTIONATE HOUSING NEEDS AND CHALLENGES.

16 (c) THE DEPARTMENT SHALL REQUIRE, AS A CONDITION OF ANY
17 FUNDING AWARDED TO A LOCAL GOVERNMENT TO CONDUCT HOUSING
18 NEEDS ASSESSMENTS OR CREATE HOUSING ACTION PLANS PURSUANT TO
19 THIS SECTION, THAT:

20 (I) UNLESS NO SUCH PERSON IS AVAILABLE, ANY PERSON
21 PROVIDING SERVICES TO THE LOCAL GOVERNMENT THAT WILL BE FUNDED
22 BY THE AWARD MEETS THE REQUIREMENTS OF SUBSECTION (3)(b) OF THIS
23 SECTION; AND

24 (II) THE LOCAL GOVERNMENT USE A PORTION OF THE FUNDS
25 AWARDED BY THE DEPARTMENT TO CONDUCT HOUSING NEEDS
26 ASSESSMENTS OR CREATING HOUSING ACTION PLANS PURSUANT TO THIS
27 SECTION TO ENGAGE UNDERREPRESENTED AND UNDERRECOGNIZED

1 COMMUNITIES.

2 (4) BEGINNING JANUARY 1, 2025, AND EVERY YEAR THEREAFTER,
3 THE DIVISION OF LOCAL GOVERNMENT SHALL PROVIDE A REPORT ON THE
4 ASSISTANCE REQUESTED BY LOCAL GOVERNMENTS PURSUANT TO THIS
5 SECTION, WHETHER OR NOT ADEQUATE STATE FUNDING IS AVAILABLE TO
6 PROVIDE THE ASSISTANCE REQUESTED BY LOCAL GOVERNMENTS, AND ANY
7 ADDITIONAL RESOURCES THAT THE DIVISION OF LOCAL GOVERNMENT OR
8 LOCAL GOVERNMENTS HAVE IDENTIFIED THAT WOULD ASSIST LOCAL
9 GOVERNMENTS IN IDENTIFYING AND IMPLEMENTING LAWS AND POLICIES
10 THAT WOULD INCREASE THE AVAILABILITY OF HOUSING IN COLORADO.

11 (5) (a) THE DIVISION OF LOCAL GOVERNMENT SHALL SERVE AS A
12 CLEARING HOUSE, FOR THE BENEFIT OF LOCAL GOVERNMENTS AND
13 REGIONAL ENTITIES, OF INFORMATION RELATING TO THIS PART 37 AND
14 SHALL REFER LOCAL GOVERNMENTS TO STATE AND FEDERAL RESOURCES
15 AND APPROPRIATE DEPARTMENTS OR AGENCIES OF THE STATE OR FEDERAL
16 GOVERNMENT FOR ADVICE, ASSISTANCE, OR AVAILABLE SERVICES
17 RELATING TO THIS PART 37.

18 (b) THE DIVISION OF LOCAL GOVERNMENT SHALL IDENTIFY
19 OPPORTUNITIES FOR, ENCOURAGE, AND, WHEN SO REQUESTED, ASSIST
20 COOPERATIVE EFFORTS AMONG LOCAL GOVERNMENTS IN SOLVING
21 COMMON PROBLEMS RELATED TO POPULATION CHANGE AND THE
22 IMPLEMENTATION OF THIS PART 37.

23 (c) THE DEPARTMENT MAY ATTEMPT TO MEDIATE DISPUTES
24 BETWEEN LOCAL GOVERNMENTS REGARDING THE ENACTMENT OF LOCAL
25 LAWS OR POLICIES RELATED TO THE CREATION OF HOUSING NEEDS
26 ASSESSMENTS AND HOUSING ACTION PLANS PURSUANT TO THIS PART 37,
27 INTERJURISDICTIONAL COORDINATION OR DISPUTES REGARDING THE

1 DEVELOPMENT OF LAND FOR RESIDENTIAL USES, INCLUDING REGULATED
2 AFFORDABLE HOUSING USES AND THE PROVISION OF WATER AND SEWER
3 SERVICES, AND ANYTHING ELSE COVERED BY THIS PART 37 OR REFER
4 LOCAL GOVERNMENTS TO THE LIST OF MEDIATORS MAINTAINED PURSUANT
5 TO SECTION 24-32-3209 TO ASSIST IN THE RESOLUTION OF SUCH DISPUTES.

6 (6) (a) THE HOUSING NEEDS PLANNING TECHNICAL ASSISTANCE
7 FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF GIFTS,
8 GRANTS, AND DONATIONS CREDITED TO THE FUND AND ANY OTHER MONEY
9 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE
10 FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME
11 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE HOUSING
12 NEEDS PLANNING TECHNICAL ASSISTANCE FUND TO THE FUND.

13 (b) MONEY IN THE HOUSING NEEDS PLANNING TECHNICAL
14 ASSISTANCE FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT
15 FOR THE PURPOSES OF PROVIDING TECHNICAL ASSISTANCE AND
16 IMPLEMENTING A GRANT PROGRAM PURSUANT TO THIS SECTION.

17 (c) (I) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER
18 TO THE HOUSING NEEDS PLANNING TECHNICAL ASSISTANCE FUND:

19 (A) NOTWITHSTANDING THE ALLOCATION OF FUNDS DESCRIBED IN
20 SECTION 39-29-110, OR ANY OTHER LAW TO THE CONTRARY, TEN MILLION
21 FIVE HUNDRED THOUSAND DOLLARS FROM THE LOCAL GOVERNMENT
22 SEVERANCE TAX FUND CREATED IN SECTION 39-29-110; AND

23 (B) NOTWITHSTANDING THE ALLOCATION OF FUNDS DESCRIBED IN
24 SECTION 34-63-102, OR ANY OTHER LAW TO THE CONTRARY, FOUR
25 MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE LOCAL
26 GOVERNMENT MINERAL IMPACT FUND CREATED IN SECTION 34-63-102 (5).

27 (II) THIS SUBSECTION (6)(c) IS REPEALED, EFFECTIVE JULY 1, 2025.

1 **24-32-3710. Prioritization for conformity with planning**

2 **expectations.** (1) ON OR AFTER DECEMBER 1, 2027, ANY GRANT
3 PROGRAM ADMINISTERED BY THE DEPARTMENT, THE COLORADO ENERGY
4 OFFICE, THE OFFICE OF ECONOMIC DEVELOPMENT, THE DEPARTMENT OF
5 TRANSPORTATION, THE DEPARTMENT OF NATURAL RESOURCES, THE
6 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR THE
7 DEPARTMENT OF PERSONNEL AND ADMINISTRATION THAT AWARDS
8 GRANTS TO COUNTIES AND MUNICIPALITIES FOR THE PRIMARY PURPOSE OF
9 SUPPORTING LAND USE PLANNING OR HOUSING, EXCLUDING LAND USE
10 PLANNING OR HOUSING PURSUANT TO ARTICLE 32 OF TITLE 29, MUST, SO
11 LONG AS DOING SO IS NOT INCONSISTENT WITH FEDERAL LAW OR THE
12 STATE CONSTITUTION, INCLUDE PRIORITIZATION CRITERIA THAT CONSIDER
13 WHETHER:

14 (a) A CURRENT LOCAL OR REGIONAL HOUSING NEEDS ASSESSMENT
15 HAS BEEN COMPLETED FOR THE LOCAL GOVERNMENT AND HAS BEEN
16 ACCEPTED BY THE DEPARTMENT PURSUANT TO SECTION 24-32-3703 OR
17 24-32-3704;

18 (b) A HOUSING ACTION PLAN HAS BEEN ADOPTED BY THE LOCAL
19 GOVERNMENT AND ACCEPTED BY THE DEPARTMENT PURSUANT TO SECTION
20 24-32-3705;

21 (c) A REPORT HAS BEEN SUBMITTED BY THE LOCAL GOVERNMENT
22 AND ACCEPTED BY THE DEPARTMENT PURSUANT TO SECTION 24-32-3705

23 (6); AND

24 (d) THE MASTER PLAN FOR THE LOCAL GOVERNMENT INCLUDES A
25 WATER SUPPLY ELEMENT AND STRATEGIC GROWTH ELEMENT AS
26 DESCRIBED IN SECTIONS 30-28-106 (3)(a.5) AND 31-23-206 (1.5).

27 (2) IN CONSIDERING AWARDED A GRANT TO A LOCAL

1 GOVERNMENT THAT IS NOT SUBJECT TO ANY OF THE PROVISIONS
2 IDENTIFIED IN THE PRIORITIZATION CRITERIA DESCRIBED IN SUBSECTION (1)
3 OF THIS SECTION, THE DEPARTMENT SHALL TREAT THE LOCAL
4 GOVERNMENT AS IF IT HAS SATISFIED THE PRIORITIZATION CRITERIA IN
5 SUBSECTION (1) OF THIS SECTION.

6 **24-32-3711. Neighborhood centers - grant program**
7 **prioritization.** (1) ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT
8 SHALL ADOPT REASONABLE CRITERIA FOR THE DESIGNATION OF
9 NEIGHBORHOOD CENTERS IN ACCORDANCE WITH SECTION 24-32-3701 (10),
10 INCLUDING CRITERIA FOR VARYING REGIONAL CONTEXTS. THE
11 DEPARTMENT SHALL DESIGN THE CRITERIA ADOPTED PURSUANT TO THIS
12 SUBSECTION (1) TO MINIMIZE THE FISCAL BURDEN ON LOCAL
13 GOVERNMENTS. THE CRITERIA ADOPTED BY THE DEPARTMENT PURSUANT
14 TO THIS SUBSECTION (1) MUST NOT:

15 (a) LIMIT OR RESTRICT THE AUTHORITY OF A LOCAL GOVERNMENT,
16 INCLUDING AUTHORITY RELATING TO ZONING, REGULATION OF THE USE OF
17 LAND, AND THE IMPOSITION OF FEES, CHARGES, AND TAXES,
18 NOTWITHSTANDING THE EXERCISE OF THAT AUTHORITY TO ESTABLISH A
19 NEIGHBORHOOD CENTER; OR

20 (b) REQUIRE THE MODIFICATION OF A CHARTER ADOPTED
21 PURSUANT TO ARTICLE XX OF THE STATE CONSTITUTION.

22 (2) A LOCAL GOVERNMENT MAY DESIGNATE A NEIGHBORHOOD
23 CENTER PURSUANT TO THIS SECTION AND SUBMIT A REPORT TO THE
24 DEPARTMENT IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT.
25 THE DEPARTMENT SHALL NOT ACCEPT A REPORT DESIGNATING A
26 NEIGHBORHOOD CENTER THAT DOES NOT COMPLY WITH THE CRITERIA
27 ADOPTED BY THE DEPARTMENT. THE DEPARTMENT SHALL NOTIFY A LOCAL

1 GOVERNMENT IF IT DOES NOT ACCEPT THE LOCAL GOVERNMENT'S REPORT.

2 (3) AS OF DECEMBER 31, 2026, EXCLUDING GRANT PROGRAMS
3 GOVERNED BY ARTICLE 32 OF TITLE 29, THE DEPARTMENTS, OFFICES, AND
4 AGENCIES IDENTIFIED IN SECTION 24-32-3710 SHALL UPDATE GRANT
5 AWARD CRITERIA TO INCLUDE CONSIDERATION AND PRIORITIZATION OF, TO
6 THE EXTENT CONSISTENT WITH THE PURPOSE OF THE GRANT PROGRAM AND
7 ANY APPLICABLE PROVISION OF FEDERAL LAW OR THE STATE
8 CONSTITUTION, PROJECTS THAT MEET ONE OF THE FOLLOWING CRITERIA:

9 (a) THE PROJECT IS IN OR SUPPORTS A NEIGHBORHOOD CENTER
10 DESIGNATED IN A REPORT ACCEPTED BY THE DEPARTMENT PURSUANT TO
11 SUBSECTION (2) OF THIS SECTION; OR

12 (b) THE PROJECT CONCERNS AN AREA THAT WOULD NOT MEET THE
13 CRITERIA FOR DESIGNATION AS A NEIGHBORHOOD CENTER.

14 **SECTION 2.** In Colorado Revised Statutes, 30-28-106, **amend**
15 **(1); repeal and reenact, with amendments, (3)(a); and add (3)(a.3),**
16 **(3)(a.5), (3)(a.7), (3)(a.9), and (8) as follows:**

17 **30-28-106. Master plan - definition.** (1) It is the duty of a
18 county planning commission to make and adopt a master plan for the
19 physical development of the unincorporated territory of the county,
20 SUBJECT TO THE APPROVAL OF THE COUNTY COMMISSION HAVING
21 JURISDICTION THEREOF. When a county planning commission decides to
22 adopt a master plan, the commission shall conduct public hearings, after
23 notice of such public hearings has been published in a newspaper of
24 general circulation in the county in a manner sufficient to notify the
25 public of the time, place, and nature of the public hearing, prior to final
26 adoption of a master plan in order to encourage public participation in and
27 awareness of the development of such plan and shall accept and consider

1 oral and written public comments throughout the process of developing
2 the plan.

3 (3) (a) THE MASTER PLAN OF A COUNTY OR REGION, WITH THE
4 ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE AND
5 EXPLANATORY MATTER, MUST SHOW THE COUNTY OR REGIONAL PLANNING
6 COMMISSION'S RECOMMENDATIONS FOR THE DEVELOPMENT OF THE
7 TERRITORY COVERED BY THE MASTER PLAN. THE MASTER PLAN OF A
8 COUNTY OR REGION IS AN ADVISORY DOCUMENT TO GUIDE LAND
9 DEVELOPMENT DECISIONS; HOWEVER, THE MASTER PLAN OR ANY PART
10 THEREOF MAY BE MADE BINDING BY INCLUSION IN THE COUNTY'S OR
11 REGION'S ADOPTED SUBDIVISION, ZONING, PLATTING, PLANNED UNIT
12 DEVELOPMENT, OR OTHER SIMILAR LAND DEVELOPMENT REGULATIONS
13 AFTER SATISFYING NOTICE, DUE PROCESS, AND HEARING REQUIREMENTS
14 FOR LEGISLATIVE OR QUASI-JUDICIAL PROCESSES AS APPROPRIATE.

15 (a.3) (I) THE COUNTY OR REGIONAL PLANNING COMMISSION SHALL
16 FOLLOW THE PROCEDURES IN SECTION 24-32-3209. FOR PURPOSES OF THIS
17 SECTION, ANY SPECIAL DISTRICT THAT SUPPLIES WATER TO THE AREA
18 COVERED BY THE MASTER PLAN IS A NEIGHBORING JURISDICTION AS
19 DEFINED IN SECTION 24-32-3209 (1)(h).

20 (II) IN ADOPTING OR AMENDING A MASTER PLAN, THE COUNTY OR
21 REGIONAL PLANNING COMMISSION SHALL CONSIDER THE FOLLOWING,
22 WHERE APPLICABLE OR APPROPRIATE, AND ANY OTHER INFORMATION
23 DEEMED RELEVANT BY THE COUNTY OR REGIONAL PLANNING COMMISSION:

24 (A) THE APPLICABLE HOUSING NEEDS ASSESSMENTS PUBLISHED
25 PURSUANT TO SECTIONS 24-32-3702 (1)(b), 24-32-3703, AND 24-32-3704;

26 (B) THE STATEWIDE STRATEGIC GROWTH REPORT CREATED
27 PURSUANT TO SECTION 24-32-3707;

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(C) THE NATURAL LAND AND AGRICULTURAL OPPORTUNITIES
REPORT PUBLISHED PURSUANT TO SECTION 24-32-3708; AND

(D) THE COLORADO WATER PLAN ADOPTED PURSUANT TO SECTION
37-60-106.3.

(a.5) THE MASTER PLAN MUST INCLUDE:

(I) A NARRATIVE DESCRIPTION OF THE PROCEDURE USED FOR THE
DEVELOPMENT AND ADOPTION OF THE MASTER PLAN, INCLUDING A
SUMMARY OF ANY OBJECTIONS TO THE MASTER PLAN MADE BY
NEIGHBORING JURISDICTIONS AS DEFINED IN SECTION 24-32-3209 (1)(h)
AND A DESCRIPTION OF THE RESOLUTION OR OUTCOME OF THE OBJECTIONS;

(II) (A) A WATER SUPPLY ELEMENT DEVELOPED IN CONSULTATION
WITH ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE COUNTY OR
REGION TO ENSURE COORDINATION ON WATER SUPPLY AND FACILITY
PLANNING. NOTHING IN THIS SECTION REQUIRES THE PUBLIC DISCLOSURE
OF CONFIDENTIAL INFORMATION RELATED TO WATER SUPPLY OR
FACILITIES.

(B) THE WATER SUPPLY ELEMENT MUST ESTIMATE A RANGE OF
WATER SUPPLIES AND FACILITIES NEEDED TO SUPPORT THE POTENTIAL
PUBLIC AND PRIVATE DEVELOPMENT DESCRIBED IN THE MASTER PLAN, AND
INCLUDE WATER CONSERVATION POLICIES, TO BE DETERMINED BY THE
COUNTY OR LOCAL GOVERNMENTS WITHIN A REGION, WHICH MAY INCLUDE
GOALS SPECIFIED IN THE COLORADO WATER PLAN ADOPTED PURSUANT TO
SECTION 37-60-106.3 AND POLICIES TO IMPLEMENT WATER CONSERVATION
AND OTHER COLORADO WATER PLAN GOALS AS A CONDITION OF
DEVELOPMENT APPROVAL, FOR SUBDIVISIONS, PLANNED UNIT
DEVELOPMENTS, SPECIAL USE PERMITS, AND ZONING CHANGES.

1 (C) A COUNTY OR REGION WITH A MASTER PLAN THAT INCLUDES
2 A WATER SUPPLY ELEMENT SHALL ENSURE THAT ITS MASTER PLAN
3 INCLUDES WATER CONSERVATION POLICIES AT THE FIRST AMENDING OF
4 THE MASTER PLAN, BUT NOT LATER THAN JULY 1, 2025.

5 (D) NOTHING IN THIS SUBSECTION (3)(a.5)(II) SUPERSEDES,
6 ABROGATES, OR OTHERWISE IMPAIRS THE ALLOCATION OF WATER
7 PURSUANT TO THE STATE CONSTITUTION OR ANY OTHER PROVISION OF
8 LAW, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES,
9 CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION,
10 MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY.

11 (E) THE DEPARTMENT OF LOCAL AFFAIRS MAY HIRE AND EMPLOY
12 ONE FULL-TIME EMPLOYEE TO PROVIDE EDUCATIONAL RESOURCES AND
13 ASSISTANCE TO A COUNTY OR REGION THAT INCLUDES WATER
14 CONSERVATION POLICIES IN THE WATER SUPPLY ELEMENTS OF MASTER
15 PLANS AS REQUIRED BY THIS SUBSECTION (3)(a.5)(II).

16 (III) A STRATEGIC GROWTH ELEMENT THAT INTEGRATES ELEMENTS
17 OF THE MASTER PLAN TO DISCOURAGE SPRAWL AND PROMOTE THE
18 DEVELOPMENT OR REDEVELOPMENT OF VACANT AND UNDERUTILIZED
19 PARCELS IN URBAN AREAS TO ADDRESS THE DEMONSTRATED HOUSING
20 NEEDS OF THE COUNTY OR REGION AND MITIGATE THE NEED FOR
21 EXTENSION OF INFRASTRUCTURE AND PUBLIC SERVICES TO DEVELOP
22 NATURAL AND AGRICULTURAL LANDS FOR RESIDENTIAL USES. THE
23 STRATEGIC GROWTH ELEMENT MUST INCLUDE:

24 (A) A DESCRIPTION OF EXISTING AND POTENTIAL POLICIES AND
25 TOOLS TO PROMOTE STRATEGIC GROWTH AND PREVENT SPRAWL;

26 (B) AN ANALYSIS OF VACANT AND UNDERUTILIZED SITES THAT
27 IDENTIFIES VACANT, PARTIALLY VACANT, AND UNDERUTILIZED LAND NEAR

1 EXISTING OR PLANNED TRANSIT OR JOB CENTERS THAT COULD BE USED FOR
2 INFILL DEVELOPMENT, REDEVELOPMENT, AND NEW DEVELOPMENT OF
3 HOUSING; ASSESSES THE GENERAL FEASIBILITY OF THE DEVELOPMENT OR
4 REDEVELOPMENT OF SUCH SITES FOR RESIDENTIAL USE BASED ON EXISTING
5 AND NEEDED INFRASTRUCTURE, TRANSPORTATION CAPACITY, ACCESS TO
6 PUBLIC TRANSIT, AND PUBLIC FACILITIES AND SERVICES TO SERVE SUCH
7 SITES; DESCRIBES THE PUBLIC BENEFITS OF THE DEVELOPMENT OR
8 REDEVELOPMENT OF SUCH SITES TO THE COUNTY OR REGION AS AN
9 ALTERNATIVE TO THE DEVELOPMENT OF PREVIOUSLY UNDEVELOPED
10 NATURAL OR AGRICULTURAL LAND; AND IN A MANNER THAT IS
11 CONSISTENT WITH THE MASTER PLAN, DESIGNATES SUCH SITES FOR WHICH
12 DEVELOPMENT OR REDEVELOPMENT IS DEEMED TO BE GENERALLY
13 FEASIBLE FOR FUTURE USES THAT INCLUDE RESIDENTIAL USES IN A
14 MANNER THAT ADDRESSES THE DEMONSTRATED HOUSING NEEDS OF THE
15 COUNTY OR REGION AT ALL INCOME LEVELS; AND

16 (C) AN ANALYSIS OF UNDEVELOPED SITES THAT IDENTIFIES
17 PREVIOUSLY UNDEVELOPED PARCELS THAT ARE NOT ADJACENT TO
18 DEVELOPED LAND, INCLUDING EXISTING NATURAL AND AGRICULTURAL
19 LAND, UNDER CONSIDERATION FOR FUTURE DEVELOPMENT, AND, FOR A
20 COUNTY OR REGION IN A METROPOLITAN PLANNING ORGANIZATION
21 ESTABLISHED UNDER THE "FEDERAL TRANSIT ACT OF 1998," 49 U.S.C.
22 SEC. 5301 ET SEQ., AS AMENDED, LAND OUTSIDE OF CENSUS URBAN AREAS
23 AS DEFINED BY THE UNITED STATES BUREAU OF THE CENSUS; ASSESSES
24 THE GENERAL FEASIBILITY OF THE DEVELOPMENT OF SUCH SITES FOR
25 RESIDENTIAL USE BASED ON EXISTING AND NEEDED INFRASTRUCTURE,
26 TRANSPORTATION CAPACITY, ACCESS TO PUBLIC TRANSIT, AND PUBLIC
27 FACILITIES AND SERVICES TO SERVE SUCH SITES; AND DESCRIBES THE

1 LONG-TERM FISCAL IMPACT TO THE COUNTY OR REGION OF THE
2 CONSTRUCTION, OWNERSHIP, MAINTENANCE, AND REPLACEMENT OF
3 INFRASTRUCTURE AND PUBLIC FACILITIES AND THE PROVISION OF PUBLIC
4 SERVICES TO SERVE DEVELOPMENT OF SUCH SITES;

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6 (IV) THE MOST RECENT HOUSING ACTION PLAN OR PLANS ADOPTED
7 BY THE COUNTY OR MUNICIPALITIES WITHIN THE REGION PURSUANT TO
8 SECTION 24-32-3705; AND

9 (V) FOR A MASTER PLAN BY A REGIONAL PLANNING COMMISSION,
10 THE MOST RECENT VERSION OF THE MASTER PLAN REQUIRED BY SECTION
11 31-12-105 (1)(e) BY EACH MUNICIPALITY THAT IS PART OF THE REGIONAL
12 PLANNING COMMISSION AND A DESCRIPTION OF HOW EACH JURISDICTION
13 WILL INTEGRATE THAT PLAN INTO THE MASTER PLAN.

14 (a.7) (I) A COUNTY OR REGION WITH A MASTER PLAN SHALL
15 ENSURE THAT ITS MASTER PLAN INCLUDES A WATER SUPPLY ELEMENT AND
16 A STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (3)(a.5) OF
17 THIS SECTION AT THE FIRST AMENDING OF THE MASTER PLAN THAT OCCURS
18 ON OR AFTER JANUARY 1, 2026, BUT NOT LATER THAN DECEMBER 31,
19 2026. THE MASTER PLAN OF A COUNTY OR REGION ADOPTED OR AMENDED
20 AFTER DECEMBER 31, 2026, MUST INCLUDE A WATER SUPPLY ELEMENT
21 AND STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (3)(a.5)
22 OF THIS SECTION. THE COUNTY OR REGION MUST UPDATE THE WATER
23 SUPPLY ELEMENT AND STRATEGIC GROWTH ELEMENT NO LESS
24 FREQUENTLY THAN EVERY FIVE YEARS.

25 (II) A COUNTY OR REGION WITH A MASTER PLAN IS NOT REQUIRED
26 TO INCLUDE A STRATEGIC GROWTH ELEMENT, IF THE COUNTY OR REGION
27 HAS NOT RECEIVED FUNDING TO INCLUDE THE STRATEGIC GROWTH

1 ELEMENT PURSUANT TO SECTION 24-32-3710 AND EITHER:

2 (A) HAS A POPULATION OF TWENTY THOUSAND OR LESS IN THE
3 COUNTY'S UNINCORPORATED TERRITORY AND HAS EXPERIENCED NEGATIVE
4 POPULATION CHANGE IN THE MOST RECENT DECENNIAL CENSUS; OR

5 (B) HAS A POPULATION OF FIVE THOUSAND OR LESS IN THE
6 COUNTY'S UNINCORPORATED TERRITORY.

7 (a.9) THE MASTER PLAN MAY INCLUDE, WHERE APPLICABLE OR
8 APPROPRIATE:

9 (I) THE GENERAL LOCATION, CHARACTER, AND EXTENT OF
10 EXISTING, PROPOSED, OR PROJECTED STREETS OR ROADS, RIGHTS-OF-WAY,
11 VIADUCTS, BRIDGES, WATERWAYS, WATERFRONTS, PARKWAYS,
12 HIGHWAYS, MASS TRANSIT ROUTES AND CORRIDORS, AND ANY
13 TRANSPORTATION PLAN PREPARED BY ANY METROPOLITAN PLANNING
14 ORGANIZATION THAT COVERS ALL OR A PORTION OF THE COUNTY OR
15 REGION AND THAT THE COUNTY OR REGION HAS RECEIVED NOTIFICATION
16 OF OR, IF THE COUNTY OR REGION IS NOT LOCATED IN AN AREA COVERED
17 BY A METROPOLITAN PLANNING ORGANIZATION, ANY TRANSPORTATION
18 PLAN PREPARED BY THE DEPARTMENT OF TRANSPORTATION THAT THE
19 COUNTY OR REGION HAS RECEIVED NOTIFICATION OF AND THAT APPLIES TO
20 THE COUNTY OR REGION;

21 (II) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
22 INCLUDING PUBLIC SCHOOLS; CULTURALLY, HISTORICALLY, OR
23 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS;
24 PLAYGROUNDS, FORESTS, RESERVATIONS, SQUARES, PARKS, AIRPORTS,
25 AVIATION FIELDS, MILITARY INSTALLATIONS; AND OTHER PUBLIC WAYS,
26 GROUNDS, OPEN SPACES, TRAILS, AND DESIGNATED FEDERAL, STATE, AND
27 LOCAL WILDLIFE AREAS. FOR PURPOSES OF THIS SECTION, "MILITARY

1 INSTALLATION" HAS THE SAME MEANING AS SPECIFIED IN SECTION
2 29-20-105.6 (2)(b).

3 (III) THE GENERAL LOCATION AND EXTENT OF PUBLIC UTILITIES,
4 TERMINALS, CAPITAL FACILITIES, AND TRANSFER FACILITIES, WHETHER
5 PUBLICLY OR PRIVATELY OWNED, FOR WATER, LIGHT, POWER, SANITATION,
6 TRANSPORTATION, COMMUNICATION, HEAT, AND OTHER PURPOSES AND
7 ANY PROPOSED OR PROJECTED NEEDS FOR CAPITAL FACILITIES AND
8 UTILITIES, INCLUDING THE PRIORITIES, ANTICIPATED COSTS, AND FUNDING
9 PROPOSALS FOR SUCH FACILITIES AND UTILITIES;

10 (IV) THE ACCEPTANCE, WIDENING, REMOVAL, EXTENSION,
11 RELOCATION, NARROWING, VACATION, ABANDONMENT, MODIFICATION, OR
12 CHANGE OF USE OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
13 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
14 OF OTHER COUNTIES, REGIONS, OR MUNICIPALITIES, GROUNDS, OPEN
15 SPACES, BUILDINGS, PROPERTIES, UTILITIES, OR TERMINALS REFERRED TO
16 IN SUBSECTIONS (3)(a.5)(II)(C), (3)(a.9)(I), (3)(a.9)(II), AND (3)(a.9)(III)
17 OF THIS SECTION;

18 (V) METHODS FOR ASSURING ACCESS TO APPROPRIATE CONDITIONS
19 FOR SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING
20 GEOTHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
21 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
22 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
23 GENERATION;

24 (VI) THE GENERAL CHARACTER, LOCATION, AND EXTENT OF
25 COMMUNITY CENTERS, TOWNSITES, HOUSING DEVELOPMENTS, WHETHER
26 PUBLIC OR PRIVATE; THE EXISTING, PROPOSED, OR PROJECTED LOCATION
27 OF RESIDENTIAL NEIGHBORHOODS AND SUFFICIENT LAND FOR FUTURE

1 HOUSING DEVELOPMENT FOR THE EXISTING AND PROJECTED ECONOMIC
2 AND OTHER NEEDS OF ALL CURRENT AND ANTICIPATED RESIDENTS OF THE
3 COUNTY OR REGION; AND URBAN CONSERVATION OR REDEVELOPMENT
4 AREAS. IF A COUNTY OR REGION HAS ENTERED INTO A REGIONAL PLANNING
5 AGREEMENT, THE AGREEMENT MAY BE INCORPORATED BY REFERENCE
6 INTO THE MASTER PLAN.

7 (VII) THE GENERAL LOCATION AND EXTENT OF FORESTS,
8 AGRICULTURAL AREAS, FLOOD CONTROL AREAS, AND OPEN DEVELOPMENT
9 AREAS FOR PURPOSES OF CONSERVATION, FOOD AND WATER SUPPLY,
10 SANITARY AND DRAINAGE FACILITIES, FLOOD CONTROL, OR THE
11 PROTECTION OF URBAN DEVELOPMENT;

12 (VIII) A LAND CLASSIFICATION AND UTILIZATION PROGRAM;

13 (IX) PROJECTIONS OF POPULATION CHANGE AND HOUSING NEEDS
14 TO ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED
15 INCREMENTS OF TIME. THE COUNTY OR REGION MAY BASE THESE
16 PROJECTIONS UPON DATA FROM THE DEPARTMENT OF LOCAL AFFAIRS AND
17 UPON THE COUNTY'S OR REGION'S LOCAL OBJECTIVES.

18 (X) THE LOCATION OF AREAS CONTAINING STEEP SLOPES,
19 GEOLOGICAL HAZARDS, ENDANGERED OR THREATENED SPECIES,
20 WETLANDS, FLOODPLAINS, FLOODWAYS, AND FLOOD RISK ZONES, HIGHLY
21 ERODIBLE LAND OR UNSTABLE SOILS, AND WILDFIRE HAZARDS. FOR
22 PURPOSES OF DETERMINING THE LOCATION OF SUCH AREAS, THE PLANNING
23 COMMISSION SHOULD CONSIDER THE FOLLOWING SOURCES FOR GUIDANCE:

24 (A) THE COLORADO GEOLOGICAL SURVEY FOR DEFINING AND
25 MAPPING GEOLOGICAL HAZARDS;

26 (B) THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE
27 UNITED STATES DEPARTMENT OF THE INTERIOR AND THE PARKS AND

1 WILDLIFE COMMISSION CREATED IN SECTION 33-9-101 FOR LOCATING
2 AREAS INHABITED BY ENDANGERED OR THREATENED SPECIES;

3 (C) THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE
4 UNITED STATES FISH AND WILDLIFE SERVICE NATIONAL WETLANDS
5 INVENTORY FOR DEFINING AND MAPPING WETLANDS;

6 (D) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
7 DEFINING AND MAPPING FLOODPLAINS, FLOODWAYS, AND FLOOD RISK
8 ZONES;

9 (E) THE NATURAL RESOURCES CONSERVATION SERVICE OF THE
10 UNITED STATES DEPARTMENT OF AGRICULTURE FOR DEFINING AND
11 MAPPING UNSTABLE SOILS AND HIGHLY ERODIBLE LAND; AND

12 (F) THE COLORADO STATE FOREST SERVICE FOR LOCATING
13 WILDFIRE HAZARD AREAS.

14 (8) A COUNTY OR REGIONAL PLANNING COMMISSION SHALL SUBMIT
15 THE MASTER PLAN AND ANY SEPARATELY APPROVED WATER SUPPLY
16 ELEMENT AND STRATEGIC GROWTH ELEMENT TO THE DIVISION OF LOCAL
17 GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF
18 LOCAL GOVERNMENT SHALL REVIEW MASTER PLANS AND MAY PROVIDE
19 COMMENTS TO THE COMMISSION.

20 **SECTION 3.** In Colorado Revised Statutes, 31-23-206, **repeal**
21 **and reenact, with amendments,** (1); and **add** (1.3), (1.5), (1.7), (1.9),
22 and (8) as follows:

23 **31-23-206. Master plan.** (1) IT IS THE DUTY OF THE COMMISSION
24 TO MAKE AND ADOPT A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT
25 OF THE MUNICIPALITY, INCLUDING ANY AREAS OUTSIDE ITS BOUNDARIES,
26 SUBJECT TO THE APPROVAL OF THE GOVERNMENTAL BODY HAVING
27 JURISDICTION THEREOF, THAT IN THE COMMISSION'S JUDGMENT BEAR

1 RELATION TO THE PLANNING OF THE MUNICIPALITY. THE MASTER PLAN OF
2 A MUNICIPALITY IS AN ADVISORY DOCUMENT TO GUIDE LAND
3 DEVELOPMENT DECISIONS; HOWEVER, THE MASTER PLAN OR ANY PART
4 THEREOF MAY BE MADE BINDING BY INCLUSION IN THE MUNICIPALITY'S
5 ADOPTED SUBDIVISION, ZONING, PLATTING, PLANNED UNIT DEVELOPMENT,
6 OR OTHER SIMILAR LAND DEVELOPMENT REGULATIONS AFTER SATISFYING
7 NOTICE, DUE PROCESS, AND HEARING REQUIREMENTS FOR LEGISLATIVE OR
8 QUASI-JUDICIAL PROCESSES AS APPROPRIATE. THE MASTER PLAN, WITH
9 THE ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE MATTER,
10 MUST SHOW THE COMMISSION'S RECOMMENDATIONS FOR THE
11 DEVELOPMENT OF THE MUNICIPALITY AND OUTLYING AREAS.

12 (1.3)(a) WHEN A COMMISSION DECIDES TO ADOPT A MASTER PLAN,
13 THE COMMISSION SHALL CONDUCT PUBLIC HEARINGS, AFTER NOTICE OF
14 SUCH PUBLIC HEARINGS HAS BEEN PUBLISHED IN A NEWSPAPER OF
15 GENERAL CIRCULATION IN THE MUNICIPALITY IN A MANNER SUFFICIENT TO
16 NOTIFY THE PUBLIC OF THE TIME, PLACE, AND NATURE OF THE PUBLIC
17 HEARING, PRIOR TO FINAL ADOPTION OF A MASTER PLAN IN ORDER TO
18 ENCOURAGE PUBLIC PARTICIPATION IN AND AWARENESS OF THE
19 DEVELOPMENT OF THE MASTER PLAN AND SHALL ACCEPT AND CONSIDER
20 ORAL AND WRITTEN PUBLIC COMMENTS THROUGHOUT THE PROCESS OF
21 DEVELOPING THE MASTER PLAN.

22 (b) THE COMMISSION SHALL FOLLOW THE PROCEDURES IN SECTION
23 24-32-3209. FOR PURPOSES OF THIS SECTION, ANY SPECIAL DISTRICT THAT
24 SUPPLIES WATER TO THE AREA COVERED BY THE MASTER PLAN IS A
25 NEIGHBORING JURISDICTION AS DEFINED IN SECTION 24-32-3209 (1)(h).

26 (c) FOR ANY MASTER PLAN ADOPTED AFTER JANUARY 1, 2026, THE
27 COMMISSION SHALL CONSIDER THE FOLLOWING, WHERE APPLICABLE OR

1 APPROPRIATE, AND ANY OTHER INFORMATION DEEMED RELEVANT BY THE
2 COMMISSION:

3 (I) THE APPLICABLE HOUSING NEEDS ASSESSMENTS PUBLISHED
4 PURSUANT TO SECTION 24-32-3702 (1)(b), 24-32-3703, OR 24-32-3704;

5
6 (II) THE STATEWIDE STRATEGIC GROWTH REPORT CREATED
7 PURSUANT TO SECTION 24-32-3707;

8 (III) THE NATURAL LAND AND AGRICULTURAL OPPORTUNITIES
9 REPORT PUBLISHED PURSUANT TO SECTION 24-32-3708; AND

10 (IV) THE COLORADO WATER PLAN ADOPTED PURSUANT TO
11 SECTION 37-60-106.3.

12 (1.5) THE MASTER PLAN MUST INCLUDE:

13 (a) A NARRATIVE DESCRIPTION OF THE PROCEDURE USED FOR THE
14 DEVELOPMENT AND ADOPTION OF THE MASTER PLAN, INCLUDING A
15 SUMMARY OF ANY OBJECTIONS TO THE MASTER PLAN MADE BY
16 NEIGHBORING JURISDICTIONS PURSUANT TO SECTION 24-32-3209 AND A
17 DESCRIPTION OF THE RESOLUTION OR OUTCOME OF THE OBJECTIONS;

18 (b) THE MOST RECENT VERSION OF THE MASTER PLAN REQUIRED BY
19 SECTION 31-12-105 (1)(e) OR A SIMILAR MASTER PLAN FOR AREAS OF
20 POTENTIAL GROWTH WITHIN THREE MILES OF THE MUNICIPALITY'S
21 EXISTING BOUNDARIES AND A DESCRIPTION OF HOW THE MUNICIPALITY
22 INTENDS TO INTEGRATE THAT PLAN INTO THE MASTER PLAN;

23 (c) (I) A WATER SUPPLY ELEMENT DEVELOPED IN CONSULTATION
24 WITH ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE MUNICIPALITY
25 TO ENSURE COORDINATION ON WATER SUPPLY AND FACILITY PLANNING.
26 NOTHING IN THIS SECTION REQUIRES THE PUBLIC DISCLOSURE OF
27 CONFIDENTIAL INFORMATION RELATED TO WATER SUPPLY OR FACILITIES.

1 (II) THE WATER SUPPLY ELEMENT MUST:

2 (A) ESTIMATE A RANGE OF WATER SUPPLIES AND FACILITIES
3 NEEDED TO SUPPORT THE POTENTIAL PUBLIC AND PRIVATE DEVELOPMENT
4 DESCRIBED IN THE MASTER PLAN; AND

5 (B) INCLUDE WATER CONSERVATION POLICIES, TO BE DETERMINED
6 BY THE MUNICIPALITY, WHICH MAY INCLUDE GOALS SPECIFIED IN THE
7 COLORADO WATER PLAN ADOPTED PURSUANT TO SECTION 37-60-106.3
8 AND POLICIES TO IMPLEMENT WATER CONSERVATION AND OTHER
9 COLORADO WATER PLAN GOALS AS A CONDITION OF DEVELOPMENT
10 APPROVAL, INCLUDING SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS,
11 SPECIAL USE PERMITS, AND ZONING CHANGES.

12 (III) A MUNICIPALITY WITH A MASTER PLAN THAT INCLUDES A
13 WATER SUPPLY ELEMENT SHALL ENSURE THAT ITS MASTER PLAN INCLUDES
14 WATER CONSERVATION POLICIES AT THE FIRST AMENDING OF THE MASTER
15 PLAN, BUT NOT LATER THAN JULY 1, 2025;

16 (IV) NOTHING IN THIS SUBSECTION (1.5)(c) SUPERSEDES,
17 ABROGATES, OR OTHERWISE IMPAIRS THE ALLOCATION OF WATER
18 PURSUANT TO THE STATE CONSTITUTION OR ANY OTHER PROVISION OF
19 LAW, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES,
20 CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION,
21 MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY;
22 AND

23 (V) THE DEPARTMENT OF LOCAL AFFAIRS MAY HIRE AND EMPLOY
24 ONE FULL-TIME EMPLOYEE TO PROVIDE EDUCATIONAL RESOURCES AND
25 ASSISTANCE TO MUNICIPALITIES THAT INCLUDE WATER CONSERVATION
26 POLICIES IN THE WATER SUPPLY ELEMENTS OF MASTER PLANS AS REQUIRED
27 BY THIS SUBSECTION (1.5)(c).

1 (d) A STRATEGIC GROWTH ELEMENT THAT INTEGRATES ELEMENTS
2 OF THE MASTER PLAN TO DISCOURAGE SPRAWL AND PROMOTE THE
3 DEVELOPMENT OR REDEVELOPMENT OF VACANT AND UNDERUTILIZED
4 PARCELS IN URBAN AREAS TO ADDRESS THE MUNICIPALITY'S
5 DEMONSTRATED HOUSING NEEDS AND MITIGATE THE NEED FOR EXTENSION
6 OF INFRASTRUCTURE AND PUBLIC SERVICES TO DEVELOP NATURAL AND
7 AGRICULTURAL LANDS FOR RESIDENTIAL USES. THE STRATEGIC GROWTH
8 ELEMENT MUST INCLUDE:

9 (I) A DESCRIPTION OF EXISTING AND POTENTIAL POLICIES AND
10 TOOLS TO PROMOTE STRATEGIC GROWTH AND PREVENT SPRAWL;

11 (II) AN ANALYSIS OF VACANT AND UNDERUTILIZED SITES THAT:

12 (A) IDENTIFIES VACANT, PARTIALLY VACANT, AND UNDERUTILIZED
13 LAND NEAR EXISTING OR PLANNED TRANSIT OR JOB CENTERS THAT COULD
14 BE USED FOR INFILL DEVELOPMENT, REDEVELOPMENT, AND NEW
15 DEVELOPMENT OF HOUSING;

16 (B) ASSESSES THE GENERAL FEASIBILITY OF THE DEVELOPMENT OR
17 REDEVELOPMENT OF SUCH SITES FOR RESIDENTIAL USE BASED ON EXISTING
18 AND NEEDED INFRASTRUCTURE, TRANSPORTATION CAPACITY, ACCESS TO
19 PUBLIC TRANSIT, AND PUBLIC FACILITIES AND SERVICES TO SERVE SUCH
20 SITES;

21 (C) DESCRIBES THE PUBLIC BENEFITS OF THE DEVELOPMENT OR
22 REDEVELOPMENT OF SUCH SITES TO THE MUNICIPALITY AS AN
23 ALTERNATIVE TO THE DEVELOPMENT OF PREVIOUSLY UNDEVELOPED
24 NATURAL OR AGRICULTURAL LAND; AND

25 (D) IN A MANNER THAT IS CONSISTENT WITH THE MASTER PLAN,
26 DESIGNATES SUCH SITES FOR WHICH DEVELOPMENT OR REDEVELOPMENT
27 IS DEEMED TO BE GENERALLY FEASIBLE FOR FUTURE USES THAT INCLUDE

1 RESIDENTIAL USES IN A MANNER THAT ADDRESSES THE MUNICIPALITY'S
2 DEMONSTRATED HOUSING NEEDS AT ALL INCOME LEVELS; AND

3 (III) AN ANALYSIS OF UNDEVELOPED SITES THAT:

4 (A) IDENTIFIES PREVIOUSLY UNDEVELOPED PARCELS THAT ARE
5 NOT ADJACENT TO DEVELOPED LAND, INCLUDING EXISTING NATURAL AND
6 AGRICULTURAL LAND, UNDER CONSIDERATION FOR FUTURE
7 DEVELOPMENT, AND, FOR A MUNICIPALITY IN A METROPOLITAN PLANNING
8 ORGANIZATION ESTABLISHED UNDER THE "FEDERAL TRANSIT ACT OF
9 1998," 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED, LAND OUTSIDE OF
10 CENSUS URBAN AREAS AS DEFINED BY THE UNITED STATES BUREAU OF
11 THE CENSUS;

12 (B) ASSESSES THE GENERAL FEASIBILITY OF THE DEVELOPMENT OF
13 SUCH SITES FOR RESIDENTIAL USE BASED ON EXISTING AND NEEDED
14 INFRASTRUCTURE, TRANSPORTATION CAPACITY, ACCESS TO PUBLIC
15 TRANSIT, AND PUBLIC FACILITIES AND SERVICES TO SERVE SUCH SITES; AND

16 (C) DESCRIBES THE LONG-TERM FISCAL IMPACT TO THE
17 MUNICIPALITY OF THE CONSTRUCTION, OWNERSHIP, MAINTENANCE, AND
18 REPLACEMENT OF INFRASTRUCTURE AND PUBLIC FACILITIES AND THE
19 PROVISION OF PUBLIC SERVICES TO SERVE DEVELOPMENT OF SUCH SITES;
20 AND

21 (e) THE MOST RECENT HOUSING ACTION PLAN ADOPTED BY THE
22 MUNICIPALITY PURSUANT TO SECTION 24-32-3705.

23 (1.7) (a) A MUNICIPALITY WITH A MASTER PLAN SHALL ENSURE
24 THAT ITS MASTER PLAN INCLUDES A WATER SUPPLY ELEMENT AND
25 STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (1.5) OF THIS
26 SECTION AT THE FIRST AMENDING OF THE MASTER PLAN THAT OCCURS ON
27 OR AFTER JANUARY 1, 2026, BUT NOT LATER THAN DECEMBER 31, 2026.

1 THE MASTER PLAN OF A MUNICIPALITY ADOPTED OR AMENDED AFTER
2 DECEMBER 31, 2026, MUST INCLUDE A WATER SUPPLY ELEMENT AND
3 STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (1.5) OF THIS
4 SECTION. A MUNICIPALITY SHALL UPDATE THE WATER SUPPLY ELEMENT
5 AND STRATEGIC GROWTH ELEMENT AS REQUIRED BY SUBSECTION (1.5) OF
6 THIS SECTION NO LESS FREQUENTLY THAN EVERY FIVE YEARS.

7 (b) A MUNICIPALITY WITH A MASTER PLAN IS NOT REQUIRED TO
8 INCLUDE A STRATEGIC GROWTH ELEMENT IF THE MUNICIPALITY HAS NOT
9 RECEIVED FUNDING TO INCLUDE THE STRATEGIC GROWTH ELEMENT
10 PURSUANT TO SECTION 24-32-3710 AND EITHER:

11 (I) HAS A POPULATION OF TWENTY THOUSAND OR LESS AND HAS
12 EXPERIENCED NEGATIVE POPULATION CHANGE IN THE MOST RECENT
13 DECENNIAL CENSUS; OR

14 (II) HAS A POPULATION OF TWO THOUSAND OR LESS.

15 (1.9) THE MASTER PLAN MAY INCLUDE, WHERE APPLICABLE OR
16 APPROPRIATE:

17 (a) THE GENERAL LOCATION, CHARACTER, AND EXTENT OF
18 EXISTING, PROPOSED, OR PROJECTED STREETS, ROADS, RIGHTS-OF-WAY,
19 BRIDGES, WATERWAYS, WATERFRONTS, PARKWAYS, HIGHWAYS, MASS
20 TRANSIT ROUTES AND CORRIDORS, AND ANY TRANSPORTATION PLAN
21 PREPARED BY ANY METROPOLITAN PLANNING ORGANIZATION THAT
22 COVERS ALL OR A PORTION OF THE MUNICIPALITY AND THAT THE
23 MUNICIPALITY HAS RECEIVED NOTIFICATION OF OR, IF THE MUNICIPALITY
24 IS NOT LOCATED IN AN AREA COVERED BY A METROPOLITAN PLANNING
25 ORGANIZATION, ANY TRANSPORTATION PLAN PREPARED BY THE
26 DEPARTMENT OF TRANSPORTATION THAT THE MUNICIPALITY HAS
27 RECEIVED NOTIFICATION OF AND THAT COVERS ALL OR A PORTION OF THE

1 MUNICIPALITY;

2 (b) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
3 INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR
4 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS,
5 PLAYGROUNDS, SQUARES, PARKS, AIRPORTS, AVIATION FIELDS, MILITARY
6 INSTALLATIONS, AND OTHER PUBLIC WAYS, GROUNDS, OPEN SPACES,
7 TRAILS, AND DESIGNATED FEDERAL, STATE, AND LOCAL WILDLIFE AREAS.
8 FOR PURPOSES OF THIS SECTION, "MILITARY INSTALLATION" HAS THE SAME
9 MEANING AS SPECIFIED IN SECTION 29-20-105.6 (2)(b).

10 (c) THE GENERAL LOCATION AND EXTENT OF PUBLIC UTILITIES
11 TERMINALS, CAPITAL FACILITIES, AND TRANSFER FACILITIES, WHETHER
12 PUBLICLY OR PRIVATELY OWNED OR OPERATED, FOR WATER, LIGHT,
13 SANITATION, TRANSPORTATION, COMMUNICATION, POWER, AND OTHER
14 PURPOSES AND ANY PROPOSED OR PROJECTED NEEDS FOR CAPITAL
15 FACILITIES AND UTILITIES, INCLUDING THE PRIORITIES, ANTICIPATED
16 COSTS, AND FUNDING PROPOSALS FOR SUCH FACILITIES AND UTILITIES;

17 (d) THE ACCEPTANCE, REMOVAL, RELOCATION, WIDENING,
18 NARROWING, VACATING, ABANDONMENT, MODIFICATION, CHANGE OF USE,
19 OR EXTENSION OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
20 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
21 OF OTHER MUNICIPALITIES, COUNTIES, OR REGIONS, GROUNDS, OPEN
22 SPACES, BUILDINGS, PROPERTY, UTILITY, OR TERMINALS REFERRED TO IN
23 SUBSECTIONS (1.5)(c), (1.7)(a), AND (1.7)(b) OF THIS SECTION;

24 (e) A ZONING PLAN FOR THE CONTROL OF THE HEIGHT, AREA, BULK,
25 LOCATION, AND USE OF BUILDINGS AND PREMISES. SUCH A ZONING PLAN
26 MAY PROTECT AND ASSURE ACCESS TO APPROPRIATE CONDITIONS FOR
27 SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING

1 GEOTHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
2 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
3 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
4 GENERATION; HOWEVER, REGULATIONS AND RESTRICTIONS OF THE HEIGHT,
5 NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES, AND
6 THE HEIGHT AND LOCATION OF TREES AND OTHER VEGETATION SHALL NOT
7 APPLY TO EXISTING BUILDINGS, STRUCTURES, TREES, OR VEGETATION
8 EXCEPT FOR NEW GROWTH ON SUCH VEGETATION;

9 (f) THE GENERAL CHARACTER, LOCATION, AND EXTENT OF
10 COMMUNITY CENTERS, HOUSING DEVELOPMENTS, WHETHER PUBLIC OR
11 PRIVATE; THE EXISTING, PROPOSED, OR PROJECTED LOCATION OF
12 RESIDENTIAL NEIGHBORHOODS AND SUFFICIENT LAND FOR FUTURE
13 HOUSING DEVELOPMENT FOR THE EXISTING AND PROJECTED ECONOMIC
14 AND OTHER NEEDS OF ALL CURRENT AND ANTICIPATED RESIDENTS OF THE
15 MUNICIPALITY; AND REDEVELOPMENT AREAS. IF A MUNICIPALITY HAS
16 ENTERED INTO A REGIONAL PLANNING AGREEMENT, THE AGREEMENT MAY
17 BE INCORPORATED BY REFERENCE INTO THE MASTER PLAN.

18 (g) A PLAN FOR THE EXTRACTION OF COMMERCIAL MINERAL
19 DEPOSITS PURSUANT TO SECTION 34-1-304;

20 (h) A PLAN FOR THE LOCATION AND PLACEMENT OF PUBLIC
21 UTILITIES THAT FACILITATES THE PROVISION OF SUCH UTILITIES TO ALL
22 EXISTING, PROPOSED, OR PROJECTED DEVELOPMENTS IN THE
23 MUNICIPALITY;

24 (i) PROJECTIONS OF POPULATION CHANGE AND HOUSING NEEDS TO
25 ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED INCREMENTS
26 OF TIME. THE MUNICIPALITY MAY BASE THESE PROJECTIONS UPON DATA
27 FROM THE DEPARTMENT OF LOCAL AFFAIRS AND UPON THE MUNICIPALITY'S

1 LOCAL OBJECTIVES;

2 (j) THE AREAS CONTAINING STEEP SLOPES, GEOLOGICAL HAZARDS,
3 ENDANGERED OR THREATENED SPECIES, WETLANDS, FLOODPLAINS,
4 FLOODWAYS, AND FLOOD RISK ZONES, HIGHLY ERODIBLE LAND OR
5 UNSTABLE SOILS, AND WILDFIRE HAZARDS. FOR PURPOSES OF
6 DETERMINING THE LOCATION OF SUCH AREAS, THE PLANNING COMMISSION
7 SHOULD CONSIDER THE FOLLOWING SOURCES FOR GUIDANCE:

8 (I) THE COLORADO GEOLOGICAL SURVEY FOR DEFINING AND
9 MAPPING GEOLOGICAL HAZARDS;

10 (II) THE UNITED STATES FISH AND WILDLIFE SERVICE OF THE
11 UNITED STATES DEPARTMENT OF THE INTERIOR AND THE PARKS AND
12 WILDLIFE COMMISSION CREATED IN SECTION 33-9-101 FOR LOCATING
13 AREAS INHABITED BY ENDANGERED OR THREATENED SPECIES;

14 (III) THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE
15 UNITED STATES FISH AND WILDLIFE SERVICE NATIONAL WETLANDS
16 INVENTORY FOR DEFINING AND MAPPING WETLANDS;

17 (IV) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
18 DEFINING AND MAPPING FLOODPLAINS, FLOODWAYS, AND FLOOD RISK
19 ZONES;

20 (V) THE NATURAL RESOURCES CONSERVATION SERVICE OF THE
21 UNITED STATES DEPARTMENT OF AGRICULTURE FOR DEFINING AND
22 MAPPING UNSTABLE SOILS AND HIGHLY ERODIBLE LAND; AND

23 (VI) THE COLORADO STATE FOREST SERVICE FOR LOCATING
24 WILDFIRE HAZARD AREAS.

25 (8) THE COMMISSION SHALL SUBMIT THE MASTER PLAN AND ANY
26 SEPARATELY APPROVED WATER SUPPLY ELEMENT AND STRATEGIC
27 GROWTH ELEMENT TO THE DIVISION OF LOCAL GOVERNMENT IN THE

1 DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT
2 SHALL REVIEW MASTER PLANS AND MAY PROVIDE COMMENTS TO THE
3 COMMISSION.

4 **SECTION 4.** In Colorado Revised Statutes, 38-33.3-106.5, **add**
5 (3) as follows:

6 **38-33.3-106.5. Prohibitions contrary to public policy -**
7 **patriotic, political, or religious expression - public rights-of-way - fire**
8 **prevention - renewable energy generation devices - affordable**
9 **housing - drought prevention measures - child care - definitions.**

10 (3) (a) AN ASSOCIATION SHALL NOT PROHIBIT OR RESTRICT THE
11 CONSTRUCTION OF ACCESSORY DWELLING UNITS OR MIDDLE HOUSING IF
12 THE ZONING LAWS OF THE LOCAL JURISDICTION WOULD OTHERWISE ALLOW
13 SUCH USES ON A PROPERTY. THIS SUBSECTION (3)(a) APPLIES ONLY TO ANY
14 DECLARATION RECORDED ON OR AFTER JULY 1, 2024, OR IN ANY BYLAWS
15 OR RULES AND REGULATIONS OF THE ASSOCIATION ADOPTED OR AMENDED
16 ON OR AFTER JULY 1, 2024, UNLESS THE DECLARATION, BYLAWS, OR RULES
17 AND REGULATIONS CONTAINED SUCH A RESTRICTION AS OF THE EFFECTIVE
18 DATE OF THIS SUBSECTION (3)(a).

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

21 (I) "ACCESSORY DWELLING UNIT" MEANS AN INTERNAL,
22 ATTACHED, OR DETACHED DWELLING UNIT THAT IS LOCATED ON THE SAME
23 LOT AS A PROPOSED OR EXISTING PRIMARY RESIDENCE.

24 (II) "MIDDLE HOUSING" MEANS A RESIDENTIAL STRUCTURE OR
25 STRUCTURES THAT INCLUDE BETWEEN TWO AND FOUR SEPARATE
26 DWELLING UNITS IN A STRUCTURE, A TOWNHOME BUILDING, OR A COTTAGE
27 CLUSTER OF UP TO FOUR UNITS.

1 **SECTION 5. Appropriation.** For the 2024-25 state fiscal year,
2 \$583,864 is appropriated to the office of the governor for use by the
3 office of information technology. This appropriation is from
4 reappropriated funds received from the department of local affairs from
5 the housing needs planning technical assistance fund created in section
6 24-32-3709 (6)(a), C.R.S. To implement this act, the office may use this
7 appropriation to provide information technology services for the
8 department of local affairs.

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