

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

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1/18/24

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LLS NO. 24-0151.01 Pierce Lively x2059

SENATE BILL

SENATE SPONSORSHIP

Kirkmeyer and Zenzinger,

HOUSE SPONSORSHIP

Bird,

BILL TOPIC: Sustainable Affordable Housing Assistance

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>.)

Guidance and reports. The bill requires the executive director of the department of local affairs (director) to develop and publish guidance and reports on the following no later than December 31, 2024:

- ! Conducting regional and local housing needs assessments that estimate housing stock, housing needs, and related

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

infrastructure and concerns;

- ! A directory of housing and land use standards 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 standards to guide local governments in avoiding, reducing, and mitigating the impact of displacement.

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;
- ! No later than September 15, 2025, a for-sale multifamily residential housing study; and
- ! No later than December 31, 2025, in coordination with relevant state agencies, a natural land and agricultural opportunities report.

Housing needs assessments. The bill requires each local government, beginning December 31, 2026, and every 5 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).

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 relevant local governments and to the department.

The bill requires a local government to review progress towards meeting the goals in the local government's housing needs assessment and to create a proposed action plan that identifies actions a local government intends to take to address the findings of the local government's housing needs assessment.

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;
- ! Enacting laws and policies that encourage the development of a range of housing types or mitigate the impact of displacement; and
- ! Creating housing elements in master plans.

The bill creates the continuously appropriated housing needs

planning technical assistance fund to contain the funds 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. For any grant program conducted by the department, the bill requires the department to prioritize awarding grants to a local government that:

- ! Is the subject of a completed and filed housing needs assessment;
- ! Has submitted the summary of its progress towards meeting the goals in its housing needs assessment and the corresponding proposed action plan; and
- ! Is the subject of a master plan that includes a water element and a housing 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 housing element.

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 housing element in a master plan must include:

- ! A reasonable plan to promote the equitable and efficient development of dwelling units;
- ! An assessment of and response to the allocation of housing needs;
- ! A recommendation for a definition of affordable housing;
- ! A narrative analysis of areas at an elevated risk for displacement and a reasonable plan to mitigate displacement in those areas;
- ! An analysis of opportunities to achieve the development of high-density and affordable residential uses within a reasonable distance of major transit stops;

- ! A recommendation for the adoption of any housing and land use guidance in the directory of housing and land use standards; and
- ! A description of opportunities for intergovernmental coordination to address local and regional housing needs and any intergovernmental coordination efforts undertaken to address such needs.

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

Prohibition contrary to public policy. The bill disallows 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
3 32 of title 24 as follows:

4 PART 37

5 HOUSING NEEDS PLANNING

6 **24-32-3701. Definitions.** AS USED IN THIS PART 37, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "AFFORDABLE HOUSING" MEANS, AS ESTABLISHED IN A
9 REGIONAL HOUSING NEEDS ASSESSMENT OR LOCAL HOUSING NEEDS
10 ASSESSMENT, HOUSING FOR FULL-TIME RESIDENTIAL OCCUPANCY WHICH
11 MEETS THE NEEDS OF A COMMUNITY IN A LOCAL GOVERNMENT'S
12 JURISDICTION AND WHICH MAY ALSO INCLUDE RELEVANT AREA MEDIAN
13 INCOME CLASSIFICATIONS AND INCOME LEVELS OF ALL FULL-TIME
14 RESIDENTS WHOSE HOUSING NEEDS ARE NOT MET.

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

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

1 DEPARTMENT OF LOCAL AFFAIRS.

2 (4) "DISPLACEMENT" MEANS RELOCATION FROM A NEIGHBORHOOD
3 THAT WOULD NOT HAVE OCCURRED IF NOT FOR INCREASED HOUSING
4 PRICES OR OTHER ECONOMIC FACTORS BY A RESIDENT WHO IS:

5 (a) A MEMBER OF A HOUSEHOLD THAT IS EXTREMELY
6 LOW-INCOME, VERY LOW-INCOME, OR LOW-INCOME AS DEFINED BY THE
7 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

8 (b) A RENTER;

9 (c) A MEMBER OF A COST-BURDENED HOUSEHOLD;

10 (d) TWENTY-FIVE YEARS OF AGE OR OLDER AND HAS NOT EARNED
11 A HIGH SCHOOL DIPLOMA;

12 (e) A MEMBER OF A HOUSEHOLD IN WHICH A LANGUAGE OTHER
13 THAN ENGLISH IS PRIMARILY SPOKEN;

14 (f) A MEMBER OF A HOUSEHOLD THAT DOES NOT HAVE INTERNET
15 ACCESS;

16 (g) SIXTY-FIVE YEARS OF AGE OR OLDER; OR

17 (h) A PERSON WITH A DISABILITY.

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

21 (6) "DIVISION OF PLANNING" MEANS THE DIVISION OF PLANNING IN
22 THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-32-202 (1).

23 (7) "DWELLING UNIT" MEANS A SINGLE UNIT PROVIDING COMPLETE
24 INDEPENDENT LIVING FACILITIES FOR ONE OR MORE INDIVIDUALS,
25 INCLUDING PERMANENT PROVISIONS FOR COOKING, EATING, LIVING,
26 SANITATION, AND SLEEPING.

27 (8) "HOUSING NEEDS ASSESSMENT" MEANS AN INVENTORY AND

1 ANALYSIS OF PROJECTED HOUSING NEEDS FOR A DEFINED AREA AND
2 INCLUDES BOTH A REGIONAL HOUSING NEEDS ASSESSMENT AND LOCAL
3 HOUSING NEEDS ASSESSMENT. A HOUSING NEEDS ASSESSMENT IS NOT
4 BINDING ON ANY JURISDICTION AND IS USED TO INFORM LOCAL
5 GOVERNMENTS IN ADDRESSING HOUSING NEEDS.

6 (9) "LOCAL GOVERNMENT" MEANS A HOME RULE, TERRITORIAL, OR
7 STATUTORY COUNTY, CITY AND COUNTY, CITY, OR TOWN.

8 (10) "MAJOR TRANSIT STOP" MEANS A STATION FOR BOARDING
9 AND EXITING GENERAL PUBLIC PASSENGER RAIL, INCLUDING COMMUTER
10 RAIL AND LIGHT RAIL, OR A STOP ON A BUS ROUTE WITH A SERVICE
11 FREQUENCY OF NO MORE THAN EVERY FIFTEEN MINUTES FOR THE
12 MAJORITY OF A DAY.

13 (11) "MULTIFAMILY RESIDENTIAL HOUSING" MEANS A BUILDING OR
14 GROUP OF BUILDINGS ON A LOT WITH FIVE OR MORE SEPARATE DWELLING
15 UNITS.

16 (12) "POPULATION GROWTH PROJECTION" MEANS, ACCORDING TO
17 THE DEMOGRAPHIC TRENDS FORECAST BY THE DIVISION OF PLANNING OR
18 ANOTHER IDENTIFIED RELIABLE SOURCE, THE ESTIMATED POPULATION
19 GROWTH THAT IS PROJECTED TO OCCUR IN A REGION OR LOCAL
20 GOVERNMENT JURISDICTION FOR THE SUCCEEDING FIVE-YEAR, TEN-YEAR,
21 AND TWENTY-YEAR PERIODS CATEGORIZED BY:

22 (a) HOUSEHOLD SIZE;

23 (b) HOUSEHOLD TYPE, INCLUDING SUPPORTIVE, FOR-SALE, AND
24 RENTAL HOUSING; AND

25 (c) INCOME LEVEL, INCLUDING EXTREMELY LOW-INCOME, VERY
26 LOW-INCOME, AND LOW-INCOME HOUSEHOLDS AS DEFINED BY THE UNITED
27 STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

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

6 (14) "PUBLIC SERVICES" MEANS FIRE PROTECTION AND
7 SUPPRESSION, LAW ENFORCEMENT, PUBLIC HEALTH, EDUCATION,
8 RECREATION, ENVIRONMENTAL PROTECTION, STORMWATER
9 MANAGEMENT, WASTEWATER MANAGEMENT, PUBLIC TRANSPORTATION,
10 PUBLIC INFRASTRUCTURE MAINTENANCE, WATER, AND OTHER SERVICES
11 TRADITIONALLY PROVIDED BY GOVERNMENT.

12 (15) "REGION" OR "REGIONAL" MEANS A DEFINED GEOGRAPHIC
13 AREA CONSISTING OF TERRITORY FROM MORE THAN ONE LOCAL
14 GOVERNMENT WITH A SUBSTANTIAL INTERCONNECTION IN ECONOMY,
15 WORKFORCE, TRANSPORTATION AND TRANSIT SYSTEMS, PUBLIC SERVICES,
16 COMMUNITIES OF INTEREST, OR OTHER FACTORS RELATED TO POPULATION
17 AND HOUSING.

18 (16) "REGIONAL ENTITY" MEANS A COUNCIL OF GOVERNMENTS, A
19 PUBLIC ENTITY FORMED BY THE VOLUNTARY AGREEMENT OF LOCAL
20 GOVERNMENTS IN THE REGION, OR A REGIONAL PLANNING COMMISSION.

21 (17) "SINGLE-UNIT DETACHED DWELLING" MEANS A DETACHED
22 BUILDING WITH A SINGLE DWELLING UNIT LOCATED ON A SINGLE LOT.

23 **24-32-3702. Housing needs assessment guidance - population**
24 **growth projections.** (1) (a) NO LATER THAN DECEMBER 31, 2024, THE
25 DIRECTOR SHALL DEVELOP AND REGULARLY UPDATE GUIDANCE FOR
26 CONDUCTING REGIONAL AND LOCAL HOUSING NEEDS ASSESSMENTS.

27 (b) GUIDANCE FOR CONDUCTING REGIONAL HOUSING NEEDS

1 ASSESSMENTS MUST INCLUDE METHODS BY WHICH A LOCAL GOVERNMENT
2 CAN IDENTIFY AN APPROPRIATE REGION AND DO THE FOLLOWING ON A
3 REGIONAL BASIS:

4 (I) ESTIMATE EXISTING HOUSING STOCK IN THE REGION;

5 (II) CONDUCT A CURRENT HOUSING SHORTAGE ANALYSIS THAT
6 WILL:

7 (A) ESTIMATE THE NUMBER OF DWELLING UNITS NEEDED WITHIN
8 THE REGION TO ACCOMMODATE FIVE-YEAR, TEN-YEAR, AND
9 TWENTY-YEAR POPULATION GROWTH PROJECTIONS FOR THE REGION; AND

10 (B) ESTIMATE AN ALLOCATION OF HOUSING NEEDS TO EACH LOCAL
11 GOVERNMENT WITHIN OR CONTRIBUTING TO HOUSING NEEDS IN THE
12 REGION;

13 (III) ESTIMATE THE WATER SUPPLY NEEDS FOR THE DWELLING
14 UNITS IDENTIFIED IN SUBSECTIONS (1)(b)(I) AND (1)(b)(II)(A) OF THIS
15 SECTION;

16 (IV) ESTIMATE ANY ADDITIONAL PUBLIC FACILITIES AND PUBLIC
17 SERVICES NEEDED TO SUPPORT THE DEVELOPMENT OF A RANGE OF
18 HOUSING TYPES TO PROVIDE THE DWELLING UNITS IDENTIFIED IN
19 SUBSECTION (1)(b)(II)(A) OF THIS SECTION;

20 (V) IDENTIFY AREAS IN THE REGION AT THE HIGHEST RISKS FOR
21 DISPLACEMENT BASED ON NEIGHBORHOOD OR CENSUS TRACT;

22 (VI) ASSESS OPPORTUNITIES TO DEVELOP THE DWELLING UNITS
23 IDENTIFIED IN SUBSECTION (1)(b)(II)(A) OF THIS SECTION UNDER THE
24 CURRENT ZONING CONDITIONS IN THE REGION, INCLUDING THE
25 DEVELOPMENT OF MULTIFAMILY RESIDENTIAL HOUSING NEAR MAJOR
26 TRANSIT STOPS AND THE DEVELOPMENT OF ACCESSORY DWELLING UNITS
27 IN RESIDENTIAL AREAS;

1 (VII) ASSESS MARKET LIMITATIONS ON THE DEVELOPMENT OF
2 FOR-SALE MULTIFAMILY RESIDENTIAL HOUSING IN THE REGION; AND

3 (VIII) IDENTIFY AN APPROPRIATE DEFINITION OF AFFORDABLE
4 HOUSING FOR THE REGION.

5 (c) GUIDANCE FOR CONDUCTING A LOCAL HOUSING NEEDS
6 ASSESSMENT MUST INCLUDE METHODS FOR A LOCAL GOVERNMENT TO DO
7 THE FOLLOWING:

8 (I) ESTIMATE EXISTING HOUSING STOCK IN THE LOCAL
9 GOVERNMENT'S JURISDICTION;

10 (II) CONDUCT A HOUSING SHORTAGE ANALYSIS THAT WILL:

11 (A) ESTIMATE THE NUMBER OF DWELLING UNITS NECESSARY TO
12 ACCOMMODATE FIVE-YEAR, TEN-YEAR, AND TWENTY-YEAR POPULATION
13 GROWTH PROJECTIONS IN THE LOCAL GOVERNMENT'S JURISDICTION;

14 (B) ESTIMATE AN ALLOCATION OF A PORTION OF THE LOCAL
15 GOVERNMENT'S HOUSING NEEDS TO ANY OTHER JURISDICTION THAT
16 CONTRIBUTES TO THE LOCAL GOVERNMENT'S HOUSING NEEDS;

17 (III) ESTIMATE WATER SUPPLY NEEDS FOR THE DWELLING UNITS
18 IDENTIFIED IN SUBSECTIONS (1)(c)(I) AND (1)(c)(II)(A) OF THIS SECTION;

19 (IV) ESTIMATE ANY ADDITIONAL PUBLIC FACILITIES AND PUBLIC
20 SERVICES NEEDED TO SUPPORT THE DEVELOPMENT OF A RANGE OF
21 HOUSING TYPES TO PROVIDE THE DWELLING UNITS IDENTIFIED IN
22 SUBSECTION (1)(c)(II)(A) OF THIS SECTION;

23 (V) ASSESS OPPORTUNITIES TO DEVELOP THE DWELLING UNITS
24 IDENTIFIED IN SUBSECTION (1)(c)(II)(A) OF THIS SECTION UNDER THE
25 LOCAL GOVERNMENT'S CURRENT ZONING CONDITIONS, INCLUDING THE
26 DEVELOPMENT OF MULTIFAMILY RESIDENTIAL HOUSING NEAR MAJOR
27 TRANSIT STOPS;

1 (VI) ASSESS MARKET LIMITATIONS ON THE DEVELOPMENT OF
2 FOR-SALE MULTIFAMILY RESIDENTIAL HOUSING IN THE LOCAL
3 GOVERNMENT'S JURISDICTION; AND

4 (VII) IDENTIFY AN APPROPRIATE DEFINITION OF AFFORDABLE
5 HOUSING FOR THE LOCAL GOVERNMENT.

6 (2) NO LATER THAN JANUARY 1, 2027, AND EVERY FIVE YEARS
7 THEREAFTER, THE DIVISION OF PLANNING SHALL PRODUCE FIVE-YEAR,
8 TEN-YEAR, AND TWENTY-YEAR POPULATION GROWTH PROJECTIONS FOR
9 EVERY REGION, IF IDENTIFIED BY A REGIONAL ENTITY, AND EVERY LOCAL
10 GOVERNMENT WITH A POPULATION OF AT LEAST FIVE THOUSAND.

11 **24-32-3703. Local housing needs assessments - procedure -**
12 **exempt local governments.** (1) NO LATER THAN DECEMBER 31, 2026,
13 AND EVERY FIVE YEARS THEREAFTER, EACH LOCAL GOVERNMENT SHALL
14 CONDUCT AND PUBLISH A LOCAL HOUSING NEEDS ASSESSMENT FOR THE
15 TERRITORY COVERED BY THE LOCAL GOVERNMENT'S MASTER PLAN. A
16 HOUSING NEEDS ASSESSMENT CONDUCTED BY A LOCAL GOVERNMENT
17 AFTER JANUARY 1, 2021, QUALIFIES AS HAVING SATISFIED THE
18 REQUIREMENT OF THIS SUBSECTION (1).

19 (2) UPON COMPLETING 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. AFTER CONSIDERING THE
23 LOCAL HOUSING NEEDS ASSESSMENT AT A PUBLIC MEETING, THE LOCAL
24 GOVERNMENT SHALL SUBMIT THE HOUSING NEEDS ASSESSMENT ALONG
25 WITH ANY COMMENTS OF THE LOCAL GOVERNMENT'S GOVERNING BODY TO
26 THE DEPARTMENT.

27 (3) A LOCAL GOVERNMENT IS EXEMPT FROM THE REQUIREMENTS

1 OF THIS SECTION IF:

2 (a) THE LOCAL GOVERNMENT PARTICIPATES IN THE CREATION OF
3 A REGIONAL HOUSING NEEDS ASSESSMENT PURSUANT TO SECTION
4 24-32-3704 THAT IS UPDATED EVERY EIGHT YEARS, PROVIDED THAT, TO
5 BE EXEMPT FROM THE REQUIREMENT TO CONDUCT AND PUBLISH A LOCAL
6 HOUSING NEEDS ASSESSMENT BY DECEMBER 31, 2026, THE REGIONAL
7 HOUSING NEEDS ASSESSMENT MUST BE COMPLETED BY DECEMBER 31,
8 2026; OR

9 (b) THE LOCAL GOVERNMENT HAS A POPULATION OF LESS THAN
10 FIVE THOUSAND, UNLESS THE LOCAL GOVERNMENT RECEIVES FUNDING TO
11 CONDUCT A LOCAL HOUSING NEEDS ASSESSMENT FROM THE DEPARTMENT
12 PURSUANT TO SECTION 24-32-3710.

13 **24-32-3704. Regional housing needs assessments.** (1) A
14 REGIONAL ENTITY MAY CONDUCT AND PUBLISH A REGIONAL HOUSING
15 NEEDS ASSESSMENT FOR THE TERRITORY COVERED BY THE MASTER PLAN
16 OF ANY LOCAL GOVERNMENT IN THE REGION.

17 (2) A REGIONAL ENTITY THAT CONDUCTS A REGIONAL HOUSING
18 NEEDS ASSESSMENT PURSUANT TO SUBSECTION (1) OF THIS SECTION,
19 SHALL PROVIDE THE REGIONAL HOUSING NEEDS ASSESSMENT TO EACH
20 LOCAL GOVERNMENT INCLUDED IN THE REGION. WITHIN SIXTY DAYS OF
21 RECEIVING THE REGIONAL HOUSING NEEDS ASSESSMENT, A LOCAL
22 GOVERNMENT'S GOVERNING BODY SHALL REVIEW THE ASSESSMENT AT A
23 PUBLIC MEETING AND MAY SUBMIT COMMENTS TO THE REGIONAL ENTITY.

24 (3) AFTER RECEIVING THE LOCAL GOVERNMENTS' COMMENTS ON
25 THE REGIONAL HOUSING NEEDS ASSESSMENT PURSUANT TO SUBSECTION
26 (2) OF THIS SECTION, THE REGIONAL ENTITY SHALL SUBMIT THE HOUSING
27 NEEDS ASSESSMENT ALONG WITH THE COMMENTS OF EACH LOCAL

1 GOVERNMENT TO THE DEPARTMENT.

2 **24-32-3705. Biennial report and proposed action plan.** (1) No
3 LATER THAN DECEMBER 31 OF THE YEAR FOLLOWING THE PUBLICATION OF
4 AN APPLICABLE HOUSING NEEDS ASSESSMENT AND EVERY TWO YEARS
5 THEREAFTER, EXCEPT THE YEAR THAT AN APPLICABLE HOUSING NEEDS
6 ASSESSMENT IS PUBLISHED, A LOCAL GOVERNMENT'S GOVERNING BODY
7 SHALL REVIEW THE PROGRESS MADE TOWARDS ADDRESSING THE FINDINGS
8 OF THE APPLICABLE HOUSING NEEDS ASSESSMENT AT A PUBLIC MEETING.

9 (2) IN CONDUCTING THE REVIEW REQUIRED BY SUBSECTION (1) OF
10 THIS SECTION, A LOCAL GOVERNMENT SHALL CREATE:

11 (a) A SUMMARY REPORT OF THE LOCAL GOVERNMENT'S PROGRESS
12 TOWARDS ADDRESSING THE FINDINGS OF THE APPLICABLE HOUSING NEEDS
13 ASSESSMENT. THE REPORT MUST INCLUDE THE NUMBER OF DWELLING
14 UNITS CONSTRUCTED OR PERMITTED IN THE LOCAL GOVERNMENT'S
15 JURISDICTION DURING THE PRECEDING YEAR AND ANY EFFORTS OF THE
16 LOCAL GOVERNMENT TO ADDRESS HOUSING NEEDS IDENTIFIED IN THE
17 APPLICABLE HOUSING NEEDS ASSESSMENT.

18 (b) A PROPOSED ACTION PLAN THAT IDENTIFIES ANY ACTIONS THAT
19 THE LOCAL GOVERNMENT INTENDS TO CONSIDER TAKING TO ADDRESS THE
20 FINDINGS OF THE HOUSING NEEDS ASSESSMENT DURING THE FOLLOWING
21 YEAR.

22 (3) THE LOCAL GOVERNMENT SHALL SUBMIT THE SUMMARY
23 REPORT AND PROPOSED ACTION PLAN DESCRIBED IN SUBSECTION (2) OF
24 THIS SECTION TO THE DEPARTMENT AND, IF APPLICABLE, TO THE REGIONAL
25 ENTITY THAT CONDUCTED A REGIONAL HOUSING NEEDS ASSESSMENT.

26 (4) A LOCAL GOVERNMENT IS EXEMPT FROM THE REQUIREMENTS
27 OF THIS SECTION IF IT IS NOT REQUIRED TO CREATE A HOUSING NEEDS

1 ASSESSMENT PURSUANT TO SECTION 24-32-3703.

2 **24-32-3706. Directories of housing and land use standards -**
3 **development of housing and increasing housing affordability -**
4 **displacement impact mitigation.** (1) NO LATER THAN DECEMBER 31,
5 2024, THE DIRECTOR SHALL PUBLISH AND REGULARLY UPDATE A
6 DIRECTORY OF HOUSING AND LAND USE STANDARDS TO GUIDE LOCAL
7 GOVERNMENTS IN ENCOURAGING THE DEVELOPMENT OF A RANGE OF
8 HOUSING TYPES WITH A PRIMARY FOCUS ON INCREASING HOUSING
9 AFFORDABILITY. THIS DIRECTORY MUST INCLUDE GUIDANCE CONCERNING:

10 (a) THE CONSTRUCTION OF NEW AFFORDABLE HOUSING UNITS
11 IDENTIFIED IN SECTION 29-20-104 (1)(e.5);

12 (b) THE QUANTITY AND DENSITY OF DWELLING UNITS IN THE LOCAL
13 GOVERNMENT'S JURISDICTION OR THE PROMOTION OR CREATION OF
14 INCENTIVES IDENTIFIED IN SECTION 29-20-104 (1)(e.7);

15 (c) THE POLICY OR REGULATORY TOOLS IDENTIFIED BY THE
16 DIVISION OF LOCAL GOVERNMENT PURSUANT TO SECTION 24-32-130 (3);

17 (d) THE ELIMINATION OF RESTRICTIONS ON RESIDENTIAL
18 OCCUPANCY THAT DEPEND ON THE EXISTENCE OF A FAMILIAL
19 RELATIONSHIP BETWEEN OCCUPANTS;

20 (e) RESIDENTIAL ZONING DISTRICTS THAT PERMIT SINGLE-UNIT
21 DETACHED DWELLINGS ALLOWING EITHER ACCESSORY DWELLING UNITS OR
22 DUPLEXES, TRIPLEXES, QUADPLEXES, AND TOWNHOMES IN A SUBSTANTIAL
23 PORTION OF THE JURISDICTION;

24 (f) ZONING THAT ENABLES MULTIFAMILY RESIDENTIAL HOUSING
25 NEAR MAJOR TRANSIT STOPS TO MEET A MINIMUM DENSITY RECOMMENDED
26 BY THE DIRECTOR;

27 (g) THE USE OF OBJECTIVE PROCESSES AND STANDARDS FOR

1 DEVELOPMENT PERMITS;

2 (h) LAND USE STANDARDS, DESIGN GUIDELINES, BUILDING
3 MATERIALS REQUIREMENTS, AND LANDSCAPING STANDARDS FOR
4 ACCESSORY DWELLING UNITS AND DUPLEXES, TRIPLEXES, QUADPLEXES,
5 AND TOWNHOMES THAT ARE NOT MORE RESTRICTIVE THAN SIMILAR
6 GUIDELINES, REQUIREMENTS, AND STANDARDS FOR SINGLE-UNIT
7 DETACHED DWELLINGS;

8 (i) PROGRAMS TO SUBSIDIZE OR OTHERWISE REDUCE
9 DEVELOPMENT FEES FOR AFFORDABLE HOUSING DEVELOPMENT;

10 (j) EXPEDITED OR STREAMLINED DEVELOPMENT REVIEW
11 PROCESSES FOR AFFORDABLE HOUSING DEVELOPMENT;

12 (k) THE LEVERAGING OF PUBLICLY-OWNED LAND OR PROPERTIES
13 FOR AFFORDABLE HOUSING DEVELOPMENT;

14 (l) THE CREATION OF DEDICATED LOCAL REVENUE SOURCES FOR
15 AFFORDABLE HOUSING DEVELOPMENT;

16 (m) REGULATING SHORT-TERM RENTALS, VACANT RESIDENTIAL
17 PROPERTY, OR SECOND HOMES;

18 (n) PARKING PERMIT PROGRAMS AND ALTERNATIVE PARKING
19 OPTIONS;

20 (o) WARRANTY STANDARDS RELATED TO FOR-SALE MULTIFAMILY
21 RESIDENTIAL DEVELOPMENT; AND

22 (p) COMMITMENTS TO ESTABLISH AND RETAIN ELIGIBILITY FOR THE
23 STATEWIDE AFFORDABLE HOUSING FUND CREATED IN SECTION 29-32-102

24 (1).

25 (2) NO LATER THAN DECEMBER 31, 2024, THE DIRECTOR SHALL
26 PUBLISH AND REGULARLY UPDATE A DIRECTORY OF HOUSING AND LAND
27 USE STANDARDS TO GUIDE LOCAL GOVERNMENTS IN AVOIDING, REDUCING,

1 AND MITIGATING THE IMPACT OF DISPLACEMENT. THIS DIRECTORY MUST
2 INCLUDE GUIDANCE FOR:

- 3 (a) PRESERVING EXISTING AFFORDABLE HOUSING;
- 4 (b) MODIFYING LAND USE REVIEW AND APPROVAL PROCESSES TO
5 INCREASE MEANINGFUL OPPORTUNITIES FOR PARTICIPATION BY PEOPLE AT
6 RISK OF DISPLACEMENT;
- 7 (c) REPEALING OR MODIFYING LAWS OR POLICIES THAT THE
8 DIRECTOR IDENTIFIES AS INCREASING THE RISK OF DISPLACEMENT; AND
- 9 (d) ADOPTING PRACTICES AND STANDARDS THAT THE DIRECTOR
10 MAY IDENTIFY AFTER CONSULTATION WITH LOCAL GOVERNMENTS AND
11 EXPERTS IN DISABILITY RIGHTS, HOMELESSNESS PREVENTION, AFFORDABLE
12 HOUSING, AND TENANT RIGHTS.

13 **24-32-3707. Water supply joint report.** (1) NO LATER THAN
14 JUNE 30, 2025, THE DIRECTOR, IN CONSULTATION WITH THE COLORADO
15 WATER CONSERVATION BOARD, SHALL SUBMIT TO THE GENERAL
16 ASSEMBLY A JOINT REPORT THAT CONFORMS TO THE COLORADO WATER
17 PLAN ADOPTED IN JANUARY 2023, PURSUANT TO SECTION 37-60-106.3.

18 (2) IN DEVELOPING THE JOINT REPORT DESCRIBED IN SUBSECTION
19 (1) OF THIS SECTION, THE DIRECTOR SHALL CONSULT WITH WATER
20 PROVIDERS, LOCAL GOVERNMENTS, AND REGIONAL PLANNING AGENCIES
21 AND SHALL CONSIDER PUBLISHED WATER SUPPLY PLANS.

22 (3) THE JOINT REPORT DESCRIBED IN SUBSECTION (1) OF THIS
23 SECTION MUST INCLUDE:

- 24 (a) AN ASSESSMENT OF THE AVAILABILITY AND SUFFICIENCY OF
25 WATER SUPPLIES TO PROVIDE FOR ANTICIPATED GROWTH BASED ON
26 POPULATION GROWTH PROJECTIONS AND PROJECTED DEVELOPMENT;
- 27 (b) A FRAMEWORK TO GUIDE STATE INVESTMENTS IN

1 DEVELOPMENT AND CONSERVATION; AND

2 (c) A RANGE OF POLICY OPTIONS TO MAXIMIZE THE EFFICIENT USE
3 OF THE EXISTING WATER SUPPLY CONSIDERING THE ANTICIPATED IMPACTS
4 OF FUTURE DEVELOPMENT.

5 **24-32-3708. Natural land and agricultural opportunities**
6 **report.** NO LATER THAN DECEMBER 31, 2025, THE DIRECTOR, IN
7 CONSULTATION WITH RELEVANT STATE AGENCIES INCLUDING THE
8 DEPARTMENT OF AGRICULTURE, THE DIVISION OF PARKS AND WILDLIFE IN
9 THE DEPARTMENT OF NATURAL RESOURCES, THE OUTDOOR RECREATION
10 INDUSTRY OFFICE IN THE OFFICE OF ECONOMIC DEVELOPMENT, AND THE
11 COLORADO TOURISM OFFICE, SHALL DEVELOP AND PUBLISH A NATURAL
12 LAND AND AGRICULTURAL OPPORTUNITIES REPORT THAT IDENTIFIES
13 OPPORTUNITIES THAT LOCAL GOVERNMENTS AND METROPOLITAN
14 PLANNING ORGANIZATIONS COULD APPLY TO ACHIEVE BOTH
15 CONNECTIVITY TO OPEN SPACE AND NATURAL LANDS AND PRESERVATION
16 OF AGRICULTURAL LAND AND OPEN SPACE.

17 **24-32-3709. For-sale multifamily residential housing - study**
18 **- report.** (1) THE DIRECTOR SHALL STUDY THE MARKET CONDITIONS AND
19 LIMITATIONS ON THE FINANCING, CONSTRUCTION, AND DEVELOPMENT OF
20 FOR-SALE MULTIFAMILY RESIDENTIAL HOUSING. THE DIRECTOR SHALL
21 CONSULT RELEVANT AGENCIES AND STAKEHOLDERS AS NECESSARY TO
22 HEAR DIVERSE PERSPECTIVES.

23 (2) NO LATER THAN SEPTEMBER 15, 2025, THE DIRECTOR SHALL
24 SUBMIT RECOMMENDATIONS REGARDING REGULATORY AND LEGISLATIVE
25 ACTIONS THAT COULD ALLEVIATE MARKET CONDITIONS AND LIMITATIONS
26 ON THE FINANCING, CONSTRUCTION, AND DEVELOPMENT OF FOR-SALE
27 MULTIFAMILY RESIDENTIAL HOUSING TO THE GOVERNOR AND THE SENATE

1 LOCAL GOVERNMENT AND HOUSING COMMITTEE AND THE HOUSE OF
2 REPRESENTATIVES TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT
3 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

4 **24-32-3710. Technical assistance - repeal.** (1) THE DIVISION OF
5 LOCAL GOVERNMENT SHALL PROVIDE TECHNICAL ASSISTANCE,
6 MATERIALS, BRIEFINGS, CONSULTING SERVICES, TEMPLATES, TOOLS,
7 TRAININGS, WEBINARS, OR OTHER GUIDANCE TO ASSIST LOCAL
8 GOVERNMENTS IN:

9 (a) ESTABLISHING REGIONAL ENTITIES;

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

12 (c) ENACTING LAWS AND POLICIES THAT ENCOURAGE THE
13 DEVELOPMENT OF A RANGE OF HOUSING TYPES OR MITIGATE THE IMPACT
14 OF DISPLACEMENT IN ACCORDANCE WITH SECTION 24-32-3706; AND

15 (d) CREATING HOUSING ELEMENTS IN MASTER PLANS AS
16 DESCRIBED IN SECTION 30-28-106 (3)(a.5)(III) OR SECTION 31-23-206
17 (1.5)(d).

18 (2) IN DETERMINING TO WHOM IT WILL PROVIDE ASSISTANCE
19 PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE DIVISION OF LOCAL
20 GOVERNMENT SHALL PRIORITIZE REQUESTS FOR TECHNICAL ASSISTANCE
21 RELATED TO:

22 (a) FORMING REGIONAL ENTITIES; AND

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

27 (3) IN ASSISTING LOCAL GOVERNMENTS PURSUANT TO SUBSECTION

1 (1) OF THIS SECTION, THE DIVISION OF LOCAL GOVERNMENT SHALL
2 PROVIDE FUNDING THROUGH EITHER A GRANT PROGRAM, THE PROVISION
3 OF CONSULTANT SERVICES, OR BOTH DIRECTLY TO LOCAL GOVERNMENTS
4 OR THROUGH A REGIONAL ENTITY.

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

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

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

26 (c) THE DEPARTMENT MAY ATTEMPT TO MEDIATE DISPUTES
27 BETWEEN LOCAL GOVERNMENTS REGARDING THE ENACTMENT OF LOCAL

1 LAWS OR POLICIES RELATED TO THIS PART 37 OR REFER LOCAL
2 GOVERNMENTS TO THE LIST OF MEDIATORS MAINTAINED PURSUANT TO
3 SECTION 24-32-3209 TO ASSIST IN THE RESOLUTION OF SUCH DISPUTES.

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

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

15 (c) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER
16 FIFTEEN MILLION DOLLARS FROM THE GENERAL FUND TO THE HOUSING
17 NEEDS PLANNING TECHNICAL ASSISTANCE FUND.

18 (d) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED
19 AND UNENCUMBERED MONEY IN THE HOUSING NEEDS PLANNING
20 TECHNICAL ASSISTANCE FUND ON JULY 1, 2028, TO THE GENERAL FUND.

21 (e) THIS SUBSECTION (6) IS REPEALED, EFFECTIVE JULY 2, 2028.

22 **24-32-3711. Prioritization for conformity with planning**
23 **expectations.** (1) ON OR AFTER DECEMBER 1, 2027, ANY GRANT
24 PROGRAM ADMINISTERED BY THE DEPARTMENT THAT AWARDS GRANTS TO
25 COUNTIES AND MUNICIPALITIES FOR THE PRIMARY PURPOSE OF
26 SUPPORTING LAND USE PLANNING OR HOUSING, EXCLUDING LAND USE
27 PLANNING OR HOUSING PURSUANT TO ARTICLE 32 OF TITLE 29, MUST, SO

1 LONG AS DOING SO IS NOT INCONSISTENT WITH FEDERAL LAW OR THE
2 STATE CONSTITUTION, INCLUDE PRIORITIZATION CRITERIA THAT CONSIDER
3 WHETHER:

4 (a) A CURRENT LOCAL OR REGIONAL HOUSING NEEDS ASSESSMENT
5 HAS BEEN COMPLETED FOR THE JURISDICTION AND HAS BEEN FILED WITH
6 THE DEPARTMENT PURSUANT TO SECTION 24-32-3703 OR 24-32-3704;

7 (b) THE JURISDICTION HAS SUBMITTED THE SUMMARY REPORT TO
8 THE DEPARTMENT AND CREATED THE PROPOSED ACTION PLAN PURSUANT
9 TO SECTION 24-32-3705; AND

10 (c) THE MASTER PLAN FOR THE JURISDICTION INCLUDES A WATER
11 ELEMENT AND HOUSING ELEMENT AS DESCRIBED IN SECTIONS 30-28-106
12 (3)(a.5) AND 31-23-206 (1.5).

13 (2) IN CONSIDERING AWARDING A GRANT TO A LOCAL
14 GOVERNMENT THAT IS NOT SUBJECT TO ANY OF THE PROVISIONS
15 IDENTIFIED IN THE PRIORITIZATION CRITERIA DESCRIBED IN SUBSECTION (1)
16 OF THIS SECTION, THE DEPARTMENT SHALL TREAT THE LOCAL
17 GOVERNMENT AS IF IT HAS SATISFIED THE PRIORITIZATION CRITERIA IN
18 SUBSECTION (1) OF THIS SECTION.

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

22 **30-28-106. Master plan.** (1) It is the duty of a county planning
23 commission to make and adopt a master plan for the physical
24 development of the unincorporated territory of the county, SUBJECT TO
25 THE APPROVAL OF THE COUNTY COMMISSION HAVING JURISDICTION
26 THEREOF. When a county planning commission decides to adopt a master
27 plan, the commission shall conduct public hearings, after notice of such

1 public hearings has been published in a newspaper of general circulation
2 in the county in a manner sufficient to notify the public of the time, place,
3 and nature of the public hearing, prior to final adoption of a master plan
4 in order to encourage public participation in and awareness of the
5 development of such plan and shall accept and consider oral and written
6 public comments throughout the process of developing the plan.

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

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

24 (II) IN ADOPTING OR AMENDING A MASTER PLAN, THE COUNTY OR
25 REGIONAL PLANNING COMMISSION SHALL CONSIDER THE FOLLOWING,
26 WHERE APPLICABLE OR APPROPRIATE, AND ANY OTHER INFORMATION
27 DEEMED RELEVANT BY THE COUNTY OR REGIONAL PLANNING COMMISSION:

1 (A) THE APPLICABLE REGIONAL AND LOCAL HOUSING NEEDS
2 ASSESSMENTS PUBLISHED PURSUANT TO SECTIONS 24-32-3703 AND
3 24-32-3704;

4 (B) THE JOINT REPORT CONCERNING WATER SUPPLY SUBMITTED
5 PURSUANT TO SECTION 24-32-3707;

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

8 (D) THE COLORADO WATER PLAN ADOPTED PURSUANT TO SECTION
9 37-60-106.3.

10 (a.5) THE MASTER PLAN MUST INCLUDE:

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

16 (II) (A) A WATER SUPPLY ELEMENT DEVELOPED IN CONSULTATION
17 WITH ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE COUNTY OR
18 REGION TO ENSURE COORDINATION ON WATER SUPPLY AND FACILITY
19 PLANNING.

20 (B) THE WATER SUPPLY ELEMENT MUST IDENTIFY THE GENERAL
21 LOCATION AND EXTENT OF AN ADEQUATE AND SUITABLE SUPPLY OF
22 WATER, IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO MEET
23 THE NEEDS OF THE PUBLIC AND PRIVATE INFRASTRUCTURE THAT IS EITHER
24 REASONABLY ANTICIPATED OR IDENTIFIED IN THE PLANNING PROCESS, AND
25 INCLUDE WATER CONSERVATION POLICIES, TO BE DETERMINED BY THE
26 COUNTY OR LOCAL GOVERNMENTS WITHIN A REGION, WHICH MAY INCLUDE
27 GOALS SPECIFIED IN THE COLORADO WATER PLAN ADOPTED PURSUANT TO

1 SECTION 37-60-106.3 AND POLICIES TO IMPLEMENT WATER CONSERVATION
2 AND OTHER COLORADO WATER PLAN GOALS AS A CONDITION OF
3 DEVELOPMENT APPROVAL, FOR SUBDIVISIONS, PLANNED UNIT
4 DEVELOPMENTS, SPECIAL USE PERMITS, AND ZONING CHANGES.

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

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

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

20 (III) A HOUSING ELEMENT TO ADDRESS HOUSING NEEDS IDENTIFIED
21 IN THE APPLICABLE HOUSING NEEDS ASSESSMENTS. THE HOUSING ELEMENT
22 MUST INCLUDE:

23 (A) A REASONABLE PLAN TO PROMOTE THE EQUITABLE AND
24 EFFICIENT DEVELOPMENT OF THE NUMBER OF DWELLING UNITS IDENTIFIED
25 AS NECESSARY TO SATISFY THE HOUSING NEEDS IN THE COUNTY AND
26 LOCAL GOVERNMENTS WITHIN A REGION ON FIVE-YEAR, TEN-YEAR, AND
27 TWENTY-YEAR PLANNING TIMELINES, SUBJECT TO THE AVAILABILITY OF

1 ADEQUATE PUBLIC FACILITIES, PUBLIC SERVICES, AND WATER SUPPLY TO
2 SERVE ADDITIONAL POPULATION GROWTH;

3 (B) THE ASSESSMENT OF AND RESPONSE TO THE ALLOCATION OF
4 HOUSING NEEDS FOR A REGION ASSIGNED TO ANY LOCAL GOVERNMENT IN
5 THE REGION BY ANY APPLICABLE REGIONAL HOUSING NEEDS ASSESSMENT;

6 (C) A RECOMMENDATION FOR A DEFINITION OF AFFORDABLE
7 HOUSING TO BE USED IN THE COUNTY OR REGION;

8 (D) A NARRATIVE ANALYSIS OF AREAS IN THE COUNTY OR REGION
9 AT AN ELEVATED RISK FOR DISPLACEMENT, AS DEFINED IN SECTION
10 24-32-3701 (4), AND A REASONABLE PLAN TO MITIGATE DISPLACEMENT IN
11 THE IMPLEMENTATION OF THE MASTER PLAN, INCLUDING A
12 RECOMMENDATION FOR THE ADOPTION OF ANY DISPLACEMENT
13 MITIGATION STANDARDS AND POLICIES IN THE DIRECTORY OF HOUSING
14 AND LAND USE STANDARDS PUBLISHED BY THE DEPARTMENT OF LOCAL
15 AFFAIRS PURSUANT TO SECTION 24-32-3706 (2), AS MAY BE APPROPRIATE
16 OR SUITABLE FOR THE COUNTY OR REGION;

17 (E) AN ANALYSIS OF OPPORTUNITIES TO ACHIEVE THE
18 DEVELOPMENT OF HIGH-DENSITY AND AFFORDABLE RESIDENTIAL USES
19 WITHIN A REASONABLE DISTANCE OF MAJOR TRANSIT STOPS AS DEFINED IN
20 SECTION 24-32-3701 (10);

21 (F) A RECOMMENDATION FOR THE ADOPTION OF ANY HOUSING AND
22 LAND USE GUIDANCE IN THE DIRECTORY OF HOUSING AND LAND USE
23 STANDARDS PUBLISHED BY THE DEPARTMENT OF LOCAL AFFAIRS
24 PURSUANT TO SECTION 24-32-3706 (1), AS MAY BE APPROPRIATE OR
25 SUITABLE FOR THE COUNTY OR REGION; AND

26 (G) A DESCRIPTION OF OPPORTUNITIES FOR INTERGOVERNMENTAL
27 COORDINATION TO ADDRESS LOCAL AND REGIONAL HOUSING NEEDS AND

1 ANY INTERGOVERNMENTAL COORDINATION EFFORTS UNDERTAKEN TO
2 ADDRESS SUCH NEEDS.

3 (a.7) (I) A COUNTY OR REGION WITH A MASTER PLAN SHALL
4 ENSURE THAT ITS MASTER PLAN INCLUDES A WATER SUPPLY ELEMENT AND
5 A HOUSING ELEMENT AS REQUIRED BY SUBSECTION (3)(a.5) OF THIS
6 SECTION AT THE FIRST AMENDING OF THE MASTER PLAN THAT OCCURS ON
7 OR AFTER JANUARY 1, 2026, BUT NOT LATER THAN DECEMBER 31, 2026.
8 THE MASTER PLAN OF A COUNTY OR REGION ADOPTED OR AMENDED AFTER
9 DECEMBER 31, 2026, MUST INCLUDE A WATER SUPPLY ELEMENT AND
10 HOUSING ELEMENT AS REQUIRED BY SUBSECTION (3)(a.5) OF THIS SECTION.
11 THE COUNTY OR REGION MUST UPDATE THE WATER SUPPLY ELEMENT AND
12 HOUSING ELEMENT NO LESS FREQUENTLY THAN EVERY FIVE YEARS.

13 (II) NOTWITHSTANDING SUBSECTION (3)(a.7)(I) OF THIS SECTION,
14 A COUNTY OR REGION WITH A POPULATION OF LESS THAN FIVE THOUSAND
15 IS NOT REQUIRED TO CREATE A HOUSING ELEMENT UNLESS THE COUNTY OR
16 REGION RECEIVES FUNDING THROUGH SECTION 24-32-3710.

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

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

1 PLAN PREPARED BY THE DEPARTMENT OF TRANSPORTATION THAT THE
2 COUNTY OR REGION HAS RECEIVED NOTIFICATION OF AND THAT APPLIES TO
3 THE COUNTY OR REGION;

4 (II) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
5 INCLUDING PUBLIC SCHOOLS; CULTURALLY, HISTORICALLY, OR
6 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS;
7 PLAYGROUNDS, FORESTS, RESERVATIONS, SQUARES, PARKS, AIRPORTS,
8 AVIATION FIELDS, MILITARY INSTALLATIONS; AND OTHER PUBLIC WAYS,
9 GROUNDS, OPEN SPACES, TRAILS, AND DESIGNATED FEDERAL, STATE, AND
10 LOCAL WILDLIFE AREAS. FOR PURPOSES OF THIS SECTION, "MILITARY
11 INSTALLATION" HAS THE SAME MEANING AS SPECIFIED IN SECTION
12 29-20-105.6 (2)(b).

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

20 (IV) THE ACCEPTANCE, WIDENING, REMOVAL, EXTENSION,
21 RELOCATION, NARROWING, VACATION, ABANDONMENT, MODIFICATION, OR
22 CHANGE OF USE OF ANY OF THE PUBLIC WAYS, RIGHTS-OF-WAY, INCLUDING
23 THE COORDINATION OF SUCH RIGHTS-OF-WAY WITH THE RIGHTS-OF-WAY
24 OF OTHER COUNTIES, REGIONS, OR MUNICIPALITIES, GROUNDS, OPEN
25 SPACES, BUILDINGS, PROPERTIES, UTILITIES, OR TERMINALS REFERRED TO
26 IN SUBSECTIONS (3)(a.5)(II)(C), (3)(a.9)(I), (3)(a.9)(II), AND (3)(a.9)(III)
27 OF THIS SECTION;

1 (V) METHODS FOR ASSURING ACCESS TO APPROPRIATE CONDITIONS
2 FOR SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING
3 GEOTHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
4 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
5 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
6 GENERATION;

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

17 (VII) THE GENERAL LOCATION AND EXTENT OF FORESTS,
18 AGRICULTURAL AREAS, FLOOD CONTROL AREAS, AND OPEN DEVELOPMENT
19 AREAS FOR PURPOSES OF CONSERVATION, FOOD AND WATER SUPPLY,
20 SANITARY AND DRAINAGE FACILITIES, FLOOD CONTROL, OR THE
21 PROTECTION OF URBAN DEVELOPMENT;

22 (VIII) A LAND CLASSIFICATION AND UTILIZATION PROGRAM;

23 (IX) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS
24 TO ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED
25 INCREMENTS OF TIME. THE COUNTY OR REGION MAY BASE THESE
26 PROJECTIONS UPON DATA FROM THE DEPARTMENT OF LOCAL AFFAIRS AND
27 UPON THE COUNTY'S OR REGION'S LOCAL OBJECTIVES.

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

7 (A) THE COLORADO GEOLOGICAL SURVEY FOR DEFINING AND
8 MAPPING GEOLOGICAL HAZARDS;

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

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

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

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

22 (F) THE COLORADO STATE FOREST SERVICE FOR LOCATING
23 WILDFIRE HAZARD AREAS.

24 (8) A COUNTY OR REGIONAL PLANNING COMMISSION SHALL SUBMIT
25 THE MASTER PLAN AND ANY SEPARATELY APPROVED WATER ELEMENT AND
26 HOUSING ELEMENT TO THE DIVISION OF LOCAL GOVERNMENT IN THE
27 DEPARTMENT OF LOCAL AFFAIRS. THE DIVISION OF LOCAL GOVERNMENT

1 SHALL REVIEW MASTER PLANS AND MAY PROVIDE COMMENTS TO THE
2 COMMISSION.

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

6 **31-23-206. Master plan.** (1) IT IS THE DUTY OF THE COMMISSION
7 TO MAKE AND ADOPT A MASTER PLAN FOR THE PHYSICAL DEVELOPMENT
8 OF THE MUNICIPALITY, INCLUDING ANY AREAS OUTSIDE ITS BOUNDARIES,
9 SUBJECT TO THE APPROVAL OF THE GOVERNMENTAL BODY HAVING
10 JURISDICTION THEREOF, THAT IN THE COMMISSION'S JUDGMENT BEAR
11 RELATION TO THE PLANNING OF THE MUNICIPALITY. THE MASTER PLAN OF
12 A MUNICIPALITY IS AN ADVISORY DOCUMENT TO GUIDE LAND
13 DEVELOPMENT DECISIONS; HOWEVER, THE MASTER PLAN OR ANY PART
14 THEREOF MAY BE MADE BINDING BY INCLUSION IN THE MUNICIPALITY'S
15 ADOPTED SUBDIVISION, ZONING, PLATTING, PLANNED UNIT DEVELOPMENT,
16 OR OTHER SIMILAR LAND DEVELOPMENT REGULATIONS AFTER SATISFYING
17 NOTICE, DUE PROCESS, AND HEARING REQUIREMENTS FOR LEGISLATIVE OR
18 QUASI-JUDICIAL PROCESSES AS APPROPRIATE. THE MASTER PLAN, WITH
19 THE ACCOMPANYING MAPS, PLATS, CHARTS, AND DESCRIPTIVE MATTER,
20 MUST SHOW THE COMMISSION'S RECOMMENDATIONS FOR THE
21 DEVELOPMENT OF THE MUNICIPALITY AND OUTLYING AREAS.

22 (1.3) (a) WHEN A COMMISSION DECIDES TO ADOPT A MASTER PLAN,
23 THE COMMISSION SHALL CONDUCT PUBLIC HEARINGS, AFTER NOTICE OF
24 SUCH PUBLIC HEARINGS HAS BEEN PUBLISHED IN A NEWSPAPER OF
25 GENERAL CIRCULATION IN THE MUNICIPALITY IN A MANNER SUFFICIENT TO
26 NOTIFY THE PUBLIC OF THE TIME, PLACE, AND NATURE OF THE PUBLIC
27 HEARING, PRIOR TO FINAL ADOPTION OF A MASTER PLAN IN ORDER TO

1 ENCOURAGE PUBLIC PARTICIPATION IN AND AWARENESS OF THE
2 DEVELOPMENT OF THE MASTER PLAN AND SHALL ACCEPT AND CONSIDER
3 ORAL AND WRITTEN PUBLIC COMMENTS THROUGHOUT THE PROCESS OF
4 DEVELOPING THE MASTER PLAN.

5 (b) THE COMMISSION SHALL FOLLOW THE PROCEDURES IN SECTION
6 24-32-3209. FOR PURPOSES OF THIS SECTION, ANY SPECIAL DISTRICT THAT
7 SUPPLIES WATER TO THE AREA COVERED BY THE MASTER PLAN IS A
8 NEIGHBORING JURISDICTION AS DEFINED IN SECTION 24-32-3209 (1)(h).

9 (c) FOR ANY MASTER PLAN ADOPTED AFTER JANUARY 1, 2026, THE
10 COMMISSION SHALL CONSIDER THE FOLLOWING, WHERE APPLICABLE OR
11 APPROPRIATE, AND ANY OTHER INFORMATION DEEMED RELEVANT BY THE
12 COMMISSION:

13 (I) THE APPLICABLE REGIONAL AND LOCAL HOUSING NEEDS
14 ASSESSMENTS PUBLISHED PURSUANT TO SECTIONS 24-32-3703 OR
15 24-32-3704;

16 (II) THE JOINT REPORT CONCERNING WATER SUPPLY SUBMITTED
17 PURSUANT TO SECTION 24-32-3707;

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

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

22 (1.5) THE MASTER PLAN MUST INCLUDE:

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

1 (b) THE MOST RECENT VERSION OF THE MASTER PLAN REQUIRED BY
2 SECTION 31-12-105 (1)(e) OR A SIMILAR MASTER PLAN FOR AREAS OF
3 POTENTIAL GROWTH WITHIN THREE MILES OF THE MUNICIPALITY'S
4 EXISTING BOUNDARIES;

5 (c) (I) A WATER SUPPLY ELEMENT DEVELOPED IN CONSULTATION
6 WITH ENTITIES THAT SUPPLY WATER FOR USE WITHIN THE MUNICIPALITY
7 TO ENSURE COORDINATION ON WATER SUPPLY AND FACILITY PLANNING.

8 (II) THE WATER SUPPLY ELEMENT MUST:

9 (A) IDENTIFY THE GENERAL LOCATION AND EXTENT OF AN
10 ADEQUATE AND SUITABLE SUPPLY OF WATER; EXCEPT THAT;

11 (B) IDENTIFY WATER SUPPLIES AND FACILITIES SUFFICIENT TO
12 MEET THE NEEDS OF THE PUBLIC AND PRIVATE INFRASTRUCTURE
13 REASONABLY ANTICIPATED OR IDENTIFIED IN THE PLANNING PROCESS; AND

14 (C) INCLUDE WATER CONSERVATION POLICIES, TO BE DETERMINED
15 BY THE MUNICIPALITY, WHICH MAY INCLUDE GOALS SPECIFIED IN THE
16 COLORADO WATER PLAN ADOPTED PURSUANT TO SECTION 37-60-106.3
17 AND POLICIES TO IMPLEMENT WATER CONSERVATION AND OTHER
18 COLORADO WATER PLAN GOALS AS A CONDITION OF DEVELOPMENT
19 APPROVAL, INCLUDING SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS,
20 SPECIAL USE PERMITS, AND ZONING CHANGES.

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

25 (IV) NOTHING IN THIS SUBSECTION (1.5)(c) SUPERSEDES,
26 ABROGATES, OR OTHERWISE IMPAIRS THE ALLOCATION OF WATER
27 PURSUANT TO THE STATE CONSTITUTION OR ANY OTHER PROVISION OF

1 LAW, THE RIGHT TO BENEFICIALLY USE WATER PURSUANT TO DECREES,
2 CONTRACTS, OR OTHER WATER USE AGREEMENTS, OR THE OPERATION,
3 MAINTENANCE, REPAIR, REPLACEMENT, OR USE OF ANY WATER FACILITY;
4 AND

5 (V) THE DEPARTMENT OF LOCAL AFFAIRS MAY HIRE AND EMPLOY
6 ONE FULL-TIME EMPLOYEE TO PROVIDE EDUCATIONAL RESOURCES AND
7 ASSISTANCE TO MUNICIPALITIES THAT INCLUDE WATER CONSERVATION
8 POLICIES IN THE WATER ELEMENTS OF MASTER PLANS AS REQUIRED BY
9 THIS SUBSECTION (1.5)(c).

10 (d) A HOUSING ELEMENT TO ADDRESS HOUSING NEEDS IDENTIFIED
11 IN THE APPLICABLE HOUSING NEEDS ASSESSMENTS. THE HOUSING ELEMENT
12 MUST INCLUDE:

13 (I) A REASONABLE PLAN TO PROMOTE THE EQUITABLE AND
14 EFFICIENT DEVELOPMENT OF THE NUMBER OF DWELLING UNITS IDENTIFIED
15 TO BE NECESSARY TO SATISFY THE HOUSING NEEDS IN THE MUNICIPALITY
16 ON FIVE-YEAR, TEN-YEAR, AND TWENTY-YEAR PLANNING TIMELINES,
17 SUBJECT TO THE AVAILABILITY OF ADEQUATE PUBLIC FACILITIES, PUBLIC
18 SERVICES, AND WATER SUPPLY TO SERVE ADDITIONAL POPULATION
19 GROWTH;

20 (II) THE MUNICIPALITY'S ASSESSMENT OF AND RESPONSE TO THE
21 ALLOCATION OF HOUSING NEEDS FOR A REGION ASSIGNED TO THE
22 MUNICIPALITY BY ANY APPLICABLE REGIONAL HOUSING NEEDS
23 ASSESSMENT;

24 (III) A RECOMMENDATION FOR A DEFINITION OF AFFORDABLE
25 HOUSING TO BE USED IN THE MUNICIPALITY;

26 (IV) A NARRATIVE ANALYSIS OF AREAS IN THE MUNICIPALITY AT
27 AN ELEVATED RISK FOR DISPLACEMENT, AS DEFINED IN SECTION

1 24-32-3701 (4), AND A REASONABLE PLAN TO MITIGATE DISPLACEMENT IN
2 THE IMPLEMENTATION OF THE MASTER PLAN, INCLUDING A
3 RECOMMENDATION FOR THE ADOPTION OF ANY DISPLACEMENT
4 MITIGATION GUIDANCE IN THE DIRECTORY OF HOUSING AND LAND USE
5 STANDARDS PUBLISHED BY THE DEPARTMENT OF LOCAL AFFAIRS
6 PURSUANT TO SECTION 24-32-3706 (2) AS MAY BE APPROPRIATE OR
7 SUITABLE FOR THE MUNICIPALITY;

8 (V) AN ANALYSIS OF OPPORTUNITIES TO ACHIEVE THE
9 DEVELOPMENT OF HIGH-DENSITY AND AFFORDABLE RESIDENTIAL USES
10 WITHIN A REASONABLE DISTANCE OF MAJOR TRANSIT STOPS AS DEFINED IN
11 SECTION 24-32-3701 (10);

12 (VI) A RECOMMENDATION FOR THE ADOPTION OF ANY HOUSING
13 AND LAND USE GUIDANCE IN THE DIRECTORY OF HOUSING AND LAND USE
14 STANDARDS PUBLISHED BY THE DEPARTMENT OF LOCAL AFFAIRS
15 PURSUANT TO SECTION 24-32-3706 (1) AS MAY BE APPROPRIATE OR
16 SUITABLE FOR THE MUNICIPALITY; AND

17 (VII) A DESCRIPTION OF OPPORTUNITIES FOR
18 INTERGOVERNMENTAL COORDINATION TO ADDRESS LOCAL AND REGIONAL
19 HOUSING NEEDS AND ANY INTERGOVERNMENTAL COORDINATION EFFORTS
20 UNDERTAKEN TO ADDRESS SUCH NEEDS.

21 (1.7) (a) A MUNICIPALITY SHALL ENSURE THAT ITS MASTER PLAN
22 INCLUDES A WATER SUPPLY ELEMENT AND HOUSING ELEMENT AS
23 REQUIRED BY SUBSECTION (1.5) OF THIS SECTION AT THE FIRST AMENDING
24 OF THE MASTER PLAN THAT OCCURS ON OR AFTER JANUARY 1, 2026, BUT
25 NOT LATER THAN DECEMBER 31, 2026. THE MASTER PLAN OF A
26 MUNICIPALITY ADOPTED OR AMENDED AFTER DECEMBER 31, 2026, MUST
27 INCLUDE A WATER SUPPLY ELEMENT AND HOUSING ELEMENT AS REQUIRED

1 BY SUBSECTION (1.5) OF THIS SECTION. A MUNICIPALITY SHALL UPDATE
2 THE WATER SUPPLY ELEMENT AND HOUSING ELEMENT AS REQUIRED BY
3 SUBSECTION (1.5) OF THIS SECTION NO LESS FREQUENTLY THAN EVERY
4 FIVE YEARS.

5 (b) NOTWITHSTANDING SUBSECTION (1.7)(a) OF THIS SECTION, A
6 MUNICIPALITY WITH A POPULATION OF LESS THAN FIVE THOUSAND IS NOT
7 REQUIRED TO CREATE A HOUSING ELEMENT UNLESS THE MUNICIPALITY
8 RECEIVES FUNDING THROUGH SECTION 24-32-3710.

9 (1.9) THE MASTER PLAN MAY INCLUDE, WHERE APPLICABLE OR
10 APPROPRIATE:

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

23 (b) THE GENERAL LOCATION OF PUBLIC PLACES OR FACILITIES,
24 INCLUDING PUBLIC SCHOOLS, CULTURALLY, HISTORICALLY, OR
25 ARCHAEOLOGICALLY SIGNIFICANT BUILDINGS, SITES, AND OBJECTS,
26 PLAYGROUNDS, SQUARES, PARKS, AIRPORTS, AVIATION FIELDS, MILITARY
27 INSTALLATIONS, AND OTHER PUBLIC WAYS, GROUNDS, OPEN SPACES,

1 TRAILS, AND DESIGNATED FEDERAL, STATE, AND LOCAL WILDLIFE AREAS.
2 FOR PURPOSES OF THIS SECTION, "MILITARY INSTALLATION" HAS THE SAME
3 MEANING AS SPECIFIED IN SECTION 29-20-105.6 (2)(b).

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

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

18 (e) A ZONING PLAN FOR THE CONTROL OF THE HEIGHT, AREA, BULK,
19 LOCATION, AND USE OF BUILDINGS AND PREMISES. SUCH A ZONING PLAN
20 MAY PROTECT AND ASSURE ACCESS TO APPROPRIATE CONDITIONS FOR
21 SOLAR, WIND, OR OTHER ALTERNATIVE ENERGY SOURCES, INCLUDING
22 GEOTHERMAL ENERGY USED FOR WATER HEATING OR SPACE HEATING OR
23 COOLING IN A SINGLE BUILDING, FOR SPACE HEATING FOR MORE THAN ONE
24 BUILDING THROUGH A PIPELINE NETWORK, OR FOR ELECTRICITY
25 GENERATION; HOWEVER, REGULATIONS AND RESTRICTIONS OF THE HEIGHT,
26 NUMBER OF STORIES, SIZE OF BUILDINGS AND OTHER STRUCTURES, AND
27 THE HEIGHT AND LOCATION OF TREES AND OTHER VEGETATION SHALL NOT

1 APPLY TO EXISTING BUILDINGS, STRUCTURES, TREES, OR VEGETATION
2 EXCEPT FOR NEW GROWTH ON SUCH VEGETATION;

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

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

14 (h) A PLAN FOR THE LOCATION AND PLACEMENT OF PUBLIC
15 UTILITIES THAT FACILITATES THE PROVISION OF SUCH UTILITIES TO ALL
16 EXISTING, PROPOSED, OR PROJECTED DEVELOPMENTS IN THE
17 MUNICIPALITY;

18 (i) PROJECTIONS OF POPULATION GROWTH AND HOUSING NEEDS TO
19 ACCOMMODATE THE PROJECTED POPULATION FOR SPECIFIED INCREMENTS
20 OF TIME. THE MUNICIPALITY MAY BASE THESE PROJECTIONS UPON DATA
21 FROM THE DEPARTMENT OF LOCAL AFFAIRS AND UPON THE MUNICIPALITY'S
22 LOCAL OBJECTIVES;

23 (j) THE AREAS CONTAINING STEEP SLOPES, GEOLOGICAL HAZARDS,
24 ENDANGERED OR THREATENED SPECIES, WETLANDS, FLOODPLAINS,
25 FLOODWAYS, AND FLOOD RISK ZONES, HIGHLY ERODIBLE LAND OR
26 UNSTABLE SOILS, AND WILDFIRE HAZARDS. FOR PURPOSES OF
27 DETERMINING THE LOCATION OF SUCH AREAS, THE PLANNING COMMISSION

1 SHOULD CONSIDER THE FOLLOWING SOURCES FOR GUIDANCE:

2 (I) THE COLORADO GEOLOGICAL SURVEY FOR DEFINING AND
3 MAPPING GEOLOGICAL HAZARDS;

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

8 (III) THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE
9 UNITED STATES FISH AND WILDLIFE SERVICE NATIONAL WETLANDS
10 INVENTORY FOR DEFINING AND MAPPING WETLANDS;

11 (IV) THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR
12 DEFINING AND MAPPING FLOODPLAINS, FLOODWAYS, AND FLOOD RISK
13 ZONES;

14 (V) THE NATURAL RESOURCES CONSERVATION SERVICE OF THE
15 UNITED STATES DEPARTMENT OF AGRICULTURE FOR DEFINING AND
16 MAPPING UNSTABLE SOILS AND HIGHLY ERODIBLE LAND; AND

17 (VI) THE COLORADO STATE FOREST SERVICE FOR LOCATING
18 WILDFIRE HAZARD AREAS.

19 (8) THE COMMISSION SHALL SUBMIT THE MASTER PLAN AND ANY
20 SEPARATELY APPROVED WATER ELEMENT AND HOUSING ELEMENT TO THE
21 DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS.
22 THE DIVISION OF LOCAL GOVERNMENT SHALL REVIEW MASTER PLANS AND
23 MAY PROVIDE COMMENTS TO THE COMMISSION.

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

26 **38-33.3-106.5. Prohibitions contrary to public policy -**
27 **patriotic, political, or religious expression - public rights-of-way - fire**

1 **prevention - renewable energy generation devices - affordable**
2 **housing - drought prevention measures - child care - definitions.**

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

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

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

17 (II) "MIDDLE HOUSING" MEANS A RESIDENTIAL STRUCTURE OR
18 STRUCTURES THAT INCLUDE BETWEEN TWO AND FOUR SEPARATE
19 DWELLING UNITS IN A STRUCTURE, A TOWNHOME BUILDING, OR A COTTAGE
20 CLUSTER OF UP TO FOUR UNITS.

21 **SECTION 5. Safety clause.** The general assembly finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety or for appropriations for
24 the support and maintenance of the departments of the state and state
25 institutions.