

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0288.03 Pierce Lively x2059

HOUSE BILL 24-1313

HOUSE SPONSORSHIP

Woodrow and Jodeh,

SENATE SPONSORSHIP

Hansen and Winter F.,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 CONCERNING MEASURES TO INCREASE THE AFFORDABILITY OF
102 HOUSING IN TRANSIT-ORIENTED COMMUNITIES.

Bill Summary

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

Section 1 of the bill establishes a category of local government: A transit-oriented community. As defined in the bill, a transit-oriented community is either a local government that:

- Is entirely within a metropolitan planning organization;
- Has a population of 4,000 or more; and
- Contains at least 75 acres of certain transit-related areas; or

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.

If the local government is a county, contains either a part of:

- A transit station area that is both in an unincorporated part of the county and within one-half mile of a station that serves a commuter rail service or light rail service; or
- A transit corridor area that both is in an unincorporated part of the county and is fully encompassed by one or more municipalities.

The bill requires a transit-oriented community to meet its housing opportunity goal and relatedly requires the department to:

- On or before July 31, 2024, publish a map that designates transit areas that transit-oriented communities shall use in calculating their housing opportunity goal; and
- On or before December 31, 2024, publish models and guidance to assist a transit-oriented community in meeting its housing opportunity goal.

A housing opportunity goal is a zoning capacity goal determined based on an average zoned housing density and the amount of transit-related areas within a transit-oriented community. The bill requires a transit-oriented community to meet its housing opportunity goal by ensuring that enough areas in the transit-oriented community qualify as transit centers. In order to qualify as a transit center, an area must:

- Be composed of zoning districts that uniformly allow a net housing density of at least 15 units per acre;
- Identify the net housing density allowed by law;
- Meet a housing density established by the transit-oriented community;
- Not include any area where local law exclusively restricts housing occupancy based on age or other factors;
- Have an administrative approval process for multifamily residential property development on parcels that are 5 acres or less in size;
- Be composed of contiguous parcels, if located partially outside of a transit area; and
- Be located wholly within a transit area and not extend more than one-quarter mile from the edge of a transit area, unless the department allows otherwise.

A transit-oriented community is required to demonstrate that it has met its housing opportunity goal by submitting a housing opportunity goal report to the department of local affairs (department). A housing opportunity goal report must include:

- The housing opportunity goal calculation that the transit-oriented community used in determining its housing opportunity goal;
- Evidence that the transit-oriented community has met its housing opportunity goal;

- A map that identifies the boundaries of any transit centers within the transit-oriented community;
- If relevant, a plan to address potential insufficient water supplies for meeting the transit-oriented community's housing opportunity goal;
- Affordability strategies that the transit-oriented community will implement in meeting its housing opportunity goal. The transit-oriented community shall select some of these strategies from the standard and long-term affordability strategies menus in the bill, and the transit-oriented community shall include an implementation plan describing how it will implement these strategies.
- Any displacement mitigation strategies that the transit-oriented community has or will adopt from the displacement mitigation strategies menu in the bill and an implementation plan describing how it will implement these strategies.

Additionally, the bill requires a transit-oriented community to submit a progress report to the department every 3 years.

After receiving a transit-oriented community's housing opportunity goal report, the department shall either approve the report or provide direction to the transit-oriented community for amending and resubmitting the report and require the transit-oriented community to resubmit the report. If a transit-oriented community does not submit a housing opportunity goal report to the department on or before December 31, 2026, or if the department does not approve a transit-oriented community's housing opportunity goal report, the department will designate the transit-oriented community as a nonqualified transit-oriented community. Similarly, if a transit-oriented community does not submit a progress report to the department every 3 years, or if the department does not approve a transit-oriented community's progress report, the department will designate the transit-oriented community as a nonqualified transit-oriented community.

The state treasurer shall transfer any money that a nonqualified transit-oriented community would have otherwise been allocated from the highway users tax fund instead to the transit-oriented communities highway users tax account (account). The department shall not use any money in the account that is attributable to a specific nonqualified transit-oriented community until 180 days after the transit-oriented community became a nonqualified transit-oriented community. If a nonqualified transit-oriented community no longer qualifies as a nonqualified transit-oriented community during that 180-day period, the treasurer shall issue a warrant to the transit-oriented community for the amount of money that was diverted from the transit-oriented community to the account.

If the department does not approve a transit-oriented community's housing opportunity goal report on or before December 31, 2027, the department may seek an injunction requiring the transit-oriented community to comply with the requirements of the bill.

In addition to designating an area as a transit center for purposes of meeting a housing opportunity goal, the bill allows local governments to designate an area as a neighborhood center so long as the local government ensures that the area:

- Has an average zoned housing density sufficient to increase public transit ridership;
- Has an administrative approval process for multifamily residential property development on parcels that are no larger than a size determined by the department;
- Has a mixed-use walkable neighborhood; and
- Satisfies any other criteria required by the department.

The bill also creates the transit-oriented communities infrastructure fund grant program (grant program) within the department. The purpose of the grant program is to assist local governments in upgrading infrastructure within transit centers and neighborhood centers. In administering the grant program, the department shall prioritize grant applicants based on the information in the reports described in the bill. Grants from the grant program are awarded from money in the transit-oriented communities infrastructure fund (fund). The fund consists of gifts, grants, and donations along with money that the general assembly may appropriate or transfer to the fund and money in the account described in the bill. The fund is continuously appropriated. On July 1, 2024, the state treasurer shall transfer \$35 million from the general fund to the fund.

Section 2 prohibits a planned unit development resolution or ordinance for a planned unit development that is adopted on or after the effective date of the bill and that applies within a transit-oriented center or neighborhood center from restricting the development of housing more than the local law that applies to that transit-oriented center or neighborhood center.

Section 3 states that any restriction by a unit owners' association within a transit-oriented center or neighborhood center on the development of housing that is adopted on or after the effective date of the bill and is beyond the local law that applies to that transit-oriented center or neighborhood center is void as a matter of public policy.

Sections 4 and 5 require the Colorado housing and financing authority to allocate tax credits under the state affordable housing tax credit to qualified housing developments within transit centers.

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

3 **ARTICLE 35**

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

5 PART 1

6 DEFINITIONS

7 **29-35-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 35 IS
8 THE "STATE LAND USE CRITERIA FOR STRATEGIC GROWTH ACT".

9 **29-35-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
10 HEREBY FINDS, DETERMINES, AND DECLARES THAT:

11 (a) SINCE THE "LOCAL GOVERNMENT LAND USE CONTROL
12 ENABLING ACT OF 1974", ARTICLE 20 OF TITLE 29, WAS ADOPTED,
13 COLORADO'S POPULATION HAS MORE THAN DOUBLED, WITH THE STATE
14 GROWING AT TWICE THE NATIONAL RATE BETWEEN 2010 AND 2020;

15 (b) THE COLORADO STATE DEMOGRAPHY OFFICE ESTIMATES THAT
16 COLORADO WILL ADD ONE MILLION SEVEN HUNDRED THOUSAND TWO
17 HUNDRED PEOPLE BY 2050, BRINGING COLORADO'S POPULATION TO
18 NEARLY SEVEN MILLION FIVE HUNDRED THOUSAND. THE NEED FOR
19 HOUSING FOR THE GROWING POPULATION IS AN ISSUE THAT AFFECTS ALL
20 COLORADO COMMUNITIES REGARDLESS OF REGION OR SIZE. IN A
21 BIPARTISAN POLL CONDUCTED BY THE COLORADO POLLING INSTITUTE IN
22 NOVEMBER 2023, COLORADO VOTERS LISTED HOUSING AFFORDABILITY AS
23 ONE OF THEIR TOP FIVE ISSUES FOR THE COLORADO STATE GOVERNMENT
24 TO ADDRESS. THEREFORE, IT IS CRITICAL TO ADDRESS THE COST AND
25 AVAILABILITY OF HOUSING ACROSS THE STATE TO ADDRESS HISTORIC
26 POPULATION GROWTH.

27 (c) IN EXPERIENCING SIGNIFICANT POPULATION GROWTH AT A TIME

1 OF INCREASED VEHICLE OWNERSHIP AND COMMUTE TIMES, THE SUPPLY
2 AND AFFORDABILITY OF HOUSING IN ONE COMMUNITY AFFECTS THE
3 RESOURCES OF NEIGHBORING COMMUNITIES. COLORADO'S NEED FOR
4 HOUSING IMPACTS THE STATE'S TRANSIT, TRANSPORTATION, EMPLOYMENT,
5 ECONOMY, ENERGY, WATER, AND INFRASTRUCTURE AND REQUIRES
6 INNOVATIVE, COLLABORATIVE SOLUTIONS.

7 (d) COLORADO'S HOUSING SUPPLY HAS NOT KEPT PACE WITH
8 POPULATION GROWTH IN THE STATE. BETWEEN 2010 AND 2020,
9 COLORADO ADDED ONE HUNDRED TWENTY-SIX THOUSAND FEWER
10 HOUSING UNITS THAN IN THE PRIOR DECADE, DESPITE COLORADO'S
11 POPULATION INCREASING BY A SIMILAR AMOUNT IN EACH DECADE. THE
12 STATE DEMOGRAPHER ESTIMATES THAT BETWEEN APPROXIMATELY
13 SIXTY-FIVE THOUSAND AND NINETY THOUSAND HOUSING UNITS ARE
14 NEEDED TO KEEP PACE WITH COLORADO'S CURRENT POPULATION GROWTH.

15 (e) ACROSS THE STATE, COLORADO NEEDS MORE HOUSING
16 URGENTLY TO SUPPORT OUR GROWING WORKFORCE, AND HOUSING
17 OPPORTUNITIES ARE NEEDED ACROSS ALL INCOME LEVELS. ADDRESSING
18 THE CRITICAL ISSUE OF COST AND AVAILABILITY OF HOUSING REQUIRES
19 MAINTAINING AND EXPANDING ACCESS TO AFFORDABLE AND ATTAINABLE
20 HOUSING BY REMOVING BARRIERS TO AND EXPEDITING NEW HOUSING
21 OPPORTUNITIES FOR EVERY COMMUNITY, ESPECIALLY NEAR TRANSIT. AS
22 HOUSING RENTS AND PRICES HAVE INCREASED FASTER THAN WAGES
23 ACROSS THE STATE, INDIVIDUAL HOUSEHOLDS ARE EXPERIENCING
24 DISPLACEMENT FROM HOMES THEY COULD ONCE AFFORD AND HAVING TO
25 LIVE FARTHER FROM WORK WITH INCREASED COMMUTE TIMES. AS STATE
26 AND LOCAL GOVERNMENTS SEEK TO INCREASE HOUSING OPTIONS AND
27 ADDRESS AFFORDABILITY FOR RESIDENTS, IT IS ESSENTIAL TO PROVIDE

1 SOLUTIONS THAT INCORPORATE TRANSIT NEEDS AS WELL.

2 (f) BETWEEN 2010 AND 2021, THE PERCENTAGE OF COLORADANS
3 MAKING LESS THAN SEVENTY-FIVE THOUSAND DOLLARS A YEAR WHO
4 WERE HOUSING COST-BURDENED, MEANING THEY SPEND MORE THAN
5 THIRTY PERCENT OF THEIR INCOME ON HOUSING NEEDS, INCREASED FROM
6 FIFTY-FOUR PERCENT TO SIXTY-ONE PERCENT, AND, FOR RENTERS MAKING
7 LESS THAN SEVENTY-FIVE THOUSAND DOLLARS A YEAR, THAT
8 PERCENTAGE INCREASED FROM FIFTY-NINE PERCENT TO SEVENTY-THREE
9 PERCENT, ACCORDING TO THE AMERICAN COMMUNITY SURVEY;

10 (g) NATIONALLY, CITIES WITH THE HIGHEST HOUSING COSTS AND
11 LOWEST VACANCY RATES EXPERIENCE THE HIGHEST RATES OF
12 HOMELESSNESS, ACCORDING TO A REPORT BY THE URBAN INSTITUTE,
13 "UNSHelterED HOMELESSNESS: TRENDS, CHARACTERISTICS, AND
14 HOMELESS HISTORIES". THESE INDICATORS EXPLAIN A GREATER PORTION
15 OF THE VARIATION IN REGIONAL RATES OF HOMELESSNESS THAN OTHER
16 COMMONLY ASSUMED FACTORS, SUCH AS POVERTY RATE, SUBSTANCE USE,
17 OR MENTAL ILLNESS, ACCORDING TO A STUDY IN THE EUROPEAN JOURNAL
18 OF HOUSING POLICY, "THE ECONOMICS OF HOMELESSNESS: THE
19 EVIDENCE FROM NORTH AMERICA".

20 (h) HOUSING PRICES ARE TYPICALLY HIGHER WHEN HOUSING
21 SUPPLY IS RESTRICTED BY LOCAL LAND USE REGULATIONS IN A
22 METROPOLITAN REGION, ACCORDING TO STUDIES SUCH AS THE NATIONAL
23 BUREAU OF ECONOMIC RESEARCH WORKING PAPERS "REGULATION AND
24 HOUSING SUPPLY" AND "THE IMPACT OF ZONING ON HOUSING
25 AFFORDABILITY". INCREASING HOUSING SUPPLY MODERATES PRICE
26 INCREASES AND IMPROVES HOUSING AFFORDABILITY ACROSS ALL
27 INCOMES, ACCORDING TO STUDIES SUCH AS "THE ECONOMIC

1 IMPLICATIONS OF HOUSING SUPPLY", IN THE JOURNAL OF ECONOMIC
2 PERSPECTIVES, AND "SUPPLY SKEPTICISM: HOUSING SUPPLY AND
3 AFFORDABILITY", IN THE JOURNAL HOUSING POLICY DEBATE.

4 (i) RESEARCHERS HAVE FOUND SUBSTANTIAL EVIDENCE THAT NEW
5 HOUSING CONSTRUCTION ENABLES HOUSEHOLDS TO MOVE WITHIN A
6 REGION, OPENS UP HOUSING OPTIONS FOR MORE DIVERSE INCOME LEVELS,
7 AND PROMOTES COMPETITION THAT LIMITS HOUSING COST INCREASES,
8 ACCORDING TO THE NEW YORK UNIVERSITY LAW AND ECONOMICS
9 RESEARCH PAPER "SUPPLY SKEPTICISM REVISITED". WHILE NEW HOUSING
10 SUPPLY CAN RARELY MEET THE NEEDS OF THE LOWEST INCOME
11 HOUSEHOLDS, ENABLING NEW HOUSING SUPPLY CAN MODERATE PRICE
12 INCREASES AND REDUCE THE NUMBER OF HOUSEHOLDS THAT NEED
13 SUBSIDIES TO AFFORD HOUSING. RESIDENT OPPOSITION FREQUENTLY
14 LIMITS NEW HOUSING DEVELOPMENT IN EXISTING COMMUNITIES AND
15 EITHER LEADS TO LESS HOUSING PRODUCTION AND INCREASED HOUSING
16 COSTS OR PUSHES HOUSING DEVELOPMENT TO GREENFIELD AREAS WHERE
17 THERE ARE FEWER NEIGHBORS BUT GREATER ENVIRONMENTAL AND FISCAL
18 COSTS.

19 **29-35-103. Definitions.** AS USED IN THIS ARTICLE 35, UNLESS THE
20 CONTEXT OTHERWISE REQUIRES:

21 (1) "ACCESSIBLE UNIT" MEANS A HOUSING UNIT THAT SATISFIES
22 THE REQUIREMENTS OF THE FEDERAL "FAIR HOUSING ACT", 42 U.S.C. SEC.
23 3601 ET SEQ., AS AMENDED, AND INCORPORATES UNIVERSAL DESIGN.

24 (2) (a) "ADMINISTRATIVE APPROVAL PROCESS" MEANS A PROCESS
25 IN WHICH:

26 (I) A DEVELOPMENT PROPOSAL FOR A SPECIFIED PROJECT IS
27 APPROVED, APPROVED WITH CONDITIONS, OR DENIED BY LOCAL

1 GOVERNMENT ADMINISTRATIVE STAFF BASED SOLELY ON ITS COMPLIANCE
2 WITH OBJECTIVE STANDARDS SET FORTH IN LOCAL LAWS; AND

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

6 (b) NOTWITHSTANDING SUBSECTION (2)(a) OF THIS SECTION, AN
7 ADMINISTRATIVE APPROVAL PROCESS MAY REQUIRE AN APPOINTED
8 HISTORIC PRESERVATION COMMISSION TO MAKE A DECISION, OR TO MAKE
9 A RECOMMENDATION TO LOCAL GOVERNMENT ADMINISTRATIVE STAFF,
10 REGARDING A DEVELOPMENT APPLICATION INVOLVING A PROPERTY THAT
11 THE LOCAL GOVERNMENT HAS DESIGNATED AS A HISTORIC PROPERTY,
12 PROVIDED THAT:

13 (I) THE STATE HISTORIC PRESERVATION OFFICE WITHIN HISTORY
14 COLORADO HAS DESIGNATED THE LOCAL GOVERNMENT AS A CERTIFIED
15 LOCAL GOVERNMENT; AND

16 (II) THE APPOINTED HISTORIC PRESERVATION COMMISSION'S
17 DECISION OR RECOMMENDATION IS BASED ON STANDARDS EITHER SET
18 FORTH IN LOCAL LAW OR ESTABLISHED BY THE SECRETARY OF THE
19 INTERIOR OF THE UNITED STATES.

20 (3) "BUS RAPID TRANSIT SERVICE" MEANS EITHER A BUS RAPID
21 TRANSIT SERVICE INCLUDED IN A METROPOLITAN PLANNING
22 ORGANIZATION'S FISCALLY CONSTRAINED LONG RANGE TRANSPORTATION
23 PLAN OR A BUS-BASED TRANSIT SERVICE THAT INCLUDES AT LEAST THREE
24 OF THE FOLLOWING:

25 (a) SERVICE THAT IS SCHEDULED TO RUN EVERY FIFTEEN MINUTES
26 OR LESS DURING THE HIGHEST FREQUENCY SERVICE HOURS;

27 (b) DEDICATED LANES OR BUSWAYS;

- 1 (c) TRAFFIC SIGNAL PRIORITY;
- 2 (d) OFF-BOARD FARE COLLECTION;
- 3 (e) ELEVATED PLATFORMS; OR
- 4 (f) ENHANCED STATIONS.

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

8 (5) "COMMUTER RAIL" MEANS A PASSENGER RAIL TRANSIT SERVICE
9 BETWEEN AND WITHIN METROPOLITAN AND SUBURBAN AREAS.

10 (6) "COUNTY" MEANS A COUNTY INCLUDING A HOME RULE
11 COUNTY.

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

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

16 (9) "LIGHT RAIL" MEANS A PASSENGER RAIL TRANSIT SERVICE
17 THAT USES ELECTRICALLY POWERED RAIL-BORNE CARS.

18 (10) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, COUNTY, OR
19 TRIBAL NATION WITH JURISDICTION IN COLORADO.

20 (11) "LOCAL LAW" MEANS ANY CODE, LAW, ORDINANCE, POLICY,
21 REGULATION, OR RULE ENACTED BY A LOCAL GOVERNMENT THAT
22 GOVERNS THE DEVELOPMENT AND USE OF LAND, INCLUDING BUT NOT
23 LIMITED TO LAND USE CODES, ZONING CODES, AND SUBDIVISION CODES.

24 (12) "METROPOLITAN PLANNING ORGANIZATION" MEANS A
25 METROPOLITAN PLANNING ORGANIZATION UNDER THE "FEDERAL TRANSIT
26 ACT OF 1998", 49 U.S.C. SEC. 5301 ET SEQ., AS AMENDED.

27 (13) "MUNICIPALITY" MEANS A HOME RULE OR STATUTORY CITY

1 OR TOWN, TERRITORIAL CHARTER CITY OR TOWN, OR CITY AND COUNTY.

2 (14) "OBJECTIVE STANDARD" MEANS A STANDARD THAT:

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

6 (b) DOES NOT REQUIRE A SUBJECTIVE DETERMINATION
7 CONCERNING A DEVELOPMENT PROPOSAL, INCLUDING BUT NOT LIMITED TO
8 WHETHER THE APPLICATION FOR THE DEVELOPMENT PROPOSAL IS:

9 (I) CONSISTENT WITH MASTER PLANS, OR OTHER DEVELOPMENT
10 PLANS;

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

13 (III) CONSISTENT WITH PUBLIC WELFARE, COMMUNITY
14 CHARACTER, OR NEIGHBORHOOD CHARACTER.

15 (15) "UNIVERSAL DESIGN" MEANS ANY DWELLING UNIT DESIGNED
16 AND CONSTRUCTED TO BE SAFE AND ACCESSIBLE FOR ANY INDIVIDUAL
17 REGARDLESS OF AGE OR ABILITIES.

18 (16) "URBAN BUS RAPID TRANSIT SERVICE" MEANS A BUS RAPID
19 TRANSIT SERVICE THAT OPERATES ON A SURFACE STREET FOR THE
20 MAJORITY OF ITS ROUTE.

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

24 PART 2

25 TRANSIT-ORIENTED COMMUNITIES

26 **29-35-201. Legislative declaration.** (1) THE GENERAL ASSEMBLY
27 HEREBY FINDS, DETERMINES, AND DECLARES THAT:

1 (a) MULTIFAMILY HOUSING IS TYPICALLY MORE AFFORDABLE THAN
2 SINGLE-UNIT DWELLINGS. ACCORDING TO THE AMERICAN COMMUNITY
3 SURVEY, COLORADO MULTIFAMILY UNITS COST BETWEEN FOURTEEN AND
4 FORTY-THREE PERCENT LESS TO RENT IN 2019, DEPENDING ON THE SIZE OF
5 THE BUILDING, COMPARED TO SINGLE-UNIT DETACHED DWELLINGS.

6 (b) ALLOWING HIGHER DENSITY RESIDENTIAL DEVELOPMENT IS
7 IMPORTANT FOR THE COST EFFECTIVENESS AND AVAILABILITY OF
8 AFFORDABLE HOUSING. AN ANALYSIS OF OVER SIXTY AFFORDABLE
9 HOUSING PROJECTS FUNDED BY THE U.S. DEPARTMENT OF HOUSING AND
10 URBAN DEVELOPMENT IN TRANSIT-ORIENTED AREAS IN COLORADO SINCE
11 2010 FOUND THAT HALF WERE DEVELOPED AT OVER FIFTY UNITS PER ACRE,
12 AND TWENTY PERCENT WERE OVER ONE HUNDRED UNITS PER ACRE.

13 (c) THROUGHOUT COLORADO, LESS THAN HALF OF AVAILABLE
14 ZONING CAPACITY IS TYPICALLY UTILIZED, AND GREATER UTILIZATION OF
15 ZONING CAPACITY IS NECESSARY TO MEET ANTICIPATED HOUSING NEEDS.
16 NUMEROUS FACTORS CURRENTLY PREVENT DEVELOPMENT FROM FULLY
17 UTILIZING AVAILABLE ZONING CAPACITY AND ALLOWED DENSITIES,
18 INCLUDING SITE LEVEL CONSTRAINTS, FINANCIAL FEASIBILITY AND
19 DEMAND, AND LANDOWNERS' WILLINGNESS TO SELL OR REDEVELOP.

20 (d) COLORADO HAS INVESTED SIGNIFICANTLY IN PUBLIC TRANSIT
21 IN THE LAST SEVERAL DECADES, FUNDING OVER SIX BILLION DOLLARS
22 ACROSS EIGHTY-FIVE MILES OF NEW RAIL LINES. THE INVESTMENTS WILL
23 CONTINUE IN THE COMING YEARS WITH NEW BUS RAPID TRANSIT AND RAIL
24 SYSTEMS ALONG THE FRONT RANGE. DESPITE THESE INVESTMENTS,
25 TRANSIT RIDERSHIP LAGS BEHIND PEER AGENCIES AROUND THE COUNTRY,
26 DUE AT LEAST IN PART TO A LACK OF DENSITY NEAR THESE TRANSIT LINES.
27 BEFORE THE COVID-19 PANDEMIC, THE REGIONAL TRANSPORTATION

1 DISTRICT HAD TWO AND THREE-TENTHS RIDES PER VEHICLE REVENUE MILE
2 ON THEIR RAIL SYSTEM, COMPARED TO OVER FOUR RIDES PER VEHICLE
3 REVENUE MILE FOR AGENCIES IN MINNEAPOLIS AND PORTLAND AND OVER
4 EIGHT RIDES PER VEHICLE REVENUE MILE IN SEATTLE, ACCORDING TO
5 DATA FROM THE FEDERAL TRANSIT ADMINISTRATION'S NATIONAL TRANSIT
6 DATABASE.

7 (e) ALLOWING HIGHER DENSITY RESIDENTIAL DEVELOPMENT NEAR
8 TRANSIT IS IMPORTANT FOR INCREASING TRANSIT RIDERSHIP AND
9 IMPROVING THE COST EFFECTIVENESS OF TRANSIT SERVICES.
10 RESEARCHERS HAVE FOUND THAT HIGHER BUILT GROSS DENSITIES
11 CITYWIDE INCREASE COST-EFFECTIVENESS FOR LIGHT RAIL AND BUS RAPID
12 TRANSIT SERVICES, AS DESCRIBED IN THE ARTICLE, "COST OF A RIDE: THE
13 EFFECTS OF DENSITIES ON FIXED-GUIDEWAY TRANSIT RIDERSHIP AND
14 COSTS" BY ERICK GUERRA AND ROBERT CERVERO.

15 (f) MOST LIGHT AND COMMUTER RAIL STATIONS AND FREQUENT
16 BUS CORRIDORS IN COLORADO HAVE LOWER HOUSING UNIT DENSITY THAN
17 IS NECESSARY TO SUPPORT FREQUENT TRANSIT. BASED ON 2020 CENSUS
18 BLOCK HOUSING UNIT DATA, OVER NINETY PERCENT OF RAIL STATIONS
19 AND EIGHTY-FOUR PERCENT OF BUS RAPID TRANSIT AND FREQUENT BUS
20 CORRIDORS IN COLORADO HAVE LESS THAN FIFTEEN HOUSING UNITS PER
21 ACRE ON AVERAGE WITHIN WALKING DISTANCE. RESEARCHERS HAVE
22 GENERALLY FOUND A MINIMUM OF FIFTEEN HOUSING UNITS PER ACRE OF
23 BUILT DENSITY IS NEEDED TO SUPPORT FREQUENT TRANSIT.

24 (g) LIVING NEAR TRANSIT, JOBS, AND SERVICES ENABLES
25 HOUSEHOLDS TO ALSO SAVE ON TRANSPORTATION COSTS BY OWNING
26 FEWER VEHICLES AND REDUCING FUEL CONSUMPTION. COLORADANS
27 COMMUTE OVER FIFTY MINUTES TO AND FROM WORK ON AVERAGE,

1 ACCORDING TO THE LATEST AMERICAN COMMUNITY SURVEY'S FIVE YEAR
2 ESTIMATES. ANALYSES OF TRANSIT-ORIENTED COMMUNITIES HAVE FOUND
3 THAT RESIDENTS TAKE AN AVERAGE OF FORTY-FOUR PERCENT FEWER
4 VEHICLE TRIPS, ACCORDING TO THE ARTICLE "VEHICLE TRIP REDUCTION
5 IMPACTS OF TRANSIT-ORIENTED HOUSING" IN THE JOURNAL OF PUBLIC
6 TRANSPORTATION.

7 (h) IN COLORADO, HOUSEHOLDS IN MORE DENSE AREAS, WHICH
8 ARE DEFINED AS CENSUS TRACTS WITH MORE THAN FOUR THOUSAND UNITS
9 PER SQUARE MILE OR ABOUT FIFTEEN UNITS PER ACRE, DRIVE TWENTY
10 PERCENT LESS THAN THE STATE AVERAGE, AND HIGHER DENSITY AREAS,
11 CENSUS TRACTS WITH MORE THAN TEN THOUSAND UNITS PER SQUARE MILE
12 OR ABOUT FORTY UNITS PER ACRE, DRIVE FORTY PERCENT LESS THAN THE
13 STATE AVERAGE, ACCORDING TO DATA FROM THE 2017 NATIONAL
14 HOUSEHOLD TRAVEL SURVEY;

15 (i) HIGH TRANSPORTATION COSTS IMPACT LOW-INCOME
16 HOUSEHOLDS IN PARTICULAR. HOUSEHOLDS MAKING LESS THAN FORTY
17 THOUSAND DOLLARS PER YEAR IN THE WESTERN UNITED STATES ARE
18 SPENDING OVER TWENTY-FOUR PERCENT OF THEIR INCOME ON
19 TRANSPORTATION, WHEN SPENDING MORE THAN FIFTEEN PERCENT OF
20 INCOME ON TRANSPORTATION IS CONSIDERED COST BURDENED,
21 ACCORDING TO DATA FROM THE BUREAU OF LABOR STATISTICS CONSUMER
22 EXPENDITURE SURVEYS.

23 (j) IN ADDITION TO SAVING ON TRANSPORTATION COSTS BY LIVING
24 NEAR TRANSIT, OWNING FEWER VEHICLES AND TRAVELING TO WORK AND
25 ACCESSING SERVICES WITHOUT DRIVING OR DRIVING LESS REDUCES
26 GREENHOUSE GAS EMISSIONS AND AIR POLLUTION, WHICH IMPACTS AIR
27 QUALITY NOT JUST IN TRANSIT-ORIENTED COMMUNITIES BUT IN GREATER

1 REGIONS ACROSS THE STATE;

2 (k) IN COLORADO, HOUSEHOLD ENERGY DEMAND ON AVERAGE IS
3 SEVENTY PERCENT LESS FOR MULTIFAMILY HOUSING COMPARED TO
4 SINGLE-UNIT DETACHED DWELLINGS, ACCORDING TO THE NATIONAL
5 RENEWABLE ENERGY LABORATORY RESTOCK ANALYSIS TOOL;

6 (l) COMPARED TO SINGLE-UNIT DETACHED DWELLINGS, SMALL
7 MULTIFAMILY HOMES USE SIXTY-THREE PERCENT LESS WATER, AND
8 LARGER MULTIFAMILY HOMES USE EIGHTY-SIX PERCENT LESS WATER,
9 BASED ON DATA FROM DENVER AND AURORA WATER USERS ANALYZED
10 FOR THE "COLORADO WATER AND GROWTH DIALOGUE FINAL REPORT" IN
11 2018;

12 (m) NATIONAL STUDIES, SUCH AS THE ARTICLE "RELATIONSHIPS
13 BETWEEN DENSITY AND PER CAPITA MUNICIPAL SPENDING IN THE UNITED
14 STATES", PUBLISHED IN URBAN SCIENCE, HAVE FOUND THAT LOWER
15 DENSITY COMMUNITIES HAVE HIGHER GOVERNMENT CAPITAL AND
16 MAINTENANCE COSTS FOR WATER, SEWER, AND TRANSPORTATION
17 INFRASTRUCTURE AND LOWER PROPERTY AND SALES TAX REVENUE. THESE
18 INCREASED COSTS ARE OFTEN BORNE BY BOTH STATE AND LOCAL
19 GOVERNMENTS.

20 (n) A STUDY FOR A MUNICIPALITY IN COLORADO FOUND THAT
21 DOUBLING THE AVERAGE RESIDENTIAL DENSITY FOR FUTURE GROWTH
22 WOULD SAVE THIRTY-ONE PERCENT IN CAPITAL AND MAINTENANCE COSTS
23 OVER TWENTY YEARS;

24 (o) ACCORDING TO A 2022 ARTICLE TITLED "DOES DISCRETION
25 DELAY DEVELOPMENT?" IN THE JOURNAL OF THE AMERICAN PLANNING
26 ASSOCIATION, RESIDENTIAL PROJECTS USING ADMINISTRATIVE APPROVAL
27 PROCESSES ARE APPROVED TWENTY-EIGHT PERCENT FASTER THAN THOSE

1 USING DISCRETIONARY APPROVAL PROCESSES, AND FASTER APPROVAL
2 TIMES REDUCE DEVELOPER COSTS AND THEREFORE HOUSING COSTS.
3 STUDIES HAVE SHOWN THAT HOMEBUILDERS, INCLUDING AFFORDABLE
4 HOUSING DEVELOPERS, WILL AVOID PARCELS THAT NEED TO GO THROUGH
5 A DISCRETIONARY PROCESS.

6 (p) COMMUNITY OPPOSITION TO SPECIFIC AFFORDABLE HOUSING
7 DEVELOPMENTS FREQUENTLY CAUSES DELAYS, INCREASES COSTS,
8 REDUCES THE NUMBER OF HOUSING UNITS DELIVERED, PUSHES SITING OF
9 AFFORDABLE HOUSING TO LESS OPPORTUNITY-RICH AREAS, AND PREVENTS
10 DEVELOPMENTS FROM OCCURRING ALTOGETHER, ACCORDING TO STUDIES
11 SUCH AS "DEMOCRACY IN ACTION? NIMBY AS IMPEDIMENT TO
12 EQUITABLE AFFORDABLE HOUSING SITING" IN THE JOURNAL HOUSING
13 STUDIES;

14 (q) RESEARCHERS HAVE FOUND THAT UPWARD MOBILITY IS
15 SIGNIFICANTLY GREATER IN MORE COMPACT DEVELOPMENT AREAS THAN
16 IN LOW-DENSITY AREAS, PRIMARILY DUE TO BETTER JOB ACCESSIBILITY BY
17 MULTIPLE TRANSPORTATION MODES, ACCORDING TO THE STUDY "DOES
18 URBAN SPRAWL HOLD DOWN UPWARD MOBILITY?", PUBLISHED IN THE
19 JOURNAL OF LANDSCAPE AND URBAN PLANNING;

20 (r) ACCORDING TO THE GREENHOUSE GAS POLLUTION REDUCTION
21 ROADMAP PUBLISHED BY THE COLORADO ENERGY OFFICE, DATED
22 JANUARY 14, 2021, THE TRANSPORTATION SECTOR IS THE SINGLE LARGEST
23 SOURCE OF GREENHOUSE GAS POLLUTION IN COLORADO. NEARLY SIXTY
24 PERCENT OF THE GREENHOUSE GAS EMISSIONS FROM THE
25 TRANSPORTATION SECTOR COME FROM LIGHT-DUTY VEHICLES, WHICH ARE
26 THE MAJORITY OF CARS AND TRUCKS THAT COLORADANS DRIVE EVERY
27 DAY.

1 (s) MOTOR VEHICLE POLLUTION, INCLUDING GREENHOUSE GAS
2 EMISSIONS, DOES NOT STAY WITHIN THE GEOGRAPHIC BOUNDARIES OF THE
3 LOCAL GOVERNMENT WHERE IT IS EMITTED;

4 (t) THE GREENHOUSE GAS TRANSPORTATION PLANNING STANDARD
5 ADOPTED BY THE TRANSPORTATION COMMISSION OF COLORADO IN 2021
6 SET A STATEWIDE TARGET TO REDUCE TRANSPORTATION GREENHOUSE GAS
7 EMISSIONS THROUGH THE TRANSPORTATION PLANNING PROCESS BY ONE
8 MILLION FIVE HUNDRED THOUSAND TONS BY 2030; AND

9 (u) THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
10 HAS CLASSIFIED THE DENVER METRO AND NORTH FRONT RANGE AREA AS
11 BEING IN SEVERE NON-ATTAINMENT FOR OZONE AND GROUND LEVEL
12 OZONE, WHICH HAS SERIOUS IMPACTS ON HUMAN HEALTH, PARTICULARLY
13 FOR VULNERABLE POPULATIONS.

14 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

15 (a) THE CONSEQUENCES OF COMMUNITY OPPOSITION AND LOCAL
16 LAND USE POLICIES THAT LIMIT HOUSING SUPPLY IN TRANSIT-ORIENTED
17 COMMUNITIES IMPACT HOUSING OPTIONS FOR COLORADANS OF LOW AND
18 MODERATE INCOMES AND WORKFORCE HOUSING TO SUPPORT
19 EMPLOYMENT GROWTH. INCREASING HIGHER-DENSITY HOUSING IN
20 TRANSIT-ORIENTED COMMUNITIES ENSURES STABLE QUANTITY AND
21 QUALITY OF HOUSING FOR EVERYONE AND CORRECTS POLICIES THAT
22 PERPETUATE SEGREGATED AND UNEQUAL COMMUNITIES, REDUCED
23 MOBILITY AND LONG COMMUTES, REDUCED OPTIONS FOR OLDER ADULTS
24 TO AGE IN THEIR COMMUNITY OF CHOICE, LOSS OF OPEN SPACE AND
25 AGRICULTURAL LAND, HIGH WATER USAGE, AND INCREASED GREENHOUSE
26 GAS AND AIR POLLUTION.

27 (b) THERE IS AN EXTRATERRITORIAL IMPACT WHEN LOCAL

1 GOVERNMENTS RESTRICT HOUSING DEVELOPMENT WITHIN THEIR
2 JURISDICTIONS. THE CALL FOR JOB GROWTH IN ONE COMMUNITY THAT
3 DOES NOT ALSO ADDRESS THE NEED FOR ADDITIONAL HOUSING AFFECTS
4 THE DEMAND OF HOUSING DEVELOPMENT IN NEIGHBORING JURISDICTIONS.
5 IN COLORADO, THE NUMBER OF JOBS WITHIN LARGE MUNICIPALITIES IS
6 GENERALLY CORRELATED TO THE MUNICIPALITY'S TRANSIT SERVICE, AND
7 RESEARCH HAS SHOWN THAT REGIONAL IMBALANCES BETWEEN JOBS AND
8 HOUSING HAVE A SIGNIFICANT IMPACT ON VEHICLE MILES TRAVELED AND
9 COMMUTE TIMES ACROSS JURISDICTIONS, ACCORDING TO STUDIES SUCH AS
10 "WHICH REDUCES VEHICLE TRAVEL MORE: JOBS-HOUSING BALANCE OR
11 RETAIL-HOUSING MIXING?", PUBLISHED IN THE JOURNAL OF THE
12 AMERICAN PLANNING ASSOCIATION. WHEN PEOPLE ARE UNABLE TO LIVE
13 NEAR WHERE THEY WORK, WORKERS HAVE NO OPTIONS BUT TO SPEND
14 MORE HOURS ON THE ROAD COMMUTING TO AND FROM WORK. THE
15 LONGER COMMUTE INCREASES VEHICLE TRAFFIC AND PUTS ADDITIONAL
16 STRAIN ON COLORADO'S ROADS AND INCREASES POLLUTION.

17 (c) THE AVAILABILITY OF AFFORDABLE HOUSING IS A MATTER OF
18 MIXED STATEWIDE AND LOCAL CONCERN. THEREFORE, IT IS THE INTENT OF
19 THE GENERAL ASSEMBLY IN ENACTING THIS PART 2 TO:

20 (I) PROVIDE FUNDING FOR INFRASTRUCTURE AND AFFORDABLE
21 HOUSING TO SUPPORT LOCAL GOVERNMENTS WHOSE ZONING DOES MEET
22 THE GOALS OF THIS PART 2, AND TO ENCOURAGE MORE DENSE
23 MULTIFAMILY HOUSING DEVELOPMENT PROJECTS THAT CAN ADDRESS THE
24 STATE'S HOUSING SHORTAGE FOR ALL PARTS OF THE INCOME SPECTRUM,
25 AND SUPPORT MORE FISCALLY AND ENVIRONMENTALLY SUSTAINABLE
26 DEVELOPMENT PATTERNS;

27 (II) IMPROVE REGIONAL COLLABORATION AND OUTCOMES BY

1 REDUCING THE ABILITY OF INDIVIDUAL LOCAL GOVERNMENTS' LAND USE
2 RESTRICTIONS TO NEGATIVELY INFLUENCE REGIONAL CONCERNS SUCH AS
3 HOUSING AFFORDABILITY, OPEN SPACE, TRAFFIC, AND AIR POLLUTION; AND

4 (III) COLORADO HAS A LEGITIMATE STATE INTEREST IN MANAGING
5 POPULATION AND DEVELOPMENT GROWTH AND ENSURING STABLE
6 QUALITY AND QUANTITY OF HOUSING FOR COLORADANS; AND

7 (d) COLORADO HAS A LEGITIMATE STATE INTEREST IN MANAGING
8 POPULATION AND DEVELOPMENT GROWTH AND ENSURING STABLE
9 QUALITY AND QUANTITY OF HOUSING FOR COLORADANS AS THIS IS AMONG
10 THE MOST PRESSING PROBLEMS CURRENTLY FACING COMMUNITIES
11 THROUGHOUT COLORADO.

12 (3) THEREFORE, THE GENERAL ASSEMBLY FINDS, DETERMINES, AND
13 DECLARES THAT THE LACK OF HOUSING SUPPLY AND UNSUSTAINABLE
14 DEVELOPMENT PATTERNS REQUIRE A STATEWIDE SOLUTION THAT
15 ADDRESSES LOCAL GOVERNMENT POLICIES THAT EFFECTIVELY LIMIT THE
16 CONSTRUCTION OF A DIVERSE RANGE OF HOUSING TYPES IN AREAS
17 ALREADY SERVED BY INFRASTRUCTURE OR IN CLOSE PROXIMITY TO JOBS
18 AND PUBLIC TRANSIT, ALONG WITH A LACK OF FUNDING FOR
19 INFRASTRUCTURE AND AFFORDABLE HOUSING NEAR TRANSIT-ORIENTED
20 COMMUNITIES.

21 (4) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
22 INCREASING HOUSING IN TRANSIT-ORIENTED COMMUNITIES IS A MATTER
23 OF MIXED STATEWIDE AND LOCAL CONCERN.

24 **29-35-202. Definitions.** AS USED IN THIS PART 2, UNLESS THE
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "AVERAGE ZONED HOUSING DENSITY" MEANS THE AVERAGE
27 NET HOUSING DENSITY ALLOWED IN A ZONING DISTRICT OR DISTRICTS BY

1 LOCAL LAW.

2 (2) "EXEMPT PARCEL" MEANS:

3 (a) A PARCEL THAT, AS OF JANUARY 1, 2024, IS NOT SERVED BY A
4 DOMESTIC WATER AND SEWAGE TREATMENT SYSTEM, AS DEFINED IN
5 SECTION 24-65.1-104 (5);

6 (b) A PARCEL THAT, AS OF JANUARY 1, 2024, IS IN AN
7 AGRICULTURAL, FORESTRY, NATURAL RESOURCE PRESERVATION, OR OPEN
8 SPACE ZONING DISTRICT;

9 (c) A PARCEL THAT, AS OF JANUARY 1, 2024, IS ZONED OR USED
10 PRIMARILY FOR INDUSTRIAL USE, WHICH, FOR PURPOSES OF THIS
11 SUBSECTION (2)(c), MEANS A BUSINESS USE OR ACTIVITY AT A SCALE
12 GREATER THAN HOME INDUSTRY INVOLVING MANUFACTURING,
13 FABRICATION, ASSEMBLY, WAREHOUSING, OR STORAGE;

14 (d) ANY PART OF A PARCEL THAT, AS OF JANUARY 1, 2024, IS IN A
15 FLOODWAY OR IN A ONE HUNDRED-YEAR FLOODPLAIN, AS IDENTIFIED BY
16 THE FEDERAL EMERGENCY MANAGEMENT AGENCY;

17 (e) A PARCEL THAT, AS OF JANUARY 1, 2024, IS USED AS A
18 CEMETERY, AS DEFINED IN SECTION 31-25-701 (2);

19 (f) ANY PART OF A PARCEL THAT, AS OF JANUARY 1, 2024, IS
20 SUBJECT TO A CONSERVATION EASEMENT;

21 (g) A PARCEL OR EASEMENT THAT, AS OF JANUARY 1, 2024, IS
22 OWNED BY, USED AS, OR OPERATED BY AN AIRPORT;

23 (h) A PUBLIC OR RAILROAD RIGHT-OF-WAY THAT EXISTS AS OF
24 JANUARY 1, 2024;

25 (i) A PARCEL THAT, AS OF JANUARY 1, 2024, IS USED AS A MOBILE
26 HOME PARK, AS DEFINED IN SECTION 38-12-201.5 (6);

27 (j) A PARCEL THAT, AS OF JANUARY 1, 2024, IS FEDERAL OR STATE

1 OWNED PROPERTY; OR

2 (k) ANY PART OF A PARCEL THAT, AS OF JANUARY 1, 2024,
3 INCLUDES LAND THAT IS PARK AND OPEN SPACE, AS DEFINED IN SECTION
4 29-7.5-103 (2).

5 (3) "HOUSING OPPORTUNITY GOAL" MEANS A GOAL FOR THE
6 ZONING CAPACITY FOR RESIDENTIAL UNITS IN A TRANSIT-ORIENTED
7 COMMUNITY. A LOCAL GOVERNMENT SHALL CALCULATE ITS HOUSING
8 OPPORTUNITY GOAL PURSUANT TO SECTION 29-35-204 (2).

9 (4) "MIXED-USE PEDESTRIAN-ORIENTED NEIGHBORHOOD" MEANS
10 AN AREA THAT INTEGRATES LAND USE TYPES THAT INCLUDE RESIDENTIAL
11 AND NONRESIDENTIAL USES WITHIN A WALKABLE NEIGHBORHOOD.

12 (5) "NEIGHBORHOOD CENTER" MEANS AN AREA THAT BOTH MEETS
13 THE REQUIREMENTS OF SECTION 29-35-207 AND IS DESIGNATED AS A
14 NEIGHBORHOOD CENTER BY A LOCAL GOVERNMENT IN A METROPOLITAN
15 PLANNING ORGANIZATION.

16 (6) "NET HOUSING DENSITY" MEANS THE NUMBER OF RESIDENTIAL
17 UNITS ALLOWED PER ACRE OF LAND ON PARCELS THAT ALLOW FOR
18 RESIDENTIAL DEVELOPMENT. IN CALCULATING NET HOUSING DENSITY FOR
19 AN AREA, A LOCAL GOVERNMENT SHALL INCORPORATE ANY DIMENSIONAL
20 OR OTHER RESTRICTIONS IN LOCAL LAWS USED TO REGULATE ALLOWED
21 DENSITY IN THE AREA, INCLUDING BUT NOT LIMITED TO RESTRICTIONS
22 RELATED TO UNITS PER ACRE, LOT AREA PER UNIT, LOT COVERAGE, SITE
23 LEVEL OPEN SPACE REQUIREMENTS, FLOOR AREA RATIOS, SETBACKS,
24 MINIMUM PARKING REQUIREMENTS, AND MAXIMUM HEIGHT.

25 (7) (a) "NONQUALIFIED TRANSIT-ORIENTED COMMUNITY" MEANS
26 A TRANSIT-ORIENTED COMMUNITY THAT HAS NOT, AS OF DECEMBER 31,
27 2026, MET ITS HOUSING OPPORTUNITY GOAL PURSUANT TO SECTION

1 29-35-204 (4).

2 (b) WHEN A TRANSIT-ORIENTED COMMUNITY MEETS ITS HOUSING
3 OPPORTUNITY GOAL PURSUANT TO SECTION 29-35-204 (4), A
4 TRANSIT-ORIENTED COMMUNITY IS A "QUALIFIED TRANSIT-ORIENTED
5 COMMUNITY".

6 (8) "QUALIFIED TRANSIT-ORIENTED COMMUNITY" MEANS A
7 TRANSIT-ORIENTED COMMUNITY THAT HAS BOTH MET ITS HOUSING
8 OPPORTUNITY GOAL AND HAD THE DEPARTMENT APPROVE EITHER THE
9 TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL
10 PURSUANT TO SECTION 29-35-204 (8), OR THE TRANSIT-ORIENTED
11 COMMUNITY'S PROGRESS REPORT PURSUANT TO SECTION 29-35-204 (9).

12 (9) "REGULATED AFFORDABLE HOUSING" MEANS AFFORDABLE
13 HOUSING THAT:

14 (a) IS CREATED OR SUPPORTED BY PUBLIC SUBSIDIES, LOCAL
15 INCLUSIONARY ZONING ORDINANCES, DEED RESTRICTIONS, OR OTHER
16 REGULATIONS OR PROGRAMS;

17 (b) RESTRICTS OR LIMITS MAXIMUM RENTAL OR SALE PRICE; AND

18 (c) RESTRICTS RESIDENT INCOME LEVELS TO LOW- TO
19 MODERATE-INCOME HOUSEHOLD LEVELS FOR A SPECIFIED PERIOD.

20 (10) "TRANSIT AREA" MEANS BOTH A TRANSIT STATION AREA, AS
21 DEFINED IN SUBSECTION (14) OF THIS SECTION, OR A TRANSIT CORRIDOR
22 AREA, AS DEFINED IN SUBSECTION (12) OF THIS SECTION.

23 (11) "TRANSIT CENTER" MEANS AN AREA THAT BOTH MEETS THE
24 REQUIREMENTS OF SECTION 29-35-206 AND IS DESIGNATED AS A TRANSIT
25 CENTER BY A TRANSIT-ORIENTED COMMUNITY.

26 (12) "TRANSIT CORRIDOR AREA" MEANS THE TOTAL AREA,
27 MEASURED IN ACRES, WITHIN A TRANSIT-ORIENTED COMMUNITY THAT IS

1 WITHIN ONE-QUARTER MILE OF A PUBLIC BUS ROUTE AND THAT EITHER:

2 (a) HAS A SCHEDULED FREQUENCY OF FIFTEEN MINUTES OR LESS
3 DURING THE HIGHEST FREQUENCY SERVICE HOURS; OR

4 (b) IS AN URBAN BUS RAPID TRANSIT SERVICE.

5 (13) "TRANSIT-ORIENTED COMMUNITY" MEANS A LOCAL
6 GOVERNMENT THAT:

7 (a) IS EITHER ENTIRELY OR PARTIALLY WITHIN A METROPOLITAN
8 PLANNING ORGANIZATION;

9 (b) HAS A POPULATION OF FOUR THOUSAND OR MORE ACCORDING
10 TO THE MOST RECENT DATA FROM THE STATE DEMOGRAPHY OFFICE;

11 (c) CONTAINS AT LEAST SEVENTY-FIVE ACRES OF TRANSIT AREA;

12 AND

13 (d) IF THE LOCAL GOVERNMENT IS A COUNTY, CONTAINS EITHER:

14 (I) A PART OF A TRANSIT STATION AREA THAT IS BOTH IN AN
15 UNINCORPORATED PART OF THE COUNTY AND WITHIN ONE-HALF MILE OF
16 A TRANSIT STATION THAT SERVES ONE OR BOTH OF A COMMUTER RAIL OR
17 A LIGHT RAIL SERVICE; OR

18 (II) A PART OF A TRANSIT CORRIDOR AREA THAT IS BOTH IN AN
19 UNINCORPORATED PART OF THE COUNTY AND FULLY SURROUNDED BY ONE
20 OR MORE MUNICIPALITIES.

21 (14) "TRANSIT STATION AREA" MEANS THE TOTAL AREA,
22 MEASURED IN ACRES, WITHIN A TRANSIT-ORIENTED COMMUNITY THAT IS
23 WITHIN ONE-HALF MILE OF A STATION THAT SERVES ONE OR MORE OF THE
24 FOLLOWING:

25 (a) COMMUTER BUS RAPID TRANSIT SERVICE;

26 (b) COMMUTER RAIL;

27 (c) LIGHT RAIL; OR

1 (d) A PUBLIC BUS ROUTE THAT HAS A SCHEDULED FREQUENCY OF
2 FIFTEEN MINUTES OR LESS DURING THE HIGHEST FREQUENCY SERVICE
3 HOURS AND OPERATES PRIMARILY ON AN INTERSTATE HIGHWAY.

4 (15) "ZONING CAPACITY" MEANS THE TOTAL NUMBER OF HOUSING
5 UNITS ALLOWED IN AN AREA, AS LIMITED BY THE RESTRICTIONS IN LOCAL
6 LAW THAT REGULATE DENSITY IN THAT AREA, INCLUDING BUT NOT
7 LIMITED TO RESTRICTIONS RELATED TO UNITS PER ACRE, LOT AREA PER
8 UNIT, LOT COVERAGE, SITE LEVEL OPEN SPACE REQUIREMENTS, FLOOR
9 AREA RATIOS, SETBACKS, MINIMUM PARKING REQUIREMENTS, AND
10 MAXIMUM HEIGHT.

11 **29-35-203. Department of local affairs collaboration.** AS
12 DETERMINED TO BE APPROPRIATE BY THE EXECUTIVE DIRECTOR OF THE
13 DEPARTMENT, THE DEPARTMENT SHALL COLLABORATE WITH THE
14 DEPARTMENT OF TRANSPORTATION AND THE COLORADO ENERGY OFFICE
15 IN FULFILLING THE REQUIREMENTS OF THIS PART 2.

16 **29-35-204. Transit-oriented community housing opportunity**
17 **goal calculation - preliminary transit-oriented community assessment**
18 **report - housing opportunity goal compliance - insufficient water**
19 **supplies for meeting a housing opportunity goal - affordability and**
20 **displacement mitigation strategies - housing opportunity goal report**
21 **- legislative declaration. (1) Legislative declaration.** THE GENERAL
22 ASSEMBLY HEREBY FINDS AND DECLARES THAT:

23 (a) TRANSIT RIDERSHIP, LAND USE DEVELOPMENT PATTERNS,
24 AFFORDABILITY AND AVAILABILITY OF HOUSING, ROADS, AND
25 GREENHOUSE GAS EMISSIONS FROM THE TRANSPORTATION SECTOR ARE
26 INTERCONNECTED ISSUES THAT HAVE IMPACTS AND CONCERNS WELL
27 BEYOND THE BORDERS OF A SINGLE LOCAL COMMUNITY;

1 (b) COLORADO HAS AN INTEREST IN ENSURING A STABLE QUANTITY
2 AND QUALITY OF HOUSING IN ALIGNMENT WITH POPULATION GROWTH AND
3 ENSURING THAT SHARED RESOURCES, INVESTMENTS, AND GOALS SUCH AS
4 ROADS, INFRASTRUCTURE, TRANSIT, AIR QUALITY, WATER, AND
5 GREENHOUSE GAS MITIGATION, ARE PROTECTED IN THE PROCESS; AND

6 (c) INCREASING HOUSING DENSITY IN TRANSIT-ORIENTED
7 COMMUNITIES IS A MATTER OF MIXED STATEWIDE AND LOCAL CONCERN
8 THAT REQUIRES STATEWIDE COOPERATION.

9 (2) **Housing opportunity goal calculation.** (a) A
10 TRANSIT-ORIENTED COMMUNITY SHALL CALCULATE ITS HOUSING
11 OPPORTUNITY GOAL BY MULTIPLYING THE TOTAL AREA OF THE TRANSIT
12 AREAS WITHIN THE LOCAL GOVERNMENT'S JURISDICTION, EXCLUSIVE OF
13 THE EXEMPT PARCELS IN THOSE TRANSIT AREAS, BY AN AVERAGE ZONED
14 HOUSING DENSITY OF FORTY UNITS PER ACRE.

15 (b) IN DETERMINING WHETHER A PARCEL QUALIFIES AS AN EXEMPT
16 PARCEL FOR THE PURPOSE OF CALCULATING ITS HOUSING OPPORTUNITY
17 GOAL, A TRANSIT-ORIENTED COMMUNITY SHALL INTERPRET INFORMATION
18 INFORMING ITS DETERMINATION IN A MANNER THAT RESULTS IN
19 DETERMINING THAT THE SMALLEST AREA OF PARCELS AS REASONABLY
20 POSSIBLE ARE EXEMPT PARCELS.

21 (3) **Preliminary transit-oriented community assessment report.**

22 (a) ON OR BEFORE JANUARY 31, 2025, A TRANSIT-ORIENTED COMMUNITY
23 SHALL, IN A FORM AND MANNER DETERMINED BY THE DEPARTMENT,
24 SUBMIT A PRELIMINARY TRANSIT-ORIENTED COMMUNITY ASSESSMENT
25 REPORT THAT INCLUDES:

26 (I) THE TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY
27 GOAL AND THE DATA AND METHOD THE TRANSIT-ORIENTED COMMUNITY

1 USED TO CALCULATE ITS HOUSING OPPORTUNITY GOAL; AND

2 (II) A MAP OF EXISTING ZONING DISTRICTS WITHIN THE
3 TRANSIT-ORIENTED COMMUNITY THAT MAY QUALIFY AS TRANSIT CENTERS
4 AND PRELIMINARY EVIDENCE FOR THIS QUALIFICATION INCLUDING THE
5 STANDARDS APPLICABLE TO THESE ZONING DISTRICTS.

6 (b) THE DEPARTMENT SHALL REVIEW A PRELIMINARY
7 TRANSIT-ORIENTED COMMUNITY ASSESSMENT REPORT SUBMITTED BY A
8 TRANSIT-ORIENTED COMMUNITY PURSUANT TO THIS SUBSECTION (3) AND
9 EITHER PROVIDE WRITTEN NOTICE APPROVING THE REPORT OR PROVIDE
10 DIRECTION FOR AMENDING AND RESUBMITTING THE REPORT.

11 (4) **Housing opportunity goal compliance.** (a) IF A
12 TRANSIT-ORIENTED COMMUNITY DOES NOT MEET ITS HOUSING
13 OPPORTUNITY GOAL ON OR BEFORE DECEMBER 31, 2026, THE
14 DEPARTMENT SHALL DESIGNATE THE TRANSIT-ORIENTED COMMUNITY AS
15 A NONQUALIFIED TRANSIT-ORIENTED COMMUNITY.

16 (b) ON OR BEFORE DECEMBER 31, 2027, A TRANSIT-ORIENTED
17 COMMUNITY SHALL MEET ITS HOUSING OPPORTUNITY GOAL.

18 (c) TO ENSURE THAT A TRANSIT-ORIENTED COMMUNITY MEETS ITS
19 HOUSING OPPORTUNITY GOAL, A TRANSIT-ORIENTED COMMUNITY SHALL:

20 (I) DESIGNATE AREAS WITHIN THE TRANSIT-ORIENTED COMMUNITY
21 AS TRANSIT CENTERS AND ENSURE THAT THOSE AREAS SATISFY THE
22 REQUIREMENTS IN SECTION 29-35-206;

23 (II) ENSURE THAT THE TOTAL ZONING CAPACITY FOR ALL TRANSIT
24 CENTERS WITHIN THE TRANSIT-ORIENTED COMMUNITY IS GREATER THAN
25 OR EQUAL TO THE TRANSIT-ORIENTED COMMUNITY'S HOUSING
26 OPPORTUNITY GOAL; AND

27 (III) SUBMIT A HOUSING OPPORTUNITY GOAL REPORT AND HAVE

1 THE REPORT APPROVED BY THE DEPARTMENT PURSUANT TO SUBSECTION
2 (8) OF THIS SECTION.

3 (5) **Insufficient water supplies for meeting a housing**
4 **opportunity goal.** (a) ON OR BEFORE DECEMBER 31, 2026, AND EVERY
5 THREE YEARS THEREAFTER, A TRANSIT-ORIENTED COMMUNITY MAY
6 NOTIFY THE DEPARTMENT, IN A FORM AND MANNER DETERMINED BY THE
7 DEPARTMENT, THAT A WATER SUPPLY ENTITY, AS DEFINED IN SECTION
8 29-20-302 (2), THAT SUPPLIES WATER TO AN AREA WITHIN THE
9 TRANSIT-ORIENTED COMMUNITY HAS DETERMINED THAT THE WATER
10 SUPPLY ENTITY DOES NOT HAVE SUFFICIENT AVAILABLE WATER SUPPLIES
11 DURING THE MOST RECENT THREE-YEAR PERIOD TO PROVIDE THE
12 DOMESTIC WATER SERVICE NECESSARY TO MEET THE TRANSIT-ORIENTED
13 COMMUNITY'S HOUSING OPPORTUNITY GOAL IN THAT AREA. THE WATER
14 SUPPLY ENTITY SHALL PROVIDE INFORMATION AND ASSISTANCE AS
15 NECESSARY TO COMPLETE THE NOTICE ALLOWED BY THIS SUBSECTION (5).
16 THE NOTICE ALLOWED BY THIS SUBSECTION (5) MUST INCLUDE, BUT IS NOT
17 LIMITED TO:

18 (I) AN ANALYSIS OF THE WATER SUPPLY ENTITY'S ABILITY TO
19 ADOPT A PREFERENCE POLICY FOR WATER SUPPLY ALLOCATIONS FOR
20 REGULATED AFFORDABLE HOUSING AND MULTIFAMILY HOUSING WITHIN
21 TRANSIT CENTERS IN THE TRANSIT-ORIENTED COMMUNITY THAT
22 INCORPORATES WATER USAGE DATA FOR DIFFERENT HOUSING TYPES;

23 (II) AN ANALYSIS OF THE DIFFERENCE BETWEEN:

24 (A) AN ESTIMATE OF THE AMOUNT OF HOUSING IN THE TRANSIT
25 CENTERS THAT THE WATER SUPPLY ENTITY PROVIDES WATER SERVICES TO
26 AS OF JANUARY 1, 2024; AND

27 (B) THE ZONING CAPACITY THAT EXISTS IN THE TRANSIT CENTERS

1 THAT THE WATER SUPPLY ENTITY PROVIDES, OR IS COMMITTED TO
2 PROVIDE, WATER SERVICE TO AS OF JANUARY 1, 2024;

3 (III) AN ANALYSIS OF PROJECTED HOUSING AND POPULATION
4 GROWTH FROM THE STATE DEMOGRAPHY OFFICE OR RELEVANT
5 METROPOLITAN PLANNING ORGANIZATION IN THE AREA WITHIN THE
6 TRANSIT-ORIENTED COMMUNITY THAT THE WATER SUPPLY ENTITY
7 PROVIDES DOMESTIC WATER SERVICES TO;

8 (IV) (A) A COMPARISON OF THE ANALYSES IN SUBSECTIONS
9 (5)(a)(II), AND (5)(a)(III) OF THIS SECTION AND AN APPLICATION OF THESE
10 ANALYSES TO THE ESTIMATED WATER NEEDED TO SUPPLY DOMESTIC
11 WATER SERVICE FOR THE TRANSIT CENTERS THAT THE WATER SUPPLY
12 ENTITY CURRENTLY PROVIDES WATER SERVICES TO FOR THE
13 TRANSIT-ORIENTED COMMUNITY TO MEET ITS HOUSING OPPORTUNITY
14 GOAL; AND

15 (B) ANY DATA, PROFESSIONAL OPINIONS, OR OTHER INFORMATION
16 USED TO CREATE THE ANALYSIS IN THIS SUBSECTION (5)(a)(IV);

17 (V) DOCUMENTATION DEMONSTRATING BOTH AN UP-TO-DATE
18 WATER SUPPLY PLAN THAT COMPLIES WITH SECTION 29-20-304 (3) AND AN
19 UP-TO-DATE WATER EFFICIENCY PLAN THAT COMPLIES WITH SECTION
20 37-60-126 (1) THROUGH (5);

21 (VI) A PROPOSAL THAT MAY INCLUDE:

22 (A) A REQUEST FOR AN AMOUNT OF ADDITIONAL TIME FOR THE
23 TRANSIT-ORIENTED COMMUNITY TO MEET ITS HOUSING OPPORTUNITY
24 GOAL IN A MANNER THAT WILL ALLOW THE WATER SUPPLY ENTITY TO
25 PROVIDE THE NECESSARY DOMESTIC WATER SERVICES; AND

26 (B) AN ACTION PLAN BASED ON THE ANALYSES IN SUBSECTIONS
27 (5)(a)(I) THROUGH (5)(a)(IV) OF THIS SECTION.

1 (b) UPON RECEIVING THE NOTICE DESCRIBED IN SUBSECTION (5)(a)
2 OF THIS SECTION, THE DEPARTMENT SHALL REVIEW THE NOTICE AND
3 DETERMINE WHETHER TO ACCEPT, PROVIDE COMMENT ON, OR DENY THE
4 PROPOSAL DESCRIBED IN SUBSECTION (5)(a)(VI) OF THIS SECTION.

5 (6) **Affordability strategies.** (a) ON OR BEFORE DECEMBER 31,
6 2026, A TRANSIT-ORIENTED COMMUNITY SHALL IDENTIFY AFFORDABILITY
7 STRATEGIES THAT IT WILL IMPLEMENT WHILE MEETING ITS HOUSING
8 OPPORTUNITY GOAL. IN SO DOING, THE TRANSIT-ORIENTED COMMUNITY
9 SHALL IDENTIFY AFFORDABILITY STRATEGIES BASED ON THE
10 DEMONSTRATED HOUSING NEEDS WITHIN THE TRANSIT-ORIENTED
11 COMMUNITY INCLUDING FOR-SALE AND RENTAL HOUSING NEEDS AND THE
12 HOUSING NEEDS OF LOW-, MODERATE-, AND MEDIUM-INCOME
13 HOUSEHOLDS, AS DESIGNATED BY THE UNITED STATES DEPARTMENT OF
14 HOUSING AND URBAN DEVELOPMENT.

15 (b) (I) ON OR BEFORE DECEMBER 31, 2026, A TRANSIT-ORIENTED
16 COMMUNITY SHALL INCLUDE THE FOLLOWING IN ITS HOUSING
17 OPPORTUNITY GOAL REPORT SUBMITTED PURSUANT TO SUBSECTION
18 (8)(a)(IV) OF THIS SECTION:

19 (A) AT LEAST TWO STRATEGIES INCLUDED IN THE STANDARD
20 AFFORDABILITY STRATEGIES MENU DESCRIBED IN SECTION 29-35-209 (1)
21 THAT THE TRANSIT-ORIENTED COMMUNITY IDENTIFIED PURSUANT TO
22 SUBSECTION (6)(a) OF THIS SECTION AND INTENDS TO IMPLEMENT;

23 (B) AT LEAST ONE STRATEGY INCLUDED IN THE LONG-TERM
24 AFFORDABILITY STRATEGIES MENU DESCRIBED IN SECTION 29-35-209 (2)
25 THAT THE TRANSIT-ORIENTED COMMUNITY IDENTIFIED PURSUANT TO
26 SUBSECTION (6)(a) OF THIS SECTION AND INTENDS TO IMPLEMENT; AND

27 (C) AN IMPLEMENTATION PLAN DESCRIBING HOW THE

1 TRANSIT-ORIENTED COMMUNITY HAS OR WILL IMPLEMENT THE
2 AFFORDABILITY STRATEGIES IDENTIFIED PURSUANT TO SUBSECTIONS
3 (6)(b)(I)(A) AND (6)(b)(I)(B) OF THIS SECTION.

4 (II) FOR PURPOSES OF SATISFYING THE REQUIREMENTS OF THIS
5 SUBSECTION (6)(b), A TRANSIT-ORIENTED COMMUNITY SHALL NOT:

6 (A) COUNT ONE OR BOTH OF THE STRATEGIES DESCRIBED IN
7 SECTIONS 29-35-209 (1)(e) AND 29-35-209 (2)(c) TOWARDS SATISFYING
8 THE REQUIREMENTS OF BOTH SUBSECTIONS (6)(b)(I)(A) AND (6)(b)(I)(B)
9 OF THIS SECTION; OR

10 (B) COUNT ANY STRATEGY DESCRIBED IN SECTION 29-35-209 THAT
11 IS OTHERWISE REQUIRED BY STATE LAW.

12 (7) **Displacement mitigation strategies.** ON OR BEFORE
13 DECEMBER 31, 2026, A TRANSIT-ORIENTED COMMUNITY SHALL INCLUDE
14 THE FOLLOWING IN ITS HOUSING OPPORTUNITY GOAL REPORT, PURSUANT
15 TO SUBSECTION (8)(a)(V) OF THIS SECTION:

16 (a) ANY DISPLACEMENT MITIGATION STRATEGIES THAT THE
17 TRANSIT-ORIENTED COMMUNITY HAS ADOPTED OR WILL ADOPT FROM THE
18 DISPLACEMENT MITIGATION STRATEGIES MENU DEVELOPED BY THE
19 DEPARTMENT PURSUANT TO SECTION 29-35-210 (2) TO MITIGATE
20 DISPLACEMENT RISKS WHILE MEETING ITS HOUSING OPPORTUNITY GOAL;
21 AND

22 (b) AN IMPLEMENTATION PLAN DESCRIBING HOW THE
23 TRANSIT-ORIENTED COMMUNITY WILL IMPLEMENT THE DISPLACEMENT
24 MITIGATION STRATEGIES IT IDENTIFIES PURSUANT TO SUBSECTION (7)(a)
25 OF THIS SECTION.

26 (8) **Housing opportunity goal report.** (a) ON OR BEFORE
27 DECEMBER 31, 2026, A TRANSIT-ORIENTED COMMUNITY SHALL SUBMIT A

1 HOUSING OPPORTUNITY GOAL REPORT TO THE DEPARTMENT IN A FORM
2 AND MANNER DETERMINED BY THE DEPARTMENT. THE REPORT MUST
3 INCLUDE THE FOLLOWING, ALONG WITH ANY OTHER ELEMENTS IDENTIFIED
4 BY THE DEPARTMENT:

5 (I) THE TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY
6 GOAL;

7 (II) EVIDENCE THAT THE TRANSIT-ORIENTED COMMUNITY HAS MET
8 ITS HOUSING OPPORTUNITY GOAL PURSUANT TO SUBSECTION (4)(c) OF THIS
9 SECTION;

10 (III) A MAP THAT IDENTIFIES THE BOUNDARIES OF ANY TRANSIT
11 CENTERS WITHIN THE TRANSIT-ORIENTED COMMUNITY AND EVIDENCE
12 THAT THOSE AREAS SATISFY THE REQUIREMENTS IN SECTION 29-35-206;

13 (IV) AFFORDABILITY STRATEGIES PURSUANT TO SUBSECTION
14 (6)(b)(I)(A) AND (6)(b)(I)(B) OF THIS SECTION AND THE IMPLEMENTATION
15 PLAN DESCRIBED PURSUANT TO SUBSECTION (6)(b)(I)(C) OF THIS SECTION;

16 (V) DISPLACEMENT MITIGATION STRATEGIES PURSUANT TO
17 SUBSECTION (7)(a) OF THIS SECTION AND THE IMPLEMENTATION PLAN
18 DESCRIBED PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION; AND

19 (VI) IF APPLICABLE, AND IF THE TRANSIT-ORIENTED COMMUNITY
20 SO CHOOSES, EVIDENCE THAT THE TRANSIT-ORIENTED COMMUNITY HAS
21 SATISFIED THE REQUIREMENTS OF SUBSECTION (5) OF THIS SECTION.

22 (b) THE DEPARTMENT SHALL REVIEW A HOUSING OPPORTUNITY
23 GOAL REPORT SUBMITTED BY A TRANSIT-ORIENTED COMMUNITY
24 PURSUANT TO SUBSECTION (8)(a) OF THIS SECTION AND PROVIDE WRITTEN
25 NOTICE THAT EITHER:

26 (I) APPROVES THE REPORT AND AFFIRMS THAT THE
27 TRANSIT-ORIENTED COMMUNITY HAS SATISFIED THE RELEVANT

1 REQUIREMENTS OF THIS SECTION AND IS THEREFORE CONSIDERED A
2 QUALIFIED TRANSIT-ORIENTED COMMUNITY; OR

3 (II) PROVIDES DIRECTION FOR AMENDING AND RESUBMITTING THE
4 REPORT AND REQUIRES THAT THE TRANSIT-ORIENTED COMMUNITY
5 RESUBMIT THE REPORT WITHIN NINETY DAYS OF RECEIVING THE WRITTEN
6 NOTICE.

7 (c) (I) IF A TRANSIT-ORIENTED COMMUNITY FAILS TO SUBMIT A
8 HOUSING OPPORTUNITY GOAL REPORT TO THE DEPARTMENT PURSUANT TO
9 SUBSECTION (8)(a) OF THIS SECTION OR FAILS TO SUBMIT AN AMENDED
10 HOUSING OPPORTUNITY GOAL REPORT PURSUANT TO SUBSECTION (8)(b)(II)
11 OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE
12 TRANSIT-ORIENTED COMMUNITY WRITTEN NOTICE STATING THAT THE
13 TRANSIT-ORIENTED COMMUNITY WILL BE DEEMED A NONQUALIFIED
14 TRANSIT-ORIENTED COMMUNITY UNLESS THE TRANSIT-ORIENTED
15 COMMUNITY SUBMITS A HOUSING OPPORTUNITY GOAL REPORT OR AN
16 AMENDED HOUSING OPPORTUNITY GOAL REPORT TO THE DEPARTMENT
17 WITHIN NINETY DAYS OF RECEIVING THE NOTICE.

18 (II) IF A TRANSIT-ORIENTED COMMUNITY DOES NOT SUBMIT A
19 HOUSING OPPORTUNITY GOAL REPORT OR AN AMENDED HOUSING
20 OPPORTUNITY GOAL REPORT WITHIN NINETY DAYS OF RECEIVING THE
21 WRITTEN NOTICE DESCRIBED IN SUBSECTION (8)(c)(I) OF THIS SECTION,
22 THE DEPARTMENT SHALL PROVIDE THE TRANSIT-ORIENTED COMMUNITY
23 WRITTEN NOTICE THAT IT IS A NONQUALIFIED TRANSIT-ORIENTED
24 COMMUNITY.

25 (III) IF THE DEPARTMENT HAS NOT APPROVED A
26 TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL REPORT
27 ON OR BEFORE DECEMBER 31, 2027, THE TRANSIT-ORIENTED COMMUNITY

1 IS IN NON-COMPLIANCE WITH THIS PART 2, AND THE DEPARTMENT MAY
2 SEEK AN INJUNCTION FROM A DISTRICT COURT REQUIRING THE
3 TRANSIT-ORIENTED COMMUNITY TO COMPLY WITH THE REQUIREMENTS OF
4 THIS PART 2.

5 (9) **Progress report.** (a) EVERY THREE YEARS AFTER SUBMITTING
6 A HOUSING OPPORTUNITY GOAL REPORT PURSUANT TO SUBSECTION (8)(a)
7 OF THIS SECTION, A TRANSIT-ORIENTED COMMUNITY SHALL SUBMIT A
8 PROGRESS REPORT TO THE DEPARTMENT IN A FORM AND MANNER
9 DETERMINED BY THE DEPARTMENT THAT:

10 (I) CONFIRMS THAT THE TRANSIT-ORIENTED COMMUNITY'S
11 HOUSING OPPORTUNITY GOAL AS DETERMINED PURSUANT TO SUBSECTION
12 (2) OF THIS SECTION IS STILL BEING MET;

13 (II) INCLUDES ANY UPDATED INFORMATION ABOUT THE ELEMENTS
14 OF THE TRANSIT-ORIENTED COMMUNITY'S HOUSING OPPORTUNITY GOAL
15 REPORT REQUIRED PURSUANT TO SUBSECTIONS (8)(a)(II) THROUGH
16 (8)(a)(VI) OF THIS SECTION; AND

17 (III) PROVIDES DATA REGARDING RESIDENTIAL AND MIXED-USE
18 RESIDENTIAL DEVELOPMENT PROJECTS BUILT IN THE TRANSIT-ORIENTED
19 COMMUNITY AND WITHIN TRANSIT CENTERS IN THE PREVIOUS THREE
20 YEARS, INCLUDING FOR EACH DEVELOPMENT THE NUMBER OF HOUSING
21 UNITS BUILT, THE NUMBER OF REGULATED AFFORDABLE HOUSING UNITS
22 BUILT, AND THE NET HOUSING DENSITY.

23 (b) THE DEPARTMENT SHALL REVIEW A PROGRESS REPORT
24 SUBMITTED BY A TRANSIT-ORIENTED COMMUNITY PURSUANT TO
25 SUBSECTION (9)(a) OF THIS SECTION AND PROVIDE WRITTEN NOTICE THAT
26 EITHER:

27 (I) APPROVES THE REPORT AND AFFIRMS THAT THE

1 TRANSIT-ORIENTED COMMUNITY HAS SATISFIED THE RELEVANT
2 REQUIREMENTS OF THIS SECTION AND IS THEREFORE CONSIDERED A
3 QUALIFIED TRANSIT-ORIENTED COMMUNITY; OR

4 (II) PROVIDES DIRECTION FOR AMENDING AND RESUBMITTING THE
5 REPORT AND REQUIRES THAT THE TRANSIT-ORIENTED COMMUNITY
6 RESUBMIT THE REPORT WITHIN NINETY DAYS OF RECEIVING THE WRITTEN
7 NOTICE.

8 (c) (I) IF A TRANSIT-ORIENTED COMMUNITY FAILS TO SUBMIT A
9 PROGRESS REPORT TO THE DEPARTMENT PURSUANT TO SUBSECTION (9)(a)
10 OF THIS SECTION OR FAILS TO SUBMIT AN AMENDED PROGRESS REPORT
11 PURSUANT TO SUBSECTION (9)(b)(II) OF THIS SECTION, THE DEPARTMENT
12 SHALL PROVIDE THE TRANSIT-ORIENTED COMMUNITY WRITTEN NOTICE
13 STATING THAT THE TRANSIT-ORIENTED COMMUNITY WILL BE DEEMED A
14 NONQUALIFIED TRANSIT-ORIENTED COMMUNITY UNLESS THE
15 TRANSIT-ORIENTED COMMUNITY SUBMITS A PROGRESS REPORT OR AN
16 AMENDED PROGRESS REPORT TO THE DEPARTMENT WITHIN NINETY DAYS
17 OF RECEIVING THE NOTICE.

18 (II) IF A TRANSIT-ORIENTED COMMUNITY DOES NOT SUBMIT A
19 PROGRESS REPORT OR AN AMENDED PROGRESS REPORT WITHIN NINETY
20 DAYS OF RECEIVING THE WRITTEN NOTICE DESCRIBED IN SUBSECTION
21 (9)(c)(I) OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE THE
22 TRANSIT-ORIENTED COMMUNITY WRITTEN NOTICE THAT IT IS A
23 NONQUALIFIED TRANSIT-ORIENTED COMMUNITY.

24 **29-35-205. Nonqualified transit-oriented communities**
25 **reporting - highway users tax fund allocation.** (1) ON OR AFTER
26 DECEMBER 31, 2026, AND EVERY MONTH THEREAFTER DURING WHICH A
27 LOCAL GOVERNMENT FIRST QUALIFIES AS EITHER A QUALIFIED

1 TRANSIT-ORIENTED COMMUNITY OR A NONQUALIFIED TRANSIT-ORIENTED
2 COMMUNITY, THE DEPARTMENT SHALL PROVIDE THE STATE TREASURER
3 WITH A LIST OF LOCAL GOVERNMENTS THAT ARE NONQUALIFIED
4 TRANSIT-ORIENTED COMMUNITIES.

5 (2) NOTWITHSTANDING ANY LAW TO THE CONTRARY, BEGINNING
6 DECEMBER 31, 2026, AND EVERY MONTH THEREAFTER, THE STATE
7 TREASURER SHALL TRANSFER TO THE TRANSIT-ORIENTED COMMUNITIES
8 HIGHWAY USERS TAX ACCOUNT CREATED IN SECTION 29-35-211 (8)(b),
9 INSTEAD OF TO THE LOCAL GOVERNMENT ANY MONEY THAT A LOCAL
10 GOVERNMENT THAT IS ON THE MOST RECENT LIST PROVIDED TO THE STATE
11 TREASURER, PURSUANT TO SUBSECTION (1) OF THIS SECTION, WOULD
12 OTHERWISE HAVE BEEN ALLOCATED FROM THE HIGHWAY USERS TAX FUND
13 PURSUANT TO SECTIONS 43-4-205 AND 43-4-207 OR SECTIONS 43-4-205
14 AND 43-4-208.

15 (3) (a) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, THE
16 DEPARTMENT MAY NOT EXPEND MONEY FROM THE TRANSIT-ORIENTED
17 COMMUNITIES HIGHWAY USERS TAX ACCOUNT CREATED IN SECTION
18 29-35-211 (8)(b) THAT IS ATTRIBUTABLE TO A SPECIFIC NONQUALIFIED
19 TRANSIT-ORIENTED COMMUNITY'S INCLUSION IN THE LIST DESCRIBED IN
20 SUBSECTION (1) OF THIS SECTION UNTIL ONE HUNDRED EIGHTY DAYS
21 AFTER THE NONQUALIFIED TRANSIT-ORIENTED COMMUNITY HAS FIRST
22 APPEARED ON THE LIST.

23 (b) IF A LOCAL GOVERNMENT IS NO LONGER A NONQUALIFIED
24 TRANSIT-ORIENTED COMMUNITY WITHIN ONE HUNDRED EIGHTY DAYS
25 AFTER THE NONQUALIFIED LOCAL GOVERNMENT FIRST APPEARS ON THE
26 LIST DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE STATE
27 TREASURER SHALL ISSUE A WARRANT TO THAT LOCAL GOVERNMENT

1 EQUAL TO THE AMOUNT OF MONEY IN THE TRANSIT-ORIENTED
2 COMMUNITIES HIGHWAY USERS TAX ACCOUNT CREATED IN SECTION
3 29-35-211 (8)(b) THAT IS ATTRIBUTABLE TO THE LOCAL GOVERNMENT'S
4 INCLUSION ON THE LIST DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

5 **29-35-206. Criteria for qualification as a transit center -**
6 **criteria for qualification as a transit center outside of a transit area.**

7 (1) TO DESIGNATE AN AREA AS A TRANSIT CENTER, A TRANSIT-ORIENTED
8 COMMUNITY SHALL:

9 (a) ENSURE THAT THE AREA IS COMPOSED SOLELY OF ZONING
10 DISTRICTS THAT UNIFORMLY ALLOW A NET HOUSING DENSITY OF AT LEAST
11 FIFTEEN UNITS PER ACRE WITH NO PARCEL OR ZONING DISTRICT BEING
12 COUNTED AS ALLOWING A NET HOUSING DENSITY OF MORE THAN THREE
13 HUNDRED UNITS PER ACRE;

14 (b) IDENTIFY A NET HOUSING DENSITY ALLOWED FOR THE AREA OR
15 FOR SUBDISTRICTS WITHIN THE AREA. THE IDENTIFIED NET HOUSING
16 DENSITY MUST:

17 (I) INCORPORATE ANY DIMENSIONAL OR OTHER RESTRICTIONS IN
18 LOCAL LAWS USED TO REGULATE DENSITY IN THE AREA, INCLUDING BUT
19 NOT LIMITED TO RESTRICTIONS RELATED TO UNITS PER ACRE, LOT AREA
20 PER UNIT, LOT COVERAGE, SITE LEVEL OPEN SPACE REQUIREMENTS, FLOOR
21 AREA RATIOS, SETBACKS, MINIMUM PARKING REQUIREMENTS, AND
22 MAXIMUM HEIGHT;

23 (II) ASSUME MINIMUM PARKING REQUIREMENTS ARE MET WITH
24 SURFACE PARKING, UNLESS MINIMUM PARKING REQUIREMENTS ARE LESS
25 THAN SEVEN-TENTHS PER DWELLING UNIT; AND

26 (III) ASSUME AN AVERAGE HOUSING UNIT SIZE THAT IS
27 REPRESENTATIVE OF THE AVERAGE MULTIFAMILY HOUSING IN THE

1 JURISDICTION;

2 (c) EXCLUDE ANY AREA WHERE LOCAL LAW EXCLUSIVELY
3 RESTRICTS HOUSING OCCUPANCY BASED ON AGE OR OTHER FACTORS;

4 (d) ESTABLISH AN ADMINISTRATIVE APPROVAL PROCESS FOR
5 MULTIFAMILY RESIDENTIAL DEVELOPMENT ON PARCELS IN THE AREA THAT
6 ARE NO MORE THAN FIVE ACRES IN SIZE. FOR MULTIFAMILY RESIDENTIAL
7 DEVELOPMENT APPLICATIONS ON PARCELS GREATER THAN FIVE ACRES IN
8 SIZE, A TRANSIT-ORIENTED COMMUNITY SHALL IDENTIFY A TARGET NET
9 HOUSING DENSITY FOR THE PARCELS TO COUNT THE PARCELS AS PART OF
10 THE TRANSIT CENTER THAT COVERS THE AREA. THIS SUBSECTION (1)(d)
11 DOES NOT PREVENT THE ESTABLISHMENT OF DEVELOPER AGREEMENTS
12 BETWEEN THE LOCAL GOVERNMENT AND DEVELOPERS.

13 (e) ENSURE THAT THE AREA IS LOCATED WHOLLY OR PARTIALLY
14 WITHIN A TRANSIT AREA, AND THAT THE DESIGNATED TRANSIT CENTER IS
15 COMPRISED OF PARCELS THAT ARE CONTIGUOUS AND DOES NOT EXTEND
16 MORE THAN ONE-QUARTER MILE FROM THE EDGE OF THE TRANSIT AREA.

17 (2) NOTWITHSTANDING SUBSECTION (1)(e) OF THIS SECTION, A
18 TRANSIT-ORIENTED COMMUNITY MAY DESIGNATE AN AREA AS A TRANSIT
19 CENTER BEYOND WHAT IS ALLOWED PURSUANT TO SUBSECTION (1)(e) OF
20 THIS SECTION, BY FILING A REQUEST WITH THE DEPARTMENT, IN A FORM
21 AND MANNER DETERMINED BY THE DEPARTMENT, DEMONSTRATING THAT:

22 (a) WITHIN THE TRANSIT AREAS IN THE TRANSIT-ORIENTED
23 COMMUNITY:

24 (I) THE AREA PROPOSED FOR DESIGNATION AS A TRANSIT CENTER
25 HAS A REASONABLE OPPORTUNITY TO PROVIDE ADEQUATE
26 INFRASTRUCTURE TO SERVE MULTIFAMILY HOUSING;

27 (II) THE TRANSIT-ORIENTED COMMUNITY HAS ADOPTED A PLAN TO

1 INVEST IN AND EXPAND INFRASTRUCTURE TO SERVE MULTIFAMILY
2 HOUSING; AND

3 (III) THE AREA PROPOSED FOR DESIGNATION AS A TRANSIT CENTER
4 HAS A NET HOUSING DENSITY ALLOWED BY DIMENSIONAL AND OTHER
5 RESTRICTIONS IN LOCAL LAWS THAT MAXIMIZES FUTURE HOUSING
6 PRODUCTION THAT IS REASONABLY EXPECTED TO OCCUR IN THE AREA;
7 AND

8 (b) THE AREA THAT THE TRANSIT-ORIENTED COMMUNITY IS
9 REQUESTING TO DESIGNATE AS A TRANSIT CENTER:

10 (I) HAS A REASONABLE OPPORTUNITY FOR NEW MULTIFAMILY
11 HOUSING, INCLUDING ADEQUATE INFRASTRUCTURE; AND

12 (II) IF DESIGNATED AS A TRANSIT CENTER BY THE
13 TRANSIT-ORIENTED COMMUNITY, WOULD PROVIDE BENEFITS THAT MAY
14 INCLUDE REGULATED AFFORDABLE HOUSING, MULTIMODAL MOBILITY,
15 TRANSIT-SUPPORTIVE DENSITY TO INCREASE OR EXPAND TRANSIT SERVICE,
16 EXPANDED HOUSING ACCESS IN HIGH-OPPORTUNITY AREAS, IMPROVED
17 BALANCE OF HOUSING AND JOBS IN THE AREA OR REGION, ACCESSIBLE
18 HOUSING, AND ACCESS TO DAILY NEEDS WITHIN A MIXED-USE
19 PEDESTRIAN-ORIENTED NEIGHBORHOOD.

20 (c) THE DEPARTMENT MAY REVIEW A TRANSIT-ORIENTED
21 COMMUNITY'S REQUEST TO DESIGNATE AN AREA AS A TRANSIT CENTER
22 PURSUANT TO THIS SUBSECTION (2) AND APPROVE OR DENY THE REQUEST
23 BASED ON CONSISTENCY WITH THE GOALS IN SUBSECTION (2)(b)(II) OF
24 THIS SECTION.

25 **29-35-207. Criteria for qualification as a neighborhood center.**

26 (1) (a) TO DESIGNATE AN AREA AS A NEIGHBORHOOD CENTER, A LOCAL
27 GOVERNMENT IN A METROPOLITAN PLANNING ORGANIZATION SHALL, IN

1 ACCORDANCE WITH POLICIES AND PROCEDURES ADOPTED BY THE
2 DEPARTMENT:

3 (I) ENSURE THAT THE AREA ALLOWS AN AVERAGE ZONED HOUSING
4 DENSITY TO BE ESTABLISHED BY THE DEPARTMENT THAT SUPPORTS
5 PEDESTRIAN-ORIENTED MIXED-USE NEIGHBORHOODS, THE DEVELOPMENT
6 OF REGULATED AFFORDABLE HOUSING, AND INCREASED PUBLIC TRANSIT
7 RIDERSHIP;

8 (II) ESTABLISH AN ADMINISTRATIVE APPROVAL PROCESS FOR
9 MULTIFAMILY RESIDENTIAL DEVELOPMENT ON PARCELS IN THE AREA THAT
10 ARE NO LARGER THAN A SIZE DETERMINED BY THE DEPARTMENT;

11 (III) ENSURE THAT THE AREA HAS A MIXED-USE
12 PEDESTRIAN-ORIENTED NEIGHBORHOOD, AS DETERMINED BY CRITERIA
13 ESTABLISHED BY THE DEPARTMENT; AND

14 (IV) SATISFY ANY OTHER CRITERIA, AS DETERMINED BY THE
15 DEPARTMENT, AND AS MAY VARY BY REGIONAL CONTEXT, FOR THE
16 QUALIFICATION OF AN AREA AS A NEIGHBORHOOD CENTER.

17 (b) NOTWITHSTANDING THE REQUIREMENTS FOR A LOCAL
18 GOVERNMENT DESIGNATING AN AREA AS A NEIGHBORHOOD CENTER
19 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT
20 SHALL ESTABLISH SEPARATE REQUIREMENTS FOR LOCAL GOVERNMENTS
21 DESIGNATING AREAS WITHIN OPTIONAL TRANSIT AREAS IDENTIFIED BY THE
22 DEPARTMENT PURSUANT TO SECTION 29-35-208 (1)(c).

23 (2) IF A LOCAL GOVERNMENT DESIGNATES AN AREA AS A
24 NEIGHBORHOOD CENTER PURSUANT TO SUBSECTION (1) OF THIS SECTION,
25 THE LOCAL GOVERNMENT SHALL SUBMIT A NEIGHBORHOOD CENTER
26 REPORT TO THE DEPARTMENT IN A FORM AND MANNER DETERMINED BY
27 THE DEPARTMENT.

1 **29-35-208. Transit areas map - housing opportunity goals,**
2 **models, and guidance. (1) Transit areas map. (a)** ON OR BEFORE JULY
3 31, 2024, THE DEPARTMENT, IN CONSULTATION WITH METROPOLITAN
4 PLANNING ORGANIZATIONS, AND TRANSIT AGENCIES THAT OPERATE
5 WITHIN METROPOLITAN PLANNING ORGANIZATIONS, SHALL PUBLISH A MAP
6 THAT DESIGNATES TRANSIT AREAS TO BE USED BY TRANSIT-ORIENTED
7 COMMUNITIES IN CALCULATING HOUSING OPPORTUNITY GOALS.

8 (b) IN PUBLISHING THE MAP DESCRIBED IN SUBSECTION (1)(a) OF
9 THIS SECTION, THE DEPARTMENT SHALL DESIGNATE TRANSIT AREAS BASED
10 ON:

11 (I) AN URBAN BUS RAPID TRANSIT SERVICE OR COMMUTER BUS
12 RAPID TRANSIT SERVICE THAT IS IDENTIFIED WITHIN A METROPOLITAN
13 PLANNING ORGANIZATION'S FISCALLY-CONSTRAINED LONG RANGE
14 TRANSPORTATION PLAN ADOPTED PRIOR TO JANUARY 1, 2024, AND
15 PLANNED FOR IMPLEMENTATION, ACCORDING TO THAT PLAN, PRIOR TO
16 JANUARY 1, 2030;

17 (II) TRANSIT SERVICE LEVELS PLANNED AND APPROVED BY THE
18 BOARD OF A TRANSIT AGENCY AS OF JANUARY 1, 2024, AND INTENDED FOR
19 IMPLEMENTATION BEFORE JANUARY 1, 2030; OR

20 (III) IF THE INFORMATION IN SUBSECTIONS (1)(b)(I) AND (1)(b)(II)
21 OF THIS SECTION IS NOT AVAILABLE TO THE DEPARTMENT, EXISTING
22 TRANSIT SERVICE LEVELS AS OF JANUARY 1, 2024.

23 (c) IN PUBLISHING THE MAP DESCRIBED IN SUBSECTION (1)(a) OF
24 THIS SECTION, THE DEPARTMENT SHALL DESIGNATE THE FOLLOWING
25 OPTIONAL TRANSIT AREAS FOR PLANNING OF FUTURE TRANSIT SERVICE:

26 (I) TRANSIT AREAS BASED ON BUS RAPID TRANSIT SERVICES THAT
27 ARE IDENTIFIED WITHIN A METROPOLITAN PLANNING ORGANIZATION'S

1 FISCALLY-CONSTRAINED LONG-RANGE TRANSPORTATION PLAN ADOPTED
2 PRIOR TO JANUARY 1, 2024, AND INTENDED FOR IMPLEMENTATION AFTER
3 JANUARY 1, 2030, AND BEFORE DECEMBER 31, 2050;

4 (II) TRANSIT AREAS BASED ON BUS RAPID TRANSIT SERVICES THAT
5 ARE IDENTIFIED WITHIN A METROPOLITAN PLANNING ORGANIZATION'S
6 LONG-RANGE TRANSPORTATION PLAN ADOPTED PRIOR TO JANUARY 1,
7 2024, THAT ARE INTENDED FOR IMPLEMENTATION BEFORE JANUARY 1,
8 2030, AND THAT ARE WITHIN A TRANSIT-ORIENTED COMMUNITY THAT HAS
9 DESIGNATED TWENTY PERCENT OR MORE OF ITS AREA AS MANUFACTURED
10 HOME ZONING DISTRICTS AS OF JANUARY 1, 2024; AND

11 (III) OTHER AREAS AS DETERMINED BY THE DEPARTMENT
12 THROUGH REGULAR UPDATES.

13 (d) IN IDENTIFYING THE BOUNDARIES OF TRANSIT AREAS AND
14 OPTIONAL TRANSIT AREAS, THE DEPARTMENT SHALL USE:

15 (I) GEOSPATIAL DATA FROM RELEVANT TRANSIT AGENCIES AND
16 METROPOLITAN PLANNING ORGANIZATIONS; AND

17 (II) ROADWAY LOCATIONS BASED UPON THE CENTERLINE OF THE
18 ROADWAY.

19 (2) **Housing opportunity goals, models, and guidance.** ON OR
20 BEFORE DECEMBER 1, 2024, THE DEPARTMENT SHALL PUBLISH MODELS
21 AND GUIDANCE TO ASSIST LOCAL GOVERNMENTS IN MEETING THEIR
22 HOUSING OPPORTUNITY GOALS AND IN CALCULATING THE DENSITY AND
23 DIMENSIONAL STANDARDS ESTABLISHED IN SECTION 29-35-206 (1)(b).

24 **29-35-209. Standard affordability strategies menu - long-term**
25 **affordability strategies menu - alternative affordability strategies.** (1)
26 **Standard affordability strategies menu.** ON OR BEFORE JUNE 30, 2025,
27 THE DEPARTMENT SHALL DEVELOP A STANDARD AFFORDABILITY

1 STRATEGIES MENU FOR TRANSIT-ORIENTED COMMUNITIES THAT INCLUDES
2 THE FOLLOWING STRATEGIES:

3 (a) IMPLEMENTING A LOCAL INCLUSIONARY ZONING ORDINANCE
4 THAT CONSIDERS LOCAL HOUSING MARKET CONDITIONS, IS CRAFTED TO
5 MAXIMIZE AFFORDABLE HOUSING PRODUCTION, AND COMPLIES WITH THE
6 REQUIREMENTS OF SECTION 29-20-104 (1)(e.5) AND (1)(e.7);

7 (b) ADOPTING A LOCAL LAW OR PLAN TO LEVERAGE PUBLICLY
8 OWNED, SOLD, OR MANAGED LAND FOR REGULATED AFFORDABLE HOUSING
9 DEVELOPMENT;

10 (c) CREATING OR SIGNIFICANTLY EXPANDING A PROGRAM TO
11 SUBSIDIZE OR OTHERWISE REDUCE IMPACT FEES OR OTHER SIMILAR
12 DEVELOPMENT CHARGES FOR REGULATED AFFORDABLE HOUSING
13 DEVELOPMENT;

14 (d) ESTABLISHING A DENSITY BONUS PROGRAM FOR TRANSIT
15 CENTERS THAT GRANTS INCREASED FLOOR AREA RATIO, DENSITY, OR
16 HEIGHT FOR REGULATED AFFORDABLE HOUSING UNITS;

17 (e) CREATING A PROGRAM TO PRIORITIZE AND EXPEDITE
18 DEVELOPMENT APPROVALS FOR REGULATED AFFORDABLE HOUSING
19 DEVELOPMENT;

20 (f) REDUCING LOCAL PARKING REQUIREMENTS FOR REGULATED
21 AFFORDABLE HOUSING TO ONE-HALF SPACE PER UNIT OF REGULATED
22 AFFORDABLE HOUSING, WITHOUT LOWERING THE PROTECTIONS PROVIDED
23 FOR INDIVIDUALS WITH DISABILITIES, INCLUDING THE NUMBER OF PARKING
24 SPACES FOR INDIVIDUALS WHO ARE MOBILITY IMPAIRED, UNDER THE
25 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
26 12101 ET SEQ., AND PARTS 6 AND 8 OF ARTICLE 34 OF TITLE 24; EXCEPT
27 THAT, UPON THE PASSAGE OF HOUSE BILL 24-1304, THIS SUBSECTION

1 (1)(f) SHALL NOT BE IDENTIFIED BY A TRANSIT-ORIENTED COMMUNITY AS
2 AN AFFORDABILITY STRATEGY THAT SATISFIES THE REQUIREMENTS OF
3 29-35-204 (6)(b)(I)(A);

4 (g) ENACTING LOCAL LAWS THAT INCENTIVIZE THE CONSTRUCTION
5 OF ACCESSIBLE AND VISITABLE AFFORDABLE HOUSING UNITS; AND

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

8 (2) **Long-term affordability strategies menu.** ON OR BEFORE
9 JUNE 30, 2025, THE DEPARTMENT SHALL DEVELOP A LONG-TERM
10 AFFORDABILITY STRATEGIES MENU THAT INCLUDES THE FOLLOWING
11 STRATEGIES:

12 (a) ESTABLISHING A DEDICATED LOCAL REVENUE SOURCE FOR
13 REGULATED AFFORDABLE HOUSING DEVELOPMENT, SUCH AS INSTITUTING
14 A LINKAGE FEE ON NEW REGULATED AFFORDABLE HOUSING
15 DEVELOPMENTS;

16 (b) REGULATING SHORT-TERM RENTALS, SECOND HOMES, OR
17 OTHER UNDERUTILIZED OR VACANT UNITS IN A WAY, SUCH AS VACANCY
18 FEES FOR UNDERUTILIZED UNITS, THAT PROMOTES MAXIMIZING THE USE OF
19 LOCAL HOUSING STOCK FOR LOCAL HOUSING NEEDS;

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

22 (d) INCENTIVIZING OR CREATING A DEDICATED LOCAL PROGRAM
23 THAT FACILITATES INVESTMENT IN LAND BANKING OR COMMUNITY LAND
24 TRUSTS;

25 (e) ESTABLISHING AN AFFORDABLE HOMEOWNERSHIP STRATEGY
26 SUCH AS:

27 (I) ACQUIRING OR PRESERVING DEED RESTRICTIONS ON CURRENT

1 HOUSING UNITS;

2 (II) ESTABLISHING AN INCENTIVE PROGRAM TO ENCOURAGE
3 REALTORS TO WORK WITH LOW-INCOME AND MINORITY PROSPECTIVE
4 HOME BUYERS; OR

5 (III) ESTABLISHING AN AFFORDABLE RENT-TO-OWN PROGRAM;
6 AND

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

9 (3) **Alternative affordability strategies.** A TRANSIT-ORIENTED
10 COMMUNITY MAY SUBMIT AN EXISTING OR PROPOSED LOCAL LAW, IN A
11 FORM AND MANNER DETERMINED BY THE DEPARTMENT, TO THE
12 DEPARTMENT, AND THE DEPARTMENT MAY DETERMINE THAT THE
13 ADOPTION OF THAT LOCAL LAW QUALIFIES AS AN AFFORDABILITY
14 STRATEGY FOR PURPOSES OF SECTION 29-35-204 (6)(a) AND (6)(b), SO
15 LONG AS THE LOCAL LAW SUPPORTS EQUAL OR GREATER HOUSING
16 AFFORDABILITY AND ACCESSIBILITY THAN THE STRATEGIES DESCRIBED IN
17 SUBSECTIONS (1) AND (2) OF THIS SECTION.

18 **29-35-210. Displacement risk assessment - displacement**
19 **mitigation strategies menu - displacement mitigation strategies menu**
20 **goals - alternative displacement mitigation strategies.** (1) (a) NO
21 LATER THAN JUNE 30, 2025, THE DEPARTMENT SHALL DEVELOP GUIDANCE
22 FOR TRANSIT-ORIENTED COMMUNITIES IN CONDUCTING A DISPLACEMENT
23 RISK ASSESSMENT AND IMPLEMENTING DISPLACEMENT MITIGATION
24 STRATEGIES.

25 (b) IN CREATING GUIDANCE FOR THE DISPLACEMENT RISK
26 ASSESSMENT DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, THE
27 DEPARTMENT SHALL DEVELOP A METHODOLOGY, WITH VARIATIONS FOR

1 DIFFERENT LOCAL CONTEXTS INCLUDING THE SIZE AND RESOURCE LEVELS
2 OF LOCAL GOVERNMENTS, FOR TRANSIT-ORIENTED COMMUNITIES WITHIN
3 METROPOLITAN PLANNING ORGANIZATION BOUNDARIES TO USE TO:

4 (I) GATHER FEEDBACK THROUGH COMMUNITY ENGAGEMENT; AND

5 (II) IDENTIFY INFORMATION FROM NEIGHBORHOOD-LEVEL EARLY
6 DISPLACEMENT WARNING AND RESPONSE SYSTEMS, OR IF THOSE SYSTEMS
7 ARE UNAVAILABLE, IDENTIFY THE BEST AVAILABLE LOCAL, REGIONAL,
8 STATE, OR FEDERAL DATA THAT CAN BE ANALYZED TO IDENTIFY
9 RESIDENTS AT ELEVATED DISPLACEMENT RISK, WHICH MAY INCLUDE:

10 (A) THE PERCENTAGE OF HOUSEHOLDS THAT ARE EXTREMELY
11 LOW-INCOME, VERY LOW-INCOME, AND LOW-INCOME, AS DESIGNATED BY
12 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
13 DEVELOPMENT;

14 (B) THE PERCENTAGE OF RESIDENTS WHO ARE RENTERS;

15 (C) THE PERCENTAGE OF COST-BURDENED HOUSEHOLDS, DEFINED
16 AS HOUSEHOLDS THAT SPEND MORE THAN THIRTY PERCENT OF THE
17 HOUSEHOLD'S INCOME ON HOUSING NEEDS;

18 (D) THE NUMBER OF ADULTS WHO ARE TWENTY-FIVE YEARS OF
19 AGE OR OLDER AND HAVE NOT EARNED AT LEAST A HIGH SCHOOL
20 DIPLOMA;

21 (E) THE PERCENTAGE OF HOUSEHOLDS IN WHICH ENGLISH IS NOT
22 THE PRIMARY SPOKEN LANGUAGE;

23 (F) THE PERCENTAGE OF HOUSING STOCK BUILT PRIOR TO 1970;

24 (G) THE LOCATION OF MANUFACTURED HOME PARKS;

25 (H) AREAS THAT QUALIFY AS DISADVANTAGED AS DETERMINED
26 WITH THE CLIMATE AND ECONOMIC JUSTICE SCREENING TOOL DEVELOPED
27 BY THE COUNCIL ON ENVIRONMENTAL QUALITY IN THE OFFICE OF THE

1 PRESIDENT OF THE UNITED STATES; AND

2 (I) THE TRANSIT-ORIENTED COMMUNITIES WHERE INCREASES IN
3 ZONING CAPACITY WILL OCCUR AS A RESULT OF THE REQUIREMENTS OF
4 THIS PART 2.

5 (2) ON OR BEFORE JUNE 30, 2025, THE DEPARTMENT SHALL
6 DEVELOP A DISPLACEMENT MITIGATION STRATEGIES MENU THAT INCLUDES
7 THE FOLLOWING STRATEGIES:

8 (a) DESIGNATING TRANSIT CENTERS THAT INCLUDE HIGH INCOME
9 CENSUS TRACTS IN THE TRANSIT-ORIENTED COMMUNITY;

10 (b) CREATING A LOCALLY FUNDED AND ADMINISTERED RENTAL
11 AND MORTGAGE ASSISTANCE PROGRAM;

12 (c) CREATING AN EVICTION AND FORECLOSURE NO-COST LEGAL
13 REPRESENTATION PROGRAM;

14 (d) ESTABLISHING A HOUSING COUNSELING AND NAVIGATION
15 PROGRAM;

16 (e) CREATING A PROPERTY TAX AND DOWN PAYMENT ASSISTANCE
17 PROGRAM;

18 (f) DEVELOPING A PROGRAM TO OFFER TECHNICAL ASSISTANCE
19 AND FINANCIAL SUPPORT FOR COMMUNITY ORGANIZATIONS TO DEVELOP
20 INDEPENDENT COMMUNITY LAND TRUSTS;

21 (g) PRIORITIZING LOCAL MONEY TOWARD REGULATED
22 AFFORDABLE HOUSING UNIT PRESERVATION OR IMPLEMENTING OR
23 CONTINUING DEED RESTRICTIONS FOR AFFORDABLE HOUSING UNITS;

24 (h) IDENTIFYING PARTNERSHIPS WITH REGIONAL AND NON-PROFIT
25 ENTITIES TO IMPLEMENT STRATEGIES; AND

26 (i) OTHER STRATEGIES IDENTIFIED BY THE DEPARTMENT THAT
27 PROVIDE DISPLACEMENT MITIGATION EQUIVALENT TO THE OTHER

1 STRATEGIES DESCRIBED IN THIS SUBSECTION (2).

2 (3) IN DEVELOPING THE DISPLACEMENT RISK MITIGATION
3 STRATEGIES MENU DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE
4 DEPARTMENT'S GOALS MUST BE TO SUPPORT:

5 (a) RESOURCES, SERVICES, AND INVESTMENTS THAT SERVE
6 VULNERABLE HOMEOWNERS AND RENTERS WITH ELEVATED RISK OF
7 DISPLACEMENT;

8 (b) THE PRESERVATION OF REGULATED AFFORDABLE HOUSING
9 STOCK;

10 (c) LOCAL GOVERNMENT PLANNING AND LAND USE DECISIONS
11 THAT INCORPORATE INCLUSIVE AND EQUITABLE DISPLACEMENT
12 MITIGATION STRATEGIES, AND THE EMPOWERMENT OF LOW-INCOME
13 PERSONS AND COMMUNITIES OF COLOR TO PARTICIPATE IN THOSE
14 DECISIONS; AND

15 (d) THE ABILITY OF VULNERABLE RESIDENTS TO REMAIN IN OR
16 RETURN TO THEIR NEIGHBORHOODS OR COMMUNITIES BY ACCESSING NEW
17 AFFORDABLE HOUSING OPPORTUNITIES IN THEIR NEIGHBORHOODS OR
18 COMMUNITIES.

19 **29-35-211. Transit-oriented communities infrastructure grant**
20 **program - transit-oriented communities infrastructure fund -**
21 **transit-oriented communities highway users tax account - definitions.**

22 (1) **Grant program created.** THE TRANSIT-ORIENTED COMMUNITIES
23 INFRASTRUCTURE GRANT PROGRAM IS CREATED IN THE DEPARTMENT. THE
24 PURPOSE OF THE GRANT PROGRAM IS TO ASSIST LOCAL GOVERNMENTS IN
25 UPGRADING INFRASTRUCTURE AND SUPPORTING REGULATED AFFORDABLE
26 HOUSING IN TRANSIT CENTERS AND NEIGHBORHOOD CENTERS.

27 (2) **Allowable purposes.** GRANT RECIPIENTS MAY USE MONEY

1 RECEIVED THROUGH THE GRANT PROGRAM TO FUND:

2 (a) ON-SITE INFRASTRUCTURE FOR REGULATED AFFORDABLE
3 HOUSING WITHIN A TRANSIT CENTER OR NEIGHBORHOOD CENTER;

4 (b) PUBLIC INFRASTRUCTURE PROJECTS THAT ARE WITHIN, OR THAT
5 PRIMARILY BENEFIT, A TRANSIT CENTER OR NEIGHBORHOOD CENTER;

6 (c) PUBLIC INFRASTRUCTURE PROJECTS THAT BENEFIT REGULATED
7 AFFORDABLE HOUSING IN A TRANSIT CENTER OR NEIGHBORHOOD CENTER;

8 (d) ACTIVITIES RELATED TO DETERMINING WHERE AND HOW BEST
9 TO IMPROVE INFRASTRUCTURE TO SUPPORT A TRANSIT CENTER OR
10 NEIGHBORHOOD CENTER; AND

11 (e) INFRASTRUCTURE PROJECT DELIVERY, PLANNING, AND
12 COMMUNITY ENGAGEMENT.

13 (3) **Grant program administration.** THE DEPARTMENT SHALL
14 ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE
15 APPROPRIATIONS, AWARD GRANTS AS PROVIDED IN SUBSECTION (7) OF THIS
16 SECTION AND PROVIDE TECHNICAL ASSISTANCE TO LOCAL GOVERNMENTS
17 IN COMPLYING WITH THE REQUIREMENTS OF THIS PART 2. SUBJECT TO
18 SECTION 18 OF ARTICLE X OF THE STATE CONSTITUTION, WHICH REQUIRES
19 THE PROCEEDS OF MOTOR FUEL TAXES AND MOTOR VEHICLE LICENSING
20 AND REGISTRATION FEES AND OTHER CHARGES TO BE USED EXCLUSIVELY
21 FOR THE CONSTRUCTION, MAINTENANCE, AND SUPERVISION OF PUBLIC
22 HIGHWAYS, GRANTS AWARDED BY THE DEPARTMENT FOR THE PURPOSES
23 DESCRIBED IN SUBSECTIONS (2)(c), (2)(d), AND (2)(e) OF THIS SECTION
24 MAY BE PAID OUT OF THE FUND, INCLUDING OUT OF THE ACCOUNT.
25 GRANTS AWARDED BY THE DEPARTMENT FOR THE PURPOSES DESCRIBED
26 IN SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION MAY BE PAID OUT OF
27 MONEY IN THE FUND AND NOT IN THE ACCOUNT AND SHALL NOT BE PAID

1 OUT OF THE ACCOUNT.

2 (4) **Grant program policies and procedures.** THE DEPARTMENT
3 SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS
4 SECTION. THE DEPARTMENT SHALL DEVELOP POLICIES AND PROCEDURES
5 AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

6 (5) **Grant application.** TO RECEIVE A GRANT, A LOCAL
7 GOVERNMENT MUST SUBMIT AN APPLICATION TO THE DEPARTMENT IN
8 ACCORDANCE WITH POLICIES AND PROCEDURES DEVELOPED BY THE
9 DEPARTMENT.

10 (6) **Grant program criteria.** THE DEPARTMENT SHALL REVIEW
11 THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION. IN AWARDING
12 GRANTS, THE DEPARTMENT SHALL CONSIDER THE FOLLOWING CRITERIA:

13 (a) THE POTENTIAL IMPACT OF A PROJECT THAT A LOCAL
14 GOVERNMENT WOULD FUND WITH A GRANT AWARD ON THE DEVELOPMENT
15 OF REGULATED AFFORDABLE HOUSING, MIXED-USE DEVELOPMENT,
16 ACCESSIBLE OR VISITABLE HOUSING UNITS, OR THE CREATION OR
17 ENHANCEMENT OF HOME OWNERSHIP OPPORTUNITIES WITHIN A TRANSIT
18 CENTER OR NEIGHBORHOOD CENTER;

19 (b) IN RESPONSE TO DEMONSTRATED NEEDS, THE EXTENT TO
20 WHICH THE LOCAL GOVERNMENT HAS:

21 (I) INTEGRATED MIXED-USE DEVELOPMENT BY ALLOWING
22 NEIGHBORHOOD COMMERCIAL USES THAT HAVE THE MAIN PURPOSE OF
23 MEETING CONSUMER DEMANDS FOR GOODS AND SERVICES WITH AN
24 EMPHASIS ON SERVING THE SURROUNDING RESIDENTIAL NEIGHBORHOOD
25 WITHIN ONE-QUARTER MILE OF A TRANSIT CENTER OR NEIGHBORHOOD
26 CENTER;

27 (II) ADOPTED AFFORDABILITY STRATEGIES FROM THE

1 AFFORDABILITY STRATEGIES MENUS IN SECTION 29-35-209 BASED ON THE
2 LOCAL GOVERNMENT'S DEMONSTRATED HOUSING NEEDS, INCLUDING
3 HOUSING NEEDS FOR RENTAL AND FOR-SALE HOUSING AND FOR LOW-,
4 MODERATE-, AND MEDIUM-INCOME HOUSEHOLDS, AS DESIGNATED BY THE
5 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT;

6 (III) ADOPTED DISPLACEMENT MITIGATION STRATEGIES FROM THE
7 DISPLACEMENT MITIGATION STRATEGIES MENU IN SECTION 29-35-210; AND

8 (IV) DESIGNATED NEIGHBORHOOD CENTERS WITHIN OPTIONAL
9 TRANSIT AREAS; AND

10 (c) INFORMATION CONTAINED IN THE REPORTS SUBMITTED BY A
11 LOCAL GOVERNMENT PURSUANT TO SECTION 29-35-204 THAT PROVIDES
12 EVIDENCE THAT THE LOCAL GOVERNMENT HAS MET THE REQUIREMENTS
13 OF SECTION 29-35-204.

14 (7) **Grant awards.** SUBJECT TO AVAILABLE APPROPRIATIONS, THE
15 DEPARTMENT SHALL AWARD GRANTS USING MONEY IN THE ACCOUNT AS
16 PROVIDED IN THIS SECTION.

17 (8) **Transit-oriented communities infrastructure fund.**

18 (a) (I) THE TRANSIT-ORIENTED COMMUNITIES INFRASTRUCTURE FUND IS
19 CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
20 TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (8)(a)(III) OF THIS
21 SECTION, GIFTS, GRANTS, AND DONATIONS, AND ANY OTHER MONEY THAT
22 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.
23 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
24 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE
25 FUND.

26 (II) MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE
27 DEPARTMENT FOR THE PURPOSE OF IMPLEMENTING THE GRANT PROGRAM,

1 AND THE DEPARTMENT MAY EXPEND UP TO SIX PERCENT OF ANY MONEY
2 IN THE FUND, EXCLUSIVE OF MONEY IN THE ACCOUNT, FOR COSTS
3 INCURRED BY THE DEPARTMENT IN ADMINISTERING THE GRANT PROGRAM.

4 (III) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER
5 THIRTY-FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND.

6 (b) (I) THE TRANSIT-ORIENTED COMMUNITIES HIGHWAY USERS TAX
7 ACCOUNT IS CREATED IN THE FUND. THE ACCOUNT CONSISTS OF GIFTS,
8 GRANTS, AND DONATIONS, MONEY THAT THE STATE TREASURER
9 TRANSFERS TO THE FUND PURSUANT TO SECTION 29-35-205 (2), AND ANY
10 OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR
11 TRANSFER TO THE ACCOUNT. THE STATE TREASURER SHALL CREDIT ALL
12 INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF
13 MONEY IN THE ACCOUNT TO THE ACCOUNT.

14 (II) MONEY IN THE ACCOUNT IS CONTINUOUSLY APPROPRIATED TO
15 THE DEPARTMENT FOR AWARDED GRANTS FOR PURPOSES DESCRIBED IN
16 SUBSECTIONS (2)(c), (2)(d), AND (2)(e) OF THIS SECTION, AND THE
17 DEPARTMENT MAY EXPEND UP TO SIX PERCENT OF ANY MONEY
18 APPROPRIATED OR TRANSFERRED BY THE GENERAL ASSEMBLY TO THE
19 ACCOUNT PURSUANT TO THIS SUBSECTION (8)(b) FOR THE
20 ADMINISTRATIVE COSTS INCURRED BY THE DEPARTMENT IN AWARDED
21 GRANTS FOR SUCH PURPOSES.

22 (III) NOTWITHSTANDING SUBSECTION (8)(b)(II) OF THIS SECTION,
23 THE DEPARTMENT SHALL COMPLY WITH THE REQUIREMENTS OF SECTION
24 29-35-205 (3) IN EXPENDING MONEY IN THE ACCOUNT.

25 (9) **Reporting.** (a) ON OR BEFORE JANUARY 1, 2025, AND EACH
26 JANUARY 1 THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM, THE
27 DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT TO THE HOUSE OF

1 REPRESENTATIVES TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT
2 COMMITTEE AND THE SENATE LOCAL GOVERNMENT AND HOUSING
3 COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON RELEVANT
4 INFORMATION REGARDING THE GRANT PROGRAM.

5 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE
6 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE UNTIL
7 ALL GRANT PROGRAM MONEY IS FULLY EXPENDED.

8 (10) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
9 OTHERWISE REQUIRES:

10 (a) "ACCOUNT" MEANS THE TRANSIT-ORIENTED COMMUNITIES
11 HIGHWAY USERS TAX ACCOUNT CREATED WITHIN THE FUND IN SUBSECTION
12 (8)(b) OF THIS SECTION.

13 (b) "FUND" MEANS THE TRANSIT-ORIENTED COMMUNITIES
14 INFRASTRUCTURE FUND CREATED IN SUBSECTION (8)(a) OF THIS SECTION.

15 (c) "GRANT PROGRAM" MEANS THE TRANSIT-ORIENTED
16 COMMUNITIES INFRASTRUCTURE GRANT PROGRAM CREATED IN THIS
17 SECTION.

18 **SECTION 2.** In Colorado Revised Statutes, 24-67-105, **add** (5.5)
19 as follows:

20 **24-67-105. Standards and conditions for planned unit**
21 **development - definitions.** (5.5) (a) ANY PLANNED UNIT DEVELOPMENT
22 RESOLUTION OR ORDINANCE THAT APPLIES WITHIN A TRANSIT CENTER OR
23 NEIGHBORHOOD CENTER THAT IS ADOPTED OR APPROVED BY A LOCAL
24 GOVERNMENT ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
25 (5.5) MUST NOT RESTRICT THE DEVELOPMENT OF HOUSING IN ANY MANNER
26 THAT IS INCONSISTENT WITH THE REQUIREMENTS FOR DESIGNATING AN
27 AREA AS A TRANSIT CENTER PURSUANT TO SECTION 29-35-206, OR AS A

1 NEIGHBORHOOD CENTER PURSUANT TO SECTION 29-35-207.

2 (b) ANY PLANNED UNIT DEVELOPMENT RESOLUTION OR
3 ORDINANCE THAT APPLIES WITHIN A TRANSIT CENTER OR NEIGHBORHOOD
4 CENTER THAT IS ADOPTED OR APPROVED BY A LOCAL GOVERNMENT
5 BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (5.5) AND THAT
6 RESTRICTS THE DEVELOPMENT OF HOUSING IN ANY MANNER THAT IS
7 INCONSISTENT WITH THE REQUIREMENTS FOR DESIGNATING AN AREA AS A
8 TRANSIT CENTER PURSUANT TO SECTION 29-35-206, OR AS A
9 NEIGHBORHOOD CENTER PURSUANT TO SECTION 29-35-207:

10 (I) MUST NOT BE INTERPRETED OR ENFORCED TO RESTRICT THE
11 DEVELOPMENT OF MULTIFAMILY RESIDENTIAL DWELLING UNITS SO THAT
12 A TRANSIT-ORIENTED COMMUNITY COULD NOT DESIGNATE AN AREA AS A
13 TRANSIT CENTER OR NEIGHBORHOOD CENTER THAT WOULD OTHERWISE
14 QUALIFY AS SUCH; AND

15 (II) MAY BE SUPERSEDED BY THE ADOPTION OF A LOCAL LAW
16 ADOPTED IN ACCORDANCE WITH THE REQUIREMENTS FOR DESIGNATION OF
17 A TRANSIT CENTER PURSUANT TO SECTION 29-35-206, OR AS A
18 NEIGHBORHOOD CENTER PURSUANT TO SECTION 29-35-207.

19 (c) NOTWITHSTANDING SUBSECTION (5.5)(b) OF THIS SECTION, A
20 LOCAL GOVERNMENT MAY ADOPT CONFORMING AMENDMENTS TO ANY
21 SUCH PLANNED UNIT DEVELOPMENT RESOLUTION OR ORDINANCE.

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

24 (I) "LOCAL LAW" HAS THE SAME MEANING AS SET FORTH IN
25 SECTION 29-35-102 (11).

26 (II) "NEIGHBORHOOD CENTER" HAS THE SAME MEANING AS SET
27 FORTH IN SECTION 29-35-202 (5).

1 (III) "TRANSIT CENTER" HAS THE SAME MEANING AS SET FORTH IN
2 SECTION 29-35-202 (11).

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

5 **38-33.3-106.5. Prohibitions contrary to public policy -**
6 **patriotic, political, or religious expression - public rights-of-way - fire**
7 **prevention - renewable energy generation devices - affordable**
8 **housing - drought prevention measures - child care - definitions.**

9 (3) (a) IN A TRANSIT CENTER OR NEIGHBORHOOD CENTER, AN
10 ASSOCIATION SHALL NOT ADOPT A PROVISION OF A DECLARATION, BYLAW,
11 OR RULE ON OR AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3) THAT
12 RESTRICTS THE DEVELOPMENT OF HOUSING MORE THAN THE LOCAL LAW
13 THAT APPLIES WITHIN THE TRANSIT CENTER OR NEIGHBORHOOD CENTER,
14 AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES
15 SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

16 (b) IN A TRANSIT CENTER OR NEIGHBORHOOD CENTER, NO
17 PROVISION OF A DECLARATION, BYLAW, OR RULE OF AN ASSOCIATION THAT
18 IS ADOPTED BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (3) MAY
19 RESTRICT THE DEVELOPMENT OF HOUSING MORE THAN THE LOCAL LAW
20 THAT APPLIES WITHIN THE TRANSIT CENTER OR NEIGHBORHOOD CENTER,
21 AND ANY PROVISION OF A DECLARATION, BYLAW, OR RULE THAT INCLUDES
22 SUCH A RESTRICTION IS VOID AS A MATTER OF PUBLIC POLICY.

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

25 (I) "LOCAL LAW" HAS THE SAME MEANING AS SET FORTH IN
26 SECTION 29-35-102 (11).

27 (II) "NEIGHBORHOOD CENTER" HAS THE SAME MEANING AS SET

1 FORTH IN SECTION 29-35-202 (5).

2 (III) "TRANSIT CENTER" HAS THE SAME MEANING AS SET FORTH IN
3 SECTION 29-35-202 (11).

4 **SECTION 4.** In Colorado Revised Statutes, 39-22-2101, **add**
5 (7.5) and (12) as follows:

6 **39-22-2101. Definitions.** As used in this part 21, unless the
7 context otherwise requires:

8 (7.5) "NEIGHBORHOOD CENTER" HAS THE SAME MEANING AS SET
9 FORTH IN SECTION 29-35-202 (5).

10 (12) "TRANSIT CENTER" HAS THE SAME MEANING AS SET FORTH IN
11 SECTION 29-35-202 (11).

12 **SECTION 5.** In Colorado Revised Statutes, 39-22-2102, **add**
13 (7.5) as follows:

14 **39-22-2102. Credit against tax - affordable housing**
15 **developments - legislative declaration.** (7.5) (a) SEPARATE FROM THE
16 CREDITS THE AUTHORITY OTHERWISE ALLOCATES PURSUANT TO THIS
17 SECTION, THE AUTHORITY SHALL ALLOCATE CREDITS FOR QUALIFIED
18 DEVELOPMENTS THAT ARE LOCATED IN TRANSIT CENTERS OR
19 NEIGHBORHOOD CENTERS.

20 (b) NOTWITHSTANDING SUBSECTION (7) OF THIS SECTION, THE
21 AGGREGATE AMOUNT OF ALL CREDITS ALLOCATED BY THE AUTHORITY
22 PURSUANT TO SUBSECTION (7.5)(a) OF THIS SECTION SHALL NOT EXCEED
23 A TOTAL OF THIRTY MILLION DOLLARS FOR TAX CREDITS ALLOCATED
24 ANNUALLY BY THE AUTHORITY BEGINNING ON JANUARY 1, 2024, AND
25 ENDING ON DECEMBER 31, 2031.

26 **SECTION 6. Safety clause.** The general assembly finds,
27 determines, and declares that this act is necessary for the immediate

1 preservation of the public peace, health, or safety or for appropriations for
2 the support and maintenance of the departments of the state and state
3 institutions.